On becoming "citizen": the rhetorical work of "immigrancy" in American national fantasy

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ON BECOMING “CITIZEN”: THE RHETORICAL WORK OF “IMMIGRANCY” IN AMERICAN NATIONAL FANTASY

by

Meryl Jeannette Irwin

An Abstract

Of a thesis submitted in partial fulfillment of the requirements for the Doctor of Philosophy degree in Communication Studies in the Graduate College of The University of Iowa

December 2012

Thesis Supervisor: Associate Professor David B. Hingstman
The decade of the 2000s witnessed a series of events that challenged traditional notions of America as an “exceptional” nation, one that had withstood or escaped the crises that toppled other global forces until the United States remained the final superpower. These ten years opened with a presidential election decided not by the Electoral College but by the Supreme Court, advanced through terrorist attacks on home soil and the devastating ramifications of military, policy, and moral reevaluation in their wake, to reach a close in the worst failure of capitalism since the Great Depression. Newly identified terror networks “hated” the American way. While the world had momentarily agreed with the headline on the front page of *Le Monde*, “Nous sommes tous Américains,” within a year most of them refused to join the “Coalition of the Willing.” Uncertainty about who “we the people” were when under duress provoked the collective to search for reinforcement of the value of their union in this Union. At this conjuncture, as it had during such cycles in the past, the nation sought both to find reassurance and to reassert a sense of control through exercises of both government and governmentality with that element of the other and the outside that was the closest to within: immigrants and the processes of immigration.

This project considers not the figural “person” of the citizen or immigrant, but rather a number of exemplary “thresholds” across which immigrants (real and imagined) cross on their way to becoming citizens (real or imagined). It is my contention that the transition between immigrancy and citizenship powers this dialectic, and thus that the form of these transitions is where rhetoric accomplishes its work. That work fashions a “national fantasy,” or an imaginary reserve in which the body politic stores up the affective energy necessary to gather political force toward materializing boundaries of belonging through the (at least tacit) approval of public policy. Rhetoric names the *modus operandi* at work cathecting the citizen
to the nation, attaching individuated emotional investment to the assumed relation that fabricates “America.” Ultimately, I make an intervention in that relation by suggesting that national fantasy is frail in the best possible way, such that it may be rhetorically realigned to new purpose. I have chosen to consider a diversity of thresholds across which this transition is symbolically enacted: in the institutional context of law and bureaucracy of the Naturalization Exam, in the historical matrix of materiality and memory of documentary films about Ellis Island, and in the cinematic spectacle of popular culture through the movie *Gangs of New York*. By reading across and within these case studies in rhetorical form, I engage questions about how American identity is coalesced through enduring expectations of national selves and foreign others.

Most broadly, I focus on these mythic transitions as a way to recuperate two terms long-embattled and considered discredited by many in the critical humanities: “nation” and “patriotism.” How is a love of nation constituted, perpetuated, and deployed in and by these processes? How do narratives enable both predictable outcomes and creative resistance? How do political actors make use of these rhetorical possibilities in accomplishing their material goals? And most importantly, in what way does a reconsideration of the rhetorical transitions from immigrancy to citizenship as well as from citizenship to immigrancy allow us to re-theorize, re-imagine, re-present, and most important re-practice how nation and patriotism might be-other-wise?

Abstract Approved: ______________________________
Thesis Supervisor

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Title and Department

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Date
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Thesis Supervisor: Associate Professor David B. Hingstman
CERTIFICATE OF APPROVAL

PH.D. THESIS

This is to certify that the Ph. D. thesis of

Meryl Jeannette Irwin

has been approved by the Examining Committee for the thesis requirement for the Doctor of Philosophy degree in Communication Studies at the December 2012 graduation.

Thesis Committee:

David B. Hingstman, Thesis Supervisor

David Depew

Jeff Bennett

Bruce Gronbeck

David Wittenberg
To My Students: Past, Present, and Future
I am militating politically for the impossible, which doesn't mean I am a utopian. Rather what I want does not yet exist, as the only possibility of the future.

Luce Irigaray, *Ja'taime et Toi*

I ask myself: what in fact is the object of this text? What is the driving uncertainty without which I should not have the desire to write it, and thus would not be writing it? What is my imaginary at this moment? What is it that I am trying, even without illusions, to bring to a conclusion? It seems to me that this is a question, in the material sense of the word – a sentence terminating in a question mark – and that, as in dreams, it is inscribed right there in front of me, armed from head to toe. I shall unfold it here, with, of course, that slightly obsessional coefficient which is party to any aspiration to rigor.

Christian Metz, *The Imaginary Signifier: Psychoanalysis and the Cinema*
ACKNOWLEDGMENTS

Writing is hard. Completing a thing like this entails facing up to one’s greatest insecurities each time one returns to the page because the process of composing this document entails the far greater project of composing a future. Some of those I will thank here have provided lessons not about the content of theory or the procedures of research, but about the habits of generosity necessary when embarking upon a life of the mind. Some of those I thank will have provided lessons in the negative. I was transformed through my interactions with them nonetheless.

First, I want to thank my students. It was because of them that I made the decision to return to graduate school. It was the joy I found with them in the classroom that kept me coming back to the work even during some of my worst personal trials. And it remains my students that are cheering me on to the final defense.

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ABSTRACT

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Most broadly, I focus on these mythic transitions as a way to recuperate two terms long-embattled and considered discredited by many in the critical humanities: “nation” and “patriotism.” How is a love of nation constituted, perpetuated, and deployed in and by these processes? How do narratives enable both predictable outcomes and creative resistance? How do political actors make use of these rhetorical possibilities in accomplishing their material goals? And most importantly, in what way does a reconsideration of the rhetorical transitions from immigrancy to citizenship *as well as* from citizenship to immigrancy allow us to re-theorize, re-imagine, re-present, and most important re-practice how nation and patriotism might be-other-wise?
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CHAPTER I:

ARTICULATING THE MOMENT, DEFINING THE TERMS

Upon the eve of the tenth anniversary of the September 11, 2001, terrorist attacks, Anne-Marie Slaughter – Bernie G. Kerstetter professor of politics and international relations at Princeton University – penned an editorial for The New Republic entitled “9/11 and the Case for American Humility.” In it Slaughter reflected on the previous decade as one in which the United States underwent a series of identity-destabilizing crises that took its citizens from dizzying heights of narcissism (being understood not merely as a superpower but as a “hyper-power”), to faltering paralysis and self-doubt.¹ She pointed out that in the wave of democratic civil strife that had collectively come to be described at the “Arab Spring,” Middle-East pollster and director of the Arab American Institute James Zogby described the U.S. as “almost irrelevant in this period.”² “It’s time to recognize that other countries,” she argued, “Sweden, Germany, Canada, Australia – have struck a better balance between public and private power, with the result that equality of opportunity actually means something.”³ Ending on a hopeful and title-foreshadowed note of humility, Slaughter suggested that the United States was at a point where it could recognize its connectedness to other nations in coalition and work in new ways towards global justice.⁴

However, one year later on the eleventh anniversary of the attacks, the American consulate in Benghazi, Libya, was overwhelmed by militants who set fire to structures within the compound. The resulting death of four Americans, including Ambassador Christopher Stevens, lead to a political upheaval that was revealing of instability that remained in a population that was not comfortable with uncertainty over its role.⁵ The United States was now under the leadership of President Barack Obama who owed at least part of his 2008
victory to a perception that he was “not-Bush” (especially in the areas of pre-emptive strike foreign policy), but who had been able to claim success in an operation to locate and execute the self-proclaimed mastermind of the September 11th attacks and the leader of the al-Qaeda organization, Osama bin Laden. Yet, Obama was far from a reassuring presence. His first term had been witness to the worst economic times since the Great Depression of the 1930s, the rise of protesting citizen movements on both the right and left that challenged government legitimacy (the so-called “Occupy Wall Street” and “Tea Party” movements), and ongoing challenges to Obama’s personal fitness for office. The attacks in Libya provided an opening for Obama’s challenger in the 2012 presidential campaign, Mitt Romney, to press on the sitting President for a “foreign policy of weakness,” and for a renewed slew of media fact-checkers to descend on the administration’s inconsistent statements about investigations into the incident.

What the momentary distraction of Libya had replaced in the 2012 election cycle, however, was the issue that dominated the year-long Republican primary that produced Romney as its candidate. Unlike the 2004 Democratic primary season, and the 2008 season for both parties, “hunting down and killing the terrorists” could not be the central point of debate since bin Laden had been eliminated. Instead, the twelve-candidate field had required another way to distinguish amongst themselves across the spectrum, as to who the “true conservative” would be. “Illegal immigration has [sic] emerged as a defining issue with remarkable staying power in a GOP presidential race that was expected to be primarily focused on the nation's struggling economy,” noted The Huffington Post. Over the course of twenty-seven debates, the Republican contenders outlined how each would finance and build fences, deport or self-deport illegal residents, refuse amnesty, crack down on employers, and
implement militarizing techniques to enforce border controls.11 “Boots on the border” developed as a catch-phrase out of the Republican debates so that even the incumbent President felt it incumbent to implement it in his 2012 State of the Union address in order to ready himself for the coming campaign.12

As the 2012 election moved into full swing, Obama made a bold choice in issuing the “Deferred Action for Child Arrivals (DACA)” memorandum via the Secretary of Homeland Security Janet Napolitano.13 With the gridlock that dominated the U.S. Congress after the 2010 midterm elections, President Obama’s favored immigration reform – the DREAM Act – stood little chance of making it into law. The administration drew on presidential powers to implement particular components of the legislation under administrative rules within the executive oversight of the Department of Homeland Security (which houses the Customs and Border Patrol and Immigration and Customs Enforcement), thus side-stepping the partisan refusal that had nearly pushed the country into bankruptcy over the debt-ceiling the previous fall. The order allowed eligible immigrants to apply for work authorizations without threat of deportation, hopefully winning points with crucial constituencies for the President.

Political and juridical scholar Linda Bosniak has observed of the 2000s, “Citizenship talk pervades our popular political discourse.”14 As she explains, “What we are seeing in these various developments is an effort to reinvigorate, or revalorize, the legal status of citizenship in this country – either by making citizenship count for more, or by making it harder to obtain or both. Revaluing citizenship in this context means, among other things, hardening the distinction between citizen and noncitizen, or citizen and alien in legal parlance – and it means institutional exclusion of immigrants on account of their alienage. The effort to revalue citizenship, in other words, entails a devaluation of the figure of the alien.”15
Whether it the lurking figure of the illegal immigrant that might be “passing” as a “normal” resident and stealing a job or draining public resources, or the radical militant who is “passing” as a legitimate democracy protestors who violates that sacred piece of the United States abroad that protects our embassies and diplomat-citizens, it seems that Americans have not yet settled as comfortably into a sense of either safety or identity that Slaughter wished after a decade.

The most current opinion polls indicate that single digits separate the presidential candidates in the election.\textsuperscript{16} Though one would hope that such a voting decision choice is complex, rhetorical scholars have understood since our inception in the Hellas’ city states that as political animals humans are moved on a primary level by a sense of belonging. The turn to citizenship talk is translated by the campaigns into messages from the incumbent that citizenship means “moving the country forward,”\textsuperscript{17} and from the challenger that citizenship means “restor[ing] the foundations of our nation’s strength.”\textsuperscript{18} In each case, the statement is meant to suggest a larger vision – one in which an individual person makes a purposeful and valued investment in the assumed relation that is “America.” It is crucial to interrogate the assumption or taking on of this relationship – American “identity” – because it is by that means that collective emotion is dispositioned\textsuperscript{19} toward and ultimately attached with duration and durability to (or repulsed by) particular objects. That investment must crucially be an emotional one, as each vision recognizes that difficulty and sacrifice may be necessary and, in fact, are part of what binds individuals to one another in belonging. Without cathexis, no benefit will outweigh the inevitable costs that will come due. Whether it’s higher taxes on earnings over $250,000.00 or the firing of Big Bird, either vision will translate membership into policy that materializes these sacrifices as boundaries of belonging. Cathexis provokes
action to protect the object of attachment when it is threatened, and to lash out against the object of repulsion – especially if the repulsive threatens what is dear.

It is exactly this materiality at the boundary of belonging to a vision of America that warrants the intervention of my dissertation project. I take the proliferation of citizenship talk as my discursive focal point, and recognize its often absent other, immigrancy, as a critical dialectical partner. Through this pairing, I seek to interrogate American identity as it was negotiated during a time of particular upheaval – the decade of the 2000s. I argue that we find in this pairing a historically vetted, metonymic sleight-of-hand for debate about citizen identity in arguments about noncitizen activity. Further, the project takes advantage of a number of resonances that exist between form and content. Dialectical exchange occurs between the declared emphasis upon citizenship/immigrancy often simultaneously as a resonant dialectical tension is at work between pairings such as “the maintenance of boundaries and the means to cross them via a debate about thought and feeling, desire and action, structure and agency, and the publicly concerned versus the privately concerned self,” and between governmental policy and cultural practice.20

This chapter begins by establishing the challenges to American traditions of identity and belonging that coalesced in the decade of the 2000s. I parse out the way in which three pillars of America as an “exceptional” nation were weakened. Next, I turn to definitions of key terms that orient my case studies across the course of this project. I introduce the primary factors of threshold, fantasy, and love. With these building blocks established, I provide an accounting of the scholarly conversations that are relevant to my work, before outlining the methods I incorporate as a strategy to present my findings. Finally, I offer an overview of the case studies that follow in the body of the work.
American Identity: Exceptionalism under Duress

The worry of the U.S. public over the precariousness of the value of their citizenship in the decade of the 2000s might be insightfully diagnosed from their collective obsession with the ways that its rights and privileges were earned or squandered, achieved or lost in the stories of two men, one near the opening of the decade and the second as it neared its closing: John Walker Lindh and Barack Obama. In the case of Lindh, the issues raised were about a person’s actions, and how parental and communal permissiveness coupled with personal will could sellout the privileges and rights of birth. In the case of Obama, the issues raised were those of birthright citizenship, and a moment of discernment prior to the point where a “citizen” could personally act and account for his worth to the nation.

John Walker Lindh, more commonly known as “the American Taliban,” posed a threat to citizens’ exceptional sense of national worth because he did not care for the precious gift of citizenship he had been given. As The New Yorker described it, he “was accused not only of embracing the beliefs of people who hated his country but also of taking up arms with them and being connected to the death of a young C.I.A. officer, Johnny Michael Spann. From the moment Lindh was captured, in December of 2001, he was widely condemned as a murderous traitor.” That year Lindh was discovered among a group of Taliban fighters retreating through Afghanistan toward Pakistan. His story seemed to complete a sort of telos hinted at by the pundits of the far-right after the attacks of September 11. These figures suggested that questioning the president or U.S. foreign policy equated to blaming America and claiming that “we had it coming.” Susan Sontag, for example, was one of the first public intellectuals to openly question U.S. responses, and was quickly derided as morally compromised and intellectually inane by commentators like Charles Krauthammer of the
Ann Coulter took the opportunity to point to the origin of such thinking as the left in general, infamously releasing her book *Treason: Liberal Treachery from the Cold War to the War on Terrorism* in 2003.

Lindh’s story was woven to connect liberal permissiveness to citizen failure. The tales of his background in *Time* and *Newsweek* told a story familiar to Baby Boomers who, but for the grace of the Reagan era, may have failed to mature out of Woodstock. Lindh was only twenty when he went wayward, so his family life mattered greatly in telling his story. Much was made of his mother Marilyn Walker, who was notable for such foibles as keeping her maiden name, converting from Catholicism to Buddhism, home-schooling her son and then allowing him to transfer to an “alternative high school” (with self-guided curriculum and only one check-in with a teacher per semester), having marital troubles, being a strong woman and a photographer. His father was first a social worker then a lawyer who rode the bus to work, who failed to notice when his son spent a phase listening to violent and sexual rap music, and who continued to send his son money with no strings attached even after the boy had “started to read some of the literature of the scholars and the history of the [Taliban] movement. And [John’s] heart became attached to them.” The environment of Lindh’s adolescence, *Newsweek* explained, was Marin County, CA, “the epicenter of the self-esteem movement, a land of hot tubs, Rolfing and est, a bastion of moral relativism where divorces were for a time listed alongside marriages in the newspaper.” Lindh’s upbringing was too undisciplined it seemed, and because it had so few rules he went looking for them. He found them in Islam, and with a purist’s trust, sought more and more ascetic forms to correct for distortions a solid civic education should have provided. Unlike Obama, Lindh was born in the contiguous forty-eight states, to two citizen parents, both Caucasian and middle-class. His
early life was not spent abroad, and he made the choice to enter a Madrasa after the age of majority, not as a child. Lindh was born to all the benefits his nation could provide, was allowed to avoid his responsibilities, squander his opportunities, and then reject the package completely in exchange for a scraggly beard, fluent Arabic, and jihad.\textsuperscript{26}

His foil, it would seem, was Barack Obama. Late in the presidential campaign of 2008, questions arose in political communities on the internet regarding his birthright citizenship. The rumors spread quickly, and proved notoriously hard to quell. Obama was not the first presidential candidate to face uncertainty over his eligibility to hold office based on the constitutional requirement that the president be a “natural born Citizen.”\textsuperscript{27} John McCain, Obama’s opponent in the 2008 race, was born at the Panama Canal. His opponents had suggested that Chester A. Arthur was born in Canada instead of Vermont, and Barry Goldwater was born in Arizona when it was still a territory and not yet a state.\textsuperscript{28} The uncertainties raised about Obama’s legitimacy were of both \textit{jus soli} and \textit{jus sanguinis} claims. First, doubters claimed that Obama was not born in Hawaii. One theory suggested that he was actually born in Kenya, the homeland of his father. Another theory suggested that he had been born in Indonesia where he moved with his mother and step-father from 1967 – 1971. The incessant demand from the newly dubbed “birthers” became for Obama to release his birth certificate. In June 2008, Obama released his “Certificate of Live Birth” issued by the Hawaii State Department of Health. The non-partisan website FactCheck.org (associate of the University of Pennsylvania’s Annenberg Center) verified the certificate in an attempt to reassure those who alleged electronic manipulation of its image in Adobe Photoshop.\textsuperscript{29} Health Director for the State of Hawaii Dr. Chiyonne Fukino issued statements in October
2008 and July 2009 authenticating Obama’s birth records, and independent corroboration from local papers in 1961 were also found.

Next, birthers challenged the legitimacy of Obama’s mother to pass along citizenship since she gave birth at eighteen, and would not have lived in the U.S. for five years after her sixteenth birthday. Since his father was a foreign national, without his mother’s citizenship Obama would not be a citizen if his territorial birth were in doubt. Courts dismissed numerous cases challenging Obama’s legitimacy both while a candidate and once elected. And yet uncertainty remained, spawned perhaps by his interracial parentage, his immigrant father, his early internationalism, or his multicultural education. In April 2010, fourteen percent of respondents to a Washington Post/ABC News poll and thirty-three percent of those self-identified as conservative or Republican still doubted that Obama was born in the United States. Since that time, eleven state legislatures have seen the introduction of bills to require proof of natural-born citizenship before allowing a candidate onto the presidential ballot, and Donald Trump managed to harness the lingering doubts to launch a non-starter presidential campaign and seemingly “force” the White House to produce the long form, vault copy of the President’s “Live Certificate of Birth.” Obama is ostensibly a threat for taking something to which he is not entitled – the rewards of American citizenship, and especially its highest office.

In the case of both Obama and Lindh, the U.S. public agreed that American identity, and especially the position of citizenship, was a special one to be cherished. Scholars working on American identity have long understood its primary rhetorical expression as “exceptionalist.” Robert L. Ivie and Oscar Giner describe American exceptionalism as an ensemble of traditional myths, [which] typically evokes attitudes of national autonomy and superiority….American identity is expressed in
opposition to a fallen world. The nation’s independence of action on the world
scene, although perilous, is celebrated as its heroic mission to conquer evil
and advance civilization. Americans habitually imagine themselves as a
morally elevated people set apart from the rest of the world and living in a
land of opportunity that is the envy and aspiration of humankind. In a word,
the United States customarily identifies itself as an exception to the rule of
human history – as an innocent nation exempt from earthly constraints and
endowed with the manifest destiny of a chosen people.36

Andrew Rojecki explains that such beliefs combine threads of reason and liberty from the
Enlightenment with moral views originating with the Puritans, resulting in an aggressively
progressive ideal for political culture and the human condition.37 Further, “for many
American leaders and publicists today,” cultural critic Gary Hodgson explains, “capitalism,
in the particular form it has taken in the United States, must be spread alongside freedom,
democracy, and the rule of law.”38 Americans, then, are encouraged by their stories about
collective meaning to understand their national body as possessing an independent will
informed by clear reason and inspired by moral (even divine) precision. These qualities, the
mythos holds, have lead the nation to create nearly sui generis a system of governance and
economics whose rightness is self-evident because of its simplicity and clarity, but further
enhanced by the collective charisma of its passionate ingénue.

“The ideals of American exceptionalism, in themselves,” Hodgson continues, “are neither
mean nor trivial. At their best they have been incontrovertibly noble….They have
frustrated bad men and women and motivated wise and courageous conduct.”39 However, as
with any “ideal,” the appropriate balance is rarely achieved, and if achieved, certainly
unsustainable. The articulations that coalesce into these ideals have been expressed
rhetorically through three primary pillars, each tracing its textual lineage back to colonial
works that continue to shape American identity40 and each threatened, I argue, in the
conjuncture of symbolic and material circumstances in the decade of the 2000s. In the
specific case of American “identity” politics in this decade, both symbolic and material 
realms were ultimately threatened by **terroristic domestic inversions** of the practices that the 
nation had previously turned toward the world outside.\textsuperscript{41}

**Weakening of Pillar One: Social Contract and the Rule of Law**

The first rhetorical pillar is drawn out of “The Mayflower Compact,” in which 
generations of citizens have sought the warrant for uniquely American democratic 
institutions and social contract governance. The agreement signed aboard the wayward ship 
*Mayflower* between disgruntled settlers and the nervous religious congregation members 
seeking to ensure a peaceful and unified ending to their landfall in Massachusetts Bay (rather 
than the Hudson River Valley), provided that its signers “Covenant and Combine ourselves 
together into a Civil Body Politic, for our better ordering and preservation.”\textsuperscript{42} This language 
has been read by subsequent generations as a declaration of free will, and the assurance of 
persons in full awareness of their faculties making an informed decision to abide by rules 
they will make together. Rational actors are assumed from the start of the American 
experiment. In full ownership of their liberty and possession of their will, these actors protect 
their interests and by each so doing they form the best collective interest available. The 
signers of the compact were making a contract with one another, holding each other 
accountable to the terms to which they had each agreed. However, the compact was also 
signed within the terms of already existing structures – the London Virginia Company, the 
Crown and “the presence of God”: capital, the state, and religious doctrine. It was not only 
the contract which assured itself, but these institutions to which the parties could petition (at 
least symbolically) for the warrants behind their arguments with one another.
During the 2000s a number of scandals challenged the Compact’s signatory legacy of both free will and rule-bound governance. Perhaps the most striking case during these years grew from the passage, application, and renewal of the USA PATRIOT Act. Initially passed in October 2001, the act was described by its supporters as necessary to streamline processes of information-sharing between security agencies and to empower enforcement of provisions that could prevent terror plots targeting Americans from coming to fruition. The Act passed over a single vote of opposition in the Senate (Sen. Russ Feingold, D-WI), and by a token opposition of 357 to 66 in the House in October 2001, though its provisions had sparked concerns from a few critics already nervous about the effects of presidential powers available after the declaration of the country to be in a “state of emergency.” During the first enactment (2001 – 2004) over 200 cities and three states passed resolutions condemning the act’s compromises of civil liberties. Charges leveled at the Bush-Cheney administration over censorship and surveillance exemplify the duress over American exceptionalist rhetoric in its governance guise.

The Bush-Cheney administration was intertwined in a complicated relationship with the Bush-Cheney campaign during the election of 2004. Private campaign rallies funded by the Republican National Committee were difficult to distinguish from those public events of the sitting Executive Officers that were, in theory, held in trust for all citizens. Restrictions placed upon entry to and expression at privately-funded events were compounded by limitations on speech and assembly authorized to protect the President or Vice-President as a target of terrorism. It wasn’t only lay citizens that were confused by the blurring of these limitations, but Secret Service agents and local police as well. In one of the most egregious incidents, Jeff and Nancy Rank were attending a publicly-funded event but were asked to
leave because they were wearing T-shirts with anti-Bush slogans. The Ranks had tickets to
the event, and Jeff was a registered Republican (both conditions which could have been used
to exclude them from a private rally). The Ranks were charged with trespassing, jailed for
several hours, and Nancy was excused from her job at the Federal Emergency Management
Agency.45 The cordoning off of free-speech zones became a symbol for the suppression of
dissent in post-9/11 politics.46

The intricacies of public vs. private funding and the role of the sitting Executive Officers
in a time of insecurity challenged the notion that citizens could be fully aware of the
implications of the rules they had agreed to and the protections they expected, like those of
freedom of assembly and speech. At the end of the following year the freedom of privacy and
the ability to agree rationally to appropriate limitations would also be challenged. The Bush
White House had issued an executive order in the wake of 9/11 to bypass the traditional
process of obtaining court orders prior to tapping citizen telephones in order to attain
information on suspected terrorist supporters. Further, *The New York Times* admitted that it
had held the story of this violation of privacy at the request of the White House for a full
year.

The White House asked *The New York Times* not to publish this article,
arguing that it could jeopardize continuing investigations and alert would-be
terrorists that they might be under scrutiny. After meeting with senior
administration officials to hear their concerns, the newspaper delayed
publication by a year to conduct additional reporting. Some information that
administration officials argued could be useful to terrorists has been omitted.47

After the abuses uncovered by the Watergate investigation, the Foreign Intelligence
Surveillance Act (1978) had been passed to reign in the power to tap citizen communications.
Though the Bush administration defended its actions as having “saved lives,” later
assessments declared that the executive order was premised on a “legally flawed” brief and
yielded little or no “specific instances where [it] had contributed to counterterrorism.” In the case of privacy, too, it seemed that the rules were neither fully known nor completely available for consent.

*Weakening of Pillar Two: Divine Inspiration to a Moral Mission*

The second rhetorical pillar arises out of John Winthrop’s sermon “A Model of Christian Charity,” from which Americans have traced a moral missionary legacy. For generations, excerpts of the piece supposedly delivered on the deck the ship *Arabella* during the dangerous crossing from the old world to the new was required reading as a classic of American literature. Winthrop penned a vision for a divine destiny in these famous lines:

> We shall find that the God of Israel is among us, when ten of us shall be able to resist a thousand of our enemies, when He shall make us a praise and glory, that men shall say of succeeding plantations: “The Lord make it like that of New England.” For we must consider that we shall be as a city upon a hill, the eyes of all people are upon us. So that if we shall deal falsely with our God in this work we have undertaken, and so cause Him to withdraw His present help from us, we shall be made a story and a by-word through the world.

Americans in this vision have a special place of honor, endowed from an originary force of the universe to stand as a shining example above their earthly peers. Those that come after (both in time and gifts) are destined to have New England (read: the United States) as their example and ultimate goal. The divine is present within the American nation, and provides it with supernatural strength, making it the envy of all peoples. But, Winthrop warned, such a mission is a serious responsibility and failing to fulfill it will turn glory to infamy.

Elected after the popular but controversial Bill Clinton’s dirty laundry was aired via impeachment, George W. Bush was ready and willing to engage in a religiously-styled rhetorical leadership from the beginning. Bush told the annual convention of B’nai B’rith International in September 2000: "Our nation is chosen by God and commissioned by history
to be a model to the world of justice and inclusion and diversity without division. Jews and
Christians and Muslims speak as one in the commitment to a kind, just, tolerant society.” In
the defining moment of his presidency, Bush framed the attacks of September 11, 2001, as an
innocent and good U.S. victim preyed upon by an unfathomably evil terrorist other. The
enemy was a shadowy terrorist network called al-Qaeda whose leader, Osama bin Laden,
envied Americans because of their freedoms and democratic system of government. He was
harbored by the oppressive regime of the theocratic Taliban in Afghanistan who veiled their
women and kept their people in a virtual dark age of religious intolerance. The United States
must move swiftly to seek justice for its citizens by initiating military action in
Afghanistan. This binary of good and evil would shape a crusade of religious substitutions.
The United States would not declare war on Islam, but would allow its government officials
and pundits to speak of “islamo-facism.” The United States would not spread the gospel of
Christianity in Afghanistan and later Iraq, but would create converts of the sword to
representative democracy and market capitalism. Already in December 2001 Newsweek
warned of the waning of support for the U.S. both domestically and internationally because
of “embarrass[ing]…excesses” and “an overweening message from some officials that to
question or disagree with the government was unpatriotic.” The moral providence of the
nation would be questioned in the coming years as a matter of pride going before the fall.

However, al-Qaeda was not a traditional enemy, and the U.S., the administration
maintained, could not be expected to follow traditional tactics, nor allow traditional
limitations to keep it from pursuing this network. Old enemies that had been treated by
traditional rules could rise again and be exploited by terrorists. The specter of Saddam
Hussein had been allowed to lurk in the desert of Iraq even after exterminating people in his
own country, and a United States with a renewed mission of “Infinite Justice” could not stand idly by and allow the threat of nuclear weapons to be wielded by a dictator proximately close, ideologically sympathetic, and religiously unopposed to this new threat. The Bush-Cheney administration moved in 2003 to a pre-emptive strike military policy, placing the U.S. at the head of a “coalition of the willing” that defied the United Nations and several of its N.A.T.O. allies in launching an invasion of Iraq. It would soon become apparent that the Bush-Cheney administration had sought to exempt the United States from not only the approval of the world community, but also from its treaty obligations, its own military’s code of operations and justice, and from transparency to its people. The identity of America as a shining example of moral clarity would be placed under duress by the examples of abuses at Abu Ghraib prison in Iraq and the application of “enhanced interrogation techniques” to “non-military enemy combatants” at Guantanamo Bay military detention center. Each incident had its origins in legal briefs presented to the executive branch beginning in the fall of 2001, and shared key personnel, most notably Major General Geoffrey Miller, commander of military intelligence at Gitmo and consultant of the changes that immediately preceded the crisis at Abu Ghraib.

In October 2001, legal counsel within the Bush-Cheney administration began laying out a strategy to find ways around the rules of war, standing treaties, and the Geneva Conventions for the treatment of prisoners that the United States had endorsed. The most infamous of these briefs and memos were prepared by then White House legal counsel Alberto Gonzales and the Department of Justice’s Office of Legal Counsel’s John Yoo. Both Secretary of State Colin Powell and staff of the Judge Advocate General’s office logged official protests. Unfortunately, the Bush-Cheney administration had already begun acting. With the
safeguards of international law placed in limbo for this new kind of war, the Commander in
Chief of the Armed Forces declared certain prisoners suspected of al-Qaeda involvement to
be enemy non-combatants, and transported them to Guantanamo Bay, Cuba, for
interrogation. In public statements, Bush said that he “accepted advice from the Justice
Department that the Geneva Conventions governing treatment of prisoners of war did not
apply to al-Qaeda or Taliban detainees captured in Afghanistan, but he ordered the military
to follow the conventions ‘to the extent appropriate and consistent with military
necessity.’”55 “We do not condone torture,” Bush said in June of 2004. “I have never ordered
torture. I will never order torture. The values of this country are such that torture is not a part
of our soul and our being.”56

Yet, reports of stress positions, threats by dogs, hooded blinding, exposure to heat and
cold, humiliation by disrobing, sexual violations, desecrations of the Qur’an, and beatings
were reported in detention camps, prisons, and at Guantanamo Bay. The International
Committee of the Red Cross as well as Amnesty International had issued reports about the
testimony of prisoners describing their treatment at the hands of American military
personnel.57 It is likely that the prevailing opinion would have remained that of Steve Lucas
of the U.S. Southern Command in Miami, who said of the first transport of prisoners to
Gitmo, “After September 11, a little paranoia is a good thing.”58 However, on January 13,
2004, Spc. Joseph Darby prompted an investigation into prisoner abuse at Abu Ghraib when
he turned over pictures to the Army’s Criminal Investigation Service. The images depicted
vile acts of degradation perpetrated by U.S. service personnel that could hardly be described
as anything other than torture.59 When the investigation was complete, ten soldiers had been
convicted by courts-martial, but none who received a judicial punishment ranked above staff
sergeant. As the *Christian Science Monitor* observed, “with the new [and undefined] rules [for detainee treatment], the worst of war crept into the cell block, and the chain of command all but evaporated.”

The investigation into Abu Ghraib exposed the connection between the Iraqi prison and the detention center at Guantanamo Bay, Cuba. The Department of Defense had viewed the interrogation program at Gitmo successful at producing useful intelligence information in contrast to the intelligence being gathered from prisoners in Iraq. Major General Geoffrey Miller, commander in charge of interrogation at Gitmo, was sent to observe operations in Iraq and sent a twelve-page report detailing recommendations for procedures to be implemented to Lieutenant General Ricardo Sanchez, commander of U.S. forces there. In the report which used Guantanamo as a “baseline,” Miller suggested that at Abu Ghraib the “detention guard force…[set] the conditions for the successful interrogation and exploitation of internees/detainees.” The conditions at the two facilities, however, were vastly different. Abu Ghraib had one guard to twenty-two inmates, compared to the more than one-to-one ratio at Gitmo. Abu Ghraib was under frequent mortar fire disrupted by inmate riots, unlike Gitmo, and was staffed primarily by reservist military police rather than specialist military intelligence officers. The plan also was a sharp departure from long-established military procedures.

Though the Bush-Cheney administration and the Department of Defense had maneuvered to portray Abu Ghraib as perpetrated by a few rogues, the operation of Guantanamo Bay was thoroughgoing and completely approved by the White House. As the spotlight turned to Cuba, it became increasingly difficult to maintain a separation between good and evil. Even if “the abuses do not sink to the depths of the worst terrorist atrocities,” editorialists all over
the country wrote as those at the *St. Petersburg Times*, “that is not the standard to which a
great democracy should hold itself.”⁶³ Evading treaties and international law was no way for
the leader of the free world, the last remaining superpower, to use its divinely apportioned
powers. Righteous indignation over torture and murder becomes suspect when the speaker
has approved techniques like waterboarding. As Winthrop warned, to be the beacon of
morality to the world the United States would bear special scrutiny if it violated that
missionary legacy. The headline of the *Irish Times* captured the import well on May 5, 2004:
“Torture of Prisoners Destroys Moral Legitimacy U.S. Forces Clung to in Iraq.”⁶⁴

*Weakening of Pillar Three: Industrious Virtue of Capital Production*

The third pillar of American exceptionalist rhetoric draws its roots from J. Hector St.
John de Crevecoeur’s *Letters from an American Farmer*. Though rarely a farmer, and living
in his native France as an aristocrat for most of his life, Crevecour eloquently linked an
industrious work ethic to a uniquely American mindset that cultivated individual interest in
reward into a collective spirit of progress. The United States produced, above all, a people
whose earthly effort made a positive difference in the world here and now.

The American ought therefore to love this country much better than that
wherein either he or his forefathers were born. Here the rewards of his
industry follow with equal steps the progress of his labour; his labour is
founded on the basis of nature, *self-interest*; can it want a stronger allurement?
Wives and children, who before in vain demanded of him a morsel of bread,
now, fat and frolicsome, gladly help their father to clear those fields whence
exuberant crops are to arise to feed and to clothe them all; without any part
being claimed, either by a despotic prince, a rich abbot, or a mighty lord. Lord
religion demands but little of *him*; a small voluntary salary to the minister, and
gratitude to God; can he refuse these? The American is a new man, who acts
upon new principles; he must therefore entertain new ideas, and form new
opinions. From involuntary idleness, servile dependence, penury, and useless
labour, he has passed to toils of a very different nature, rewarded by ample
subsistence. --This is an American.⁶⁵
Though the economy has transformed from its agrarian roots, the melding of economic endeavor with national consciousness has carried forward, developing into what historian Thomas Frank calls “market populism.”66 The anecdotal evidence of individual success framed through effort keeps alive a naïve trust in opportunity that overlooks all but the most obvious (“Lord religion”) obstacles to achievement. So hopeful is this trust, that Americans continue to seem both surprised and disappointed when the mechanisms of self-interest fail to be checked by the virtue of work as its own reward. Late capitalism moves further from its material roots and closer to the profitability of ever more ephemeral products. In this environment, the 2000s witnessed several scandals that shook the confidence of citizens that their economic engine had escaped the worst of capitalism’s sins. Both the failure of Enron and the collapse of the investment banking industry considered “too big to fail” illustrate this.

Nearly a decade after the meltdown of Enron, many Americans don’t recall that the corporation’s fall from “deregulation’s poster child into a symbol of corporate dysfunction”67 began one month after the fall of the Twin Towers, in October 2001. Enron had started out as a small company whose major asset was a short pipeline for transporting natural gas. Ken Lay, holder of a Ph.D. in economics from the University of Missouri and with experience in government, had transformed the company into what some called a herald of the New Economy. Following and sometimes pushing the tide of deregulation from the Reagan era forward, Lay had involved Enron in a diverse range of energy investments and futures trading which was eventually so convoluted that the documentation required to unravel it all was equal to approximately twenty percent of the information stored in the Library of Congress.68 The corporation’s rise also paralleled the formation of the dot-com stock market bubble in the late 1990s. Financial analysts providing independent advice to investors would
later admit that the shell game being presented by Enron was so complicated that they didn’t fully understand what was being claimed, but that no one wanted to be the first to admit that the expanding stock price was not evidence of innovation, and perhaps lose fees.\textsuperscript{69} Investors in Enron’s stock were wiped out as its value was “corrected” by the market after the company publicly admitted a $638 million loss for 2001. This cut was felt most acutely by Enron’s frontline employees, whose pensions were heavily composed of the now worthless stock, and who would lose their jobs as well. The firm’s credit was also overvalued, and holders of its bonds, such as hedge funds providing income for other pensions and endowments of all kinds, were also deeply damaged by the correction. Some called it the “Enron Syndrome” as additional American companies began to blame their financial woes on the toppled giant. Discount retailer Kmart, for example, referenced Enron as a cause of the soft market for their surety bonds when it filed for bankruptcy protection.\textsuperscript{70}

The system of privatized checks and balances that business leaders and politicians had assured citizens would watchdog capitalism from within had failed, it seemed. Robert E. Litan, director of economic studies at the Brookings Institution described it as “a massive failure in the governance system.” “You can look at the system as a series of concentric circles,” he continued, “from management to directors and the audit committee to regulators and analysts and so forth. This was like a nuclear meltdown where the core melted through all the layers.”\textsuperscript{71} From at least Crevecour forward, it was hard work’s potential to be its own reward – the inherent virtues taught by industriousness – that should temper the temptations of self-interest. However, it seemed that nowhere within the circles had this principle held. The independent auditors, Arthur Andersen, charged with confirming that the financial statements of the corporation were transparent and accurate had compromised their
autonomy by serving as both accountants and consultants to Enron. Lobbying and campaign contributions by the company had enhanced pitches that resulted in special exemptions from regulation by the Federal Energy Regulatory Commission exclusively for Enron. The Securities and Exchange Commission could have identified the irregularities in the financial statements even after the auditors’ seal of approval, but the federal agency was hopelessly underfunded and understaffed, able to review only a handful of corporate cases in any given year. Oversight might also sit with a corporation’s Board of Directors who are charged with a fiduciary duty to protect investors, but those at Enron were compensated with triple the average pay and several were additionally employed as consultants, compromising their objectivity. Enron employed an independent legal counsel, who might have taken a number of steps to prevent the illegal actions being perpetrated against creditors and stockholders. Unfortunately, the Vinson & Elkins firm’s fees rose with the risk of Enron’s ventures producing a yet another conflict of interest. As suggested previously, industry analysts of stocks and bonds are assumed to provide an additional independent review of a company’s operations to test for quality, but these professionals were motivated by their own interests and reinforced by the apparent confirmation of their judgment in rising investment prices. Finally, one might even consider the questions asked, or not asked, by journalists covering energy and finance. The New York Times suggested that most media coverage of Enron had been “flattering,” asking few questions that might have raised suspicions. Editorialist Jim Lichtman summarized at the time, “The victim is the trust of the American people. Every time we hear of another personal, corporate, or political ethics scandal our trust and confidence in individuals and institutions declines. But the deeper question in all this is: How do we get back America’s integrity?” Congress also asked this question and passed the
Sarbanes-Oxley Act, but not before other corporations like Tyco International, WorldCom, and Adelphia, too, had collapsed on their shareholders under similar circumstances. In 2006, Ken Lay was convicted on ten conspiracy and fraud charges brought by the Department of Justice. Unfortunately, the ever-burgeoning hope of American exceptionalism had rekindled, causing *Newsweek* to remark on that occasion, “Enron seems like a fever dream, an illusion from the past that business unfettered could solve all problems, that all we needed to do was get out of the way of corporate titans…and the dot-com guys and the venture capitalists, and let them work their magic on behalf of all of us.” Just twenty-four months later, the lesson that was not learned in 2001 would be back with a vengeance. This time, the investment banks that had been just on the edges of the Enron collapse – bit players that helped to put together the “off balance sheet deals” that ultimately ruined the company – would be at the center. This time the over-inflated ratings would be tied to consumer credit in the housing market, and the risky, under-supervised exchanges would involve trading debt between firms hoping to cash in on the future returns such mortgages provided. However, the ripples extended so broadly that there was speculation that all of global finance would collapse. The problem at hand became: when are businesses so implicated in global webs that they must be saved at all costs to avoid a full system implosion? Or in the preferred shorthand of the time, “Some institutions really are too big to fail, and that’s the way it is.”

However, interconnectedness does not fit well with exceptionalist rhetoric. “In the narrative that had governed American commercial life for the last quarter-century,” explained Peter Goodman of *Newsweek*, “saving companies from their own mistakes was not supposed to be part of the government’s job description. Economic policy makers in the United States took swaggering pride in the cutthroat but lucrative form of capitalism that was supposedly
Corporations like Citigroup, Inc. and American International Group were pumped full of taxpayer money to bail out their floundering systems. Unlike commerce banks, there existed no federal insurance deposit provisions attached to investment assets. These firms could not be closed to prevent a “run” on their accounts nor was there any reassurance to investors that their funds would be guarded against loss. Observers pointed to the repeal of safeguard laws such as Glass-Steagall that had long prevented the incestuous relationships between commercial and investment banking that underwrote “debt swapping.” Banks turned the blame onto consumers, estimating that up to one-third of mortgage-seekers had lied about their income to obtain loans for homes beyond their means.

It was not only mortgage debts that were implicated, but the federal government’s debt and other consumer debt as well. As the federal government sought to finance the bailout, it increased its borrowing from nations like China and Japan. When some economists questioned if the federal government itself might fail because of the calling of its credit, others such as Andrew Tilton from Goldman Sachs argued that “the United States itself is too big to fail.….The American consumer has for decades served as the engine of world commerce, using borrowed cash to snap up the accoutrements of modern living – clothes and computers and cars now manufactured, in whole or in part, in factories from Asia to Latin America. Eliminate the American wherewithal to shop, and the pain would ripple out to multiple shores.” Foreigners, the argument continued, would be forced to continue to “buy” American debt – or extend America credit. The irony was that the United States had required that developing nations implement policies allowing weak companies to fail as part of its near total influence over global capital access through institutions like the International
Monetary Fund. Add to this matrix the onset of the “great recession” in December 2007, bailouts of both airline and automotive industries, subsidies for profitable petroleum giants, as well as tax cuts for wealthy individuals, and questions abounded regarding the reliability of the American economic engine of capitalism and its ability to make America exceptional.

*A Moment of Crisis for a Chronic Problem*

In the decade of the 2000s, three foundational pillars of exceptionalism that orient American identity were systematically weakened. Grounding in the social contract, a moral mission, and capitalism all developed fault lines as it was revealed that what the public thought it knew was not accurate, and as a result, what it collectively might have believed of itself was could no longer be presumed to hold firm. “To understand stability or change,” wrote political theorist Murray Edelman, “it is necessary to look to the social situations people experience, anticipate, or fantasize.” At this moment there were contingent provocations that became articulated together to produce “inducements to support measures people might otherwise find painful, unwise, or irrelevant to their lives.” As Edelman astutely observes, “A crisis…is a creation of the language used to depict it; the appearance of a crisis is a political act, not a recognition of a rare situation.” During this time of crisis in identity, as Bosniak pointed out, it was citizenship talk that rose to shore up the sense of individual and collective will-to-nation. And as in crisis points of this chronic problem past, this talk required the dialectical support of its other, immigrancy.

The relationship between citizens and immigrants and between the positions of immigrancy and citizenship are especially complex in the United States’ context. Political theorist Bonnie Honig describes foreignness as an “undecidable” characteristic for
Americans. On one hand, foreigners are restorative because they provide the possibility of (re)invigorating energy and innovating natality for the nation, as well as a certain familiarity or return to traditions that new immigrants share with old immigrants, such as hard work, family values, and enthusiasm for the qualities of a country many citizens take for granted. On the other hand, these same qualities may be valenced negatively to demonstrate “the original cause of the very institutional illness they are supposed to be curing.” Immigrants’ willingness to work hard may undermine citizens’ ability to find jobs, their traditional values may work against the tentative progress made on certain civil liberties, and their ties to their newly embraced communities may look like enclaving. Obama, I propose, might be understood in this light, with a touch of the foreign that inspired rejuvenation, but with residual foreignness to make his claim to the presidency untenable, at least to some. American citizens, as a result, experience both xenophilic and xenophobic relations to immigrants. The best immigrant is the best model of citizenship – involved, patriotic, contributing – while the worst immigrant reminds citizens of their own shortcomings – apathetic, disconnected, parasitic. Lindh, I suggest in turn, is this shadow citizen, born to a legacy that he does not grow up to deserve. Foreigners may reflect the nation’s best self-image, legitimating the citizens’ sense of their nation as worthy of their devotion. Unfortunately, there is no guarantee that these strangers can fill that gap of doubt that exists because of citizens’ own dual identity as contributor and extractor. What results is a constant state of what Honig calls “anxious dependence” of citizenship upon immigrancy.

Cheryl Shanks has documented the play of anxious dependence in her study of arguments over immigration policy in the United States Congress during the century from 1890 – 1990. What is especially notable is how little the content of the arguments changes over the
decades. Though the warrant for engaging in policy adjustment is at times significantly different, the major points of contention remain nearly constant. Those points of contention, Shanks demonstrates, are consistently about the values expressed in, though, and by American identity. In each of the five time periods of policy reform during the 100 years, the arguments that shape policy discussion are “the meaning of citizenship, consent, and national character, the importance of ethnic or ideological homogeneity, [and] the message to allies.”91 “Often, foreign policy, like human agency,” she explains, “is portrayed as a compulsive search for material wealth and power. When values enter the discussion, they are dismissed as a cover for the real goals, which are allegedly material. That might be true for some issues, but for immigration policy, values trump interests every time. In fact, certain defeat awaits an immigration proposal that is framed in terms of money.”92 Legislative arguments are cast not only against other representatives, but increasingly against what these representatives have as measures or presumptions of American public opinion.93

Over the nation’s history, the turn to immigration as a policy initiative had been driven by changes in external conditions. Shanks traces how in each of the five escalations of immigration policy change from 1890 – 1990 it was the perception of external threats that provoked legislative action. Action did not coincide with times of high unemployment, changes in partisan control, or the measurable influence of anti-immigrant interest groups as is commonly assumed. For example, the Immigration Reform Act of 1965 was passed at a time when public opinion on immigration levels had changed very little in over a decade and unemployment and inflation were both minimal. However, the debates reveal that it was value issues comparing the United States to communist regimes on issues of discrimination that were most influential.94
The provocative external factor in the 2000s was the public revelation and recognition of terrorism and the part played in it by immigration. Isolated incidents had preceded 2001, and the activity of the United States’ intelligence services had turned to terrorism on U.S. soil since at least the time of the Clinton administration. The number of victims, the coordination of the plan by independent operators, the apparent surprise and effectiveness of the tactics, and willing abandonment of self-preservation combined to create a sense of an unprecedented threat.95 From late 2002 until August 2004, The National Commission on Terrorist Attacks upon the United States (also known as the 9/11 Commission) was in active service. Their public findings made clear that immigration enforcement was central to security. As a case in point, individuals who had flown the hijacked planes into the Pentagon, Twin Towers, and Pennsylvania had been issued student visas to be resident aliens, which they had overstayed. The 9/11 Commission Report targeted “Terrorist Travel” in its recommendations, beginning with the following reminder:

More than 500 million people annually cross U.S. borders at legal entry points, about 330 million of them noncitizens. Another 500,000 or more enter illegally without inspection across America's thousands of miles of land borders or remain in the country past the expiration of their permitted stay. The challenge for national security in an age of terrorism is to prevent the very few people who may pose overwhelming risks from entering or remaining in the United States undetected.96

By 2006, military contractors formerly charged with creating technology for battle zones like Iraq and Afghanistan (Boeing, Halliburton/KBR, General Electric, etc.) had been retained to develop surveillance products and detention centers at the U.S. border with Mexico, Immigration and Customs Enforcement (ICE) had captured 8,400 immigrants in “Operation Return to Sender,” and habeas corpus rights had been denied to legal residents suspected of supporting terrorist activity. Journalist Roberto Lovato described the situation as the “Al-
Qaeda-ization” of immigrants. The trust of immigrants, tenuous as it had always been, was dangerously close to breaking. Racial and religious profiling along with hate crimes perpetuated against Arab and Islamic status citizens were symptoms of a breach that might soon be insurmountable for immigrants of all backgrounds. However, in the new millennium simple isolation and closed borders were not a tenable option. The requirements of global capital and international diplomacy coupled with the complications and sedimentations of ongoing rhetorics of openness and freedom coming out of the Cold War presented obstacles to complete reversion.

In the failing of each pillar of American exceptionalism during the 2000s, we can recognize the terroristic domestic inversion of dual threats to symbolic and material concerns. Each arises from and is enabled by fear appeals based upon the logic of the very terrorism that shook the decade from reverie on September 11, 2001. Government must violate the civil rights of its citizens’ privacy, speech, and assembly in order to properly conduct the surveillance needed to protect all of us from the unknown outsiders that are plotting to hurt us. This might even include an individual’s own self-sabotage, if one were to read the wrong book, answer the wrong call, wear the wrong shirt, hold the wrong sign, or simply start asking the wrong question. The only way remaining open to preserve the sacred Judeo-Christian trust when fanatical Islamo-fascists employ unpredictable and alien reasoning of suicide-missions was to pre-emptively strike the suspected persons and places before they could start. If the world of the faceless evil of terrorism hates the American way of life, then the American way is to go right back to New York: “Come to enjoy our thousands of restaurants, the museums and sporting events and shopping and Broadway; but also come to take a stand against terrorism.” America must not interfere with venture
capitalists like Enron or impede the debt-swapping experiments of investment bankers because these are the “makers” and “producers” that will create jobs. If they are regulated or taxed the economy will stagnate, and then the others – the outsiders that hate the American way and sought to destroy the heart of Wall Street with commercial airliners as weapons as well as the parasitic insiders (takers, moochers, and looters) – will succeed in ending the world as we know it.

It is at the conjuncture of these events that my dissertation is situated. I concentrate on artifacts that were produced and circulated during the decade of the 2000s that grow out of, in response to, with reference against, in consideration for, and surrounded by the awareness of the material and symbolic consequences of American exceptionalism under duress. As the three hallmark pillars were systematically weakened, citizenship grew in importance as a means to reinforce the bonds holding together the body politic, and immigrancy grew in correlation, as the way to recognize, define, and prove the value of those bonds. Now, I turn from the circumstantial context to the instruments of research that ground this study. These terroristic fear appeals can only be challenged by a reading strategy which is psychoanalytically inflected. It must be able to account for the play of personal as well as collective desire in the rhetorical and political outcomes that result.

**Definition of Key Terms**

In his mammoth archival collection originally entitled *Passagen-Werk (The Passages Work)*, Walter Benjamin proposes a movement through (“passage”) a series of connections that foreshadow my project. Three of these terms are keystones to the theoretical commitments that shape the scope and scale of how I treat that dialectical partnership of immigrancy/citizenship that form the basis of this project.
Rites de passage – this is the designation in folklore for the ceremonies that attach to death and birth, to marriage, puberty, and so forth. In modern life, these transitions are becoming ever more unrecognizable and impossible to experience. We have grown very poor in threshold experiences. Falling asleep is perhaps the only such experience that remains to us. (But together with this, there is also waking up.) And finally, there is the ebb and flow of conversation and the sexual permutations of love – experience that surges over thresholds like the changing figures of the dream. “How mankind loves to remain transfixed,” says Aragon, “at the very doors of imagination” Paysan <de Paris (Paris, 1926)>, p. 74. It is not only from the thresholds of these gates of imagination that lovers and friends like to draw their energies; it is from thresholds in general. Prostitutes, however, love the thresholds of these gates of dream. – The threshold must be carefully distinguished from the boundary. A Schwelle <threshold> is a zone. Transformation, passage, wave action are in the word schwellen, swell, and etymology ought not to overlook these senses. On the other hand, it is necessary to keep in mind the immediate tectonic and ceremonial context which has brought the word to its current meaning.100

Woven together in the poetic prosody of the vignette is a relationship between three elements: threshold (also gate or door), dream or imagination, and love (likened, notably, to “conversation”). These three elements are bound together at a nexus involved in “conversion,” one that Benjamin characterized in a surprising myriad of ways - as transition, ebb and flow, permutation, changing, transformation, passage, and wave action. It is just such a conversion that I find at the intersection of immigrancy and citizenship, a conversion that I will argue can be most insightfully understood built upon these keystones.

Threshold Processes

In public policy discussion of the intersection of immigrancy/citizenship, the common vocabulary used is “border” – border crossing, border enforcement, border security, etc. Boundary and border are each most typically invoked to refer to a line marking the limit between inclusion and exclusion in territory, membership, or quality/substance.101 Benjamin, however, chooses the word “threshold,” which becomes a synonym for one of the lesser used meanings of “border” – not merely the line of demarcation, but the fuller area surrounding,
what Gloria Anzaldúa would call “borderlands.”

A threshold is a “zone,” a region or “limen” of transitional medium.

The functionality of thresholds toward community identity has a long tradition of scholarship stemming out of anthropology and moving through aesthetic theory. Arnold van Gennep was one of the earliest to introduce considerations of threshold in this manner. Gennep described physical objects like doorways, portals, vestibules, etc. as the reduction of “liminal rites” first to the territory of their enactment (“neutral zone”), and further to their material manifestation. These physical spaces and their counterpart psychical places are described by Gennep as retaining a “magico-religious” significance or “sacredness.”

Continuing this trajectory, Victor W. Turner expands on Gennep’s concept of liminality, describing it as a non-position “betwixt and between” the established positions of “law, custom, convention, and ceremonial.” Turner argues that liminality (“neither here nor there”) is “frequently likened to death,” and traversal through liminal rites is central to the establishment of “communitas” or an “open society.” As the liminal rites are completed, it is proven once again that neophytes can be successfully submitted to shared norms of the already existing community that the community is open to growth. Although Turner assumes that liminality is a short-lived, if repeated, condition and thus useful only as it is left behind, he does credit liminality with “unprecedented potency,” flooding “subjects with affect,” and as unleashing “instinctual energies.” Such energies are generative of “myths, symbols, rituals, philosophical systems, and works of art” which reclassify “reality,” and maintain a mystical or religious quality.

As Gennep and Turner posit, the work of liminality is conducted largely through aesthetic means, both as artistry and affect. Gaston Bachelard pursues the threshold along the aesthetic means.
trajectory, suggesting that the physical space and ritual practice of crossing thresholds manifests an inherent dialectic in language between here and there, inside and outside.  

“Language bears within itself,” he writes, “the dialects of open and closed. Through meaning it encloses, while through poetic expression, it opens up.” As he suggests, the symbolic order itself operates by way of thresholds, and produces passages (both noun and verb) as it makes the world by means that Turner called the “faculties” of “rationality, volition, and memory.” Aesthetics goes further than anthropology, however, in proposing that it is not only getting past the threshold that is productive of energy, potency, and affect, but that it is the potential for the “half-open” wherein lies “primal image, the very origin of a daydream that accumulates desires and temptations.” The half-open describes the sense of tarrying on the threshold, preserving a situated symbolic action that is more permanently betwixt and between. Such liminality might propose a non-position that a collective could cultivate, celebrate, and circulate within, not merely past. As Benjamin cautions us, “The threshold must be carefully distinguished from the boundary.” One may stand in/on a threshold, but may only cross a boundary.

Benjamin identifies “thresholds in general” as a resource of “energies” necessary to articulate humans in relation to one another (“lovers and friends”). These “transformations” or “passages” have become a rarity in contemporary collectives, often both “unrecognizable and impossible to experience.” As I read it, because we have grown “poor” in these experiences, those that remain available to us take on even greater significance. The threshold over which “surges” and “swells” flow in the human collective relation understood as “America” has become largely metonymized to the “rite de passage” of immigrant becoming citizen. In my dissertation, I utilize the term “threshold process” to refer to this
element of Benjamin’s trinity, and the various rhetorical forms that its aesthetic productions take. I pursue liminality for the rejuvenation of political engagement, specifically by reading the threshold between immigrancy/citizenship as porous, host (more often than not) to at least a doubled wave-movement (any stepping out produces a stepping in and vice versa).

**Dream, Imagination, National Fantasy**

Benjamin posits a relationship between thresholds and dream or imagination. What the anthropologists considered magico-religious, mystical, or mythical is inscribed in the “changing figures of the dream” for Benjamin. The “doors of imagination” keep collectives “transfixed,” and move them with “energies” in “surges” toward that fantasy that prostitutes occupy. In the liminal space between sleeping and waking is the dream, the manifestation of imagination, a condensation and displacement of the unconscious into a kind of consciousness, a “figure” that remains “unrecognized” in its recognition, an “experience” that obscures the “impossible” with the fantasy of possibility. The dream is produced in crossing the threshold between waking and sleeping, and imagination is charged with energy on the threshold between the not-yet and the will-have-been. At the thresholds of immigrancy/citizenship, the collective of the nation is caught up in the fantasy of potentiality, “the creation stories that Americans tell themselves about the beginnings of their democracy,” and the telos that such origins predict as legacy and destiny.

In terms of American identity, fantasy is simultaneously at work in two ways. To begin, the very conception of “nation” itself is “an imagined political community – and imagined as both inherently limited and sovereign.” “America” is a product of imagination both because of the material necessities of population and proximity, as well as the psychical desire for horizontal comradeship. Contemporary collectives spread over spaces (and time)
that make personal interaction between members impossible, and with such limitations, growing the membership past the number of participants that can be “managed” by any one participant to others is a predictable effect. At the same time, the potentiality of doing so – of meeting on equal terms with any of the other members – allows expanding inclusion to remain conceivable to old and new members alike.

Second, when formulating a sense of collective “selfhood” or “national identity,” Lauren Berlant describes this production as requiring “fantasy-work.”\textsuperscript{120} Fantasy in this sense is the means through which personal or private experience is formed by collective consciousness of shared experience. Put differently, the experience of the individual is made meaningful by its expression in the language circulating in stories that have been honored by the collective as valuable. Participation in such fantasy work facilitates the passionate attachment of the local psyche to the collective \textit{telos}, to “America” as “a set of forms and the affect that makes these forms meaningful.”\textsuperscript{121} Berlant extrapolates her version of national fantasy from a section of Jacques Lacan’s \textit{Ecrits} where he plays with vocabulary, referring to manifestations of the individual unconscious as what are more commonly considered to be “public works”:

The unconscious is the chapter of my history that is marked by a blank or occupied by a lie: it is the censored chapter. But the truth can be refound; most often it has already been written elsewhere. Namely,

- \textit{in monuments}: this is my body, in other words, the hysterical core of neurosis in which the hysterical symptom manifests the structure of a language, and is deciphered like an inscription which, once recovered, can be destroyed without serious loss;
- \textit{in archival documents} too: these are my childhood memories, just as impenetrable as such documents are when I do not know their provenance;
- \textit{in semantic evolution}: this corresponds to the stock of words and acceptations of my own particular vocabulary, as it does to my style of life and my character;
- \textit{in traditions}, too, and even \textit{in the legends} which, in a heroicized form, convey my history;
- and, lastly, in its traces that are inevitably preserved in the distortions necessitated by the insertion of the adulterated chapter into the chapters
surrounding it, and whose meaning will be re-established by my exegesis.¹²²

“It also critical to note,” writes Kathleen Stewart, “that in contemporary U.S. public culture the very notion of ‘the public,’ and the construction of a collective identity we call ‘the public,’ is often activated or invented in moments of spectacle, accident, trauma, and wound - moments when the American Dream meets its nightmare.”¹²³ Such an extrapolation has been made by a number of contemporary critics utilizing a generally Lacanian approach. Yannis Stavrakakis crystallizes the view that has resulted, and to which I subscribe for this project: “[P]olitical reality, as all reality, is, first, constituted at the symbolic level, and second, supported by fantasy.”¹²⁴ He continues, “[T]he existence of this fantasy fosters the solidarity of the community, consolidates national identity, and animates national desire.”¹²⁵

National fantasy “harness[es] affect to political life” as a “technology.”¹²⁶ Rhetoric, then, is the name for the process by which the fantasy of “the nation,” and the nation’s “fantasy” are constitutive of citizen subjects. Though the fantasy may be of the order of the imaginary, rhetorical forms compose a materiality from these imaginings, an American Dream that is exercised through “traditional icons, its metaphors, its heroes, its rituals, and its narratives [that] provide an alphabet for collective consciousness or national subjectivity.”¹²⁷

“Fantasies,” writes Joshua Gunn, “are narratives…and insofar as the Imaginary [order] is structured by the Symbolic [order], an analysis of fantasies is always already a symbolic project.”¹²⁸

In taking up “national fantasy” as a term for my dissertation from the second element of Benjamin’s trinity, I am seeking to understand the ways collectives are rallied and deployed through individual citizen subjects toward political (re)founding and explicit or complicit support for public policy. This is an attempt to problematize and complicate the effects of
“motive” and “identification” that have long been the concern of the field. Further, by choosing to approach the threshold processes of immigrant/citizen transformation with an understanding of the psychic dimension I attempt to address the ways in which rhetoric (the process of producing influential discourse) may reorient the rhetorical (the process of subject constitution).

**Love and Affect**

The final element of the Benjamin trilogy, love, has been the subject of a number of scholars exploring what some call “the affective turn” in the humanities, or critical affect studies. For rhetoricians, this turn “may be more properly described as (an) ‘about face’.” “Speech Communication is conspicuous,” write Joshua Gunn and Jenny Edbauer Rice, “because the early founders embraced an inherently unstable, affective object: speech can be crafted, but it also betrays elements of the soul – feelings and judgments – that we would rather repress.” The “flow,” “swell,” and “energies” bound up in the threshold processes through national fantasy are those of “love” and “conversation,” notably the libidinal desire that inhabits both. Benjamin’s poetic musing bears striking resemblance to the definition of “affect” provided by Laplanche and Pontalis in their authoritative psychoanalytic dictionary, *The Language of Psychoanalysis*: “the qualitative expression of the quantity of instinctual energy and of fluctuations.” As described by Sara Ahmed, affect arises as a metonymic operation in the contiguous, proximate relation between signs. This metonymic operation is characterized by Stewart as “‘resistance[,]’ not as a thing of clear consciousness and purposive, instrumental agency but as something more diffuse and pervasive and fundamental. Picture it as that pregnant and potentially portentous moment of chafing.” As surfaces of inscription (objects, bodies, symbols – which may be material,
imagined or remembered) slide across and “chafe” one another they leave “impressions” (in the multiple meanings of this term). Affect (in its emotional inflection) literally leaves people affected (in its persuasive inflection), though by inscribing in between-spaces/times it is neither wholly an outside-in, nor an inside-out phenomenon.

In speaking of the assumed relation “America,” the love most often thought pertinent is patriotism, the love or devotion to one’s nation. Even as conservative a theorist as Alasdair MacIntyre has intimated the libidinal quality of patriotism, likening this love to that one has for a spouse, when he writes:

> So although one may as a patriot love one’s country, or as a husband or wife exhibit marital fidelity, and cite as partially supporting reasons one’s country’s or one’s spouse’s merits and one’s own gratitude to them for benefits received these can be no more than partially supporting reasons, just because what is valued is valued precisely as the merits of my country or spouse or as the benefits received by me from my country or spouse. The particularity of the relationship is essential and ineliminable.

In post 9/11 politics, much has been made about the use and misuse of such affection, and of the seductive power of such love to, in effect, convince us to “prostitute” the materiality of our national fantasy in a “sexual permutation” of pre-emptive military penetration, civil liberties bondaged in submission to our homeland security, and creating a pregnant national debt at the proposition of a playboy. Steven Johnston, for example, has gone so far as to argue that patriotism has no place in democratic politics. “Patriotism, alas,” he writes, “seems to suffer from a self-conscious self-consciousness. As it attends to social and political life, it ineluctably turns inward and fixes on self-generated preoccupations: us and them, loyalty and enmity, fidelity and betrayal.” Patriotism is at its core narcissistic, he maintains, and cannot be trusted.
However, I return to love in this project through the lens of psychoanalytic theory, specifically of the ontologically inflected notion of Lacanian sexuation, in order to take seriously the proposition of the title of the second chapter of Johnston’s book: “Patriotism That is Not One.” Though he attempts to take advantage of a clever reference to Luce Irigaray’s seminal struggle with psychoanalysis, Stewart does not engage with her or her target. At the conclusion of this project, I will consider Irigaray’s newest work, *The Way of Love*, as part of a reflection on the rhetorical and political implications that affect, and especially love, have coming out of the threshold of immigrancy/citizenship in the 2000s.

**Scholarly Interventions**

I orient my specific concern with the thresholds of transition between citizenship and immigrancy within a theoretical conversation concerning the distinction between “politics” (politics₁) and “the political” (politics₂). The discernment is based upon scope and function. Politics₁ is understood to be the more specific and narrow of the two terms, “that sphere of social life commonly called ‘politics’: elections, political parties, the doings of governments and parliaments, the state apparatus, and in the case of ‘international politics,’ treaties, international agreements, diplomacy, wars, institutions of which states are members (such as the United Nations) and the actions of statesmen and –women.”¹⁴² These are the common processes required to gather and disperse communal resources, to regulate human enterprises, and to ensure or enforce social order. One may understand politics₁ as counterpart to “rhetoric” understood in its narrow meaning, as the process of composing and presenting persuasive messages and analyzing their outcomes or effectiveness (this message, in this room, with this audience). Both have a present-focus (the way things are now), and both
assume a strong sense of pragmatism (what can be done in the system as it exists? what can be improved within that system?).

“The political” has a much broader scope, and is concerned with the “constitution of the social space, of the form of society.”143 Politics2 is about settling the definition a “society” has for itself, the constitution of membership in a society, the hierarchizing of relationships, and even what counts as politics1. Jacques Rancière describes politics2 as,

primarily conflict over the existence of a common stage and over existence and status of those present on it. It must first be established that the stage exists for the use of an interlocutor who can’t see it and who can’t see it for good reason because it doesn’t exist….Politics2 does not exist because men, through the privilege of speech, place their interests in common. Politics2 exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this very confrontation, the contradiction of two worlds in a single world: the world where they are and the world where they are not, the world where there is something “between” them and those who do not acknowledge them as speaking beings who count and the world where there is nothing.144

Politics2 establishes what will be politics1, who can participate in such activity, and sets standards of evaluative measuring – what and who “counts,” what and who does not. Politics2 is about the (re)founding of a social system. As Chantal Mouffe describes it, “Politics2 aims at the creation of unity in a context of conflict and diversity; it is always concerned with the creation of an ‘us’ by the determination of a ‘them’. The novelty of democratic politics is not the overcoming of this us/them opposition – which is an impossibility – but the different way in which it is established.”145 However, it is not only “grand moments” in which such (re)foundings take place. In any moment where there is undecidability, where there is not a previously established order, the political may be operationalized. The choice may reinstate the existing order by applying it to the unordered, or it may challenge the order by refusing to apply the previously established to the newly
encountered. The key is a type of forgetting, in which the system as it operates refuses to remember the premises of its own founding. One may understand “the political” as a counterpart to “the rhetorical,” the level of constituting identities, ideology, and sensibility. The ability to cover over the point at which meaning is simply the interactions of symbols in a system with the illusion that the symbols are given meaning from a reference outside the system is what Biesecker claims to be the rhetorical heart of the human situation. Both have a sense of past toward the future, making possible an imagining of what might yet be by looking back to rethink what might have become. “Social order,” as Jenny Edkins explains, “is characterized by antagonisms that bring to light both the contingency of the institutionalized frameworks of society within which everyday social practice takes place and the existence of other possible resolutions.”

Antagonisms are crucial to the theorization of citizenship that informs this project. As Robert Asen summarizes it, current understandings of citizenship have run aground, especially, on the difficulties of accounting for difference in the subjectivity and identity of members of civic life. Asen proposes instead the consideration of citizenship as a “mode” of “enactment” that “does not limit its practice to civil society or institutional politics,” a way of acting that “cannot be kept in place.” The antagonisms wrought in everyday situations present a multiplicity of opportunities to question the (re)founding of a social system, and citizens may pursue those opportunities in a multiplicity of ways. Citizen identity, thus, is a newly constructed in each instance, a responsive and reflexive positioning for “creative participation.” Such a mode of enactment differs from what Mouffe calls a “mode of relations” in that citizenship is not based in a particular set of actions that “count” as citizenship, but rather “acknowledgement of the authority of certain conditions of acting.”
Put differently, citizenship-in-action is determined in the *moment of acting*, rather than in comparison to a predetermined list which would settles inclusion and exclusion *a priori*, just as status/ownership citizenship has done. Asen further suggests that such conditions require an understanding of the aesthetic dimensions of “reconnect[ing] people to public affairs and to each other.” \[150\]

In my dissertation, I understand one ongoing mode of aesthetic connection functioning through national fantasy. The antagonism of us/them is the necessary condition for politics/the political and rhetoric/the rhetorical. This theorization of citizenship suggests that these antagonisms have too often been considered a danger to be avoided by so-called “third ways” whose end goals are the reduction of difference by replacing human struggle and negotiation with supposedly objective (non-human) mechanisms. Frank Fischer describes this as technocracy, “a system of governance in which technically trained experts rule by virtue of their specialized knowledge and position in dominant political[11] and economic institutions.” Technocrats rely on economic determinants or technical solutions (i.e. civil engineering, statistical outcomes) as the best means by which to make state decisions. These indicators are discursively constructed as existing beyond petty human squabbling and manipulation. \[151\] Edkins describes this as a “reduction to calculation,” an evacuation of the political from politics. \[152\] In examining multiple rhetorical forms of the threshold processes of immigrancy/citizenship, I look to several examples of the responses to difference that are supported by national fantasy, and actively read for the possibilities in responding to difference differently. Importantly, citizenship may not be granted, as a status attribute, but is enacted, and thus, may be enacted by status noncitizens.
It is on exactly this possibility that I align myself with Bonnie Honig, and follow her lead in asking new kinds of questions about immigrants. These status noncitizens have often been understood as an impetus for posing a question like “How do we solve the problem of foreignness?” Instead, Honig proposes, we might more aptly ask, “What problems does foreignness solve for us?” Honig’s brilliant study *Democracy and the Foreigner* finds that, “in the contemporary United States, a variety of American institutions and values, from capitalism to community to family to the consenting liberal individual, are seen to be periodically reinvigorated by that country’s newest comer, its idealized citizens: naturalizing immigrants. Again and again, the cure for corruption, withdrawal, and alienation is…aliens.” As Bosniak suggested, much time has been spent on the ways in which immigrancy or alienage has posed a “problem” by exposing the xenophobic antagonism between us/them, which has been productive of varied ways in which to casuistically stretch the already existing order to incorporate (or better, to domesticate) the unruly other. However, much less effort has been expended to understand the reasons “why the story is retold and recirculated, nor to what effect” this circulation has been recruited. I take Honig both as a certain authoritative voice as a political theorist, but also as posing a challenge for particularists such as rhetoricians to consider the situated forms of the transition between immigrancy and citizenship. As a rhetorician I understand my responsibility as bringing discourse to bear as a continuing check on the temptation to idealize the model that theory puts forth.

*Disciplinary Conversation*

The work of scholars in rhetorical studies has engaged frequently with both “citizen” and “immigrant” in productive ways. However, a review of these studies indicates that the
perspective I am pursuing has not been adequately developed. In reviewing several exemplar pieces, the opening for and necessity of my contribution becomes clear. In the broadest strokes, most studies have centered on a subject-position or role, rather than reading a process or a *rhetorical form* of transition. Additionally, studies of the subject positions of “immigrant” or of “citizen” have too often been conducted in isolation of their co-constitutive foil.

As Demo aptly summarizes, most scholarship in the “immigrant” tradition has focused on “the dominant modes of demonizing undocumented immigrants but also how dominant and vernacular media accounts undermine affirmative arguments…with few exceptions, the critical consensus has identified the image of a poor and unkempt young Mexican male worker as the icon of immigration news coverage from the 1970s forward.”\(^\text{157}\) Lisa A. Flores’s study, “Constructing Rhetorical Borders: Peons, Illegal Aliens, and Competing Narratives of Immigration,”\(^\text{158}\) is a paradigm case of this tradition of scholarship. Flores considers two hundred newspaper accounts from regional newspapers and the *Los Angeles Times* during the 1920s and 1930s for their portrayal of Mexican immigrants, and the ways this coverage intersected with the deportation policy of the U.S. government to produce a mass exodus from California.\(^\text{159}\) Flores finds two dominant narratives in these stories: Narrative of Need and The Mexican Problem. The Narrative of Need portrayed Mexicans as hard-working, and easily controllable, if unskilled at thrift. The narrative of the Mexican Problem, on the other hand, portrayed Mexicans as a type of social contagion (both of disease and chaos/criminality). The narrative of need could be read as xenophilic, while the Mexican problem narrative is certainly xenophobic. However, like most of the research in this tradition, even the xenophilic portrayal is ultimately undermined and the end result is an
overdetermined negativity. As Flores summarizes, “[W]hen various populations can be
caricatured as harmless foreigners who return home, they receive different treatment from the
others who desire more permanent visits.”

Flores’s study, and many like it, thoughtfully and artfully considers the imbalance of
power, discrimination, stigmatization, and scapegoating that have adhered to the position of
“immigrant,” and resulted from the exploitation of this position and its embodied inhabitants
to unjust political ends. Yet, the role of citizen remains ephemeral at best in such treatments,
the benefitting figure largely unchanged by the immigrant, and often assumed to be largely
unchangeable in its ideologically constructed superiority. While the identification of
stigmatization is crucial to emancipatory intervention, the rigidity attributed to the roles
suggests a limitation in the scope of this scholarship. To be sure, xenophobia and ideological
reinforcement may be part of this picture, but my study seeks to understand the process in
more nuanced multiplicity.

Certainly, the role of “citizen” has not been treated so lightly across the field generally.
Rhetoricians have been participating actively in what Linda Bosniak called the
“preoccupation” with citizenship talk that pervades scholarship and popular political
discourse. In Rhetorical Studies, however, when concentrating on the figure of the
“citizen,” the figure of the “immigrant” is most often an absent other, functionally effected
but rarely interrogated.

One of the most widely cited and rigorous examples of that scholarship is Barbara A.
Biesecker’s “Remembering World War II: The Rhetoric and Politics of National
Commemoration at the Turns of the 21st Century.” Biesecker argues that an attempt to
deploy the idealized memory of a (mythic) time of presumed unity to incorporate fragmented
and combative “persons” into a cohesive and functional “public,” produces a particular kind of “good citizen,” which may be called upon to support political agendas. As she outlines it, “recent popular cultural representations of the ‘Good War,’…together constitute one of the primary means through which a renewed sense of national belonging is being persuasively packaged and delivered to U.S. audiences for whom the question has never been more difficult to answer.”\textsuperscript{163} The national debate over the placing of the WWII memorial on the Capital Mall in Washington, D.C. prompts Biesecker’s investigation, which she traces through the film \textit{Saving Private Ryan}, the bestselling book \textit{The Greatest Generation}, and the Women in Military Service for America Monument.

In the film, the juxtaposition of the damaged white male body with the idealized vision of “home” serve to position Ryan in the film, and by extension to position the audience, to consider the sacrifice of a diverse group of soldiers for their wellbeing, and to “earn” the salvation they have been given. In the book, the realities of social strife at the time of WWII are used to make the sacrifice and unity of the time all the more poignant. The author (Tom Brokaw), Biesecker suggests, uses this historical reality to justify the continued passivity in the face of current social inequities (“disincorporation”),\textsuperscript{164} and to place the responsibility for overcoming injustices at the feet of exceptional individuals, just as those featured in the vignettes “got over” (double entendre intended) their obstacles. Finally, in the memorial Biesecker sees a text of great potential that is constrained by the presentation of what was as what, thus, \textit{should have been}. In particular, she seems to object to the naturalization of gradualism, the making-reasonable of a kind of retroactive determinism, and a covering over of past and present “asymmetrical social relations”\textsuperscript{165} in recruitment and incorporation of women. Biesecker concludes that analyses such as this keep open the possibility of
remembering “otherwise,” and that public memory could “be pressed into the service of a very different politics.”

Notably, Biesecker reads these texts as “technologies of national cultural transformation,” a mode of analysis which I hope to follow in my project. This focus on rhetorical form as bearing significance for the type of national fantasy produced are part of the unique contribution that Communication Studies makes to the interdisciplinary study of political effectivity. However, Biesecker also manifests one of the reasons why my project has a place in developing a neglected element of these forms. Biesecker is focused on an internal sense of citizenship, characterized by understanding norms of the already included. The one reference to thresholds of immigration as rhetorically formative of national identity is passing mention of “English only debates.” Certainly no lone essay, or even one scholar’s entire body of work, can be expected to address the myriad of articulated threads that together co-construct a time/space of citizenship. However, examples like this demonstrate the unique importance of my project.

This is not to claim that there have been no previous considerations of thresholds of transformation of immigrant/citizen. Studies like Leslie Hahner’s “Practical Patriotism: Camp Fire Girls, Girl Scouts, and Americanization,” have taken as their charge a specific consideration of such rhetorical forms. Hahner starts with the valenced figure of “immigrant” that studies like Flores’s establish (stigmatized as a menace to national unity through ethnic compartmentalization), arguing that “the Girl Scouts and the Camp Fire Girls Americanized the daughter of the foreign-born by using recruitment tactics that invited her to dissociate from an old-world ethnicity.” Hahner meticulously documents the multiple tactics used to discipline immigrant daughters by the performance of rituals of national unity, including
pageantry, awarding of badges upon completion of pedagogical agendas, dissociative naming, and others. The value of studies like hers is clear: an active and thorough consideration of the threshold of immigrancy/citizenship in a situated time/place.

Yet there remains an un-acknowledged assumption at work in studies of this nature. The threshold is considered as a unidirectional operation – *from* “immigrant” *to* “citizen.” My project seeks to demonstrate that these thresholds are more porous than is often assumed. These thresholds facilitate movements from citizen to immigrant in the same moment, and may even hold doors “half-open” for our exploration. Hahner takes care to read for the possibility of resistance(s) inherent in the process she describes. However, because of the unidirectional assumption, such resistance may too easily be assumed to entrench an outsider status, resistance enactable only by “immigrant” *against* “citizen.” My project seeks to consider also how resistance may be operationalized by “citizen” as disidentifying from itself.

Hector Amaya’s insightful essay “Latino Immigrants in the American Discourses of Citizenship and Nationalism During the Iraqi War,” suggests (if not fully fleshes out) the doubled movement across the threshold – the “citizen” becomes “immigrant” simultaneously as the “immigrant” becomes “citizen.” Amaya reads journalistic coverage of the granting of citizenship status posthumously to the earliest casualties of the Iraq war who were immigrants from Latin America. He adds to this archive discourse from legislative debates and the text of the bills that granted their citizenship. He finds that these discourses produced “ethnocentric fantasies” which “were widely used to empty out the events of any critical potential.” During the process of legally bestowing the status of citizen on the immigrant soldiers, the “progression reconstituted a ‘regime of truth’ where death meant sacrifice and
enlistment signified nationalism.”176 Significantly, Amaya argues, current citizens were (re)oriented to enfold service and sacrifice into their national fantasy, a suggestion that “citizens” should act as “immigrants” in order to express love of nation fully.

Amaya shares with Hahner reliance upon Foucauldian theory and reading practice, one described by Joan Copjec as “historicist.”177 In particular, without being handled with sufficient care, such arguments can give rhetoric too much credit, assuming in the last instance a type of stimulus-response character whereby exposure to a truth regime will lead inevitably to a predictable, totalized and finalized outcome. As Copjec suggests, this is a “positivity of the social” which does not allow for the possibility of “an existence without predicate…of a surplus existence that cannot”178 be placed under the tyranny of (complete) interpellation, what Gunn and Treat term “zombie trouble.”179 There is always a possibility that the assumption of rhetoric’s dynamis will not be sufficiently weighed against the resistant possibilities that, Foucault insisted, present themselves in any discourse.180 Thus, like Flores, Amaya leaves open the possibility for a project like mine, which asks alternative questions, and incorporates multiple strategies of reading.

_Rhetorical Methods of Criticism_

My research requires multi-layered strategies of reading. Each of these layers forms part of an overall approach incorporating both form and content in each case study. I call my approach a “reading strategy” following Gayatri Spivak, understanding that “a strategy suits a situation; a strategy is not a theory;” though “strategies are taught as if they were theories, good for all cases,” they are instead to be understood as the appropriate tool for the task.181 In this sense, I am acting as a _bricoleur_ critic, making “do with things that were meant perhaps for other ends.”182 As Kincheloe argues, _bricolage_ “brings an understanding of social theory
together with an appreciation of the demands of particular contexts; this fused concept is subsequently used to examine the repertoire of methods the *bricoleur* can draw on and to help decide which ones are relevant to the project at hand,” and “depending on the context of the object of inquiry.” Through this project I participate in disciplinary as well as interdisciplinary conversations aimed at the “thickening” of concepts and “illuminating practice along the way.” As Jasinski writes, in such practice “various specific reading strategies might be employed…but…these strategies cannot be organized in any a priori fashion…[such] criticism proceeds through the constant interaction of careful reading and rigorous conceptual reflection.”

My examination incorporates several familiar methods of textual analysis and close reading, including emphasis on narrative, argument, trope, and signification. I follow Michael Calvin McGee in understanding this reading to be “*inventing a text suitable for criticism.*” I accept, therefore, responsibility as a critical rhetorician that my work can and should result in “turning the grid of intelligibility that organizes the present in such a way that is becomes possible ‘to transform the critique conducted in the form of necessary limitation into a practical critique that takes the form of a possible transgression’ out of which ‘new forms of community, co-existence, pleasure’ will emerge.” It will emphasize elements, recognize significances, propose premises, and “hear” silences in ways revealing of my critical politics as much as of the textual content. “To the extent that a rhetorical critic works in good faith,” Edwin Black noted, “he [*sic*] abandons himself [*sic*] to the requirements of an idea or to the texture of an alien experience. In more senses than one, the critic is an actor.” With this sense in mind, I work in three registers in this project.
Subjectivity: The Ontological Register

In focusing on American identity, this project takes on the study of the rhetorical constitution of being (verb) and beings (noun). Though rhetoricians have been periodically skittish in their willingness to utter “ontology” within their vocabulary, I have come to the conclusion that if rhetoricians wish to work on problems of constituting subjects, collectives, “the people,” etc., it must be through an honest confrontation with our own ontologizing impulses. I draw on a set of techniques developed in psychoanalysis to understand how textual possibilities may be connected to the formation and activations of subjectivity.

Specifically, Jacques Lacan’s (re)consideration of sexual difference and the drives provides a way to trace how the ruptures in our texts may be openings in our collective fantasy and the politics and ethics supported thereby. Joan Copjec provides me guidance in reading for both.

In approaching the interaction between texts and subjectivity, reading for sexual difference requires a recognition and exploration of the logic of “enunciative positions” as masculine or feminine. Each argumentative logic marks a failed totality of being discursively inhabitable by a subject, but manifests this failure in irreducibly different ways. The masculine enunciative position argues from the illusion of wholeness – it appears to be fully self-identical, to be One, by ejecting an element from within to establish a referential “outside.” The feminine does not ever reach a moment of finite foreclosure, as she continues to include without limit. She is not and cannot be One. Masculinity is the sex that is the effect of One-claiming, and femininity is the sex that is not One. They are argumentative responses that are formulated as the human enters language, or when the subject is formed. “Sex” is the limit where signification can find no precision – where only catachresis is possible. We strategically misname our incorporation (or lack thereof) into subjectivity as “man” or
“woman.” For Copjec, as she argues it was for Lacan, the feminine is the enunciative position that is the only means by which to secure freedom. It does not submit to the illusion that it is adequately named by catachresis. The feminine has the capacity to protect “sovereign incalculability,” the singularity of unpredictable and undeterminable action.191

As a strategy of reading, identifying operations of the feminine enunciative position is coupled with an understanding of the relationship between the drives and the objet a to track the radical possibility of cathexis192 that holds out against inescapable predication. Copjec via Lacan proposes a rereading of the Freudian death drive, to understand that it “achieves its satisfaction by not achieving its aim.”193 This sublimation finds continual (partial) jouissance in the objects it encounters. The subject need not attain the lost object (das Ding) to find satisfaction. She can, instead, return again and again to the objet a, “the small little nothings” which satisfy the drives. These objects are an “inherent obstacle” to any “realizable will to destruction,” because they “brake” and “break up” the drives.194 This logic is characterized by Copjec as the argumentative relation of the feminine. It is impossible to achieve wholeness only because the subject is never able to attain enough of the satisfaction that she is continually able to achieve. She does not “use up” the object in a single encounter.195 In short, the operation of sublimation allows for the realization of a relationship between singularities.196 The objet a is effectively split by the drive, allowing it to function as never the same as itself for the subject. The subject will always find something newly satisfying in each successive encounter.

Through the same encounter, the subject is also fragmented, so that she is never the same as herself. The encounter with the objet a is an experience of transformation for the subject, one which establishes its own irreplaceable singularity. It is by this moment of conversion
that the subject gains autonomy, and a capacity to act ethically. The subject finds here the “necessity of going beyond oneself.” The critic is sensitized to moments where autonomy is exercised in the fidelity applied by subjects to the everyday objects (humans, materials goods, ideas, and most provocatively nation) which provoke the exercise of rhetorical and political force. Summarized more simply: For love of the object, the singularized subject is able to resist the complete determination by the symbolic order. Rhetorically, reckoning ontology by this means inscribes argument as watershed moment of formation, and provides a rigorous basis for both theorizing and reading discourses of resistance.

As a reading strategy of psychoanalysis, I seek in closely read texts and articulated relations for evidence of risk (speaking while endangered, the eminent threat of financial, emotional, social “loss,” etc.), commitment (multiple ways of presenting texts, persistence of a message against resistance, etc.), and love/desire (expanding inclusion, multiple means for satisfaction, etc.). Psychoanalysis provides a means of accounting for the alignment of subject emotions with structural openings. It also indicates that new emotional investments may be compelling despite considerable threat to subjects.

_Circulation: The Doxastic Register_

Considerations of subjectivity alone, however, cannot sufficiently answer questions of material goals and public policy. I will seek to partially account for the up-take, circulation, and force of the content generated by transformations of immigrancy/citizenship in national fantasy through procedures mapping the articulation of these thresholds as nodal points organizing and organized by “social, institutional, technical, economic, and political forces.” In this register, I read for the rhetorical moves by which arguments evolve, consensus develops and dissimulates, and collective discourse becomes sedimented or
“sticky” around certain common-places. Ernesto Laclau and Chantal Mouffe describe the relationship between text and external referents to which I subscribe in this project:

The fact that every object is constituted as an object of discourse has nothing to do with whether there is a world external to thought or with the realism/idealism opposition. An earthquake or the falling of a brick is an event that certainly exists in the sense that it occurs here and now, independently of my will. But whether their specificity as objects is constructed in terms of ‘natural phenomena’ or ‘expressions of the wrath of God’ depends upon the structuring of a discursive field. What is denied is not that such objects exist externally to thought but the rather different assertion that they could constitute themselves as objects outside any discursive condition of emergence.

Thus, the “factuality” of immigrancy and citizenship is produced rhetorically just as are any competing attempts to reposition that factuality. However, the external circumstances do place constraints upon how widely these rhetorical exploits may vary, as does the historical stickiness with which collectives adhere to the rhetorical constructions to which they have become accustomed.

The primary reading strategy I use in this register is the mapping of articulations. As described by Lawrence Grossberg, “articulation is the production of identity on top of differences, of unities out of fragments, of structures across practices. Articulation links this practice to that effect, this text to that meaning, this meaning to that reality, this experience to those politics. And these links are themselves articulated into larger structures, etc.”201 Mapping articulation requires sensitivity to the “speaking forth” of relevant elements circulating in a given time/space of immigrant/citizen transformation, and the ways in which that speaking “modifies their character” in its action. Mapping also requires sensitivity to the linking that such speaking creates between elements as “the result of political and historical struggle.”202 While some of these elements may have a pre-articulation life, they are
(re)created in the articulation as something different, located temporarily and temporally in a newly constituting web of inter-relations.

Mapping an articulation helps rhetoricians to account for the contingency and particularity of any given iteration of these thresholds, while also identifying those elements that may be spoken forth with resemblance between these thresholds. Some critics have misread this practice as simply an accounting for context, but by choosing this strategy I am seeking to do something more sophisticated. I can write with no more clarity than Slack when she states, “the context is not something out there, within which practices occur or which influence the development of practices. Rather, identities, practices, and effects generally, constitute the very context within which they are practices, identities or effects.”

I understand the categories of “text” and “context” to be consubstantial.

Textuality: The Ontic Register

Though mapping an articulation can provide a “big picture” of the discursive permutations abounding around and through the nodal points of immigrancy/citizenship thresholds, it does not provide a sufficient analysis of the particularities of individual, discrete texts involved in the maintenance of the affective investment of desire produced and satisfied by their rhetorical forms. In other words, I also read the everyday, ontic manifestation of words said (and not said) and pictures displayed (and not displayed) in public about immigrants and citizens in order to draw conclusions about what Americans “do” through immigrancy and citizenship.

To be a rhetorician, I would argue that one must hold on to a hard kernel of optimism, ever hopeful that we may be afforded kairotic opportunity to step into the agency of such moments with intent and to political effect. To pursue these moments, and the hope they
inspire, I draw upon one of the most specialized reading techniques I have trained to practice: “deconstruction.” As Biesecker notes, “deconstructive practice enables us to read symbolic action in general and rhetorical discourse in particular as radical possibility.” However, “deconstruction is not a monolithic movement with a defined set of goals and procedures,” and thus as a *bricoleur* I must appropriate those strategies that best suit my objects. First, I rely on the thematic of *différance* drawn out of Derrida’s work on the binary *langue*/*parole* to underwrite the irreducibility of signification, and by extension subjectivity, to the logic of self-sameness. Particularly important as a reading strategy in this instance in the identification of binaries, the recognition of valuing hierarchy applied to the terms, the necessity of each to co-construct the other, and the difficulty of acting outside of the parameters set by the polemics of this language. Second, I rely on a practice of reading a text against itself in order to understand how “misappropriation” may develop from within “the text’s own terms,” and how that text may be opened “towards an as yet unknown horizon so that it can be of use without excuse.” Gayatri Spivak describes this approach as one which reads for moments of indeterminacy, where an established “program of reading” prescriptive of an inevitable conclusion may be interrupted and productively suspended, however temporarily, in order to renegotiate the relationship between aesthetics and politics.

These reading strategies sensitize critics to the ways in which texts always already confront themselves, and offer aporias through which agency may be exercised and emotional investment interrupted and perhaps reoriented. Importantly, these ruptures are a structural potentiality, and as such are repeatedly produced by discourse in its everyday operation. In a reading strategy of deconstruction, I seek in closely read texts and articulated relations evidence of hesitation (awkward wording, pauses, unnecessary repetition, etc.),
contradictory logic or paradoxes (a difference between “saying” one thing and “doing”
another, or condemning a practice one implicitly engages in, for example), and ambiguity
(the exploitation of multiple meaning, the “slippage” of one term into another without
comment, etc.). It indicates that the break of emotional investment can be prompted even in
hegemonic articulations.

Project Outline

The chapters of this project are organized around distinct threshold processes of
transformation between immigrancy/citizenship. Each is a different rhetorical form by which
American identity has been imagined through national fantasy-work. Internally, each chapter
develops a stand-alone argument about the implications for the specific texts constitutive of
the threshold considered. Together, the chapters work toward a final conclusion about the
possibility for reading our own collective dreaming differently to recognize the possibility of
cathecting in ways we have yet to consider.

Chapter II considers the institutional threshold constituted by law and bureaucracy in the
civics section of the Naturalization Examination that was revised in 2008. I read several
different kinds of discourse in order to recognize the ontological, doxastic, and ontic
dimensions of this threshold. I conduct a legal genealogy of the laws that contributed to and
constrained the exam as it currently exists. I next turn to the public discussion of the exam
revision in order to recognize the claims that were made about the outcomes the exam would
produce. From there I read the logic of the examination process, as well as the questions and
answers that are used in the exam itself. I argue that the rhetorical form of examination
operates out of a masculine enunciative position which precludes the production of a
relationship of “love” between the resulting citizen and the nation. I am particularly
concerned with understanding the threshold of examination as a type of performative speech act that supersedes previous assumptions about loyalty oaths, and also questions the presumptive liberatory status of performatives. I argue that movement across this threshold is doubled. As immigrants are anointed into citizenship, certain citizens (students, “person on the street”) are symbolically shifted back across into the position of immigrant. If the examination does not produce a significant enough rejection of the outside, it will produce an ejection from within. Like a body that cannot tolerate its own tissues, the masculine logic may produce an autoimmunity response.

In Chapter III, I turn to a threshold constituted in history by memory and materiality. I read documentary films about Ellis Island in the context of their production and circulation in order to address the ontological, doxastic, and ontic dimensions of this threshold. I am concerned particularly with the way that race has been essential in the continuing rejuvenation of immigrancy/citizenship transformations in the United States, the implications that result for the American fantasy of nationhood, and the policies it supports. I argue that the rediscovery of European trauma in immigration provides (partial) discursive resources for the re-ethnicizing of whiteness. I read the narratives produced by five documentaries and video advertisements for a national fundraising and oral history campaign. I pay special attention in this chapter to the ways these narratives were taken up and circulated in the resurgence of a white rights agenda in the 2000s. The movement across this threshold is doubled as well, but to different effect. As citizens claim immigrant origins (which may or may not be accurately “theirs” to claim), they are empowered to use this “trauma” to undermine the identities of non-Europeans in their midst, and to insist on the imposing of “trauma” for those still to come.
The threshold addressed in chapter four is constituted in the spectacle of popular culture. I find in the blockbuster film *Gangs of New York* a narrative that showed surprising entrance into and endurance in political conversations. Pundits such as Pat Buchanan pointed to this story as a relevant illustration of lax immigration policing and porous borders. I concentrate on reading the text of the film itself, supplemented by academic and popular reviews of the film, as well as non-review publicity about the film at the time of its release and in the years that followed. I pay special attention in this chapter to the indeterminacy and ambiguity of a text that is produced for and consumed by a mass audience. I am particularly concerned with understanding the text as providing an imperative for an organically “American” way of thinking immigrancy/citizenship other-wise. Within the film there is movement both back and forth across the threshold of immigrancy/citizenship transition, but its most rhetorically significant moments are those where it manifests a tarrying within the indeterminate, “not quite” of either.

In the final chapter, I conclude by utilizing the insights gained from the rhetorical study of these threshold processes of immigrancy/citizenship to reevaluate the relationship between politics and the political, national fantasy and patriotism, and citizen subjectivity. Specifically, I play Aristotle’s notion of virtuous friendship through psychoanalytic sexuation (as inflected by Copjec’s Lacan and Irigaray) and the relationships of need, desire, and love as a way forward into the rupture recognizable in choosing to read alternatively. I present as the possibility for future work the 2006 Immigrant Protests as the manifestations of the political and rhetorical action this perspective suggests. By refusing the choice of the border, and instead recognizing the possibility of threshold, Rancière’s radically democratic idea of “the people” may find purchase in Asen’s discursive citizenship.
Notes


2 Ibid., ¶3.

3 Ibid., ¶6.

4 Ibid., ¶8; 9.


19 I mean here both attitudinal and physical alignment.


Thomas, “A Long, Strange Trip.”


U.S. Const. art. II, § 1, cl. 5.


This stipulation would only apply if his mother had been naturalized. She was born in Kansas.


39 Ibid., xvi.

40 Ibid., 1-29.

41 I thank David Hingstman for his suggestion of this terminology.


56 Ibid.


62 Ibid.


Ibid.

Steven Pearlstein and Peter Behr, “At Enron, the Fall Came Quickly,” *Washington Post*, December 2, 2001, Lexis-Nexis Academic.


Lichtman, “How Do We Repair.”

Sloan et al, “Laying Enron to Rest.”


Ibid.


Goodman, “Too Big to Fail?”


Ibid., 22.

Ibid., 31.


Ibid., 91.

Ibid., 76.


Ibid., 6.

Ibid., 8.

Ibid., 14-17; 193.

Ibid., 144-86; 234; 236.


Between September 11, 2001, and March 2003 the FBI investigated 414 hate-crime cases that resulted in 140 state or federal prosecutions. Though the majority of attacks took place in the first three weeks following 9/11, the move to war with Iraq prompted incidents from


102 Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza*, 3rd ed. (San Francisco, CA: Aunt Lute Books, 2007). In drawing on this thread from anthropology, I cannot ignore the overt racism rampant in Gennep and Turner’s un-reconstructed methodological approaches. As Rich and Rassmussen note, the scholarship on liminality has been largely conducted by scholars with a Eurocentric or Western frame of reference, characterized by an assumption of liberal progressivism from lower to higher (economic) status implicit in the reading of betwixt and between as a state which is necessary, but whose value is knowable only after its overcoming. I acknowledge the leadership of feminist scholars of color, especially Chicanas such as Gloria Anzaldúa, in rethinking liminality as paradoxical, destructive and creative, dangerous and healing, constraining and liberating, and as an ongoing or permanent state of flexible subjectivity. However, my training prepares me best for a recuperation of liminality, and reflexivity about these premises, rather than an extension of the work on borderlands. Thus, I understand myself to be working along a shared trajectory but with different tools than these counterparts. Marc D. Rich and Karen Rasmussen, “Covenants, Liminality, and Transformations: The Communicative Import of Four Narratives,” *American Journal of Communication* 6, no. 1 (2002): 14-15.


105 Ibid., 18.


107 Ibid.
Ibid., 112. Turner describes an open society as “potentially or ideally extensible to the
limits of humanity.”

Ibid., 128.

1969).

Ibid., 222.


Bachelard, *The Poetics of Space*, 223.


The “prostitute” occupies a common place in sexual fantasy: a sexual partner willing,
able, expert, available, and unencumbered by moral turpitude, the danger of emotional
entanglement, and/or the consequence of reproductive responsibility. It is notable that Lauren
Berlant characterizes the Statue of Liberty as a prostitute in the national fantasy. Lady
Liberty does indeed, as Benjamin’s passage describes, stand at the gate of the (American)
dream, at least in the myth of European immigrancy. Lauren Berlant, *The American National
Fantasy: Hawthorne, Utopia, and Everyday Life* (Chicago, IL: The University of Chicago


Linda Zerilli, “Democracy and National Fantasy: Reflections on the Statue of Liberty,” in
2000), 171.

Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of

Ibid., 6; 7.


Ibid., 4.

69


127 Ibid., 20.


129 Referring, of course, to the influence of Kenneth Burke.


132 Ibid., 217.


137 Ibid., 6-8.

Alasdair MacIntyre, “Is Patriotism a Virtue?” in Ronald Beiner, ed., Theorizing Citizenship (Albany, NY: State University of New York Press, 1995), 211. The import of this description will become especially clear later, as the “me” of narcissistic pleasure is attached to an entity whose “merits” are only “partially” explanatory of love. Joan Copjec will read Antigone’s relationship to Polynices, the cornerstone of her study, as operating in these ways. Joan Copjec, Imagine There’s No Woman: Ethics and Sublimation (Cambridge, MA: MIT Press, 2004).

Benjamin, The Arcades Project, 494.


Jenny Edkins, Poststructuralism and International Relations: Bringing the Political Back In, (Boulder, CO: Lynne Riener, 1999), 2

Ibid., 2.


Edkins, Poststructuralism, 5.


Ibid., 196.

Mouffe, The Return, 66.

Asen “A Discourse Theory,” 197.


Edkins, Poststructuralism, 1.

Honig, Democracy and the Foreigner, 12.

Ibid., 4.

“By casuistic stretching, one introduces new principles while theoretically remaining faithful to old principles. … All ‘metaphorical extension’ is an aspect of casuistic stretching.
Our proposed methodology to ‘coach’ the transference of words from one category of associations to another is casuistic. … Since language owes its very existence to casuistry, casuistic stretching is beyond all possibility of ‘control by elimination.’ The best that can be done is to make its workings apparent by making casuistry absolute and constant. … We propose by the casuistry of ‘planned incongruity’ to follow in the conceptual vocabulary the lesson that Shakespeare taught us with his.” Kenneth Burke, *Attitudes Toward History*, 3rd ed. (Berkeley, CA: University of California Press, 1984), 229-230.


159 Ibid., 379. While only one hundred and ten people were official arrested and deported by officials, over fifty thousand ultimately returned to Mexico voluntarily.

160 Ibid., 367.


163 Ibid., 394.

164 Ibid., 406.

165 Ibid., 404.

166 Ibid., 406.

167 Ibid., 394.


Ibid., 117.

I am not arguing that this is Hahner’s own assumption, but instead that any process of selection is also a reflection and a deflection. Kenneth Burke, *Language as Symbolic Action: Essays on Life, Literature, and Method.* (Berkeley, CA: University of California Press, 1966), 45.

Rancière, *Disagreement.*


Ibid., 1.

Ibid., 2.


Ibid., 4.


To be clear, in this way Hahner is admirably distinguished from Amaya, even while sharing a Foucauldian frame.


Ibid.


Ibid., 256.


191 Ibid., 21.

192 Cathexis is defined as “the fact that a certain amount of psychical energy is attached to an idea or to a group of ideas, to a part of the body, to an object, etc.” Laplanche and Pontalis, *The Language of Psycho-Analysis*, 62.

193 Joan Copjec, *Imagine There’s No Woman*, 30. Copjec maintains that “the aim of [all] the drives (which Freud sometimes called *libidinal drives*) is death” (32), or “the restoration of a state of inanimation or inertia,” (33).

194 Ibid., 34.

195 Ibid., 37.

196 “The social is composed, then not just of those things that will pass, but also of relations to empty places that will not. This gives society an existence, a durability, despite the rapid and relentless alternations modernity institutes. If, with the collapse of eternity, the modern world is not decimated by historical time, it is because this unoccupiable place, this sense of singularity, somehow knots it together in time.” (Clearly, *singularity* is distinct from *particularity*, which is also localized, but which we commonly and rightly associate with things that fade with time and distance, with the ephemeral, things that do not endure.)” Ibid., 23.

197 Ibid., 44.

198 Ibid., 45.

199 I chose to title this register “doxastic” based on the entry for “Epistemic, Rhetoric as” in James Jasinski’s *Sourcebook on Rhetoric*. After recounting the disciplinary controversy, Jasinski points to Raymie McKerrow’s conceptualization of “critical rhetoric” as a way to escape the Platonic “home field advantage” that Scott had recognized as existing for his opponents since he first published his originary 1967 essay. I had first planned to subtitle the section with “epistemological” to match its philosophical partner “ontological.” James


201 Larry Grossberg, *We Gotta Get Out of This Place: Popular Conservatism and Postmodern Culture* (New York: Routledge, 1992), 54.


204 “Form in literature is an arousing and fulfillment of desires. A work has form in so far as one part of it leads a reader to anticipate another part, to be gratified by the sequence. The five aspects of form may be discussed as progressive form (subdivided into syllogistic and qualitative progression), repetitive form, conventional form, and minor or incidental forms.” Kenneth Burke, *Counter-Statement* (Berkeley, CA: University of California Press, 1968), 124.


208 Spivak, *Outside*, 129.

209 Ibid., 244.
CHAPTER II: 

EXAMINING NATURALIZATION, ENGENDERING CITIZENSHIP

On October 1, 2008 the United States Citizenship and Immigration Service (USCIS) began using a revised list of 100 questions in the civics section of the naturalization test conducted by oral examination. The revised examination attempts to inscribe into the foreseeable future a certain American *mythos* narrative that might be presumed both controllable and guaranteed because it is tied to a high-stakes, up/down outcome. As a consequence, the “citizenship test” is a revelatory case study in what Linda Bosniak describes as “the basic ethical ambiguity” of citizenship.1 Citizenship, she explains, requires a threshold that allows a community to discern between internal and external. Internally, “citizenship” commonly refers to an increasingly inclusive status of protection against conditions of subordination. However, this status is premised upon an exclusion perpetrated at the threshold, a function that subordinates those outside to the community’s citizens if they pass within. What results, Bosniak claims, is a tension between an ethic of universalist inclusion internal to the community and an ethic of exclusion and closure external to the community.2

The USCIS states in the primary reference manual provided for applicants, *A Guide to Naturalization M-476 (rev. 03/12)*, “The Constitution and laws of the United States give many rights to both citizens and non-citizens living in the United States. However, some rights are only for citizens, such as...Showing your patriotism. In addition, becoming a U.S. citizen is a way to demonstrate your commitment to your new country.”3 The Naturalization Exam acts as the argument through which the immigrant-becoming-citizen is expected and enabled to “audience” the appropriate affect with his/her new nation. Building on calls for
“attentiveness to the ways jurors read the bodies of courtroom actors in determining the truthfulness of the claimant’s speech,” Sara McKinnon notes that in cases without juries, critics must reflect on those situated to be audienced by the acts of immigrants that are as much about affect as argumentation.4 The argument I will read includes the naturalization examination and the rhetoric surrounding its revision, the affect implicated by the process is “patriotism,” and as the USCIS indicates, those audienced will be “your new country [sic].” In the decade of the 2000s, the audiencing of citizens in the examination of naturalizing immigrants was the threshold process that produced the ethic of inclusion and exclusion as its effect structure.

“In the ‘standard’ conception [of argumentation],” writes Raphaël Micheli, “emotions are seen as the objects of appeals and these appeals are thought to function as external adjuvants to argumentation. Speakers appeal to pity, fear, shame and the like in order to enhance the cogency of an argument which bears on something else – whether it be the validity of a disputable opinion or the opportunity of a suggested course of action.”5 However, in the case of the Naturalization examination, there are manifest multiple rhetorical modes of affect/argumentation intertwining. There are certainly proofs aimed at emotions described by the longstanding tradition as pathos appeals. However, within the conversation in the public forums surrounding the examination revision, there is manifest what Micheli calls an “alternative conception,” whereby “emotions themselves may sometimes be seen as the very objects of argumentation: in such cases, speakers do not so much ‘appeal’ to emotions as they formulate the reasons why they feel (or do not feel) a particular emotion and why this particular emotion should (or should not) legitimately be felt.”6 Even more intimately, McKinnon developed the concept of audiencing as a way to explore how
immigrant asylum-seekers’ performance enables judges to co-create affect by participating with/in the performance, just as the body politic did in observing the revision.

In this chapter I consider the threshold of transition between immigrancy/citizenship to be constituted by law and bureaucracy. This threshold deals with sovereignty in the most traditional sense of the state and state apparatuses. The United States has attempted to create a permanent channel to and through which symbolic and material challenges to its sovereign jurisdiction over territory, resources, and human subjects may be routed. This channel is constituted by an elaborate system of legislative statutes, juridical interpretation and precedent, executive proclamation, and regulatory procedures by which the statements become instructions to human gatekeepers tasked with applying them, documenting the outcomes, and surveilling the people affected. The durability of the system to provoke human repetition over time composes an institution to which public talk about immigrancy/citizenship may turn for warrants regarding legitimacy. Naturalization is one threshold upon which American national fantasy has tarried in attempting to cover over the gap in collective identity, and the exam is the material moment of manifestation to which this fantasy attaches. In a pragmatic sense, “if the kind of citizenship test used is not aligned with the governing conception of citizenship,” Amitai Etzioni notes in his study comparing the new U.S. version with tests in the U.K., the Netherlands, and Germany, “testing will tend to undermine, rather than help implement that conception.”

My first concern in this chapter is to identify what “conception of citizenship” is claimed to result from the new questions by representatives of the state and state apparatuses, and what becomes of that conception when it is put “to the test” through the test. The naturalization examination is a unique site because it makes public a process that is very
difficult to unveil in the lives of birthright citizens. “In the case of the citizenship test, some of the mechanisms for the construction of subjectivity are more visible,” Lowenheim and Gazit write. “Hence, the citizenship test can be seen as an open window onto the ‘mind’ of the state.”

What results is a place where government – law and bureaucracy – meets governmentality – the self-discipline inscribed into the liberal citizen-subject. The naturalization exam attempts to accomplish with policy and procedure (in a limited period of time) what the incidental learning of the mostly unwritten rules of formal and informal technologies accreted by natural-born citizens throughout their lives. It is a discourse designed “to act upon another’s interests and desires in order to conduct their actions toward an appropriate end.” Attaining citizenship provides the examinee with new powers, but the responsibilities taken on go beyond those specified in the lists studied or repeated in the oath of citizenship. Put differently, Barbara Cruikshank reminds us that even an attempt to bestow empowerment “is itself a power relationship…deserving of careful scrutiny.”

My second concern is to follow the advice of Gayatri Spivak in seeking to understand “the dangerousness of something one cannot not use.” The state exercises sovereign power in conferring on the successful applicant for naturalization the capacity to participate in popular sovereignty, which in the fantasy of American identity is exactly what constitutes the sovereign power of the state. Implicit in this seemingly teleological definition are multiplicitous moments of consent. The naturalized citizen consents to the demands made by his/her new nation, and the new nation consents to the inclusion of the naturalized citizen. It is further presumed that the sovereignty of the state is attained by the consent of the people over whom that sovereignty is exercised, and that they consent to being under that power because it derives from their original consent. The United States has periodically experienced
an influx of new consent through the extension of enfranchisement to additional groups (unpropertied white men, African Americans, women, those between eighteen and twenty-one years of age, Native American tribes, Puerto Ricans, etc.). But at the present moment, naturalization is the only actionable intervention in the contemporary circuit of consent. I am interested in what this “consent citizenship” has to teach us about the formation of political subjects more generally. I apply a reading strategy based in political theory, speech act theory, and psychoanalysis.

I begin this chapter by tracing a legislative history of how citizenship testing developed in the United States. This history establishes the exigent context of precedent constraining contemporary rhetoric. Second, I turn to the rationalization of the naturalization exam, tracing the resilient discursive articulations between the naturalization exam, public schooling, and the specific circumstances that culminated in the 2008 revision. Third, I turn to a rhetorical examination of the channeling of collective affect that was made possible through revision of the naturalization examination. I analyze the conversation about the revisions as presented in popular print and television news coverage. In the tradition of Iowa’s Michael Calvin McGee, I read across individual news stories in order to reconstruct what they are able to say together, in debate and dialogue, about the general discursive construction of the revision of the examination in this context of its time/space. Fourth, I consider the kind of subjects that are rhetorically formulated through the naturalization exam. I begin by reading the conditioned sequences of the examination process or the practice of testing. As Löwenheim and Gazit argue,

If we consider the test as a rite that emphasizes hierarchy and thereby teaches those who were not born under the authority of the examining state to recognize and accustom themselves to this authority, then the process of examining itself and not the specific content of the test becomes the
important thing. Through the practice of the test, the state – an abstract concept in itself – gains substance: it becomes something real that needs to be studied and known.

I follow with an analysis of the questions themselves, and how the form and content of these short sentences can exercise powerful influence over those who study them, those who administer them, and those who accept them as a representation and ethic of “citizenship.” Ultimately, I argue that the citizenship test that resulted sacrifices the very love of country that the state, the USCIS, and commentators wished to assure their constituents was the examination’s result.

The Development of Citizenship Testing

The history of the naturalization exam cannot be understood outside the context of two key components. The first component consists of statutes in the *United States Code* and the procedures developed by courts and departments within the executive branch to implement and operationalize these legislative mandates. Second, as educational historian Jack Schneider writes, “this is equally a story about the crafting of education reform, raising questions about local and national control, standards and testing, and the nature of institutional decision making.” Thus, I trace the influence exerted by the development of outcomes assessment tools implemented in the public school systems.

The statutory and procedural history of the naturalization examination begins from the broad definitions of citizenship set out in the United States Constitution and its Amendments, travels through legislation specifying the requirements for naturalization, allocation of federal resources toward bureaucratizing those purposes, and on to the specifications created and implemented in the administration of the examination for each applicant. The Constitution does not directly address the definition of the requirements for citizenship, but it
does grant to Congress the ability “To establish an uniform Rule of Naturalization.”

With the final ratification of the Fourteenth Amendment in 1868, the formalization of *jus soli* birthright citizenship was established in the founding documents, though court decisions in the early republic had typically presumed this condition to have been inherited from English common law. *Jus soli* citizenship is acquired at birth as a “right of the soil” of the territory in which a person is born. The Fourteenth Amendment was necessary to clarify that the individual states could not apply discriminate rights in the post-Civil War era, specifying that “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

The other form of birthright citizenship applied within the United States is *jus sanguinis*, or the “right of the blood,” which passes from a citizen-parent to his or her children. This definition was set in place as one of Congress’ earliest laws in 1790 with “An Act to Establish a Uniform Rule of Naturalization.” In specifying which foreign nationals could be granted U.S. citizenship, the legislators defined by default who would be considered not-foreign. They determined that “the children of citizens of the United States that may be born beyond the sea, or out of the limits of the United States shall be considered as natural-born citizens: Provided, That the right of citizenship shall not descend on persons whose fathers have never been resident in the United States.”

The 1790 Act set forth general conditions for naturalization, the majority of which remain in place to this day. These longstanding provisions include a required term of residence within the territory of the United States, proof that one is “a person of good character,” and “taking the oath of affirmation prescribed by law, to support the constitution of the United States.” Additionally, an applicant for naturalization had to be “a free white person,” a
factual rather than ironic requirement in the 18th century. From that time until 1926, the court system was the primary scene for the conferral of citizenship. Clerks of court were responsible for issuing documents, collecting fees, and reporting required information requested by legislators, the Executive, or cabinet members. In the earliest years the courts of record for naturalization could be either of local, territorial, state, or federal jurisdiction. Centralized infrastructure didn’t yet exist for managing immigration, nor did procedural rules or recommendations for conducting court hearings. There was not yet an “examination” as we envision it today. Judges might use their own discretion as to the best means by which to determine the moral character of an applicant. The other highly important statutory dates continuing to bear upon the contemporary naturalization exam were logged in 1802, 1906, 1926, 1940, and 1990. I will concentrate on these major developments with mention of minor adjustments within the intervals.

In 1802 the Seventh Congress returned to the issue of naturalization, and expanded the detail of requirements in the process. Along with five years of residency, an applicant had to make a declaration of intention three years prior to his (applicants were overwhelmingly male; most naturalized women became so automatically by spousal connection) final hearing before a court. The specifications for conduct of the hearing were expanded. The oath came to include allegiance to the United States and renunciation of former sovereigns and personal titles. The act broke out the qualities of good moral character, attachment to principles of the constitution, and being “well disposed to the good order and happiness” of the United States into a separate section (“Thirdly”), and declared that “the court admitting such alien shall [find a way to] be satisfied” that the applicant had achieved these qualities. Along with being free and white, the applicant also had to be twenty-one years old. Though more
detailed, the law left the jurisdiction for registering intention and conducting hearings
diffused to any court that could hear cases with unlimited damages. The local atmosphere of
feeling toward immigrants generally, the mechanisms of political party machinery, the
relationship between each immigrant group and its surrounding community, and the personal
eccentricities of individual judges were influential upon how difficult it was for an applicant
to “satisfy” the court at his hearing. For some applicants, the process was hardly more than a
formality, while for others the experience was a test both intellectually and emotionally.

Beginning in 1882, responsibility for administering immigration laws was placed into the
purview of the Secretary of the Treasury\textsuperscript{20} until the Office of the Superintendent of
Immigration was created in 1891.\textsuperscript{21} The Superintendent was upgraded to Commission
General and placed in charge of a newly designed “Bureau of Immigration” in 1895\textsuperscript{22} and
subsequently transferred under the Department of Commerce and Labor in 1903.\textsuperscript{23} That same
year, with the “Act Banning Naturalization of Anarchists” Congress began to flesh out what
methods the courts were to use to obtain “satisfaction” in final hearings. In § 39 the
legislature directed a court with jurisdiction to

\begin{quote}
on the final application for naturalization, make careful inquiry into such
matters, and before issuing the final order of certification of naturalization
cause to be entered of record the affidavit of the applicant and of his
witnesses so far as applicable, reciting and affirming the truth of every
material requisite for naturalization.\textsuperscript{24}
\end{quote}

“Satisfaction” had transformed into “careful inquiry” with provisions about particular
questions (“reciting and affirming the truth of every material requisite”). The answers to
these questions were further transformed into documentation on certificates of naturalization
which the act says “hereafter shall show on their face specifically that said affidavits were
duly made and recorded.” Without the required inscription on the certificate an applicant’s
naturalization papers “shall be null and void.” The increasingly centralized determination of rules and requirements for particular types of performance and its recording that began with an inquisition and certification that an applicant was free from anarchist sympathies proliferated and has carried through to what became the contemporary exam.

It was 1906 that saw a major renovation of both the infrastructure of naturalization and crafted what begins to display recognizable resemblance to today’s citizenship test. First, United States Statutes at Large 34 Stat. 596 reorganized the Bureau of Immigration into the “Bureau of Immigration and Naturalization” with the creation of the Naturalization Service. The Bureau was charged with enforcing record keeping in the courts, such as a “stub of each certificate” issued that was to be kept on file in each clerk’s office (§ 12) and binding “in chronological order in separate volumes, indexed, consecutively numbered and made part of the record of the court” the declarations of intention to naturalize and the petition (application) made to the court for the hearing (§ 14). The Bureau was further responsible for collecting copies of the records forwarded from the courts to consider cumulatively.

Although the Secretary of Commerce and Labor was given the authority to create “such rules and regulations as may be necessary for properly carrying into execution the various provisions of this act” (§ 28), the legislature itself created the forms it expected each court to use, and placed them within the text of the law (§ 27). The legislature also provided detailed instructions for penalties to be levied against those court officers and applicants for naturalization that were found to have participated in fraudulent proceedings. It should be noted that the Bureau was provided with “furnished offices in the city of Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties
imposed by this Act upon the Bureau” (§ 2). The centralized infrastructure of documentation, human gatekeepers, and the physical architecture for the implementation of institutional permanence was formalized largely in “An Act To establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States” in 1906.

It was also in this Act that procedures were outlined that required particular performances testing an applicant’s mastery of the English language. Applicants were required by § 4 to complete the petition to the court “in his own hand-writing and duly verified,” and in § 8 “that no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language.” The Act also required that “at least two credible witnesses, who are citizens of the United States…have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States” (§ 4, “Second”). The court retained responsibility for seeking out confirmation not only about the applicant’s behavior (“behaved as,” “well disposed to good order and happiness”), but further about the applicant’s character and attachments. Presumably, as the provisions punishing fraud suggest, there was sufficient motivation to misrepresent one’s character and attachments – to perform for the court something other than what the applicant actually felt. Historian Nicholas Pickus found that judges writing during these years (approximately the decade of the 1910s) began to have difficulty with the difference between “conduct” and “attachment.” These judges sought to orient their questions along “conceptual” lines, reasoning that attachment might be proven by “proxy” to, and understanding of, “principles.” Importantly, part of the responsibility for establishing these requirements is placed onto other citizens – at least two who provide their
testimony. Though it is the applicant’s *internal state* that must be assessed, the applicant required *external verification* for the answers given to the court.

In 1913 the Bureau was once again divided into its constituent parts – the Bureau of Immigration and the Bureau of Naturalization – and placed under the control of the new Department of Labor. However, it is my argument that a little-recognized amendment passed in 1926 was the turning point to empower the Bureau of Naturalization and its successors as a *de facto* decision-making entity on policy, and for the citizenship test as we know it to become central. Public Law No. 358 amended the 1906 Act by adding provisions to Sec. 14 allowing a judge at his discretion to designate one or more examiners or officers of the Bureau of Naturalization (including the Naturalization Service) serving as such examiner or officer within the territorial jurisdiction of such court, to conduct preliminary hearings upon petitions for naturalization to such court, and to make findings and recommendations thereon. For such purposes any such designated examiner or officer is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner, to subpoena witnesses, and to administer oaths, including the oath of the petitioner to his petition and the oath of his witnesses.

The amendment allowed an examiner to make a recommendation to the court about the admissibility of the applicant, and the judge could choose to accept the recommendation in lieu of conducting the hearing personally. The shift in language from describing naturalization as a “hearing” to our current vocabulary of “examination” seems most clearly tied to this change. The title of these personnel, “examiners,” suggests that their function is to “examine,” and thus that the work they conduct is “examination.” In the early years of the Bureau, Pickus recounts, the Bureau’s examiners were actually “examining” *the courts*. It was the examiners’ reports that alerted legislators and the Executive to the practices of judges accepting any foolish answer they received, to the rampant practice of rote memorization by
applicants, and the ways in which applicants were taught-to-the-test of local judges by citizenship preparation courses.\textsuperscript{31} What began as a significant sharing of power will eventually tip the balance completely. After the 1926 amendment, the Bureau steadily shouldered more of the burden for examining \textit{applicants}, while the courts moved ever further from an active role in the process. Congress had created a plan for administrative delegation from the judiciary to a cabinet department within the Executive. That department conducted examinations that would come more and more to resemble their counterparts in public schools rather than the “direct-” or “cross-examinations” conducted in court. By 1957, 90% of courts would opt to designate naturalization examiners to conduct their inquiries.\textsuperscript{32}

The sprawling and piecemeal acts and amendments defining citizenship and naturalization were brought together in a comprehensive codification in 1940 by the 76\textsuperscript{th} Congress. They repealed nearly three pages worth of previous legislation in § 504 of the “Nationality Act of 1940.” The final form brings forward the most pertinent elements of its predecessors already described. The first impactful change altered the home department of the Immigration and Naturalization Service (INS – renamed in 1933 after having reunited the Bureaus of Immigration and Naturalization\textsuperscript{33}) to the Department of Justice under the supervision of the Attorney General (§ 327a). As a reminder, Naturalization had moved from the sole responsibility of the courts, to shared responsibility with the executive through the Departments of the Treasury, then Commerce and Labor, then Labor, and finally to Justice.

With the 1940 codification, the proxy power of the INS as the preliminary and primary point of review for naturalization applicants was strengthened. The Commissioner of Immigration and Naturalization (upon approval of the Attorney General) is empowered by § 327b to “prescribe the scope and nature of the examination of petitioners for naturalization as
to their admissibility to citizenship for the purpose of making appropriate recommendations to the naturalization courts.” The text places the “inquiry concerning the applicant’s residence, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, and other qualifications to become a naturalized citizen as required by law” squarely as the responsibility of the INS prior to the applicant’s advance into naturalization court. Further, § 327c explicitly charges the Commissioner with an educator’s duties, “to promote instruction and training in citizenship responsibilities…including sending the names of candidates for naturalization to the public schools, preparing and distributing citizenship textbooks,” and circulating informational bulletins and coordinating efforts with other organizations with interest in immigration and naturalization, particularly “those concerned with vocational education.” Even a postmaster might be authorized to function as a preliminary examiner “in cases where there is a likelihood of unusual delay or of hardship” (§ 327e).

Though the legislation continues to provide for a judge to exercise discretion in rejecting recommendations (§ 333b), and for the United States as a sovereign state to enter into the hearing with claims against the petition (§ 334d), all petitions for naturalization from that point forward would be processed through the examination of the INS. Congress attached a set of amendments to the “Internal Security Act of 1950” that made additional adjustments of import for the contemporary exam. Beyond their expansive provisions to deny naturalization to members of communist organizations, the amendments state plainly that responsibility for procuring materials and meeting deadlines is incumbent upon the applicant for naturalization, rather than residing with the INS or the United States government. “The burden of proof shall be upon such person,” the amendment outlines, “to show he [sic] entered the United States
lawfully, and the time, place, and manner of such entry into the United States.” Further, the courts may treat an applicant’s “neglect or refusal” of an INS appointed date of appearance (subpoena) as contempt of court and evidence sufficient to deny conferral of citizenship.  

However, it is in 1990 that I argue the most significant set of statutory changes were amended back through the United States Code. In 1983, a bureaucratic change within the INS had divested the agency of almost all of its expertise in examination procedures. “At a time of increasing demand for naturalization,” immigration policy researcher David S. North observes, “the agency lost virtually all the professionals who knew anything about the program.” In that year, the Department of Justice downgraded the job of examiner from General Schedule Pay Scale 14 (GS-14) to GS-11, replacing those in the position with much less expensive non-attorneys. Additionally, within three years the Immigration Reform and Control Act (ICRA) of 1986 was passed, which made it possible for large numbers of undocumented residents to change their status to legal permanent residents and pursue a course to citizenship.

The INS became overwhelmed by the amount of responsibility it faced in managing the new populations requiring services. Though the system had nearly always worked on a backlog, the numbers and wait times grew at an astonishing rate. The INS had also not been provisioned with new developments in technology (especially computing databases and electronic reporting systems) that might have counterbalanced the increased demand. Congress was provoked to re-provision the system of application processing in 1990. Reading the formal text of the amendments does not signal the massive change as readily as does reviewing the list of “conforming amendments” in § 407. This list parses out the exact language changes that must be made to the master Titles of the U.S.C., and it is in those
details that their influence becomes clear. First, all descriptions that had referred to INS examiners as producing “recommendations” to the courts are edited to “determination(s).” Second, any reference to these determinations as “preliminary” is completely stricken from the code. Third, the language referring to the administration of the oath of allegiance is edited so that it may be administered by an officer of the INS, not only a judge. Fourth, courts with jurisdiction over naturalization procedures are greatly reduced from any that could hear prosecution of unlimited damages to only federal district courts. Finally, and most dramatically, references in law that had always been made to “the courts” were changed to reference “the Attorney General.”

The original sharing of responsibility granted in 1926 became a sweeping reallocation of power in 1990. The legislature transferred decisions and control of all but criminal prosecution, certain appeals related to misconduct such as discrimination, and shared responsibility for oath administration from the courts to a cabinet department of the Executive branch. While the process of administrative delegation had been underway informally for sixty years, the 1990 changes make them permanent and obligatory. The transfer to the purview of the Executive branch, for example, became especially notable after 2002. The Bush Administration was both credited and critiqued for its use of presidential powers post-9/11. The Homeland Security Act of 2002 came under scrutiny for its reorganization of numerous functions, including the breakup of the INS and creation of the USCIS, Immigration and Customs Enforcement (ICE), and the Customs and Border Patrol (CBP), transferring all under the power of the newly created Department of Homeland Security. However, the act itself did little to transform the procedures of naturalization. That
transformation, as well as plans for revising the civics questions, had been in place since the previous decade.

_The Rationalization of the Naturalization Examination_

It is not legislation alone that provides the contextual richness for understanding alterations to the citizenship test. “The question of power,” Michel Foucault observed, “is greatly impoverished if posed solely in terms of legislation, or the constitution, or the state, the state apparatus. Power is much more complicated, much more dense and diffuse than a set of laws.”41 I maintain that there is a key relationship developed throughout the history of the United States between educating its birthright citizens and accepting the readiness of those it agrees to naturalize. The Enlightenment, Foucault suggested, provided us not only with “the liberties, [but] also invented the disciplines,”42 including, notably, the practices of formalized education. However, it is not solely a disciplinary form of power (associated primarily with functions of the gaze) that is developed in, through, from, and around education, but “disciplinary power was in fact outflanked by much more subtle mechanisms allowing for the regulation of populations’ phenomena, the control of their oscillations, and compensation for their irregularities.”43 Education participates further in the realm of biopolitical management (associated with economic principles of accountancy) allowing for the exercise of governmentality even as it continues to operate disciplinarily.

To demonstrate the relationship between public education and naturalization testing I trace several threads. Though the logistics of inscription require that I reveal them linearly, each conditions and is conditioned by the others. None stand independently, nor does any tell a full “story” without its interplay with, through, and around the others (and more). I map a set of three nodal points of articulation between 1) the naturalization examination, 2) public
school curriculum and testing procedures, and 3) the standardized testing industry. The repetition of direct and indirect connections between these three locations continually produce forms that may be deployed to strategically arouse and partially fulfill individual and collective desires. Finally, I recount a very brief history of the examination revision that culminated in 2008.

Three Nodal Points

As Kenneth Burke explains, “Repetitive form is the consistent maintaining of a principle under new guises. It is the restatement of the same thing in different ways….By a varying number of details, the reader is led to feel more or less consciously the principle underlying them – he [sic] then requires that this principle be observed in the giving of further details. Repetitive form…is our method of ‘talking on the subject.’” Though they have different details (children vs. adults, foreign policy vs. domestic policy, Department of Education vs. Department of Homeland Security, etc.) talking on the subjects of public education, the naturalization exam, and standardized testing follow similarly underlying principles. In order to recognize those principles, and thus their shared form, we can work backwards from the ways that the details of each restate the others.

I will begin by concentrating on the resonances and restatements between the naturalization exam and public education. Tensions arise for both because of similar pressures on resources (time, money, facilitators/teachers, materials, etc.) and vast numbers of people that serve in and are served by each. The tensions reflect common desires that are expressed through demands placed upon the people and systems participating in and charged with both responsibilities. For public schools, such desires may be expressed by demands from legislators, parents, teachers, students, independent regulators or observers, or
taxpayers. For naturalization testing such desires may be expressed by demands from USCIS professionals, legislators, advocacy groups, applicants, taxpayers, social workers, or educators. In the case of both public education and naturalization testing, the expressed demands resemble each other not only in their specific content (what they ask for), but also in their locus (at what time and to what general place the solution must be addressed) and scope (upon and through which agents and levels must the demand be addressed).

Free public K-12 education is an advantage of residence within the territorial boundaries of the United States for citizens and non-citizens alike. This advantage has been secured even for immigrants without documentation since the 1982 Supreme Court decision *Plyer v. Doe*. Compulsory attendance was established in most areas of the United States by the early twentieth century, and was often considered an important component of “Americanization.” Children attending school were believed to bring culture, language, and community involvement into their homes, encouraging their parents to integrate.

At various times the naturalization and public school were either proposed to be or accepted as equivalent. For a period during the 1950s the INS operated a school certificate program that allowed those who completed approved courses to present their certificate of completion in lieu of taking an examination with an INS officer. In the late 1990s the proposal that would eventually lead to the 2008 change in the naturalization exam forwarded the possibility that the English and civics tests be waived for applicants with a United States high school diploma. This suggestion remained an option until at least 2001, “with the presumption that high school graduates have this knowledge [of civics and English language] required in the statute.”

Many public schools have shared their physical spaces and sometimes their personnel with preparation courses for the naturalization exam. The techniques of bodily deportment
normalized to the architecture and equipment are expected for school children, and known to prep course facilitators (employed schoolteachers or not) from their own experiences in those environments. Most public school classrooms were constructed and arranged for surveillance and displays of authority. Participants have always been asked for their submission to a curriculum of knowledge, but they have also been subject to a field of visibility – watched by an instructor and classmates. In fact, a prep course would be considered irresponsible if it did not require the applicant to practice answering questions in the style used by a judge or examiner. Through the occupancy and uses of the space and equipment of public schools were articulated together hierarchy, surveillance, and conformity rituals for children but also for applicants who study there. The USCIS and its predecessors have never taken an active role in the professional development of prep course facilitators beyond providing textbooks, instructors’ guidebooks, and one-day facilitator orientation. Reliance on educators, especially public school teachers, trained in other contexts and willing to transfer their skills to naturalization coursework has been an expectation from the bureaus’ inception.

Though the naturalization exam has not used the same testing tools as those used in public schools, because of its links to public education, changes in perception of education have a correlating effect on the perception of the citizenship test. Naturalization has shared with public education a history of struggle between local autonomy and central control. Specifically, the evidence suggests that both public schools and the naturalization examination have been increasingly subjected to accountability by quantitative outcome measures as a means to ensure that local differences produce equivalent quality. For the public schools, this has meant implementing standardized tests.
The links between public schools and the standardized testing industry have their roots in the early years of the 20th century, and are embedded in several broader discourses. Educational historians Clarke et al characterize this time as one “characterized by a common faith in the power of technology, quantification, a benign science, a culture of objectivity, and cool reason to solve all manner of social problems.” Just as these assumptions could be applied to the world to be studied and the means by which to study it, it would further seem ordered and resonant to apply these techniques to studying education itself and those enrolled. “As early as the nineteenth century,” Jack Schneider writes in his history of the naturalization exam, “Horace Mann had led the state of Massachusetts…towards standardized and ostensibly objective written tests that were ‘easier to administer and offered a streamlined means of classifying growing numbers of students.’” It was the “invention” of the multiple-choice format question by Frederick J. Kelley in 1914 and the mass application of IQ testing on recruits to World War I that provided the technologies that would make standardized testing a reality, an industry, and a solution seeking a problem. Multiple-choice format allowed for quick administration and correction by unskilled labor. Its use by the U.S. Army demonstrated its ability to produce bottom-line, decision-quality results. Perhaps most significant is its application to IQ measurement. The hope that testing technology could be capable of determining inherent capacity – an internal state – in a test-taker remains the impossible but necessary hinge upon which any trust of objectivity pivots.

Such trust was profitable, and standardized testing developed throughout the 20th century into a lucrative industry. Profitable players like The College Board (1900), Houghton Mifflin (1916), PsychCorp, California Test Bureau and World Book (1920s) have been expanding their market for 100 years. As Clarke et al explain, four forces that had been building over
the past sixty years combined in the 1990s and 2000s to support an “unprecedented level of testing activity in the U.S.” Recurring waves of education reform had each been solved with increasing reliance on (1) standardized testing as a policy tool. Testing was built into (2) state and federal education legislation, and evaluation turned (3) from inputs to outputs after the famous Coleman Report (1966). As (4) computer technologies developed and made possible cost-saving measures and general bureaucratic infrastructure, the pieces were in place. Tests created by and corrected by outside entities could be applied across the varied local classrooms of the nation to see if diversity could be counted on to produce equivalent quality. The similarity to assembly-line sampling for quality assurance in manufacturing is not surprising. “The use of a market solution for education is an interesting topic in its own right,” curriculum commentators Graham and Neu write. “Its importance for this discussion is the way that market forces pull the numerical results of testing into action, giving them instant legitimacy and bypassing further debate on the validity of testing itself.” This legitimacy is tied to “functionalist ideologies of efficiency and accountability….In such approaches,” observe language educators Roever and McNamara, 

assessment constructs are a function of government policies on education and training and operate as the basis for funding of educational systems. Desired educational outcomes are mandated in the form of a statement of standards, whose wording is determined by committees in the light of the policy goals. Assessments at all levels, including classroom-based assessment, have to be related to the levels of the standards; as formulation of policy and the resulting standards is done through political processes, only political processes are capable of challenging the constructs and procedures involved.

The market does not organically express educational values. These must be implemented by political intervention. In the moment of that intervention, the legitimation of objectivity is created by the non-objective means.
The naturalization examination has always been a more pragmatic test than the measurement tools of the standardized testing industry, primarily because it has incorporated a language speaking and comprehension component that requires a context contingent, practical evaluation. Yet, both came under similar pressures to answer to the public high-stakes circumstances, each was similarly reckoned as a situation that needed to be uniformly implemented across multiple locations in order to assure a standard both for those who would experience the system and those who would rely on the outcomes. The connections were drawn very clearly in 2004 by Gerri Ratliff, Project Director for the Naturalization Test Design when she spoke at a conference sponsored by the Center for Immigration Studies in Washington, D.C. Ratliff made clear that the most important priority for the USCIS in the process was efficiency. “I just wanted to show you that as we develop the test we have to keep in mind that we see a lot of people every year,” she said. “Not everyone who comes in to be tested passes, and so we naturalize 600,000 a year, but even more than that comes [sic] in to be tested. So we have to come up with a system that can operate smoothly within these constraints of a lot of people coming through….We can’t have a test like the SAT that might take all day in terms of what we could handle with our facilities.”

Though Ratliff distinguished the naturalization exam from the Scholastic Aptitude Test, the reference itself places citizenship admissions and college admissions in the same high-stakes testing category. Ratliff described four different sources that the USCIS was consulting to determine the content for the revised examination. “If something is fundamental, it’s probably something that pops up over and over again. If it doesn’t,” she observed, “it’s probably not fundamental. So if we have four different sources, a topic should appear in at least three of those [to be included].” The four sources were 1) national and state K-12 curricular content.
in US history and government, 2) the current test and official USCIS textbooks, 3) stakeholder input (from immigrant advocacy groups to the American Legion, for example), and 4) high school and university teachers of civics. The first and fourth of these sources are drawn directly from the public schools.61

The Revision Culminating in 2008

As early as the 1910s Pickus notes that examiners from the Office of Immigration discovered that those immigrants appearing before the same judge could predict a series of questions that they might be asked in their hearings.62 As word spread the applicants began to memorize acceptable answers, and preparation courses would often sell themselves by guaranteeing that they had the most comprehensive lists of questions asked. However, questions were hardly standardized, and varied from judge to judge. When administrative delegation came to dominate in both practice and legislation, the variation from examiner to examiner within the various forms of the naturalization bureaus continued this diversity. Two general policies facilitated the diversity. First, for most of its history, regional commissioners of the naturalization bureaus were political appointees given wide authority in their own territory. The decentralized structure was reinforced because many regional commissioners were openly critical of their national commissioner in Washington, D.C. Second, when the history and civics test was first implemented with the stipulation that textbooks be prepared and issued, the regional offices were left to independently systematize how they would assess that applicants had mastered the material.63 A first step toward something resembling “standardization” began in 1986 after the passage of the ICRA. Two INS agents whose identities have been lost to history put together a list of 100 questions over a weekend. These questions could be provided to developers of courses that were required of undocumented
immigrants seeking to change their status. According to INS historian Marian Smith, the questions were representative of those typically asked in offices across the country. Testimony to the non-event status of the list’s creation is borne out by the very few accounts of its origin that exist, and the imprecision of the few that do. Yet, “the list” came to be a staple of any defense the INS mounted when questioned about consistency or uniformity in the test.

“The list” became part of the materials provided to applicants for naturalization and its questions could be memorized with minimal effort. But the test remained a far from standard experience. The regional offices continued to lack supervision over their administration of the examination for the next decade, and sometimes testing procedures varied from one examiner to the next within the same office. Two things happened in 1996 that brought the naturalization process and the exam under scrutiny. First, in order to support the “good moral character” requirement of naturalization law, the INS relied on a background check and fingerprint review from the Federal Bureau of Investigation (FBI). As the number of applicants for naturalization increased after the ICRA, the FBI was unable to keep pace with the requests from the INS. The INS was becoming hopelessly backlogged and administratively decided to implement a waiting period. If it had not received a criminal ineligibility report from the FBI within 180 days, the INS would go forward with processing an application. During the time this policy was in place, the INS naturalized 396 persons with criminal convictions that should have made them ineligible, and a further 5,954 who did not report less serious arrests or convictions. Second, at about the same time, staffers for Vice President Al Gore raised the ire of Congressional Republicans. They connected the rise in the 1996 Democratic vote to the number of newly naturalized immigrants. The U.S. General
Accounting Office was called in to investigate whether there was inappropriate political motivation for INS initiatives to encourage naturalization linked to the Clinton administration’s re-election campaign.\textsuperscript{67}

Part of the general scrutiny directed at the INS covered the naturalization exam. A widely circulated report prepared by the Center for Equal Opportunity (CEO) interviewed naturalization examiners and regional commissioners in all thirty-three regional offices and revealed variations. The authors were able to get Ernestine Fobbs, “an INS spokeswoman” from “the INS headquarters in Washington, DC” to admit, “There are no oversight procedures at all.”\textsuperscript{68} Though the CEO is a conservative think tank with a stated mission seeking “a colorblind society,”\textsuperscript{69} in this particular case their conclusions parallel what applicants had been telling ethnographic researchers for years. While in Miami, Denver, Honolulu, Newark, Portland, and San Antonio an applicant had to score seven of ten questions correct on the oral examination, applicants in Arlington, VA, had to score seven of twelve, and in Atlanta they might face up to 100 with no minimum score needed. The individual officer made the determination.\textsuperscript{70} However, no one asked where the questions had come from, nor how they had been composed.

Alongside these internal variances, the INS had engaged the services of six private testing firms in 1991 to administer the test. There were approximately 1,000 sites operating by 1996. These sites utilized a written examination that was standardized with multiple choice questions.\textsuperscript{71} According to a report issued by the bipartisan Commission on Immigration Reform:

Hearings during the fall of 1996 revealed disturbing weaknesses in the use of private testers that undermined the integrity of the citizenship test. In response to reports that private, for-profit testing services were engaging in price gouging, cheating, and fraud, INS investigated three sites. In April and May of
1996, INS made some changes to improve testing site oversight. Local INS offices were directed to conduct unannounced inspections of citizenship-testing affiliate locations if the office did not already have an inspection plan in place. The congressional hearings revealed that private testers continued to be inadequately supervised or disciplined by either INS or their parent company.\textsuperscript{72}

In response to such concerns, the INS resumed all testing internally, and began a self-review of the naturalization process, including the civics examination. In December 2000, the agency issued “Policy Memorandum No. 73” which detailed precise guidelines for administering the exam, including:

- \textit{Length of test:} All applicants shall be given 10 questions to complete.

- \textit{Scoring and Passing Scores:} An applicant’s knowledge of civics shall be sufficiently demonstrated if the applicant can correctly answer six or more questions. Applicants meeting 65/20 requirements demonstrate sufficient knowledge with six correct answers.\textsuperscript{73}

After the 1997 recommendations, the INS retained the services of a private accounting and consulting firm, Coopers and Lybrand, who suggested structural changes to the naturalization process, though none were for the content of the citizenship test.\textsuperscript{74} It was MetriTech, Inc. - a firm that designed tests for schools and motor vehicle departments - that received the contract to redesign the content and processing of the exam in December 2001. The first sample questions and study materials were ready by the summer of 2002, and the new USCIS began gathering stakeholder input. By March of 2003 the first revision of the language portions of the tests piloted in Sacramento, Atlanta, Newark, and Los Angeles, but the concerns voiced by immigrant advocates earlier seemed to be confirmed when statistically significant differences were found between passing rates on old vs. new versions.\textsuperscript{75} The USCIS next contracted with the National Research Council’s (NRC) Board on Testing and Assessment (BOTA) to receive advice on how to proceed with the exam revision in 2004. The NRC is an
independent group of experts under the National Academies whose mission is “to improve government decision making and public policy, increase public understanding, and promote the acquisition and dissemination of knowledge in matters involving science, engineering, technology, and health.” The Board was deeply concerned by the lack of purpose statements and coherent development and assessment plans. They formed a Committee on the U.S. Naturalization Test Redesign that studied the issues and forwarded a report with recommendations. Most notably the report called for the USCIS to adhere to the Standards for Educational and Psychological Testing, psychometric guidelines for question composition and process utilized by standardized testing services like the ETS which develops products including the Graduate Record Examination (GRE), National Assessment of Educational Progress (NAEP for K-12), and TOEFL (Teaching of English as a Foreign Language).

The USCIS terminated the contract with the NRC in 2005. According to BOTA members,

In conversations with the National Research Council, officials at the USCIS Office of Citizenship stressed the importance of moving ahead quickly with implementing the redesign of the tests and expressed concern that the Committee’s recommendations would unnecessarily delay this process. In addition, officials expressed concern that the discussion of contentious issues related to requirements for naturalization in the context of an open advisory group might fail to reach any resolution. The officials expressed their desire to implement the new tests in January 2007.

A new plan was released by the USCIS in the summer of 2005 and a new firm, American Institutes of Research (AIR), was contracted in the Fall of 2005 to take over after MetriTech, Inc.’s expired. It would be AIR that worked primarily on the revisions of the civics questions. In November 2006 the USCIS released the version of the test to be piloted at ten randomly selected regional offices. Piloting began in February 2007. In September 2007 the final
version of the test was released and applicants are given a full year in which to prepare with new materials before the examination went into effect. On October 1, 2008, the newly revised naturalization examination was implemented.  

Channeling Collective Affect through the Naturalization Examination

As explained in the introductory chapter, American identity was under duress in the 2000s. After the attacks of September 11, 2001, the external threat of terrorism had raised the chronic problem of immigration to the level of crisis once more. The always tenuous trust between citizenship and its dialectical partner, immigrancy, was centered in the anxiety of the time. Applicants for naturalization were, perhaps, the only figures who could fill the gap that had developed. First, these immigrants were legal, approved by the law and bureaucracy institutional procedure. They didn’t sneak over, under, around, or through the webs of surveillance creating the borders of the United States. Second, these immigrants were not temporary, hiding the potential for exploiting a student or employment visa for benefits when they would give little back or worse, over-stay their legal approval. Nor were they the mere “travelers” passing through, of which the 9/11 commission warned. The foreigners who chose to forego the citizenship of their birth to consent to the desires and requirements of a new nation provided the example of a “good” immigrant that loved the United States, perhaps even more than its own children did. The applicant for naturalization, this “consent citizen,” if demonstrating proper submission could hold in place the transition between immigrancy/citizenship at the heart of American identity. The key lay in (re)assuring Americans that the means of immigrant submission could produce relational ends strong enough to stand against any indoctrination of ideologies deployed against the United States.
The Rhetoric of the Exam Revision

The place to begin such scrutiny is by engaging the fragmented narrative that emerges from the public accounts of what the naturalization test, and especially these new civics questions, would produce. I collected an archive of print and television coverage available in regional and national publications. The print archive included approximately 60 pieces from features, opinion, and “headlines” categories taking the “naturalization” or “citizenship” exam as their subject. An additional 12 television stories were gathered from the major 24-hour news networks available across the United States as archived on their websites, including MSNBC, CNN, FOX News, and BBC America. The pieces provided the personal statements of columnists, immigrants and citizens, as well as providing interview texts from parties to the public debate, including regional and national USCIS officials, academic experts, advocates representing immigrant groups, and (less frequently) spokespersons for anti-immigration activists. By reading across these stories, I placed them in conversation with one another. I sought to find themes of similarity and points of marked difference in order to present a sense of the arguments in circulation surrounding the release of the newly revised questions, concentrating in the months from September to November 2007. I considered the conversation to find first, what was the consensus opinion about what would be produced by the new questions on the naturalization examination, and why would these new questions produce this outcome?, and second, what explanations were provided as to how the naturalization examination would assure/guarantee current citizens that this outcome would result?

The USCIS provided a consistent set of talking points in their presentation of the new examination, and these talking points proved to have strong through-lines into circulating
stories. “The major aim of the redesign process is to ensure that naturalization applicants have uniform, consistent testing experiences nationwide, and that the civics test can effectively assess whether applicants have a meaningful understanding of U.S. government and history,” the agency declared on its website on November 19, 2007. “Following a basic U.S. history and civics curriculum,” it continued, “the redesigned test will serve as an important instrument to encourage civic learning and patriotism among prospective citizens.” In the official news release penned by the USCIS Office of Communication on September 27, 2007, Director Emilio Gonzalez is quoted as saying, “We are very proud of this new test, and the open manner that we worked with our stakeholders throughout the entire process. Together, we developed a test that will encourage citizenship applicants to learn and identify with the basic civic values that unite all Americans.” The release went on to state that the test would “help strengthen assimilation efforts by emphasizing fundamental concepts of American democracy, basic U.S. history, and the rights and responsibilities of citizenship.” Further, the release specified that the test would “promote patriotism among prospective citizens.” As will become clear, the identification by the USCIS of the test as “meaningful” and as promoting “patriotism” become especially important to the conversation that develops in circulation around the announcement and release of the revised questions.

It was generally agreed by supporters and retractors alike that “people who don’t know the fundamentals of American values and basic U.S. history don’t merit citizenship.” The conversation surrounding the release of the revised civics questions constructed the new examination with benefits for applicants. “A few hours of study shouldn’t be too much to ask when the reward for a passing grade is citizenship and all it entails,” opined the Topeka Capital-Journal, and the staff of the Western Courier added that the “prize” of citizenship
was “a proud distinction” and a set of “privileges.” These privileges fell into two general categories: usefulness and meaningfulness.

Usefulness comes from the presumption that applicants leave the test with knowledge, especially about “what their voting rights will be” and “respect for our shared political culture.” Shawn Saucier, spokesman for the USCIS told the *Christian Science Monitor* that this knowledge was especially important because “some immigrants ‘come from a culture, a government, a society that is completely removed from our concept of government’.” “We have to acknowledge that many of these concepts are more relevant to immigrants [because] they come to this nation precisely for these concepts of religious freedom, freedom of expression,” Alfonso Aguilar, head of the Office of Citizenship told reporters. The *Deseret Morning News* editorialized that the new questions would “go a long way to help immigrants understand the underpinnings of their new nation and, at the same time, see the places they are leaving in a new light. Information is power. Information well-processed is even more powerful.” In fact, a Vanderbilt professor of American History told the *New York Times* that “their [immigrants’] knowledge of American history may even exceed the knowledge of millions of American-born citizens.” As I will argue in the next section, this specter of knowledge will haunt the threshold.

Meaningfulness derives from the more abstract manifestation of “exercising the mind and having these new Americans realize their potential as citizens in the land of opportunity.” The revised civics questions were described as “a rare mechanism for immigrant inclusion, the kind our country needs more of” by the *Los Angeles Times*. Aguilar suggested that this inclusion began with understanding that “landmark moments of American history…apply to every single citizen.” This “shared sense of belonging” was translated as “a license to
integrate” and even as “the epitome of national assimilation” without irony by one collegiate editorial staff. The meaningfulness of citizenship was so self-evident that some supporters of naturalization could hardly describe it. “What could be more important to being an American than becoming a United States citizen?” asked Mr. Chuck Weikel, leader of the bipartisan political action group Positive Voices of the Annapolis, MD Capital. “It’s something to improve someone’s quality of life and helping people to help themselves,” he continued. Also self-evident, it should be noted, is the will to empower. One interviewee summed it up metaphorically: “It’s valuable as a ritual. Just like someone who is [undergoing] a first communion or a bar mitzvah, they are learning something beforehand, they are going through this process, and there’s a ritual or ceremony at the end…that’s very emotional for people.”

It is notable that the results are described not primarily in terms of practicable rights or material specifics (i.e. qualifying for federal financial aid programs, running for office, holding a passport, etc.) but in affective and idealistic terms. Even the action of voting is described primarily as a ritual of belonging, rather than the means to attain material outcomes. A citizen votes to participate in “community” or “political culture,” not to get what one wants. The American dream is translated here in its fantasy terms, the collective imagining into which the applicant is to be enfolded. In turning to consider the construction of the revised civics questions, the benefits are also engaged in rhetorically imaginative terms. As with applicants, the basis of these benefits is presumed to grow from knowledge and “its affirmation that becoming American requires some understanding of what America is.” Senator James M. Inhofe was cited by the Washington Times for his statement that the “privilege” of citizenship should only be “confer[red]…upon individuals who have
demonstrated they are capable of exercising the rights and responsibilities.”104 However, the conversation agrees that even the old test questions could deal in information. What the new civics questions provide is “genuineness.” USCIS director Emilio Gonzalez is quoted by the Associated Press, New York Times, Houston Chronicle and Washington Times with versions of the same talking point: “This is a naturalization test which genuinely captures applicants’ knowledge of what it is he’s [sic] about ready to be – a United States citizen.”105 Because, Gonzalez told USA Today almost a year earlier, “You really ought to know what you’re swearing allegiance to.”106

As it was for the applicant, a meaningful examination arises as a result of the revision as a benefit for the nation. But whereas meaningfulness for applicants was primarily described in terms of integration, inclusion, and belonging, the qualification of “genuineness” directs the nation’s interest in a slightly different direction. It is not only understanding, but “respect,”107 and “a greater sense of civic pride”108 that Gonzalez adds as the test’s correlations. It is important to recall that the USCIS claimed that the revised civics questions would “help strengthen assimilation efforts.” Assimilation has been largely captured as a policy term by opinion-leaders from the right, and several of these groups’ spokespersons were included in the conversation. For example, Mark Krikorian, executive director of the Center for Immigration study called the new test “a step in the right direction to make sure legal immigrants assimilate to American culture.”109 The term “Americanization” was also reintroduced by John Fonte, senior fellow at the Hudson Institute. “Wherever there is [sic] a large number of immigrants, people talk about having an assimilation policy,” he was quoted as saying. “We’ve always had an Americanization policy of some type [but] we haven’t so much in the last 20, 30 years….I’d see this as continuing that tradition, which Europe did not
Aguilar told *Time*, “If we don’t strengthen our assimilation efforts, then 20 or 30 years down the road we may have a dysfunctional society.” Aguilar, advanced the USCIS’s assertion that the new questions encouraged patriotism in other of his interviews. When reporting the story, Ron Allen of *NBC Nightly News* noted that “The Bush administration has settled on 100 civics questions, most of them new or reworded, designed to help new citizens assimilate and promote patriotism.”

In the conversation surrounding the exam revisions, various rhetors advanced reasons why the new questions would produce these outcomes for the examinee and the nation. Generally, the mainstream press followed the lead provided by the USCIS in setting the previous list of exam questions off against the foil of the newly revised list of civics questions. Table 1 provides a representative overview of the way that the mainstream press set the versions of the exam apart from and against each other. The new examination would be able to produce the promised results first because of *what it avoids* from the old examination questions. The old questions were “simplistic,” “basic,” and “too easy.” Those questions that were not substandard in their level of difficulty were often “irrelevant,” trivial, or “innocuous trifles.” The most damning condemnation (repeated again and again) seems to be that applicants not only could, but was encouraged by the questions to, simply memorize information. Memorization, it seems, is neither a meaningful form of cognitive nor emotional engagement. The ways in which applicants speak as part of the examination is perhaps the most important testament to the way that the old examination allows the immigrant to produce words that are not a reflection of any internal transformation of his/her being. Under the old system, applicants are “rattling off,” “parroting,”
<table>
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<tr>
<th>Old Questions</th>
<th>Source</th>
<th>New Questions</th>
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<tr>
<td>“rote memorization”</td>
<td>Austin American-Statesman\textsuperscript{114}</td>
<td>“designed to be more profound”</td>
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<tr>
<td>“irrelevant or too simplistic”</td>
<td></td>
<td>“about meaning and understanding”</td>
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<tr>
<td>“rattling off historical facts they have memorized”</td>
<td>BBC News\textsuperscript{115}</td>
<td>“demonstrate a deeper understanding”</td>
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<td>“rote memorization”</td>
<td>Chicago Tribune\textsuperscript{116}</td>
<td>“emphasize concepts”</td>
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<td>“memorize-and-spew format”</td>
<td>Daily Forty-Niner\textsuperscript{117}</td>
<td>“a bit more critical thinking”</td>
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<td>“more in-depth questions”</td>
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<td>“information by rote”</td>
<td>Deseret Morning News\textsuperscript{118}</td>
<td>“stresses ‘concepts’”</td>
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<td>“simply parroting answers back to examiners without giving them much thought”</td>
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<td>“a more philosophical test”</td>
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<td>“thought questions”</td>
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<td>“trivia-based”</td>
<td>Massachusetts Daily Collegian\textsuperscript{119}</td>
<td>“more conceptually based”</td>
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<td>“questions that are based on trivia”</td>
<td>NBC Nightly News\textsuperscript{120}</td>
<td>“encourage civic learning”</td>
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<td>“questions are fundamental”</td>
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<td>“innocuous trifles”</td>
<td>New York Post\textsuperscript{121}</td>
<td>“questions that require at least some deeper thinking”</td>
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<td>“civics trivia”</td>
<td>New York Times\textsuperscript{122}</td>
<td>“emphasize basic concepts”</td>
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<tr>
<td>“facts and figures that applicants knew how to memorize”</td>
<td>Telemundo &amp; MSNBC.com\textsuperscript{123}</td>
<td>“understanding of fundamental principles”</td>
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<tr>
<td>“a basic U.S. history quiz”</td>
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<td>“a fairly advanced civics exam”</td>
</tr>
<tr>
<td>“trivia-based questions”</td>
<td>Tufts Daily\textsuperscript{124}</td>
<td>“more detailed history questions”</td>
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<td></td>
<td></td>
<td>“conceptual questions”</td>
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<td>“just require memorization”</td>
<td>Tulsa World\textsuperscript{125}</td>
<td>“have to give a reason for your answer”</td>
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<td>“rote memorization, but little understanding”</td>
<td>Washington Post\textsuperscript{126}</td>
<td>“concept oriented”</td>
</tr>
<tr>
<td>“memorize information”</td>
<td>Western Courier\textsuperscript{127}</td>
<td>“emphasizing ‘the fundamental concepts of American Democracy’”</td>
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<td></td>
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<td>“demands a ‘meaningful understanding’”</td>
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Table 1: Representative Comparison of Examinations
“regurgitating”, “reciting,” and “spew[ing].” Their speech is automatic, imitative, like that of a robot, a talented animal, or perhaps even a biological illness or a (gag) reflex.

The new examination will be able to produce the promised results, second, because of what it provided in contrast to the old examination. The new examination questions were “fairly advanced,” “more challenging,” and “more detailed” than the old questions. Rather than trivia, the questions were “deeper” and more “in-depth,” meaning they are “foundational,” “fundamental,” and especially “concept” based and oriented. The new examination is described as including “philosophical” “thought questions” that require “deeper thinking” and “critical thinking.” It is especially noticeable that in the new description, the deceptiveness of “speech” disappears. The kind of speaking that applicants will do with the new examination is taken mostly for granted. Speech will not be a problem if the internal processes of the immigrants are re-formulated by differently worded questions. The only specification is that applicants will now “give a reason” in their speech, which (it is presumed) cannot be memorized, parroted, regurgitated, etc. “There’s not one rote SAT-type question and answer,” USCIS spokeswoman Chris Rhatigan told the Associated Press.128 “The revisions are an effort,” the Christian Science Monitor wrote, “to make the test a more teachable moment.”129 The questions no longer remain a foreign object that can reflexively expectorated. “To the Bush Administration, asking such question is not a trivial pursuit,” quipped a writer for the Chicago Tribune. “On the theory that citizenship should be deeply rooted in American values, the administration said, the new questions will force more study and less rote memorization. The aim, officials said is that citizens be American in mind and soul.”130 If the internal conditions of the applicant are sufficiently altered by the process of naturalization, especially by the process of the civics examination over 100 years after judges
first began to worry about reconciling the difference between attachment and conduct, then the speech of resulting citizens will reflect the subjectivity that the nation desires.

As dreams tend to be, this rhetorical construction was under duress from its inception. USCIS officials faced questions from skeptics about how the naturalization examination would assure/guarantee that it could produce the outcomes it promised. The USCIS had to continually confront and find a way to defer answering the question, “But…what if a test…can’t produce citizens we can trust?”, and thus retroactively reconstruct immigrants that we can (reluctantly) accept across the threshold of our legal and bureaucratic borders. They did offer a final answer in the “Frequently Asked Questions” page of their website. It is impossible, they conceded, for any test “to measure the allegiance to the United States.”131 And yet, both the agency’s mission under the Department of Homeland Security, as well as its public promises made it necessary that the agency provide assurance that the test could do just that. The naturalization test “FAQ’s” document states: “While successfully passing the citizenship test cannot measure a person’s loyalty to the nation, it can demonstrate an understanding of our basic civic principles. We believe, through study, that applicants will understand and attach themselves to those principles.”132 The guarantee of the exam’s adequation to the task set for it is the supplement of “study.”

In the public conversation surrounding the examination revision, the new test was characterized as “foster[ing] a more comprehensive education and studying among those who wish to become Americans,”133 serving “to nudge would-be citizens into studying more about the ‘landmark moments’ of history and the nation’s defining principles,”134 and even “to force applicants to do a bit of review to grasp concepts of the American government, history, and a bit of geography.”135 “The theory is as they study the fundamentals of our
Aguilar was quoted in the *Washington Times* as saying, “they will also identify with them and become attached to our country.” Aguilar similarly told the *Chicago Tribune*, “You really have to sit down and study. This encourages civic learning and patriotism.” It was “attachment” that became the watchword for the relationship between study and subjects’ transformation. It is “attachment” that is the language used in the law, and as the *Christian Science Monitor* reminded readers, “historians with the USCIS explain that officials have long tried to determine whether a potential citizen feels ‘attachment’ to America. For years that has been interpreted as demonstrating knowledge of the country.”

Study leads to understanding, and understanding to attachment. Evidence for the value of this equation was shown by higher pass rates demonstrated for applicants who took part in the pilot study. Officials “attributed the higher pass rate to the test-taker’s studying,” and resulted “from immigrants having to study harder to answer the more meaningful questions.”

The cumulative result of the fragmented narrative posed a transformed subjectivity as the outcome of the newly revised naturalization exam. But, this citizenship was of an emotionally idealized kind. The idealized citizen was one who had integrated the fundamental principles of America in such a way that their speech would not operate as an activity that could be separated from their internal state. The speech of this citizen as testified to by the civics examination would no longer be deceptive – it could not imitate, be shallow, automatic, or merely reflexive. However, to ensure this result, a second rhetorical construction comes into play. Not only must the naturalization examination play on a fantasy of immigrants transformed into ideal citizens, but it must supplement this fantasy with the disciplinary fantasy of education.
The stated expectation of the USCIS is that to answer the new questions an applicant must study preparatory materials that go beyond the exact words of the questions and answers on the new list. Memorizing and repeating those words will not be adequate to achieve a passing outcome. “Attachment” is presumed to take place during an extended intellectual and, more importantly, emotional engagement of the immigrant with the ideas and reasoning presented in supplemental information. What makes this a fantasy, however, is that it hinges on an idealized notion of “correct” input producing “correct” output.

“Fundamental” concepts, “shared” values, historical moments that affect “all” Americans – each attempt to speak about the unity and centralizing of the curriculum also attempts to reinforce the careful illusion that human learning might be controlled like computer programming, and further that human affection might be as well. Though we may wish that reading information and seeking to figure out how the statement came to be formed would reveal its inherent superiority, our own experience as students (or as the parents of students) reveals that even if a human understands the correctness of information, he/she does not have to like it. In the realm of the ideal, the correct will be the “good,” and the good will be “loved.” However, practitioners of the stochastic arts like rhetoricians have recognized the problem since Plato put forward the questions of Socrates in *Gorgias*. Must divine or secular intervention enforce the “correct”? And can there be freedom, play, or creativity within this vision?

The fantasy of the examination was placed under further duress because the nightmarish flip-side of this pedagogical dream of study as supplement was in contemporaneous circulation. In the nightmare the same process takes place, but the object of study is most definitely not correct. In fact, mere exposure to “bad” content may be enough to poison those
exposed to it. Joshua Gunn and Shaun Treat have described this as “zombie trouble,” the assumption that a subject can be tainted by damaging ideology after a single exposure to the information. It penetrates, and s/he may be sapped of individual will and laid open to exploitation. 140 This version of the pedagogical dream spurred the creation of provisions within the USA P.A.T.R.I.O.T. Act that could be used to demand target immigrants’ and citizens’ library records. 141 In the nightmare, mere exposure to suspicious, terrorist-leaning titles borrowed using a public library card would be enough to spread the disease of bad reasoning that further breach, rather than bridge, the threshold between immigrancy/citizenship.

The State asked for its public to rely on the power of the unconscious for “good” study in order to be reassured by the effort and expense expended for the revisions of the naturalization exam. At the same time, the State asked its public to believe in the unconscious power of “bad” study in order to accept authoritarian measures that compromised citizenship rights in provisions of the PATRIOT Act. By the means which were necessary to guarantee that immigrants can again be trusted, citizens are themselves pushed into a position of distrust. The locus of control in each case is the same: a threshold of law and bureaucracy that is the liminal space/time between immigrancy and citizenship. Librarians did, upon legal appeal, defeat these surveillance measures of the PATRIOT Act, and the naturalization applicant does willingly enter into the revised process. Many citizens supported such provisions in the PATRIOT act, with the reasoning that “if one has nothing to hide, one has nothing to fear.” However, even as the naturalized citizen gains civil liberties and the birthright citizen defends them, the rhetorical construction of the naturalization examination and the pedagogy necessary to the exam also “alter and shape” the structural
opportunities for agency available to subjects. As Barbara Cruikshank reminds us, “power relations could be simultaneously voluntary and coercive…one’s desire could be both one’s own and a product of power.” “Constituting the needs and interests of others to fulfill their human potential is a mode of governing people,” and as such is “neither clearly liberatory nor clearly repressive.”

In the conversation surrounding the exam, there was little serious doubt that the outcome of taking the citizenship test and passing it was to produce a “citizen.” Critics of the exam were reported as concerned primarily with the difficulty of new questions (especially the level of abstractness) and the training regime that would be implemented for adjudicators. By far the most represented critique was that of Fred Tsao, policy director for the Illinois Coalition for Immigrant and Refugee Rights in Chicago. Tsao pointed out that some questions, such as “What is the ‘rule of law’?”, were debated by philosophers and legal scholars without resolution. A notable exception was voiced by a student quoted in the Tufts Daily. University senior Daniel Becker, a founding member of Students at Tufts Acting for Immigrant Rights, told the student newspaper that, “Whether or not the old or new citizenship tests are too hard or too easy, Becker believes that the test is not a good indication of an applicant’s desirability as a citizen. ‘[The test] doesn’t measure whether or not these people are good or bad people,’ he said. ‘You should try and figure out other things about the applicants. Are people working hard? Are they spending time with their children? Are they active in the community? Those are the things that matter.’” The mainstream press was virtually silent on questioning the necessity of utilizing a tool like examination. None of the press coverage asked about where the idea for a “list of questions” had been derived. The resiliency of the articulations between the discipline of education and the discourse of
standardized testing may be suggested by the further lack of question or commentary on the nature of “testing” itself as a way of measuring and/or providing “evidence” for decisions.

*Formulating Subjects through the Naturalization Examination*

In cases where military might is exercised, we learn something about traditional State power. With disciplinary power, however, it is the subject who is revealed. Particularly with examinations, the examinee is the special target for internalizing disciplining actions. For the case of the United States naturalization exam, it is a patriotic, national, knowing subject the fragmented narrative promised to produce. I take the advice of educational scholars Graham and Neu in recognizing

that by connecting Foucault’s understanding of examination to his more general concept of governmentality, we can see how examinations also construct and discipline other participants in the examination process. Elected representatives, government bureaucrats, local school board trustees, principals, teachers, parents, taxpayers – all of these and not just the student – are subjected to measurement when the student is examined.\(^\text{147}\)

Some of these stakeholders remain the same for the citizenship test, while some differ: social workers, family members of alternative citizenship status, ethnic community members, etc. This diffusion of subjection is engaged by means to the “system of intense registration and of documentary accumulation,” whereby classification, categorization, numeracy, and norms can be established, circulated, and deployed by the rhetorical force of the “power of writing.”\(^\text{148}\) The argument for justification and legitimation previously outlined in the rhetoric of revision (that revealed the dual dreams of worthy citizens and correct study) are reinforced in the process of test taking.

To analyze the process of the examination, I reviewed the materials archived on the USCIS website including study materials, descriptions of the process and guides for grading provided to applicants and examiners, in addition to mediated materials previously archived.
This reading is designed to consider the rhetorical influence available to the general audience party to the discussion of immigration policy such as the naturalization exam. In using the term “rhetoric of the examination process,” I am considering the way in which the public talk about the process – recognition and reference – functions, regardless of an individual’s personal participation in it. It is analogous to writing about the function of “my day in court” or “right to a trial by a jury of your peers,” whether or not a person has actually experienced either. As such, it is not an ethnographic exploration of the experience of the individual examinee undergoing the process of examination.149

The Rhetoric of the Examination Process

What is striking about the process of the examination is how apparently “transparent” it is. The “markers” of “full and complete” disclosure are ready and available for all to see, posted in many places. The list of questions that may be asked is available for download on the USCIS website for applicants (or any interested party), as well as for physical pick up or mail request from a USCIS regional office. A comparative list of new questions to old questions is likewise available. Anyone can access the study guides, review flash cards, informational videos, publicity materials, teacher/facilitator handbooks, etc. All tell the same story. All agree and cross-reference with astonishing accuracy. In notable consistency with the Department of Homeland Security’s policies of post-9/11 surveillance, the USCIS revision process presents adherence to the principle that “if you have nothing to hide, you have nothing to fear.” Put perhaps more appropriately as a preemptive policy, the USCIS has presented the materials as, “if you hide nothing, you cannot be accused of fearing anything.” It would seem obvious that nothing is hidden, at least prior to applying the filters of language
proficiency, education level, income/resource availability, experience with bureaucratic logistics, etc.

In its lengthy analysis document, *The Naturalization Test Redesign Project Civics Item Selection Analysis: January 2008 (M-693)*, The Office of Citizenship (OOC) described its vision for the test as one “that is fair, standardized, and meaningful to naturalization applicants.”150 Whereas “meaningfulness” was key to establishing the emotional ideality of the immigrant for the nation (as I argued in the previous section), it becomes fairness that is necessary to ensure that the moment of decision is free and uncoerced. If the process lacks purity, even the perfect candidate may be unworthy. The OOC further clarified that “fairness involves ensuring that the test is valid and also free of biases and barriers that may inappropriately affect test takers’ performance. Fairness regarding the redesigned test will be achieved through standardization of content and uniform test administration.”151 Fairness is the warrant that ensures that the moment of decision – and most especially of rejection – between the applicant and the nation is guileless. The USCIS encapsulated the evidence that they have consistently relied upon to answer challenges to the fairness of the examination process in two primary documents.

The first assurance that the examination would be fair is based upon the repeated statement that the USCIS listened to the people who would be affected by the test to get their input before making final decisions on the revision. These groups included professionals associated with the curricula noted in the revision history (adult educators, language learning specialists, civics teachers, current test prep experts). But the revision process included farther outreach. The OOC convened focus groups in seven cities during 2004 to discuss the broader topic of immigrant integration. The topic of naturalization was a key component of
the discussion. The results are collected in the 15-page report Helping Immigrants Become New Americans: Communities Discuss the Issues (HIB).152 “Participants in the groups,” the report states, “were drawn from three key sectors: community and faith-based organizations, state and local government, and adult education providers.”

The report reads much like a small group communication research study, carefully documenting the composition of the groups and their discussion tasks. Groups were composed of twelve individuals “that work with newly arrived immigrants and/or those preparing to naturalize.” The twelve were tasked with two questions, and the conversation monitored by a professional facilitator: “their communities strengths and gaps in helping newly arrived LPRs [Legal Permanent Residents] integrate into daily civic life and their strengths and gaps in helping LPRs eligible for naturalization to prepare for citizenship.”

The results are summarized in a section entitled “(VII) What We Learned” that proposes five “Issues for Action.” Second in the list is “Preparing Those Who Are Ready and Eligible to Become Citizens.”

Focus group participants discussed the strengths of their communities in preparing immigrants to naturalize. They all indicated that there are citizenship preparation services available; however, many also added that these services are limited, provided informally, or conducted on staff’s unpaid volunteer time. In addition, participants felt that greater outreach to immigrants on the rights and responsibilities of citizenship is needed.155

The “issue for action” that the OOC lists for itself is “development of a national citizenship curriculum with aligned assessments, learning tools, and a teacher-training framework,” as well as making available nationwide a program of “educational materials on the benefits, rights, and responsibilities of citizenship.”156 Reflecting back upon the history of the naturalization exam, the OOC had set for the USCIS an agenda that was nearly identical to
what had been its mission from its inception, despite the description of this as “development.”

The second assurance that the USCIS provided that the examination process would be fair is based upon reference to a thick report that constructs the “proof” that study leads to passing for an overwhelming majority of applicants. Only unfair conditions – biases and obstacles – would prevent passing. If the conditions of the exam lead to passing, the logic proceeds, then the process must be fair, and thus the applicants transformed as promised. The 233-page M-693 report has enough tables to convince most observers that no calculation was left uncomputed. All 142 of the new first-round questions received its own full-page fitness analysis, complete with multiple tabular-formatted, visually-precise lists of outcome returns. Figure 1 shows an example page of the report. The first section displays the results of the “Pilot Study,” which tested items at “ten randomly selected USCIS District Office sites nationwide.” The results are displayed in a chart with a check mark in a box corresponding to the category of passing rate that was achieved: Low (<25%), Medium low (25 – 49.9%), Medium high (50 – 74.9%), High (75% - 100%). The second section displays similar data if the question was included as part of a “Supplemental Study” designed to test items with naturalization applicants enrolled in English as a Second Language (ESL) instruction “who possessed low-beginning to high-beginning comprehension.” The final section indicated a code that reflected how the item related to the examination revision. Questions may have been coded as changed for: 1. Added Meaning, 2. Linguistic Simplicity, 3. Eliminated Content, 4. Revised – Due to Test Design, or 5. Deleted – Due to Test Design.
**Final Item:** The idea of self-government is in the first three words of the Constitution. What are these words?

**Pilot Study Results:**

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<th>Trial Item:</th>
<th>Low</th>
<th>Medium Low</th>
<th>Medium High</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>What does “We the People” mean in the Constitution?</td>
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<td></td>
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</table>

**Supplemental Study Results:**

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<th>High</th>
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</thead>
<tbody>
<tr>
<td>What does “We the People” mean in the Constitution?</td>
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</table>

<table>
<thead>
<tr>
<th>Re-Trial Item:</th>
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<th>Medium High</th>
<th>High</th>
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</thead>
<tbody>
<tr>
<td>The idea of self-government is in the first three words of the Constitution.</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>What are these words?</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

**Rationale for Change:**

Implementation Code: 1, 2

Original Item: What is the introduction to the Constitution called?

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**Figure 1: Page from M-693**

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**Coding System**

<table>
<thead>
<tr>
<th>1 – Added meaning</th>
<th>3 – Eliminated content</th>
<th>5 – Deleted - test design</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 – Linguistic simplicity</td>
<td>4 – Revised - test design</td>
<td></td>
</tr>
</tbody>
</table>
Following these tables are two appendixes with the list of Piloted Questions and the list of Final Questions. The last appendix consists of forty-six tables. Fifteen of the tables report demographic information about study participants, such as age, gender, race, and years lived in the United States. Thirty of the tables aggregate the previously reported 142 questions and the passing rates of study participants in addition to offering aggregates for reading and writing items, and a few correlations between reading, writing, and civics. However, large groups of the tables are re-run. Group one reports by “current applicant” – those naturalization applicants who chose to take the new examination as their actual test during the pilot period. Group two reports by “prospective applicants” – those naturalization applicants who took the new examination as a trial run. Group three reports by “combined sample of current and prospective applicants.”

“With the acquired data, and by utilizing the U.S. Department of Education’s National Reporting System for Adult Education (NRS) to provide a framework and target test development level for non-native speakers of English,” the OC assured readers up front, “USCIS determined a linguistic and cognitive level approximation of the current test.” The sheer volume is impressive, especially when certified by a “national standard” as “valid.” Not included in the report were the serious concerns of the National Research Council’s Board on Testing and Assessment about adequate planning and assessment measures from 2004. Never referenced in the report is the history of “the list of 100 questions” idea. I can testify from experience that digging up the (very) recent history of the negotiated revision has quickly become difficult. The M-693 takes that process for granted. The report begins after the questions have already been formed, and makes up for its lack of past with an overabundance of presence.
I argue that these documents function as the object-medium by which to enact and relieve any collective public skepticism as to the fairness of the exam. Upon this most traditional threshold between immigrancy/citizenship, anchored in the rhetorical form of law and bureaucracy, these documents are offered by the state and state apparatuses as a surrogate affect process of engagement that the collective may be neither equipped nor interested in working through. To understand how, I turn to The Ethics of Psychoanalysis (Seminar VII), where Jacques Lacan describes the affective surrogacy of the Greek chorus in the tragedies of Sophocles. Drama theorists have long suggested that the chorus functioned as a signal to the audience about how they should feel in response to the action of the main storyline. However, Lacan goes further to maintain that the relationship between chorus and audience is not so simple, nor that the audience is as directly engaged in the catharsis of tragedy as dramatists have supposed.

Instead, Lacan poses that the chorus feels in the stead of the audience, accomplishing the affective work for the audience who is still able to leave afterward with a final emotional judgment just the same. He writes,

> Means are involved here, emotional means. In my view, the Chorus is people who are moved….You shouldn’t give yourselves too much credit. Your emotions are taken charge of by the healthy order displayed on the stage. The Chorus takes care of them. The emotional commentary is done for you…. It is just sufficiently silly; it is also not without firmness; it is more or less human…. Why after all can one not imagine that the effect on you may be achieved, at least a small dose of it, even if you didn’t tremble that much? To be honest, I’m not sure if the spectator ever trembles that much.161

Slavoj Žižek uses the example of the television laugh track in a more contemporary medium as an example of surrogate affect. “The Other,” he explains, “embodied in the television set – is relieving us even of our duty to laugh – is laughing instead of us. So, even if, tired from a hard day’s stupid work, all evening we did nothing but gaze drowsily into the television
screen we can say afterwards that objectively, through the medium of the other, we had a really good time.”\textsuperscript{162} In either case, an object-medium external to the psyche is the mechanism for the emotional procedure that has been typically spoken about as internal to the individual. This “radically exterior” embodied receptacle for affect allows us to consider how texts function rhetorically to endow the examination process with the collective’s faith in fairness even foregoing testimony about the experience of taking the test.

Skepticism over the examination was worked through in the texts by groups of the most knowledgeable and best equipped “stakeholders” and “extensively tested” with fancy mathematics that, though they might look confusing or repetitive, were calculations that met “national standards.” The HIB and M-693 were presented as both warrant and data. HIB qualitatively and M-693 graphically and quantitatively progress through the steps of skepticism and relief. Each offers (1) uncertainty: HIB lists “issues for action” that the USCIS must work to make “changes” about, while M-693 lists comparatively the changes between old questions, and several possible versions of new questions that were piloted. Each provides some mechanism of illustrating the (2) input from sources to improve upon the original uncertainty: HIB documents the focus group suggestions, while M-693 displays the codes that characterize the ways that problematic questions were evaluated by the professional consultants. Each provides a (3) relief of skepticism: HIB has five specific plans listed in its “What We Learned” section, while M-693’s 36 tables reiterate in multiple variations that the questions chosen in the final version were going to let the right people in.

However, the relief of skepticism is immanently threatened in the same moment its assurance is settled. Crucial to proving fairness in the process of testing are high passing rates. In fact, a special page on the USCIS website keeps a running declaration of the
“Applicant Performance on the Naturalization Test.” As of August 2012, 92% of examinees pass. However, if 100% of applicants managed to pass, the obstacle of the examination would be meaningless. The enchanted immigrants must “win” the nation against some hardship. A simple analogy will assist: like grade inflation, if everyone gets an “A” the grade as a tool to determine the relative worth of one student against others is lost. An examination is that it must produce some failures in order to prove that those who pass are worthy of belonging. Failure is necessary to produce and keep stable a constitutive outside of those who desire the nation, but upon whom the nation can exercise a preference of desire. The exam would not work as consent citizenship if some of the naturalization applicants didn’t fail.

There must be a threat of exclusion for the nation to choose back meaningfully. So, the exam must be fair, but not too fair. The object-medium overcomes collective skepticism to reassure the audiences of the purity of the rhetoric of the examination process. But, the reassurance can be as quickly dismissed as the laugh-track of a sitcom if the audience were to apply full faculty to the drama and not find it funny.

If the examination were not to produce sufficient failures, the necessary “outsiders” may be produced by other means. In the conversation surrounding the exam revision, there emerged two notable possibilities for such alternatives if sufficient immigrant failures could not be maintained. Each possibility was a class from within the body of birthright citizens. The first group I call the “idiot-citizen.” To reinforce the virtue of the examinees, the most common way to introduce the revised questions into public discussion was to pose some of these questions to readers/listeners in order to test their capacity as (assumed) citizens. An editorial in the Chicago Sun Times asked:

But as long as we’re holding immigrants to higher standards of knowledge about the United States, shouldn’t we demand that average Americans have a
greater grasp of civics fundamentals as well? Jay Leno doesn’t need to
demonstrate to us how far Americans have strayed from what used to be
considered basic knowledge. Ask your fellow CTA passenger to tell you who
wrote “The Star Spangled Banner” or even who wrote the Declaration of
Independence and you’ll find out how far they – we – have strayed.\textsuperscript{165}

The Staff Editorial of the \textit{Western Courier} concurred: “how many people already living in
the United States would have the patriotism and drive to make studying a priority for an
entire year? Some Americans seem to have trouble doing anything for the sake of our
country.”\textsuperscript{166} The full content of some news stories was a demonstration of how badly
“average citizens” would fail the test.\textsuperscript{167}

The second group to emerge as the possible alternative outsider I call the “citizen-
student.”\textsuperscript{168} Just nine days prior to the release of the final question list, the Intercollegiate
Studies Institute released the results of their second American civic literacy study, which
asked 14,000 college frosh questions quite similar to those on the revised citizenship exam.
Like most reports of its kind, it concluded with great relish that “when colleges fail to
increase student learning about our founding principles, they fail to inspire active and
informed citizenship.”\textsuperscript{169} One commentator suggested, “In the past several decades, since
there has been no draft, our students have gotten off pretty easy for the freedoms they now
enjoy. Why not require them to take a civics test before being admitted to a public college,
institution or before receiving any public aid?”\textsuperscript{170} Notable in this trend is that I drew part of
my archive of press articles using the University Wire Service. It wasn’t just their elders that
thought citizen-students should step up and earn their privileges, but so strong is the need for
the constitutive outside that college students were ready to produce \textit{themselves} as the
outsiders within.
In each case the examination as a process produces a threshold imperative. Both the “idiot-citizen” and the “citizen-student” are immigrant surrogates, available to be pushed back across the transitory boundary if naturalization applicants are “too good” at overcoming the obstacle. If the examination cannot function as expected with immigrants, its structures may rhetorically induce an “auto-immunity” response. In a sense, the national body would no longer be able to recognize its constituent parts as appropriately “belonging” to it. With no outside to reference, the national body may well attack its own “cells” and “tissues” as if they were foreign objects. The examination as a process responsible for assuring the body politic that new materials it takes in are beneficial to its wellbeing may produce an ethic of exclusion from within the ethic of inclusion.

At first blush, this operation could be read as simple scapegoating. The community places the burden of its transgression onto a sacrificial being which it kills as a means to assuage the members’ guilt. Through the ritual of violence, the community can acknowledge its sins (see/recognize them as objectified externally) and purge itself by killing the sin as borne by the surrogate sinner. In more sophisticated versions of this civic ritual, the violence of sacrifice is domesticated (or perhaps mislabeled) in banishment of the sacrificial being. In the story of Ruth, for example, Bonnie Honig suggests that the Moabite Orpah bears the burden as scapegoat when she returns to her homeland, leaving Ruth ritually prepared to stay in Bethlehem to begin the line of David and Christ. However, in the contemporary system of liberal representative democracy, at the unusual point of the naturalization examination where government meets governmentality, we are presented with yet another change. The community doesn’t kill or banish its scapegoat, *it enfolds it within each subject*. As Foucault observed,
He who is subjected to the field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection. By this very fact, the external power may throw off its physical weight; it tends to the non-corporeal; and the more it approaches this limit, the more constant, profound and permanent are its effect: it is a perpetual victory that avoids any physical confrontation and which is always decided in advance.173

We have transferred the ritual re-encounter with violence into the enactment of citizenship and the more palatable will to empower.174 The more the citizen can be understood to work on her/his own behalf the more distant the violence, so that we have a difficult time even recognizing it for what it is. The citizen-subject commits any violence against him/herself preventatively by free choice of will. Choosing to take on the task of self-discipline is itself understood as a method of control, perhaps the only form of personal power in a chaotic world. The liminal space/time between immigrancy and citizenship is the threshold upon which we negotiate this choice.

The moment of ritual “choosing” in the process of naturalization has long been considered the moment of taking the loyalty oath. Speaking the oath has been considered by political theorists as a moment of speaking into existence the rights and responsibilities of citizenship. In liberal representative regimes of biopolitics, this further vests the individual citizen-subject through speaking one’s will as empowered. As Bonnie Honig describes them,

With a hope and a prayer and an oath, the gap of consent is filled. Immigrant naturalization ceremonies – frequently publicized on the front pages of the nation’s newspapers – testify to the fundamental consentworthiness of the regime by symbolically representing the consent that is effectively unattainable for native-born citizens of the liberal regime.175

However, under the new administration of the Department of Homeland Security and threatened trust after 9/11, it became imperative to be able to distinguish with certainty
between “sincere and fraudulent speech acts, admirable immigrant idealism and rough practicality, and among virtue, pleasure, and use – is it true love or are they just using us?”. As a result, the conversation surrounding the revision of the naturalization examination suggested that there had been a shift in the locus of performative choice. Oath-taking at this time shifts out of its traditional ritual as a performative speech act that “made” citizens in the “doing” of the “saying.” It becomes, instead, a constative speech act – a confirmation of a truth previously established. The *performative* speech act is accomplished for this moment, rather, in the taking of the naturalization test. The applicant speaks him/herself into citizen-subjecthood by voicing correct answers to at least six of ten civics questions.

The citizen-subject “made” by this “saying” however, is overdetermined by the logic of examination that I have demonstrated. This citizenship is performed by assuming inscription of the scapegoat within, and the acceptance of the will to empower exactly as it has been offered. The argumentative logic of this process of examination is one that *psychically precludes* the citizen it subjectifies from being in the patriotic relationship it seeks from the naturalized citizen. This citizen cannot “love” his/her country as the state and state apparatuses desire. In her work to retheorize sexual difference, film scholar Joan Copjec has provided analysis that I argue is particularly relevant to help us understand what happens beyond the process of traditionally understood scapegoating. I turn to her psychoanalytic guidance at this point.

Copjec chooses to keep a sexuated vocabulary to explain parts of the psychic process of subjectification based upon her highly semiotic version of Lacanian psychoanalysis. Copjec reads “male” and “female” as “irreducibly two,” the sign-holders of *difference as such* or the
ability of the psychic subject to accomplish the discernment that *comparison* is necessary for meaning to be established between signs. Sexual signifiers provide an early or primary exposure to this lesson in the operation of sign systems. When expanded in complexity, “Masculine” and “Feminine” extend into a set of logical relations or “argumentative positions” that remain “irreducibly two” – not oppositional, non-complementary, and irreconcilable. Each argumentative position bears its own relationship to an imagined system of wholeness (the phallic function), and each in its completely unique way fails to make available a “whole” or “total” symbolic system.

In Copjec’s Lacanian analysis, the naturalization exam operates in a “Masculine” argumentative position. Such arguments make a “claim” to have encompassed a “whole” – be it the whole of an idea, a community, a body, a nation, etc. However, when tested logically (as Kant demonstrated), this claim is found to be unsupportable. In order to know one has “all” of something, there must be an “outside” thing against which to compare the “all” of what is included. In order to make such a claim logically, if there is no thing outside the “all,” something must be *taken from inside* and *placed outside* the “all” to provide the comparison – to constitute it as an “all.” Yet, if there *is* something outside, the “all” is logically *not all*. It is “missing” or “lacking” that which was ejected in order to constitute its claim to being “all” or total. This failure is obfuscated by the “claim” to wholeness, totality, “all,” but it remains a niggling, underlying dissatisfaction.

This underlying dissatisfaction is translated as part of the superego, which, Copjec writes, is “driven by a distaste for mundane, compromised pleasures and maintains a state of … fixation on the excluded object [causing it]… to be relatively indifferent to all other objects available to it.”178 The nation must exclude in order to make a claim of being a “whole”, but
it will never be satisfied with the result of its exclusion. It will never attain the satisfaction that its illusionary wholeness should provide. It may engage in moralistic frenzy about the shortcomings of its idiot-citizens or its citizen-students, or any number of other problems. But it cannot satisfy its desire in the citizens it has produced. It is in the failure to find satisfaction in the ritual of exclusion, and inscription of the object of rejection within each subjectified citizen (new and old) that the psychic masculine exceeds the scapegoat.

*The Rhetoric of the Exam Questions*

Liberal representative democracies rely on the progressive diffusal of power by releasing to mechanisms such as popular sovereignty and judicial review of the authority once held by a central, single figure. Jacques Rancière describes this as the “modest” state, that “relinquishes…in order to further develop its own legitimization processes.” When Francis Fukuyama (somewhat prematurely) declared the end of history through the triumph of liberal democracy, it might be understood as this kind of perceptual monopoly on legitimation. The more liberties a state professes to ensure, the fewer capricious whims it displays, and the more strictly it can appear to exercise the absolute minimum of authority necessary, the more “proper” to modernity it can claim to remain. The key is the enfolding of the scapegoat within each liberal democratic subject. The diffused power of “good order” operates by means of the disciplinarity and governmentality of biopolitics. However, Judith Butler keenly recognizes the layers of complexity at work in the modest state. She argues that, the difficulty of describing power as a sovereign formation, however, in no way precludes fantasizing or figuring power in precisely that way; to the contrary, the historical loss of the [central] sovereign organization of power appears to occasion the fantasy of its return – a return, I want to argue, that takes place in language, in the figure of the performative. The emphasis on the performative phantasmatically resurrects the performative in language, establishing language as a displaced site of politics and specifying that
displacement as driven by a wish to return to a simpler and more reassuring map of power, one in which the assumption of sovereignty remains secure.\textsuperscript{181}

Put differently, though the mechanism of power is difficult to pinpoint (and thus more difficult to resist), the subjects of liberal democracy long for the identification of the source – for someone to name (“the system,” “society,” “culture,” “the media,”) – the violence that underlies their collective affect. When sovereignty is diffused among so many actors, one of the few mechanisms of control still perceived as legitimately in the domain of the central authority of the state are linguistic mechanisms such as the naturalization test. These means become one of the few by which a sense of \textit{collective will} may be re-constructed from its fragmented parts. The fantasy is that law and bureaucracy will \textit{someday have been} aligned perfectly with their imagined ideal, alleviating all rhetorical probabilities with absolute certainties.

At this point, I turn to the examination questions themselves to understand how the masculine logic of “the examining” results from the form of questions and answers to result in a foreclosure of the performative speech act. I read closely the complete list of all officially worded questions and answers provided on the USCIS website that were implemented beginning October 1, 2008, and also how these questions were presented to the public in the archive compiled previously. In addition, I considered the comprehensive study material developed to go along with the new questions in the USCIS document \textit{Learn about the United States: Quick Civics Lessons for the Naturalization Exam (M-638)}. The \textit{M-638} presents each of the 100 questions with a paragraph(s) of explanation for the applicant to study in preparation for the exam. Figure 2 shows a sample page.

The USCIS provided official guidelines for scoring the civics portion of the naturalization exam that were spare:
Pass:
- Provides a correct answer
- Provides an alternative phrasing of the correct answer

Fail:
- Provides an incorrect answer
- Fails to respond

In like regard, the explanation of the questions, answers, and the civics lessons in the *M-638* tells applicants that the additional information in the lessons “will help you learn more about important concepts in American history and government. **During your naturalization interview, you will not be tested on the additional information in the short lessons.**” The revision of the guide released in February of 2011 added clarification to the instructions that for questions involving the name of a currently-sitting office holder, the applicant should “answer these questions with the name of the official who is serving at the time of your eligibility interview with the USCIS. The USCIS officer will not accept an incorrect answer.” From the instructions given to both examiner and examinee, the specific content of the questions and answers sets the parameters of the speech act of the examination. As important as the supplement of study was to the rhetoric of the exam revision in the public conversation, it cannot influence the scoring of the six-out-of-ten questions that the applicant must achieve. In the naturalization test, “the state actively produces the domain of publicly acceptable speech, demarcating the line between the domains of the speakable [correct answers] and the unspeakable [anything else], and retaining the power to make and sustain the consequential line of demarcation.” And, as I have argued of the examination process, this speech act became at this time the creative repair for the undecidable, anxious dependence of the nation upon the immigrant. There are three facets of the new examination questions that bear significance for the rhetorical impact of their form: changes in the
Amendment changed the minimum voting age from 21 to 18 for all federal, state, and local elections. The National Voter Registration Act of 1993 made it easier for people to register to vote. Now they can register to vote by mail, at public assistance offices, or when they apply for or renew their driver’s license.

55. What are two ways that Americans can participate in their democracy?
- vote
- join a political party
- help with a campaign
- join a civic group
- join a community group
- give an elected official your opinion on an issue
- call Senators and Representatives
- publicly support or oppose an issue or policy
- run for office
- write to a newspaper

Citizens play an active part in their communities. When Americans engage in the political process, democracy stays alive and strong. There are many ways for people to be involved. They can volunteer to help new immigrants learn English and civics, join the Parent Teacher Association (PTA) of their child’s school, run for a position on the local school board, or volunteer to help at a polling station. People can also vote, help with a political campaign, join a civic or community organization, or call their senator or representative about an issue that is important to them.

56. When is the last day you can send in federal income tax forms?*
- April 15

The last day to send in your federal income tax to the Internal Revenue Service is April 15 of each year. The federal government has the power to collect taxes. The federal government needs money to pay the nation’s debts and to defend and provide for the needs of the country. When the country was young, it was difficult to raise money from the original states. The government began collecting income tax for the first time through the Revenue Act of 1861. This was only temporary. In 1894, a flat-rate federal income tax was enacted, but the Supreme Court said this was unconstitutional. Finally, in 1913, the 16th Amendment was ratified. It gave Congress the power to collect income taxes. Today, “taxable income” is money that is earned from wages, self-employment, tips, and the sale of property. The government uses these taxes to keep our country safe and secure. It also tries to cure and prevent diseases through research. In addition, the government protects our money in banks by insuring it, educates children and adults, and builds and repairs our roads and highways. Taxes are used to do these things and many more.

57. When must all men register for the Selective Service?
- at age eighteen (18)
- between eighteen (18) and twenty-six (26)

President Lincoln tried to draft men to fight during the Civil War, but many people became angry and rioted. In 1917, Congress passed the Selective Service Act. This act gave President Woodrow Wilson the power to temporarily increase the U.S. military during World War I. In 1940, President Franklin Roosevelt signed the Selective Training and Service Act, which created the first draft during peacetime. This was the beginning of the Selective Service System in the United States today. The draft was needed again for the Korean and Vietnam Wars. Today, there is no draft, but all men between 18 and 26 years old must register with the Selective Service System. When a man registers, he tells the government that he is available to serve in the U.S. Armed Forces. He can register at a United States post office or on the Internet. To register for Selective Service on the Internet, visit the Selective Service website at http://www.sss.gov.

*If you are 65 or older and have been a legal permanent resident of the United States for 10 or more years, you may study just the questions marked with an asterisk.
syntagmatic composition of the questions, content granted new status by inclusion in the list, and adherence of the questions to ESL standards.

Though key to the new examination’s success was that the questions had become “philosophical,” “concept” oriented, and now required “critical thinking,” the press rarely provided comparative evidence to demonstrate how this might be achieved. The *Austin American-Statesman* was one that did. It told readers, “Several of the questions for more meaningful answers than the current exam. For example, the old test asks, ‘What country did we fight in the Revolutionary War?’ The new test changes the question to, ‘Why did the colonists fight the British?’”

The *Topeka Capital-Journal* was more clear for its readers: “Old question: What do we call a change to the constitution? Answer: An amendment. New question: What is an amendment? Answer: A change or addition (either is acceptable) to the Constitution.” When placed side by side, the old questions and the new questions differ most markedly in their syntagm: what was once in the question is now in the answer. The most complete explanation of recognizing language order as the key to “deepening the meaning of a current item, e.g., making an item more thought provoking,” was provided by Gerri Ratliff, Project Director of the Naturalization Test Design in 2004.

So an example of what we’re thinking, about and we don’t have the test questions written yet because we’re still working with all the stakeholders on the content domain, but just to give you an idea of what I’m talking about you know, what do you mean, more meaningful? One of the current questions right now talks about the answer is a number, the 24th Amendment, for example says, “What’s one of the constitutional amendments that focuses on voting rights?” And you need to know the number, 24. I hope that’s right; I’m going to be embarrassed if it’s 25. (Laughter.) I think it’s the 24th. But it looks like it’s important that you know it’s the 24th Amendment. So we think that if you turn that around and make the question, you know, the Constitution guarantees rights; what are they? Name one right. And then you would say, the right to vote, that that would be a way of exhibiting that you understand the concept as opposed to a number that doesn’t particularly equip you to function. And this is so trite but how many of us know that it’s the 24th
Amendment, or even how many amendments there are? I know because I’ve been working on it, but I didn’t know two years ago. There are 27 amendments. So that’s an example of what we’re trying to do on the history side compared to what we do today.\textsuperscript{188}

Upon completion of the update in 2007, the USCIS provided a comparative list, and identified fifty-four of the new examination questions as being equivalent to those on the previous version of the citizenship test.\textsuperscript{189} Of the fifty-four equivalent questions, only five of them make this “meaningful” change of turning around their order. Table 2 compares old and new questions that changed syntagm as well as those that did not. Given the rhetoric of the exam revision, one would suppose that the other forty-nine of these equivalent content questions would require an applicant to demonstrate a conceptual understanding of the foundational and/or fundamental meaning of American values. However, if the content is equivalent and the syntagm is the same, it is unclear exactly what is in place that precludes the applicant from memorizing the new questions in the way that could be done with the old questions. The syntagm of the forty-six questions with new content is not universal. Some feature an ordering that sets up a “reasoning” format that might be signaled by asking why, how, or by providing a multi-answer list. However, sixteen of these questions are ordered to require a single, specific answer of particular content without the “reasoning” syntagm (i.e. “What ocean is on the east coast of the United States?”).\textsuperscript{190} Rhetorically, it is significant that a limited number of syntagmatically altered questions are what composes the suture that binds the naturalized citizen into the nation. Though this altered order participates in the fantasy of the critically thinking citizen, equipped to love the nation for the values it offers, the order does not work alone.

The second facet of the new questions that bear significance for the rhetorical impact of their form is the changes in the content granted new status by inclusion in the list. “Several
<table>
<thead>
<tr>
<th>Old Questions</th>
<th>New Questions</th>
<th>Changed Syntagm</th>
</tr>
</thead>
<tbody>
<tr>
<td>What country did we fight during the Revolutionary War?</td>
<td>Why did the colonists fight the British?</td>
<td></td>
</tr>
<tr>
<td>Who was president during the Civil War?</td>
<td>What was one important thing that Abraham Lincoln did?</td>
<td></td>
</tr>
<tr>
<td>What special group advises the President?</td>
<td>What does the President’s Cabinet do?</td>
<td></td>
</tr>
<tr>
<td>Whose rights are guaranteed by the Constitution and the Bill of Rights?</td>
<td>What are two rights of everyone living in the United States?</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Unchanged Syntagm</strong></td>
<td></td>
</tr>
<tr>
<td>In what year was the Constitution written?</td>
<td>When was the Constitution written?</td>
<td></td>
</tr>
<tr>
<td>Who is Commander-in-Chief of the United States military?</td>
<td>Who is the Commander in Chief of the military?</td>
<td></td>
</tr>
<tr>
<td>What do the stripes on the flag represent?</td>
<td>Why does the flag have 13 stripes?</td>
<td></td>
</tr>
<tr>
<td>Who becomes President if the President dies?</td>
<td>If the President can no longer serve, who becomes President?</td>
<td></td>
</tr>
<tr>
<td>What is the supreme law of the United States?</td>
<td>What is the supreme law of the land?</td>
<td></td>
</tr>
</tbody>
</table>

Table 2: Comparison of Examination Questions by Syntagm

historians,” commented one reporter, “said the new questions successfully incorporated more ideas about the workings of American democracy and better touched upon the diversity of the groups – including women, American Indians and African-Americans – who have influenced the country’s history.” “In the new test, the pilgrims have been replaced by ‘colonists,’ and they are the subject of fewer questions, while slavery and the civil rights movement are the subject of more.” The editorial staff of the Jersey Journal suggested that “the idea was to incorporate the idea of diversity into the 10 questions” every applicant was asked. In the old list of questions, slavery was alluded to only once, in the question
“What did the Emancipation Proclamation do?”, and Native Americans once, in the question “Who helped the Pilgrims in America?” There was no mention of the civil rights movement or women’s suffrage. The new examination includes a total of seven questions addressing categories of “diversity” within American democracy: 59) Who lived in America before the Europeans arrived? 60) What group of people was taken to America and sold as slaves? 76) What did the Emancipation Proclamation do? 77) What did Susan B. Anthony do? 84) What movement tried to end racial discrimination? 85) What did Martin Luther King, Jr. do?, and 86) Name one Native American tribe in the United States.193

These questions seem to be an important stride forward in acknowledging America’s legacies of racial and sexual oppression. However, it is not an accident that these questions are presented under a category of the M-638 entitled “American History,” and all are phrased in the past tense. Both placement and tense suggest that issues of discrimination are completed rather than current. Further, these questions, as all others, have precise, “correct” answers. What certainly will not happen in the course of the citizenship test is an applicant offering critique or elaboration on the contemporaneity of injustice in the nation s/he is joining, at least not if the applicant wishes to meet the passing criteria set forth by the USCIS. Rhetorically, it is significant that a limited number of questions that categorically acknowledge but historically circumscribe the internal ethic of exclusion compose the suture that binds the naturalized citizen into the nation. Though representative representation participates in the fantasy of the critically thinking citizen, equipped to love the nation for the values it offers, it has yet another discursive ally.

The third facet of the new questions that bear significance for the rhetorical impact of their form is the adherence of the questions to ESL standards. In assuring the public that the
examination would be fair, the USCIS explained that, “experts analyzed each question to determine its linguistic properties. For example, they examined whether or not the vocabulary and sentence structure of the question and answer were appropriate for someone at the high-beginning level. If not, they looked at how to revise the question/answer to make it easier without losing the necessary content.”194 There is a paradox at play between the English language requirement for the exam, and the civics questions. According to Antony John Kunnan in *Language Assessment Quarterly*, English language at high-beginning proficiency does not provide its speaker with adequate tools of vocabulary, syntax, or grammar to accomplish “critical-level” thinking. “If there was focus on critical thinking on the history and government test items, such thinking could only take place in the applicant’s native language,” he argues, “and not in English as for most citizenship applicants from non-English speaking countries…critical thinking responses that they may have regarding U.S. history and government would be beyond the level of English expected in the test.” 195 The questions logically cannot be written towards the ends promised because it is not possible with the *parole* expected of the examinee. Though the examinee may be capable of profound, concept-oriented, and philosophical reasoning in twelve other languages, the English language encountered in the examination questions and provided for correct examination answers does not participate in such reasoning. Rhetorically, it is significant that the questions composing the suture that binds the naturalized citizen into the nation are fantasized in a language that prevents the love of the new citizen from being the “true” product of critical choice and investment in the values of America.

The conversation surrounding the revision revealed that the nation desires a creative, critical, rhetorically inventive, consenting subject to infuse its collective and heal the breach
of lost surety, a security that perhaps never was. The three facets of the form of the questions and answer will, I argue, work together to foreclose the possibility that the naturalization exam can produce this citizen. The relationship between the nation and the new citizen “done” in the “saying” of the citizenship test is one of individual and collective “need.” The nation asks the immigrant for a specific “item”/answer that is expected to be possessed by the immigrant. “Need requires for its satisfaction,” Joan Copjec notes, “a particular object, nourishment, for example, or warmth. It is not a matter of indifference which; one cannot be substituted for another.” Although there are multiple “correct” answers on the test key, each is particular, and not a matter of indifference. If the immigrant offers anything other than what the key says that the examination question “needs” for fulfillment, the immigrant has not satisfied the nation. What the nation receives, as a result, is exactly what it asked for and nothing more. The conversation surrounding the exam revision concluded that the new questions were “profound,” “concept-oriented,” and “philosophical,” leading those who studied the answers to develop an attachment through correct reasoning to constitutional principles. Yet, the form of the questions and the requirement for such specific answers at the level of language proficiency available in the encounter resists creativity. Instead, the form of the examination questions will do little to prevent, and may in fact encourage, the kind of “rote-memorization,” and “parroting” of answers that the previous version did.

What is striking about the list of questions is the detail with which the answers are specified. For example, Question 13 asks “Name one branch of the government.” The acceptable answers listed are: “Congress; legislative; President; executive; the courts; judicial.” The question accepts two different version of each branch. To me Question 55, “What are two ways Americans can participate in their democracy?” most eloquently
bespeaks the problematic foreclosure of the performative speech act of the examination. There are ten acceptable answers, in fact: “vote; join a political party; help with a campaign; join a civic group; join a community group; give an elected official your opinion on an issue; call senators and representatives; publicly support or oppose an issue or policy; run for office; write to a newspaper.” By delimiting such a large number of answers, the question paradoxically circumscribes what democratic participation can be imagined to be. Any answer outside the parameters is “incorrect,” even if that answer were to reflect visionary principles, necessary but currently underdeveloped participatory functions, or creative solutions. The resulting citizen has a list of encounters that can be (figuratively and literally) counted as democratic participation. There is only one type of encounter with the nation presented here, and it consists of a closed, uniform, standardized set for those who wish to pass.

Paradoxically, the masculine logic of “the examining” ensures that even as the nation’s need is met with excessive precision, it is also never met satisfactorily. Consider, for example, Aizeman’s 1998 critique of the exam that used the old 100 questions. His concern is one of a lack of precise adherence: “It is up to each individual examiner to decide what and how many questions to ask at a candidate’s interview, how many questions the candidate must get right to pass the test – and what constitutes a wrong answer.” He longs for what I might call a more perfect “law of the question.” I have argued here that, indeed, the new questions and their integration into the process have attempted to provide for a more perfect submission to the law of the question. And yet, it seems that Copjec is right, that the superego drives the nation ever harder to ever less satisfaction. The voice of such desire even speaks through immigrant advocates: “[Arturo] Vargas [of the National Association of
Latino Elected and Appointed Officials] questioned whether the new test could be administered fairly, noting that many of the questions have multiple acceptable answers, meaning examiners must make subjective judgments about whether the applicant got it right.” The form of the questions produces a desire that no amount of precision can ever satisfy.

The exactness of the accepted answers suggests at least two possibilities. One alternative is that ESL speakers at the high-beginning proficiency could be assisted in expanding their English by additional ways of presenting conversational answers. A second alternative may be that there is an attempt to apply measures of control by means of the accepted answers to the examiner who may not be trusted to sufficiently infer “the correct answer” or its alternative phrasing. The unusual and inconsistent use of parenthetical words and phrases may be the most illustrative way to demonstrate that the target audience for the lesson of form may be both, and that each may be the uncanny double of the other.

Parenthetical words and phrases most commonly appear in the answers in order to provide additional words that are likely to show up or be left out in conversational English, or to demonstrate typical but not required completion for a name or title. Consider Question 25 which asks “Why do some states have more Representatives than other states?” The exam displays quite a bit of precision in the list of acceptable answers: “(because of) the state’s population; (because) they have more people; (because) some states have more people.” The inclusion of the parenthetical “because” suggests that the examination’s (collective) author is not certain that those that study and/or administer this question can be presumed to recognize the necessity of adding such “filler” words to ordinary speech. Question 16 which asks, “Who makes federal laws?” offers parenthetical answers to ensure
the clarification of acceptability of including/excluding titles: “Congress; Senate and House (of Representatives); (U.S. or national) legislature.” For some questions, such as 61, the parenthetical answers introduce new vocabulary. When asked “Why did the colonists fight the British?”, it provides that the applicant will be able to address the answers “because of high taxes (taxation without representation); because the British army stayed in their houses (boarding, quartering); because they didn’t have self-government.” Given the familiarity of Revision Director Ratliff with the content of the examination material, as previously noted, these terms are likely unfamiliar not only to the applicant but quite possibly to the examiner as well.197

But when comparing the uses of parentheticals, the targeting of helpfulness or control becomes less clear still. Take, for example, the use of the wording in questions 25 and 61 above. In the former, “because” is parenthetically added as conversational filler phrasing that is likely to be heard attached to the answer. In the latter, “because” appears to be required, and it is the alternative vocabulary like “quartering” that might be acceptable if it happened to be mentioned. At other times, some difficult vocabulary is clarified while other words are not. Question 42 shows this well. It reads, “Under our Constitution, some powers belong to the states. What is one power of the states?”. There are a number of correct answers, two of which are helpfully clarified parenthetically: “provide schooling and education; provide protection (police); provide safety (fire departments); give a driver’s license; approve zoning and land use.” However, though safety and protection are made more readily apparent by their parenthetical description, “zoning and land use” is not provided an explication although neither are especially common topics of daily conversation. Finally, and the comparison I found most unusual, is the parenthetical treatment of names. While the Vice President, for
example, gets three separate correct answers for question 29, “What is the name of the Vice President of the United States now? Joseph R. Biden, Jr.; Joe Biden; Biden”, the Chief Justice requires a parenthetical repetition in question 40 “Who is the Chief Justice of the United States now? John Roberts (John G. Roberts, Jr.)”, and the poor Speaker of the House wouldn’t even have a given name were it not for parentheses: “47. What is the name of the Speaker of the House of Representatives now? (John) Boehner.”

In each case, the parenthetical phrases manifest a linguistic uncanniness that undoes the stitches of the suture between immigrant and nation that public conversation surrounding the examination revision so avidly worked to close. As Freud described it, the uncanny is frightening because of the way it manifests an opposition, especially when that which should be able to be trusted because of its familiarity is suspected (or revealed) to be a threat. While the naturalizing immigrant appeared to be the solution to the problem of trust, the specificity of the answer key suggests that it may actually be the nation’s gatekeeping examiners that must be disciplined. These citizen guardians may not be trustworthy to police a “correct answer” or an “alternate phrasing of a correct answer.” There is a sense, here, of the double, “that the one possesses knowledge, feelings and experience in common with the other.”198 It resonates with the mirroring of “correct study” by “zombifying exposure,” and of the auto-immunity response that threatened to de-subjectify constituted citizens if not enough immigrants failed the examination. The threat in this uncanny moment is that the nation of immigrants will never be able to recognize itself because it is always already ambivalent. Its collective identity is always already fractured, a phantasmal “self” as little to be trusted as the “others” now at its borders. The need to reform the naturalization examination expresses, in
this sense, an attempt to use a mirror that produced a more pleasing self-image of the nation reflected back, a double that would not provoke our fear.

Concluding Considerations

At the point of the examination as a moment of encounter, the applicant is expected/required to provide a correct response to the questions that represent the nation’s need. However, in a collective sense, it is also necessary for some of the responses that are received to be incorrect – for some of the applicants to fail, as I have argued. There is no way to predict in any case whether any given applicant entering any given interview might be in the position to fulfill one or another role. What is clear from my analysis is that the naturalization examination in its process and questions will produce a subject that can and will perform these roles. What is also clear is that neither of these roles addresses what the nation has demands in its desire.

The conversation surrounding the release of the revised questions suggests that this change allowed Americans to consider the citizenship exam as something new, an unfamiliar process full of potential. Perhaps the most promising possibility was that “problems” with immigration – economic, physical, and identity security – would be left behind with the old questions. If the old exam could not produce deep understanding and internalization because its questions asked only for parroting, the new exam (with its concepts, reasoning, and wisdom) might produce what Americans had never seen before, but have always hoped to find: A guarantee that citizens would “love” their nation and deserve all the benefits, advantages, choices, and “greatness” that being “an American” is assumed to bestow.

And yet, there was within this conversation the uncanny evidence that the “study” required to make the exam function as it was promised to function could threaten a
nightmarish replay of the trauma that warranted the revision in the first place. The psychic logic provoked by the examining process further revealed an auto-immunity response that might threaten to de-subjectify already-constituted citizen-subjects. This logic was operationalized in the formal aspects of the actual questions that prevented the performance of citizenship that would take place in the exam from attending to the desire of the nation’s demands, even as the questions were required to be crafted closer and closer to the letter of their own law. It seems that Americans hoped that revising the naturalization examination would provide the ability to tell the difference between sincere and fraudulent speech acts. Though I have argued that the locus of the performative speech changed at this time, the agency possible within this structural opening continued to be foreclosed so as to produce only what will never satisfy the superegoic need of the of the nation. The speech act may not be fraudulent, but it was certainly not “enough.”

Such an ethic, as we have seen, would need to operate in a way different from the “masculine” argumentative position. It would have to refuse making a claim to wholeness that served merely to repress dissatisfaction with the exclusion necessary to constitute that wholeness. Such an encounter would also need to create a lasting relationship that moved beyond the satisfaction of “need” between citizen-subject and nation. It would need to allow for a relationship that could bear elaboration, creativity, critique, and invention. It would have to provide that its participants find satisfaction, therefore, in something other than what they demanded. In Copjec’s terms, the nation is precluded from receiving what the fragmented narrative promised as the return from the encounter – love of nation – because it has had its need met too precisely. It gets exactly the answers it asked for. But then the attention of the new citizen need never return again. Paradoxically, the masculine logic of
“the examining” ensures that even as the nation’s need is met with excessive precision, that contact ends in a tragic consumption of the answer. There can be nothing left, between them, for desire to return or patriotism – the love of nation – to grow.
Notes


2 Ibid., 3.


5 Raphaël Micheli, “Emotions as Objects of Argumentative Constructions,” *Argumentation* 24, no. 1 (2010): 2

6 Ibid.


9 Cruikshank clarifies further, “Yet the tactics for empowerment mobilized in innumerable programs... share a political strategy: to act upon others by getting them to act in their own interest....The will to empower may be well intentioned, but it is a strategy for constituting and regulating the political subjectivities of the ‘empowered.’” This may be inspired “by the market, or by the promise of self-government and autonomy.” Barbara Cruikshank, *The Will to Empower: Democratic Citizens and Other Subject* (Ithaca, NY: Cornell University Press, 1999), 69.


11 This term is coined by Peter Schuck and Rogers Smith to as a way to describe citizenship by naturalization. The new citizen is assumed to be more loyal to the nation because s/he has actively chosen to be a citizen, rather than being incorporated by the accident of geography or parentage. Bonnie Honig, *Democracy and the Foreigner* (Princeton, NJ: Princeton University Press, 2002), 92-93.

12 Löwenheim and Gazit, “Power and Examination,” 154.

13 Ibid., 152.
14 Jack Schneider, “Memory Test: A History of U.S. Citizenship Education and Examination,” *Teachers College Record* 112, no. 9 (September 2010), 2381.


16 U. S. Const. amend. XIV, § 1.

17 An Act to Establish a Uniform Rule of Naturalization, 1 Stat. 156 (1790). Emphasis original. All legislation will be cited from the *United States Statutes at Large*, rather than the integrated *United States Code* in order to concentrate on the individual alterations made at each point.

18 Ibid.

19 An Act to Establish a Uniform Rule of Naturalization, and to Repeal Laws Heretofore Passed on that Subject, 7 Stat. 128 (1802).


22 Omnibus Appropriations Act of 1895, 28 Stat. 780.

23 Act to Establish the Department of Commerce and Labor, 32 Stat. 825 (1903).


25 Ibid.

26 An Act to Establish a Bureau of Immigration and Naturalization and to Provide a Uniform Rule for the Naturalization of Aliens Throughout the United States, 34 Stat. 596 (1906).

27 Ibid.


29 An Act to Create a Department of Labor, 37 Stat. 736 (1913).

30 An Act to Amend and Supplement the Naturalization Laws and for Other Purposes, 44 Stat. 709 (1926).


32 Schneider, “Memory Test,” 2393.

34 Nationality Act of 1940, 54 Stat. 1137.


36 Ibid., § 333a.


43 Foucault, “The Eye,” 236.


45 Ibid., 125.


47 Schneider, “Memory Test,” 2393. This practice was abandoned as the examination became more standardized.


49 The supervisor has a hierarchical position (front or center, can observe full room) and materials (larger desk, audio/visual equipment). The materials available and the building policies (such as “don’t move the chairs from this room,” or not having adult-sized tables, for example) could place limitations on the adaptability of surroundings. Such constraints
prevent course participants from ever completely escaping from the disciplinary operations of education (if they can at all).

50 Michel Foucault, *Discipline and Punish*, 184-5; 203; 182-3.

51 Schneider, “Memory Test.”


53 Schneider, “Memory Test,” 2385.

54 Clarke et al, “Retrospective on Educational Testing,” 162.

55 Ibid., 164.

56 Ibid.


60 Ibid., ¶26.

61 Ibid., ¶27-35.


64 Ibid., ¶8.; Schneider, “Memory Test,” 2396. These courses were not naturalization exam review courses *per se* but were required for the change to legal permanent residency under the act.

66 DeSipio et al, Reinventing the Naturalization Process, 23.

67 Ibid., 21.

68 John J. Miller and William James Muldoon, “Citizenship for Granted: How the INS Devalues Naturalization Testing,” (Falls Church, VA: Center for Equal Opportunity, October 1, 1996) http://www.ceousa.org/content/view/220/, 7. As might be expected, the CEO was quick to blame employee unions for impeding oversight efforts.


70 Miller and Muldoon, “Citizenship for Granted,” 5.


74 DeSipio et al, Reinventing the Naturalization Process, 32.


The one year mark prior (2006) when the announcement was made that a new list of questions would be released, and the one year mark posterior (2008) when the list was implemented were also moments of high conversational activity. The archive takes these two points into account, even while concentrating on 2007.


Ibid., ¶4.


100 “Citizenship Quiz Fails,” ¶3.


102 Arnoldy, “Starting This Winter,” ¶18.


105 Suzanne Gamboa, “Immigration Officials Narrow the List of Questions for Citizenship Test,” Associated Press State & Local Wire, September 27, 2007, Lexis-Nexis Academic, ¶8.; “This test genuinely talks about what makes an American citizen.” In Preston, “Tough Question,” ¶11.; “It’s no longer about how many stars are on the flag or how many stripes. It’s a test that genuinely talks about those things that make America what it is.” In Michelle Mittelstadt, and Cynthia Leonor Garza, “New Citizenship Test More Star-Spangled than Ever,” *Houston Chronicle*, September 28, 2007, Lexis-Nexis Academic, ¶5.; “It’s no longer a test about how many stars are on the flag or how many stripes, it’s a test that genuinely talks about those things that make America what it is.” In Dinan, “U.S. Adopts,” ¶3.

107 Ibid., ¶6.


110 Arnoldy, “Starting this Winter,” ¶5.


117 Editorial Staff, “Citizenship Quiz Fails,” ¶5.

118 “Thinking Trumps Parroting,” ¶1, 2; ¶1, 4, 5.

119 Nicastro, “Picking out the Patriots,” ¶2.

120 Allen, “United States Rewrites,” ¶3; ¶22, 23.


127 Editorial Staff, “Citizen Responsibility,” ¶2; ¶1, 2.


132 Ibid. Emphasis added.


137 Arnoldy, “Starting this Winter,” ¶2.


139 Moscoso, “Revamped Citizenship Exam,” ¶11.


142 Ibid., 71.
143 Cruikshank, *The Will to Empower*, 33.

144 Ibid., 40.

145 Ibid., 72. Emphasis original.


151 Ibid.


153 Ibid., vi.

154 Ibid., 2.

155 Ibid., 8.

156 Ibid.

157 It is difficult not to conclude, as does Jack Schnieder, that “consequently, the 100 questions reflected the views of a small group of individuals who were charged, not with the
task of deliberation or debate, but with the same sort of myopic problem solving the agency had been doing for most of the century.” Schneider, “Memory Test,” 2397.


159 Ibid., 5.

160 Ibid.


163 “Applicant Performance on the Naturalization Test,” USCIS.gov, October 22, 2012, http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=6c40ec90d8668210VgnVCM100000082ca60aRCRD&vgnextchannel=6c40ec90d8668210VgnVCM100000082ca60aRCRD.


166 Staff Editorial, “Citizen Responsibility,” ¶8.


169 “Study Shows Young American Voter Turnout Impacted by Family Discussion, College Course Choices and Civic Learning,” *PR News Wire*, October 20, 2007, Lexis-Nexis Academic. These results were released 9 days prior to the announcement of the new naturalization exam questions.


171 Jacques Derrida, “Autoimmunity: Real and Symbolic Suicides,” in *Philosophy in a Time of Terror: Dialogues with Jurgen Habermas and Jacques Derrida*, ed. Givoanni Boradori (Chicago: University of Chicago Press, 2003), 99. While the terror of unending inclusion suggested here sounds like the inclusive feminine of Copjec’s love, they are quite different. Autoimmunity operates by a masculine logic of the superego, whose only ethical capacity is the “no” of exclusion, and the unending accusation of “not good enough.” Love operates by an ethic that declares “yes, again” and “thank you, more.”

172 Honig, *Democracy and the Foreigner*, 47.


174 As an example, consider Honig’s first suggestion for how to “include immigrants in democracy’s national future”: expanding immigrant suffrage. *Democracy and the Foreigner*, 102.

175 Ibid., 93.

176 Ibid., 93-94.

177 “We might say: in ordinary cases, for example running, it is the fact that he is running which makes the statement that he is running *true*; or again, that the truth of the constative utterance ‘he is running’ depends on his being running. Whereas in our case it is the happiness of the performative ‘I apologize’ which makes it the fact that I am apologizing: and my success in apologizing depends on the happiness of the performative utterance ‘I apologize’. This is one way in which we might justify the ‘performative-constative’ distinction – the distinction between doing and saying.” J. L. Austin, *How to Do Things With Words: The William James Lectures Delivered at Harvard University in 1955* (New York: Oxford University Press, 1962), 47.


“Passing Grade,” ¶14-15.


Krikorian, Ratliff, & Fonte, “Testing for Citizenship,” ¶11-12. Emphasis added. I believe that quoting Ms. Ratliff at length was justified by the irony of her statements.


“Citizenship Test,” ¶3


As in other common situations, parenthetical answers sometimes repeat written numbers with their Arabic numeral counterparts, as with question 7: “How many amendments does the Constitution have? twenty-seven (27).”

CHAPTER III:

DOCUMENTING IMMIGRATION, REVERSING RACE

During the spring of the heated 2008 Democratic Party primary, future President Barack Obama stepped to a podium in Philadelphia to deliver what The New York Times characterized as “the most significant public discussion of race in decades.” The address was prompted by reports from agencies like ABC and FOX News that his former pastor, the Reverend Jeremiah Wright, had preached inflammatory sermons accusing the United States’ government of perpetrating a white racial conspiracy to prolong the suffering of blacks. The stories claimed to confirm what critics had said from the announcement of Obama’s candidacy: Obama was conditioned to “play the race card,” and would do so even if the word never crossed his lips. What the public got in Obama’s deftly moderate apologia, I would argue, was a surprisingly nuanced diagnosis of the simmering discontent of white racialized affect.

After contextualizing Wright’s comments historically, sociologically, and personally, Obama turned his attention to the “American” people that Wright had supposedly offended with his comments. Obama walked a fine line in his speech. He acknowledged the unspoken quotation marks that marked the presumed equation between America and whiteness, and yet contextualized their feelings of offense much as he had contextualized Wright’s feelings of offense. “In fact,” Obama stated, “a similar anger exists within segments of the white community.” He continued:

Most working- and middle-class white Americans don't feel that they have been particularly privileged by their race. Their experience is the immigrant experience - as far as they're concerned, no one's handed them anything, they've built it from scratch. They've worked hard all their lives, many times only to see their jobs shipped overseas or their pension dumped after a lifetime of labor. They are anxious about their futures, and feel their dreams
slipping away; in an era of stagnant wages and global competition, opportunity comes to be seen as a zero sum game, in which your dreams come at my expense. So when they are told to bus their children to a school across town; when they hear that an African American is getting an advantage in landing a good job or a spot in a good college because of an injustice that they themselves never committed; when they're told that their fears about crime in urban neighborhoods are somehow prejudiced, resentment builds over time.²

What Obama allowed that few to his ideological left have is not that whites mean well or have uncompromised goodwill, but rather that the fear and greed with which whiteness is typically attributed co-exist with more complicated, collective rhetorical processes. As Michael Lerner concluded in his study of political values in the United States, “We believed that people were moving to the right primarily because they were racist, sexist, homophobic, or xenophobic but our assumptions were incorrect.”³ Misunderstanding the affective processes produced in whiteness has been a continuing failure of political advocacy on the left. Lerner found that preexisting prejudices did not necessarily prompt the move right, but instead resulted when the process of opening to the right advanced to the point where “then they become part of communities in which that racist, sexist, or homophobic discourse is a central part.”⁴

For Obama to say “their experience is the immigrant experience” has a complex meaning in a nation that has chosen to embrace an origin myth as a “nation of immigrants.” Such articulations are “a question of discursive power. Not a question of what is true,” Stuart Hall explains, “but what is made to be true. Such is the way in which racial discourses operate.”⁵ I contend that what we find goes beyond those discourses Foucault taught us to understand as “regimes of truth,”⁶ to a war of position for the legitimacy to speak in what Jacques Rancière calls the “domain of the sensible.” “Politics, indeed,” Rancière writes, “is not [merely] the exercise of, or struggle for power. It is the configuration of a specific space,
the framing of a particular sphere of experience, of objects posited as common and as pertaining to a common decision, of subjects recognized as capable of designating these objects and putting forward arguments about them.\textsuperscript{7} “Politics revolve around what is seen and what can be said about it, around who has the ability to see and the talent to speak, around the properties of spaces and the possibilities of time,” he clarifies.\textsuperscript{8}

In this chapter I consider the threshold of transition between immigrancy/citizenship to be constituted by memory and materiality constructed as “history,” or a kind of “hindsight.” Hindsight is manifested by “\textit{embod[ying]} mental projections, \textit{enabled} by media technologies, and \textit{embedded} in cultural forms.”\textsuperscript{9} José van Dijck holds that these constructions of hindsight are particularly cinematic, taking place powerfully in contemporary films, television shows, and – especially relevant I maintain for immigration – documentaries. Cinematic hindsight, she writes, is “the result of concerted efforts to save and shape our private pasts in a way that befits our publicly formatted present and that steers our projected futures.”\textsuperscript{10} Put differently, although only 1-2 million tourists annually cross onto the shore of Ellis Island,\textsuperscript{11} the circulation of documentary film has bridged the divide between its material and ideal incarnations to uncountable others, making the myth material through the films’ cinematic “realism,” and making the material mythic through the films’ aesthetic creativity. Like Richard Cherwitz, I understand the “language utilized by public opinion leaders, institutional representatives, legislators, and the media, for example,…[as] evidence [of] the extent to which the nation has internalized the views”\textsuperscript{12} they encounter in sources, like documentary film, that derive epistemic authority by virtue of being granted public trust to eliminate uncertainty. Such a rhetorical form would seem to have advantages over the state-based rhetorical form of the Naturalization Exam. As opposed to law and bureaucracy that are
composed arbitrarily, this threshold are presumed to be traced to real people at real times in real places. Hindsight is one threshold upon which American national fantasy has tarried in attempting to cover over the gap in collective identity, and documentary film is the material moment of manifestation to which this fundamental fantasy attaches. In a pragmatic sense, understanding the contemporary moment of racialized affect produced in whiteness requires a nuanced reading of “the immigrant experience” that has been integral to shaping a matrix between immigrancy, whiteness, and U.S. citizenship. Inscribed at the heart of the contemporary civic imaginary stands a nostalgic construction called “Ellis Island.” When Obama says that “their experience is the immigrant experience,” he knows that “we” know that “they” mean Ellis.

My first concern in this chapter is to parse out the immigrant-citizenship-whiteness matrix that is secured through an imperative convergence at Ellis Island. My second concern is to consider the rhetorical form of documentary film, a cultural technology of the sign long understood to “harness affect to political life.” Finally, I meditate on the films’ mode of affective investment, and its implication for arguments about American identity.

Immigrancy-Citizenship-Whiteness

On April 2, 2007, the newly restored Ferry Building on Ellis Island opened amid fanfare to welcome its first tourists. During a Congressional hearing on immigration policy held in the Island’s main building three days prior to the re-opening, Iowa Republican Steve King infused these structures of the past with the anxious affects then present. “The realities today are not the same,” he cautioned. “The attacks of September 11, 2001, serve as a warning that criminal aliens are coming to the U.S. in record numbers.” In response to the arguments that sought to remind the committee of the contribution of immigrants to American economy and
culture, King persisted: “Is there a missing component in American culture?” King’s incredulity trafficked in familiar ego- and ethnocentric sentiments. Vincent J. Cannoto’s recent cultural history of Ellis Island would suggest that the timing and location of King’s comments were in keeping with the long tradition in which bickering at/over Ellis Island has been proxy for larger negotiations over the identity of immigrants, citizens, and ultimately of Americans. Since its opening in 1892, whenever “vast and seemingly disturbing changes” loom on the United States’ horizon, immigration and Ellis as its representative are sure to enter public debate, which Cannato characterizes as “heated, loud, and often nasty.”

Writing for *The Smithsonian* in 2009, Lance Morrow characterized Ellis Island as a “version of American Shinto.” By translating the narrative of the Ellis Island experience as both a philosophical study and a spiritual path, Morrow recognized that it has come to substitute as the originating myth of America *tout court*. At the turn of the 20th century, corresponding to the years at exactly the height of the Island’s capacity (1892-1924), the United States was defining itself as a modern nation-state. Ellis was the largest of the inspection stations processing the human resource of industrialization and flexing the muscles of newly developed techniques of biopower. As Cannato aptly observes, “Guarding the borders became the key to defining the character of the nation itself.” It is my contention that within the construction of the story of this great migration is perhaps the most significant commonplace in which rhetorics to this day find traction to produce white racialized affect.

Ellis Island is crucially a story about *European* immigration. Ellis provided a passage out of racial particularity and a passage into whiteness for populations whose observable appearance could pass and sought to do so in earlier conjunctures. Archives of these
articulations chronicle “raw emotions and blunt opinions… expressed in language that is often discomforting to modern readers,” Cannato points out. Both public intellectuals and scholars have published treatises constructing the stories of the “whitening” of a number of populations. Ignatiev for the Irish, Brodkin for Jewish Americans, Guglielmo chronicling Italian experience, as well as treatments more generally of labor by Roediger and Caucasian Race by Baum are just a few examples. The constructions of cinematic hindsight featuring Ellis Island via documentary film within the past two decades provide a foundation for a passage back in to racial particularity and, potentially, passage out of whiteness.

As Anne Demo observes, the primary focus of the proliferating rhetorical scholarship on immigrancy has been from 1970 forward, and “with few exceptions,” on the ways in which stigmatization of the (especially Mexican male) migrant shores up American identity. It is with this awareness that I offer my consideration of the argumentative identity work of Ellis Island across the past two decades. Worries over immigration have been the impetus for posing a question like, “How do we solve the problem of foreignness?” Instead, Bonnie Honig proposes, it may be more revealing to ask, “What problems does foreignness solve for us?” In like manner, instead of asking, “When does an immigrant become a citizen?” I believe there is much to be gained from asking, “When might a citizen become an immigrant?” There is no small sense in which the American experience, the white American experience, has come to rely exactly upon this reversal. I will show that the work of citizens-becoming-immigrants recuperates a certain European immigrant past that passed through the obstacles of Ellis Island. Ellis is that liminal threshold that suspends whiteness in tension where it can be both ethnicized and simultaneously undifferentiated, prideful of ancestry with
a capitalized-country-of-origin-hyphenation while able to be the only group(s) to successfully pass. As Raka Shome insightfully observes,

In moments when whiteness is comfortable in its hegemony, it constructs itself as “norm,” and the Other as “different” and “strange.” However, when the normalcy of whiteness gets contested (even if it constitutes a very small challenge to its power), when whiteness begins to feel insecure about its power and future, different strategies of self-naming emerge. Instead of positioning itself as the “norm,” it begins to mark itself as the “other,” as “different,” as an identity in crisis and therefore having a particular location that, like minority locations, needs to be defended, salvaged, and protected. Instead of being an “empty,” “nameless,” and definitionless category (Frankenberg 1993) whiteness in such moments becomes a rather “full” category. It is in such visible markings of itself that whiteness often promotes a rhetoric where it begins to construct itself as “not the norm,” as something particular, full of unique challenges and struggles that need attention.28

Following the public successes of the Civil Rights movement, whites and American institutions more generally faced a crisis of legitimacy that Shelby Steele describes as “the vacuum of moral authority that comes from simply knowing that one’s race is associated with racism.” Thereafter, to deny the existence of historical racism was to forfeit access to (re)legitimation, yet the very act of admission placed into question the ability of whites as the privileged class to speak about any issues of social justice.29 This bred a troubling split in the resulting argumentative positions typically taken in the intervening years. One thread was warranted by redemption through self-defined penance, often evidenced in liberal white “savior” discourse. A second thread was warranted by granting legislation a mystical power of tabula rasa, often evidenced in “colorblind” white conservative discourse. In either case, Mark Lawrence McPhail has argued persuasively that whites have not conceptualized their response to the accounting of history in a way that will actualize coherent racial reconciliation.30
Communication scholars have merely to look into our own classrooms to encounter the effect structure of racialized white affect. Julia R. Johnson, Marc Rich, and Aaron Castelan Cargile summarize the conclusions of a growing number of studies exploring the continued struggles of anti-racism education.

Most of our students recognize the discourse of hate and know how to perform what they believe to be equality….Confronting racism is an intense engagement because we negotiate intellectual and emotional knowledge as well as history and power. In classes where racism is challenged, the reaction of white students “is always severe” and student responses range from overt racism, to entrenchment in white supremacy, to actively denying the importance of racism and student complicity in it. Furthermore, students typically present themselves as moral and responsible social actors who would rather not be identified as racist and subsequently attempt to persuade others that they support equality and justice.31

“Tired of being labeled ‘the oppressor’,” add Ann Neville Miller and Tina M. Harris, “[whites] may resist learning about race and racism and actually become more prejudiced.”32 “As in other Western nations,” Debian Marty explains, “white children born in the United States inherit the moral predicament of living in a white supremacist society. Raised to experience their racially based advantages as fair and normal, white children receive little if any instruction regarding the predicament they face, let alone any guidance in how to resolve it.”33

Such responses are not surprising, given the understanding of whiteness’ affect outlined in the now seminal work of Thomas K. Nakayama and Robert L. Krizek. They demonstrated that whiteness functions most often as an invisible, uninterrogated, non-particular, and universalizing background against which all “others” are racialized. In overwhelming support of this understanding, many studies have sought to determine what whiteness “is,” only to conclude that this structure seems forever to escape having its substance captured and described. The students in our classrooms have been exposed to messages that tell them that
whites oppress others, and yet our analysis of public discourse has primarily sought out ways that they continue to not-experience their race as a substantive category. Critical race scholars have abundant analyses that highlight the effect of this combination for whiteness’ affective outcomes. Each generally describes denial by whites of the systematic and institutional pervasiveness of racial disparity, often entailing willful ignorance and insistence on explanations other than race for the evidence with which they are presented. Equally important strategies used by whites are reliance on (poorly understood) legal definitions and procedures as if they translated to everyday experience and inability or refusal to reason in collective vs. individual terms. Further, whites often demonstrate an unsophisticated understanding of capitalism, gender, and sexuality as these intersect with race. Unfortunately, many of these treatments also continue to take whiteness at its word in at least one way: that whites are hyper-rational and by implication, affectively simple - practiced at calculating losses (greed, fear, defensiveness) and becoming weary of having to do so (fatigue, apathy, avoidance). The arduousness of affect may not be taken seriously for whites, as “people of color will often express impatience at what might be viewed as self-indulgent expressions of white guilt.” Studying whiteness has additionally come under critique for the perpetuation of black/white binaries, continued erasure of minority oppression by displacement, and even for regressive politics.

Such studies have much more rarely considered the rhetorical constitution of whiteness’ affective formation. My analysis traces how whiteness has come to rely not only on the abjection of others (constructed through images of border crossing, for example), but also how it develops self-referential “resources” to temporarily fill its identity with “political authenticity depend[ant] on the… humiliating exile from somebody else’s norm.” What I
seek is to take white racialized affect seriously, yet to insist upon disagreement over whiteness. “Disagreement is not the conflict between one who says white and another who says black,” Rancière tells us. “It is the conflict between one who says white and another who also says white but does not understand the same thing by it or does not understand that the other is saying the same thing in the name of whiteness.”

Ronald Jackson II characterizes it adroitly: “Whether it is inherited or innate, void or filled, illusory or real, whiteness is the property of race – a truly competitive construct which has yet to outlive its function of preventing social cohesion.”

Crucially, at this conjuncture, it is Ellis Island constructed as history in cinematic hindsight that can be symbolically inherited to fill the illusory memory of whiteness, and that can be used to become tactically not-white.

**Back-Projecting Ellis Island into Cinematic Hindsight**

Jonathan Kahana characterizes documentary film as the “intelligence work” necessary to “mediate between power and the social…between dominant and oppressed groups, between state and people.” He continues,

Documentary is an essentially transitional medium: it carries fragments of social reality from one place or one group or one time to another, and in transporting them, translates them from a local dialect into a lingua franca. It collects the evidence of experience in the most far-flung precincts…. Then it delivers these social facts to a broader public, where they can be used for a variety of ideological ends.

This tension places documentary at the interstices of “official and vernacular speech, between high art and mass culture, and between academic knowledge, folk traditions, and popular belief.” Importantly, documentary films have both aesthetic and archival qualities, situating them at the intersection of public/private and personal/political spheres. As Paula Rabinowitz describes it, “documentaries construct not only a vision of truth and identity but an appropriate way of seeing and vision.” To use Michael Chanan’s cinematically
appropriate vocabulary, documentaries “back-project” a vision onto a history that itself stands as merely a projection. Documentary films allow an audience in the present to experience a retroactively reconstructed past. Yet as Barbara Biesecker notes, “the deconstruction of the ‘fact’ or referential plentitude does not reduce the contents of the archive to ‘mere’ literature or fiction (this is the most common and silliest of mistakes) but delivers that content over to us as the elements of rhetoric.”

Put differently, though audiences may recognize the constructed and contingent nature of the representation provided in documentary films, such an archive’s persuasive accomplishment is its perceived epistemic authority even while its form is under duress.

For this study I analyzed five documentary films either produced, circulated, or both in the 1990s and 2000s: The Island Called Ellis (ICE), Island of Hope – Island of Tears: The Story of Ellis Island: The American Experience (IHIT), Ellis Island (EI I, II, III), Remembering Ellis Island: Everyman’s Monument (REI), and Forgotten Ellis Island (FEI). As a supplement, I included the oral history videos produced by the “We Are Ellis Island” (WAEI) Project and utilized in raising funds for a 2007 renovation project. The films and videos are traditional in the visual tropes they engage, the choice of authorial voice, the style in which they are sequenced and edited, and the materials from which they are composed. The films utilize formal voice authorship, which provides a coherent narrative that both poses and answers a set of questions within the run time of the film, and has a rhetorical advantage in achieving the perception of epistemic authority because audiences have often experienced this form when substituted for history textbooks in their classroom experiences. All five films are historical-compilation in nature, composed primarily of archive materials including audio and video recordings of oral histories collected from
persons processed through Ellis Island; printed oral histories read by the main film narrator or voice-actors; photographs and portraiture of immigrants before, during, and after processing at Ellis Island; photographs of locations and objects significant to the plot of the “immigrant journey” from the old country, aboard ship, at Ellis, and into the United States; extant silent film footage taken of persons in process at Ellis Island; images and sound recordings of printed materials (such as newspapers, pamphlets, flyers, cartoons, government documents, songs) released contemporaneously to the referenced time period; etc. And all utilize “evidentiary” editing which abandons spatial and temporal continuity when necessary to coincide with a sequence of ideas or “fresh insights or new metaphors the filmmaker wishes to propose.”

As a result of the films’ predictable visual forms, the verbal code bears particular weight. The words operate “not simply as elucidation,” Roland Barthes observes, “but really [do] advance the action by setting out, in a sequence of messages, meanings that are not found in the image itself.” Rhetorically, the films are expository, with the words acting as the dominant element directing an argument toward the viewer, while the visuals “serve as an illustration or counterpoint.” Hence, I read primarily (though not exclusively) verbal images in line with Robert Asen’s observation that they “offer insights into processes of collective imagining,” particularly about similarities and differences between those people and groups portrayed.

It seems clear that the intentions of the films’ producers were to utilize history in order to support a political argument in the present. *REI* makes this claim overtly:

*Telly Savalas - Narrator:* Some things never change. The issues about immigration discussed when my family came through Ellis Island are being repeated today. Do immigrants take jobs away from native workers? Are undesirables flooding our gates and bloating our welfare rolls? Does
America have a responsibility to offer a haven to those seeking a better life?...You know, today we are concerned about the caliber of our new arrivals, their medical conditions and their political beliefs. We fear that they may become a public burden. Well, the only difference between the beginning of the 20th century and the end is that the names have changed. AIDS has replaced trachoma and cholera as the primary medical concern. Mexican, Caribbean, and Asian immigrants are viewed as suspiciously today as our families were years ago.

The cause seems noble: build empathy for new immigrants by reminding current citizens that they were once in the same position. The filmmakers assume that the story can speak for itself to divest the historical privilege of old immigrants. Though some audience members may decode the films in symmetry with the stated intentions of the documentarists, the wider discourses of the times and the public policies they supported, opposed, and ignored suggest that, as Teresa Bergman has found, “documentary filmic elements can work at cross-purposes to…film[s’] progressive ideological aim.”

Alan Kraut introduces such an alternate purpose when he describes the position of Ellis Island in the late twentieth century during *EI III*:

Those who had come through its doors embraced America and tried to forget as much as possible about the immigrant experience. Some even regarded it as an embarrassment. And of course there were those during the 1950s especially who wanted to embrace 100% Americanism and forget about any possibility that the past was anything but American. By the 1960s there was a kind of renaissance with respect to ethnicity and a belief that one could be proud of one’s past, and I think to a large extent that fueled the enthusiasm for making Ellis Island into this monument to of all those who came through its doors and all of those who ultimately were the builders of America.

Ellis Island participates with the rise of what we now call identity politics, but does so in a novel fashion. The hegemonic epistemological position established within and between these films produces a shared substance of rediscovered wrongs that bears aesthetic resemblance to the basis of rights claims used by other identity groups. My analysis of the films will parse out the ways in which Ellis Island provides capital for re-ethnicizing and re-particularizing
white identities. A structural position of whiteness is thus enabled to usurp the uniqueness of the claims of those it oppresses for itself under the guise of arguments seeking to foster empathy between “old” and “new” immigrants.

**Close Reading of the Metonymic Past**

I turn now to a close reading of documentary films portraying the immigrant story of Ellis Island as a way to understand how the selection of an archive can achieve a deflection sufficient for, though not necessary to, the symbolic reality of whiteness.63 “For better or worse,” Patricia Williams has written, “our customs and laws, our culture and society are sustained by the myths we embrace, the stories we recirculate to explain what we behold. I believe that racism’s hardy persistence and immense adaptability are sustained by a habit of human imagination, deflective rhetoric, and hidden license.”64 The films’ habituation of human imagination provides a proving ground for warrants by which whiteness may be politicized (in Rancière’s sense) and affectively satisfied.

The films provide the foundation for a two-sided wedge that might be used to leverage the unblending of whiteness. First, they enable the derivation of epistemic authority for claims that European immigrants faced inhumanity rivaling that experienced by other racial groups in the contemporary United States. The films portray the trauma as physical, sexual, and psychological, guaranteed by the hovering threat of death. Second, the films operate via a pattern of substitution between individual, group, and whole by which affective attachments may move back and forth to simultaneously provoke individual sympathy and collective agency.
Establishing Epistemic Authority for White Trauma

To establish European immigration as a past that can ground claims of disparity, the films (re)present evidence in rhetorical turns of equivalence between the Ellis story and the story of other oppressed groups. It is my argument that the films open the doors of Ellis Island so that undifferentiated citizen whites may find reference to their particularity as immigrants to tactically fill their identity. The pain of immigration is inflected in the very sense imagery that audiences encounter within the films. Many of the voices heard and interviews seen are of persons in their later years who recall memories of passing through Ellis Island as young children. Those people audiences can see often shed tears or avoid eye contact with the presumed interviewer, and those people audiences can hear “choke up”, “sniffle” and become unintelligible with emotion. It is clear that time has not healed the wounds they recount. These hardships are developed as equivalent to those of other oppressed groups through rhetorical turns at three points: the “Old Country,” on Ellis Island, and at the point of decision where the immigrant faced deportation or derision.

Trauma in the Old Country. The situation of immigrants in their homelands is presented as overwhelmingly dire. Gene Hackman, narrating for IHIT explains,

Europe had always lost its children to America. And now there were new reasons to leave. Industrial change and political unrest had brought increased joblessness and poverty to Italy and Southern Europe, and reaching as far north as the industrial cities of Poland and Russia. In America, they were saying, there was a future, perhaps a fortune to be made.

A female processee describes Europeans in FEI as, “desperate, whether from hunger, discrimination. They didn’t leave where they came from because life was so good for them. It wasn’t. Whatever they had here was better.” Fleeing was imperative because life in the old world maimed in multiple ways. The survivors testify to effects of starvation, disease, war,
and bodily injury from employers and police. The situation was so harrowing, as immigrant memories are presented, that conditions contemporary Americans cringe to recall in their domestic history (like child labor) are acceptable, preferable, and perhaps even a point of pride. The oral history of a male participant in *REI* recounts the reasoning of his mother, thus:

> Look. I do not want to raise my children in this country any longer. I don’t want no wars [sic]. I don’t want no famine [sic]. I don’t want no poverty [sic]. I want to go to the United States. You’ll work over there. The children will work over there, and at least we’ll eat.

Audiences hear succinctly from a male interviewee in *IHIT* what others said in many iterations.

> The word “government” frightened me. Government was tyranny. Government was officers who looked at you with the sense that they wanted to hate you or eliminate you. And the idea that there was democracy or that the policeman would help you was very new to me. To me the policeman was someone who could cut my head off.

The films concur that if one were lucky enough to have escaped his/her life of despair, s/he might not survive the worst conditions aboard steamships: the steerage class. A female survivor from *IHIT* recalls that the ship she came on was in such poor condition that it never made another trip after hers. “[The ship] should have never made that one either,” she says with a vocal shudder. Three male participants from *El I* outline these conditions:

> **Male Oral History 8**: There was no separate quarters for sleeping [sic]. You stayed with your clothes on through the trip. You couldn’t get your clothes off or anything. You just slept where they put you there. So it was a very miserable thing. You had to endure that in order to get here.

> **Male Oral History 9**: You had odors of paint. You had odors of food. People got sick. All these odors combined.

> **Male Oral History 10**: We were always in line. Everything was a line. We always were queuing up for one thing or another. Conditions were horrible on the ship.
These and similar testimonies lead several narrator scripts to invoke metaphors of farm animals (notably cattle, sheep, and hogs) to convey the sense of inhumanity experienced by the immigrant passengers.

But the threat was certainly greater, as Jose Ferrer describes it in *ICE*.

The voyage over was something no immigrant would ever forget. They came packed into the steerage like cattle, often without enough food and water to last out the 6 weeks and more of the crossing. Crammed into foul and [unintelligible] quarters many sickened, many died. Coffin ships, they were called.

Death pressed upon the heels of inhumanity. Telly Savalas, for *REI*, voices the lurking racial implication with troubling clarity:

The ocean passage typically took from one to two weeks, but storms, illness, or other misfortune could easily double the time. Those in steerage were huddled in tight, unsanitary quarters. Not since the days of the slave trade have ships been laden with so vast a human cargo.

Immigrants in this statement are equated to enslaved Africans. This origin for the Ellis immigrant story is crucial in making sensible warrants out of hardship: punishment, pain, discrimination, and death for those coming through Ellis. Rhetorically, this turn selects evidence of a past inhumanity for certain whites that can be represented as equivalent to the experienced inhumanity of non-whites.

*Trauma on Ellis Island.* As narrator of *EI II* Mandy Patinkin puts it, “Despite the horrible conditions on ship, the immigrants were often light-hearted. These were people brimming with hope, and that hope would frequently spill out onto the liners’ wooden decks.” It is a complicated emotional landscape. Audiences are reminded about the ambiguity of physical responses when the films present separate clips from the same participants (sometimes the same participant in multiple films) who speak of shedding tears in the context of both pain
and joy. The narrators of the films turn from stories of shipboard suffering to rejoicing at the sight of the Statue of Liberty with little more than a musical tempo or key change in the score of the soundtrack. The audience along with the immigrant can experience pain and pleasure nearly simultaneously, a confounding of agony and ecstasy. The argument relies on aesthetic ambivalence to obscure any ellipses in the rational differentiation of the disadvantaged past from the privileged present.

Even so, the intensity of personal stories of confusion, fear, shame, and death overshadow the relatively unhindered entrance of the majority of immigrants. The most vivid images portray the medical inspection, testing, and treatment endured by those passing through the immigration station. The narrator of *ICE* sets the scene portrayed in all the films:

*Jose Ferrer*: Medical examination was the most harrowing stage of the Ellis Island gauntlet. By loading themselves with baggage, some tried to disguise a deformity or hide a limp from the inspectors. Immigrants with dangerous symptoms, physical or mental, were chalked with an X. It was the X that often made Ellis Island the isle of tears. It might lead to final rejection.

*EI II* clarifies that there were seventeen abbreviations chalked onto immigrants, and over sixty symptoms searched for in just a few seconds. Contemporary audiences recognize the beginnings of the modern systems that now dominate schools, military training, census-taking, public-opinion polling, and market research, those Foucault called biopolitical. The audience quickly learns that there was worse to come. What would be viewed as a medically necessary examination to the world’s leading medical professionals at the time, would be a violation – oftentimes sexual – to the immigrants speaking in the films, male or female.

*Enid Griffiths Jones – Wales, 1923: FEI*: And we entered this big, like an open room, and there were a couple of doctors there. And then they tell you to strip. And my mother had never, ever undressed in front of us. You know, in those days nobody ever would.
Male Oral History 1: EI II: They asked the men and the children to form a line and to take out their penis. And the doctor went from one man to the other. And first of all, I was brought up very conservatively that that’s very, very private and I resented showing somebody there. And besides they didn’t tell us what they was [sic] looking for.

The raw exposure of sexuality may seem a particularly vulgar example of the "subjugations of bodies and the control of populations." But it wasn’t only physical ailments that the films present as stigmatizing and traumatizing. The films reveal that Ellis Island was a site of early psychological profiling. As the narrator of REI explains, “Anti-immigration sentiment gained increasing intensity as the immigrant pool shifted from northern European to predominantly southern and eastern Europeans. Many Americans, often the descendants of immigrants themselves, felt the newcomers were of inferior character.” The films describe Ellis Island as providing a large, virtually captive group of test subjects for early psychologists intent on equating national origin with mental deficiency, invoking the image of immigrants as animals once again. FEI tells the story of Henry H. Goddard, the psychologist practicing at the station who theorized that 80% of Italians, Jews, and Russians coming into the U.S. were mentally deficient. Goddard found it necessary to forge his data to ensure that his theory would be “proven.” His falsified results were subsequently published and remained highly influential among governing elites and the general populace for years.

These traumatic stories are followed by the most disturbing word in the documentaries’ arsenal, used with emotional impact by the EI series and FEI: eugenics. The signification of “eugenics” within the films is complicated. Ellis Island’s testing measures are described as a manifestation of the cultural belief that a nation should protect itself from both the physical and mental weakening of its population by interbreeding with inferior “races.” During the
years revisited in the films, “inferior races” included many of those found under the contemporary umbrella of whiteness. Eugenics further connotes The Holocaust of the Third Reich’s Final Solution. At issue is this: the United States’ government supported an apparatus at Ellis Island that it “defeated” on the battlefields of World War II. It attempted to utilize the same pseudo-science to keep Jews, for example, out of its own borders that it would later cite as the reason to welcome survivors of the death camps. The white audience can participate in a sense of relief that theirs is a nation that recognizes its mistakes, manages to keep from compounding them into horrifying tragedy, and can further deliver from that evil the very world from which their nation sprang. And yet, this narrative must not be read too blithely. In fact, this a key rhetorical turn by which the exit from whiteness has been leveraged. It may be interpreted to establish that many whites in the United States have a past that was marked by discrimination sanctioned by the federal government. The story of medical, sexual, and psychological testing equates European immigrants on Ellis Island with groups like Native Americans and African Americans as the poked and prodded specimens of pseudo-science blinded by a predetermined agenda.

*Trauma in Decision and Departure.* As the ordeal of medical and psychological testing sequences are brought to a close in the films, one final set of traumas is reconstructed for the audience. All the films recount a barrage of questions with which immigrants were drilled, including how much money they had, whether they were anarchists (the terrorists of Ellis’ day), polygamists, felons, or moral reprobates, and their ability to get a job. As the audience can judge for themselves, the questions are not always clear, even for English speakers. And the films reveal the nuances that could add the pressure of political conformity to the already taxed physical and psychic resources of the new arrival who was often inexperienced,
uneducated, and not a native English speaker. For example, the narrator of *REI* explains the not-obvious significance of questions about employment.

This was the trickiest question of all. I mean, what able-bodied man wished to publicly admit that he didn’t have a job. Your instinct was to say, “Sure I have a job, a good job waiting for me at the mill,” the factory, or the mines. That answer was a certain trip to the special inquiry room and countless hours of interrogation. You see, it was against the law to contract for employment outside the United States, a law designed to protect immigrants from crooked employers would exploit the unwary with low salaries and miserable working conditions. Well, not all immigrants appreciated the fine points of labor law, and wondered why they must answer against their better judgment.

Even if the immigrant managed to maneuver this minefield, *IHIT* reminds audiences that, “there was still the strange name, the strange numbers, and the fear of losing one’s money. There was still the process of buying a ticket to places with unpronounceable names like Pittsburg, Hamtramck, and Keokuk.” Once there, the immigrant was in for “back-breaking jobs that paid subsistence wages,” *EI II*’s narrator Patinkin explains. “Across America there were railroads to be built, cows to be slaughtered,” he continues (the echo of references to human “cattle” perhaps not lost on the audience), “steel to be shaped – all jobs for unskilled immigrants. The average work week was often more than 80 hours rewarded with a paycheck of about 10 dollars. Reported one Italian immigrant, ‘Not only aren’t the streets paved with gold, they aren’t paved at all, and I’m expected to pave them.’”

If an immigrant wished to exercise the new political rights s/he was promised, *ICE* recalls that protection was not guaranteed. Immigrants had much to earn, often for generations yet to come.

But with peace abroad came trouble at home: unemployment, strikes, and lockouts, industrial paralysis across the land. A simmering resentment gripped the millions of jobless, many of them veterans, and violence threatened. With red revolution sweeping Europe, the old distrust of the “immigrant” and “alien” seized again on the United States. The national
mood was ominous. Foreign was equated with radical. Arrests and reprisals reflected a spreading fear of the immigrant who once again was regarded a threat to the native working man and a threat to the American way. Police raids were launched in 33 cities simultaneously by the United States Attorney General, and 1000s of suspected reds and assorted radicals were rounded up. Into the dragnet went many an innocent immigrant and alien as well. Fear of the foreigner became a national fantasy.

If we return to the expressed and implied goals of the films’ producers, the attempted equivocation between “old” and “new” immigrants would seem most obvious at this point. Their differences are most flattened in parallels between the national fantasies of the past and the present that target foreign “insurgents” for both symbolic and actual interrogation to stave off citizen fears. While it is possible that empathy might be built between the descendants of those targeted as villains of national fantasy in the past, and those targeted in the same way in the most recent decades, it may also function as a key rhetorical turn by which the exit from the role as “oppressor” has been leveraged: There was never an equal playing field for anyone, including whites.

There are two moments of ultimate warrant in the films’ concordant narratives: death and deportation. Each stands as a final, fatal endpoint to (European) immigrant trauma. Those that made the journey were only the ones lucky enough to escape death at the hands of famine, war, or persecution in the old world. Aboard ship, ICE tells the audience “many died.” Once at Ellis, however, REI claims that “some died,” FEI specifies that “3500 died,” and EI agrees, but makes that reality even harsher by specifying that 1400 of those were children. The ultimate threat of death acts as the guarantee of authentic trauma in the symbolic representation of hardship. The statistic of deaths on Ellis Island stands as the ultimate end point of judgment. Any death is too much in a scene where merely living is sufficient justification for assuming the risks of travel and entry into the United States.
The physical death enumerated by these cadavers, however existent and grievable, is extrapolated exponentially by the symbolic death encountered in the master threat of “deportation.” Although the actual numbers of those sent back to their home countries was statistically small, one of FEI’s experts explains, “everybody knew somebody. Or knew somebody who knew somebody who was sent back. And that scared the living hell out of them. And because of that it spread like wildfire that when it’s your time to come up you could be sent back.” All five documentaries graphically illustrate the island’s common nickname, “the island of tears,” to be seen, heard, and inferred from audio, video, and written oral histories of immigrants who were haunted all their lives by the ghost of a deported family member.67 Death is the final deportation, but deportation is the death of the American Dream. In either scenario, the Ellis Island of the films is the ultimate proving ground for (European) immigrant trauma.

**Ellis Island Immigrants Become the Part that Acts as the Whole**

Through rhetorical turns of equivalence, the Ellis Island story as archived and circulated in documentary film during the last two decades selects a reflection of reality that allows the recapture of immigrant trauma. Documentary film’s epistemic authority vests this trauma as the warrant for legitimacy to pass out of the role of white oppressor, and back across the threshold from white-citizenship to ethnic-immigrancy for those who seek such political advantage. And yet, the immigrancy-citizenship-whiteness matrix continues to produce tangible privilege. To provide both at once, Ellis Island must be able to ground whiteness with both particular references (to a tactically full identity) as well as universal coverage (in a strategically empty identity).68 It is my argument that Ellis Island is a key nodal point where particularity and universality come to occupy the same symbolic subjectivity. In this
case, the white racialized affect tapped can be readily deployed in public discussions of immigration. The five films lay out the colluded universality of the Ellis Island immigrant story in a series of part-for-whole substitutions: affective numeration, producing Europe as the world, and producer/consumer for citizen. The key rhetorical turn in each substitution is vesting a derived epistemic authority in archival materials that reinforce the translation of “American” as always and still “white.”

Substitution by Affective Numeration. The first substitution the films engage in involves an evidentiary play of virtual numeracy. Immigration is a story about people of the past told to and for people in the present. The people of the past are seen in photographs and moving footage, and heard in recordings. However, the audience of the present recognizes that they cannot see or hear every immigrant that passed through Ellis. The films seek to represent “all” of the people of the past for people of the present by various methods of counting. The films offer evidence that is stated in numbers, but most are a) an estimate that is not a count of actual bodies, b) estimates of numbers so large that the average audience member cannot conceive of its size, or c) a percentage estimate, one or more levels removed from either. EI and ICE agree that 40% of current Americans trace their lineage through Ellis Island, and REI places the number even higher at 50%. For the peak years of immigration from 1892 to 1954, EI says 75% of newcomers entered through Ellis Island. An audience member must first know the population of the U.S., itself an estimate based on representative sampling, and further apply a percentage to that estimate before calculating a result that virtually loses its materiality to sublime vastness. Such numbers are “big,” but how big are they? The relative usefulness of their comparison is increasingly meaningless as the estimates of estimates of samples proliferate. An “old Ellis hand” quoted in ICE gets closer to what the average
audience member is likely to understand of these numbers when he characterizes the U.S. as being “simply swamped by their human tide,” and further that “no matter how many left the island, more kept pouring in.” The net result of numbers that are virtual, losing conceivable material reference, is a loss of the ability to discern when the part is or is not adequate to substitute for the whole. And with the mythos of the “nation of immigrants” providing originary purpose, the part receives substitutive presumption. White-American-Citizens, in effect, have reason to desire it to be so.

Yet, it is not only the incomprehensibly large numbers that assure that this part is grand enough to be the whole, but also the imperceptibly small. The numerical insignificance of deportations provides the opposing assurance that Ellis Island immigrants were numerous enough to, indeed, make up the whole nation. Medical Historian Dr. Howard Markel deploys percentages in *FEI*: “I was astounded to discover that less than 1% in any given year were [sic] actually sent back [to Europe] because of a contagious disease. Roughly 2% were sent back for other reasons total.” The audience may not be able to calculate how many persons that was, but one or two is small, tiny, hardly noticeable. Acceptance so “numerically” vast and rejection so “numerically” small act as bookends. The films assert that the ontological character of the nation sits between these two virtual numbers, with the part that entered through Ellis Island becoming the whole that is America.

The films do break down these massive numbers, however, by applying them to the case of the “hypothetical-actual” person. This is a living human in the present, that could be any audience member, but isn’t a named individual. The hypothetical-actual person is a calculation figure, a living algorithm between the past and the present. In the narration of *ICE* the audience experiences an early example interweaving virtual numeracy with personal
relevancy: “Twenty million men, women, and children passed through there [Ellis Island] on one of the great American adventures, perhaps the greatest. You are part of their story, and so am I, because their coming changed your America and mine.” The choice of the second person pronoun is one method of making address both specific and non-specific. It directs attention to a body, but does not specify number or gender as third person pronouns in English must. It leaves open the possibility of changing in a number of different persons (as does the famous hail, “Hey, you!”). As the narrator of REI states, “This is truly a memorial to everyman,” and as Elliot Gould says for WAEI, “this is the entrance where we all came through.” Each phrase allows both the narrator and any member of the audience to fit the definition. “Every” may include “any,” and “we” suggests Gould together with all whom he addresses. The near sublime of human masses is at the same time completely personal. What begins as a mind boggling number can be channeled through a personal story, one that affects each viewer, simply by being addressed. Merely by the fact that one is in America, one is personally implicated by Ellis.

However, the documentaries go further. The personal implications of Ellis Island’s archive are as much a matter of feeling as they are of fact. Christian Slater’s video for WAEI, summarizes it clearly: “A lot of great American stories started here at Ellis Island, that capture the American spirit [sic]. Like many Americans I don’t have a direct link to Ellis Island, but I wouldn’t want my children to miss the opportunity to experience these amazing buildings.” Joe Montana’s WAEI video extends the reasoning even further:

I think I’m like most Americans. We all start to wonder about our heritage, and in most cases, it’s too late in time. My grandparents were gone. My great grandparents were gone. At this point in time, also, my mother is recently passed away. So there are things and questions I have that can’t be answered any longer on a personal basis.
Even if one’s ancestors didn’t come through Ellis Island, or if one doesn’t know his/her personal history, Ellis Island can become a sufficient surrogate memory. What matters in this substitution is less how accurately numbers measure, or whether one’s ancestry is knowable, but rather how a citizen comes to affectively attach him/herself: through the hypothetical descendant, to the sublime mass of traumatized immigrants, substituting him/herself for the immigrant whose identity is substituted for America.

Substitution by Producing Europe as the World. The strategic substitution of part for whole is simultaneously working in other ways. Though the films’ experts and narrators use characterizations of immigrants as coming from “the whole world,” “worldwide,” from “all corners of the globe,” and “from everywhere,” Europe is the visual and vocal representative for the globe. Every immigrant in the archival materials utilized to construct the five films are of European descent, though they may have varied skin “tones.” Given the technological time frame of Ellis Island’s operation, the surviving materials available for use in the films are overwhelmingly photographic. Thus, the documentaries take advantage of the existing visual tropes of photography in their composition. One particularly potent example is the individuated aggregate described by John Lucaites and Robert Hariman. This visual metonymy allows a social abstraction of some human condition to be understood through its reduction to a specific embodiment in the individual subject of the image. In the films, the technique of reframing extends the possibility of this trope, allowing a single individual in a photograph of a group to command the center of the filmic shot. The camera then pans to include the entire photograph and the group of the population included. The intermediate step allowed by the moving camera (from individual, to group, to whole) permits additional photographs to function tropically than could otherwise.
Reframing animates a visual play between figure and ground that had been suspended by the still camera. As the moving camera pans from the close-up out to the entire scene, the perceptual adjustment provokes for the audience recognition of the choice-making inherent in all seeing. Judith Lancoini describes this recognition as a “critical encounter between the past and the present” that “is not passive or accidental; it is rhetorical.”70 If the filmmakers could find the individuated expression of their moment of aggregated argument in a figure that the still photographer had relegated to the ground, it may suggest that the film camera sees deeper and more meaningfully. The active camera has the capacity to epistemically vet materials anew, and potentially more deeply within the altered figure/ground relationship. The oldest four films follow the same pattern when reframing. The starting face in portrait is the one in the original photograph that was a) clearly in focus, and b) located most closely to the center of the picture. As is often the case, however, it is the exception that points out what was obscured in the original pattern. The newest of the films, 2008’s Forgotten Ellis Island, is noticeably different. Repeatedly, still photographs depicting groups in FEI are introduced by a close-up on the person (often visually distinct in the crowd) with the deepest skin tone, and zoomed slowly out to encompass the full image. The frequency, when viewed in comparison with the otherwise similar documentaries, is a stark contrast. The choice-making pointed out for the earlier films is the glaring recognition of the pale faces of the crowds, while that for the latter film is an apparent over-compensation for the recognition that Ellis Island was the inspection station receiving European immigrants.

Verbally, a similar pattern of producing Europe for the world emerges. The technique in this case is by using long lists that create the impression of diversity by the sheer number of options presented. When the roster of the home countries is read in EI, it is impressively
long: “There were those from England, Ireland, Germany, Italy, Poland, Sweden, Austria-Hungary, Turkey, Armenia, Romania, Russia, Greece, and the Caribbean.” Other films characterize origins differently, yet each seeks to demonstrate a wide range of options. *ICE* uses both religion and accents as ways to identify groups processed through Ellis Island – “Mohammaden, Jew, Catholic, and Protestant” and “Magyar, Slovak, Croatian, Czech, Pole.” Ports of departure are listed by *IHIT*, and they sound diverse as well: Naples, Pyrais, Tryest, Constantinople, Antwerp, Hamburg, and Liverpool. Vocally, one of the sound bites from the *WAEI* edited into the introduction of the oral history videos illustrates how this umbrella of Ellis Island is extended over the globe: “So much humanity came through here.” Not Europeans, not Italians, but “humanity.” As with the visual images, it is outlier vocabulary that makes apparent the borders of the diversity those long lists made less obvious. The National Park Service staff interviewed for *REI* provide only European examples in their testimony, and the oral histories recordings incorporated are all from European immigrants. It seems surprisingly out of place, then, when the narrator makes references to Asia and Africa, as well as Mexico and India at several points. Though impressive in length and rhythm as each rolls off the tongue of the respective narrator, the lists are Eurocentric.

The irony is not lost on those aware of sociological data. Many immigrants entering through Ellis Island purposely buried the stories of their countries of origin. For some, this was a convenient fast-track to the mainstream. For others who had experienced the traumas first-hand, it may have been a necessary coping mechanism. In any case, forgetting the past had consequences for belonging in the new nation, often for entering status whiteness not originally granted to immigrants upon entry. In the contemporary moment, the films and
videos suggest that the possibility of forgetting is what makes the traumas recounted at Ellis Island substitutable for those whose ancestors already belonged (northern and western Europeans, for example). Put differently, because immigrant trauma is something that certain white populations could forget and can recover, it opens the possibility that whites who may not have traumatized ancestors might lay claim to the legacy of trauma by substituting that forgetting as their own.

Substitution of the Producer/Consumer for the Citizen. A third manner of substituting the immigrants portrayed in the films for the whole of America is by demonstrating how their function in the capitalist system is the common denominator linking them to the entire identity of America. Rancière describes the demos of Athens, the Third Estate of the French Revolution, and early feminists, as some examples of gatherings that “had no position,” those who “had no part of anything,” that came to identify their “improper property with the exclusive principle of community.” Though each of these groups did not have substantive goods to put into the communal accounting (wealth, for example), in a moment of radical political reorganization they were allowed to share in the communal distribution of benefits. Ellis immigrants have been cast in this position for the United States. Given the kairotic timing of Ellis Island’s operation with the formation of the U.S. as a modern nation-state, the quality of (European) immigrants as the necessary human resource of industrialization, producers/consumers, is at the heart of the deeply fused articulation of “America” to whiteness. Immigrants possessed the quality that was thought necessary as defining all Americans.

The documentaries make clear that the teeming crowds brought virtually nothing with them. They did bring not wealth, since the wealthy would not have traveled in steerage of the
great passenger ships and thus never set foot on Ellis Island. They also did not bring virtue, as the films establish that they were both literally and figuratively the carriers of disease and defect. Aristide Zolbert summarizes their contribution in *El III*:

> In the heydays of Ellis Island, this was really the big push of industrialization and mass production. I mean the United States in many ways kind of invented mass consumption. That was one of the great economic developments that the United States contributed. The sort of notion that Henry Ford had: you build lots of cheap cars and the workers who build them become the consumers who buy them - this is a very American idea. But America really was getting very big as a world economy in this period. And there are some serious economic analyses which suggest that the large influx of immigrants, many of them with relatively low skills, was a very important part of the kind of labor supply that made this possible.

It was *not only* immigrants that were capitalist producers and consumers, but they were the purest example, the part that came to function as the whole in the economic engine of liberal democracy in this nation state. They had the freedom to sell their labor, which was *then as now* the hallmark of American empire. As noted previously, this is the quality that makes them both loved and feared by their new nation. The nation needed them to enhance its industry and its world standing, but it feared their power to take jobs from current citizens and to make demands that would upset the mode of production.

Importantly for whites, the documentaries facilitate this reformulation of the immigrant experience into a type of radical politics – a political moment when one’s ancestors claimed rights despite their hardship, and a heritage worth remembering and revaluing. In the images of the films, the European immigrants are (re)granted their (new) standing in the United States. They came to “count” in this new world in a way they did not count in the old world. Jacques Rancière has argued that such a process is the aesthetically charged moment constitutive of the political as such, a moment that has the power to reorganize the social
system by the inclusion of a new part whose contribution will inscribe continuing contentious
disagreement into the newly composed community.

And it is this moment of radical politics, I argue, that can be used to political advantage
to reorient the domain of the sensible for whiteness. James P. Shelton explains of the
historical moment in *EI III*, “All whites are not equal. Some whites are more equal than other
whites.” Ferrer narrates it succinctly in *ICE*:

> You didn’t have to have a different skin color or slanted eyes to be despised and abused. It helped, but it wasn’t essential. As thousands who passed through Ellis Island found out, you could also be ridiculed and ostracized if you were born in the wrong part of Europe, or if you spoke with an accent, or if you went to the wrong church, or just for getting over here a little later than the man who was despising you. It became a pattern. As soon as one immigrant group was safely settled and Americanized it often turned around and sniffed at later arrivals and told them to go back where they came from.

What is becoming (re)seen, I maintain, is what *had become* veiled, hidden, or invisible
during the post-Ellis Island years when many former immigrants tried to identify completely
with Americanness, and refused to own their heritage. Immigrants as embodied in the
argument of the films are both traumatized *and* white. They are representative even for those
whites whose ancestors did not come through Ellis Island. What results is an elision *between*
whites even as a trauma of difference *for* whites is re-established. What the filmmakers
intend is for a realization that “we are all human,” or perhaps even a version of “the golden
rule” – do unto others what you would have done unto you. What becomes possible, instead,
is the ability to say and the talent to speak of the space and time of Ellis Island that “we all
had it hard,” redistributing the sensibility of descendants to do unto others *what was done*
unto one’s own. This mode of affective investment clings to and claims European immigrant
pain, the spasm from a missing limb that (for many) was never there. Recapturing this racial
“wrong” of the past substitutes for a “wrong” in the present. Recapturing this pain establishes
a warrant for legitimacy, for whiteness to have moral grounds to condemn again, to be seen and heard in the spaces and times of race, to advance in the war of position.

*Meditating on the Implications for Arguing Identity*

“In the standard, rose-tinted story of immigration,” David Roediger holds, “newcomers arrive overwhelmingly from Europe, ‘green’ in their lack of urban and modern experiences by unproblematically white. They assimilate U.S. habits and join the nation, often successfully competing with people of color for jobs as they do so. If race comes into the story of immigration history, it is generally the subject of such job competition, or in telling the story of Asian or Latino immigrants.”

As the films have demonstrated, these are not the standard, rose-tinted stories. They are stories of trauma and race, of white-not-being-white. The importance of popular documentaries (re)archiving and circulating the “immigrant experience” by way of Ellis Island lies in the rhetorical power of these expository images to become epistemic, the teaching voice that reflects by selecting and deflecting, and which effects a structure of white racialized affect. The sequence of events and consequences as presented in the films sets forth a “substance” that can be slotted into the emptiness of whiteness. Armed with a set of “facts” and a “history” of trauma, whites can exit the identity of undifferentiated oppressor to particularity of re-ethnicized, hyphenated-American with the capacity to leverage their own now documented pain and discrimination against all comers. The casuistic stretch, of course, is that by a series of substitutions whiteness lets “in,” but may also let “out.” Whiteness may be acquired as a status of privilege by those that adequately pass, but it may also be shed as a status of oppressor by those that adequately pass. By passing through the “golden door” of Ellis Island, certain non-white-immigrants
became white-American-citizens. White-American-citizens have now attained the discursive ability to become non-white-immigrants by symbolically passing back through that door. 

First Meditation: Presencing Mode

“The logic of victimization – based on shifting distinctions between insiders and outsiders, inclusion and exclusion,” observed Sally Robinson, “exercises a pull that even the most privileged seem unable or unwilling to resist. Its seductiveness stems in large part from the fact that ‘grouping’ in the United states is almost always linked to perceived experiences of victimization.” Robinson characterizes the narrative structured around victims and victimizers as “the national narrative in the post-liberation era.” Wendy Brown calls this the practice of politicized identities of pain in politics, or *ressentiment*. It draws its roots from the evidentiary requirements placed upon groups seeking legal recourse to discrimination. Because of the integration of United States’ jurisprudence with capitalist market logic, courts require proof of a “defect in the market” - an intentional, particular, and single deciding factor motivating discrimination - before providing relief. “Grouping by victimhood” or identifying by pain is required in a system that will only recognize a class for a “class action” by their “perfect” injury. However, the practice gained more-than-legal force because the cause of such perfect injury could be further proven to be immoral in the court of public opinion.

In the equivalences and substitutions of the Ellis Island documentaries, whiteness retrieves access to its “prewhite ethnicity.” In the trauma of European immigration, whiteness gets its own perfect injury, and can reinvent the subjectivity it participates in with moral legitimacy. Further, because of the *kairos* of Ellis, these white Americans can say that they bear no responsibility for racial injustice or for its elimination because Ellis Island stands as
the protector of their innocence: they “weren’t even here” when slavery was being perpetrated. Once that peculiar institution was abolished, these immigrants (and their casuistic brethren) were themselves the victims who had to overcome their circumstances to make it in America. As Robyn Wiegman puts it, “History, in other words, rescues contemporary whiteness.”

The principles of capitalism and liberalism that combined in jurisprudence to require perfect injury were an integral bulwark protecting the privilege of whiteness. However, as the great leaders of the Civil Rights movement knew, the jury of public opinion can be leveraged against statutes. For example, the televised images of nonviolent activists facing beatings, police dogs, and fire hoses in places like Birmingham, Alabama, were recognized by the Southern Christian Leadership Council and its allies as an essential suasive tool. Any legal defense could hardly stand in the face of the emotional impact the images would produce: the action taken against the protesters was immoral because no legal violation could justify an attack so severe. Whiteness had forced victimhood, and whiteness would now be morally convicted by what it had required. Contemporary whiteness is rhetorically embattled in attempts to wrench this frame of race sensibility loose. In the space and time of race, whiteness is evacuated of moral authority as the condition of redeeming itself from moral reprobation. Fear, greed, defensiveness, avoidance, apathy, and fatigue are produced along with more complex affective and aesthetic processes such as the desire for legitimacy, for origins, and for telos.

The vulnerability of a identifying by pain is that the pain of one group is flattened in the perception of another group that finds a pain of its own. White people can never be sorry enough, because their apology undermines itself in the very declaration. Part of the reason it
feels like a self-indulgent performance, or a false one, to people of color is it that whiteness is allowed no legitimacy to condemn on race because it has no experience of pain. Remorse is not the correct kind of pain. But, it seems, European immigrant trauma might be. It may not be the correct kind of pain to make white people apologize with genuine atonement. But it may be the kind to win the war of position over this domain of the sensible. Actor Carmine Giovinazzo speaking for the “We Are Ellis Island” campaign tried to engage in apologia for the history the documentaries present, and perhaps for the contentious policies that have been advocated in response. “That’s why it’s ironic about America. There are these problems and these prejudices: this, that, and the other thing. Yet we’re a place where we’re just nothing but a pot of different people. We are all a part of Ellis Island. We’re all a part of each other.” Perhaps the greater irony is that it is also Ellis Island that ensures, in fact, that we are not.

Rancière characterizes the struggle over the domain of the sensible in a statement made by newly counted political subjects to those who had sought to exclude them.

We understand that you wish to signify to us that there are two languages and that we cannot understand you. We perceive that you are doing this in order to divide the world into those who command and those who obey. We say on the contrary that there is a single language common to us and that consequently we understand you even if you don’t want us to. In a word, we understand that you are lying by denying there is a common language.

In the standard theorizations of race, whiteness is in the position of “those who command,” in control of the language by which arguments are made and interpreted. However, in the space and time of race, it is not always certain who will be in which position, how stable this will remain, or perhaps even if there are defined “commands.” Strategies implemented to interrupt structures of whiteness have proven to have set in motion the development of what Howard Winant calls a “split in the white subject,” the double-consciousness of white racial dualism. It was by “seeing the self from within and without” that whiteness became aware of
the possibility that there could be stigma inherited with the privileges gained from racism.82

During the same period, Winant writes,

A little-noticed civil-rights era reform, the Immigration Act of 1965, led to a growing population of “other others,” mainly Latinos and Asians. The rapid growth of these groups over the past few decades has replaced the old black-white racial polarity with a multifaceted racial order in which whiteness is no longer the negation of non-whiteness, but merely another form of racial “difference.”83

Facing its own fracturing, and encountering an increasingly complicated order that partook in a not-quite-remembered vocabulary, whiteness’ split consciousness was within reach of a victimhood that might make sensible a domain where arguments warranted for “white rights” could flourish.

For example, many liberals and conservatives alike find it inappropriate if not unethical for Pat Buchanan to suggest, “Hate crimes are the cultural elite’s way of racially profiling white males.”84 In the current political climate, the imperative of racial coding is routed across the threshold that plays such a crucial role in racializing: immigration policy. Through the pen of a rhetor like Ann Coulter, this policy mitigates overt race talk, accomplishing denial and distancing of white privilege with cunning efficiency.85 In characterizing immigration policy in 2007 she writes, “we fought a civil war to force Democrats to give up on slavery 150 years ago. They’ve become so desperate for servants that now they’re importing an underclass to wash their clothes and pick their vegetables. This vast class of unskilled immigrants is the left’s new form of slavery.”86 Notice how closely slavery functions to the way it does in the historical documentation of Ellis Island. It is a sin committed not by authentic Americans (that freely laboring part which has come to count as the whole), but by someone “else.” “Democrats,” in this instance of Coulterspeak, is a code word for the pre-Ellis elite that perpetrated white-on-white discrimination. Coulter “offer[s] a
rhetoric of ‘good whites versus bad whites,’” in order to solve a problem of hegemonic identity under threat. The casuistry is that any white person may claim Ellis Island, but that no white person must own an exploitative identity. What is facilitated by the documentaries and deployed by Coulter is a particular form of white resentment that rallies itself in order to conserve an America that has been back-projected in/onto history. The right has tapped into this kind of identity uncertainty before in mobilizing to expand its base. Cindy Patton has tracked this maneuver as executed in adopting a version of identity politics modeled on “gay” identity. “The new right,” she concludes, “would attempt to neutralize identity by taking up identity against identity.”

In the new century, the argument for colorblindness and the assumption of both the trauma and the innocence of “the immigrant experience” are no longer surprising, but the attacks of September 11, 2001, have reorganized the landscape. The (mythic) memory of the glory days of processing, when immigrants could be held on an island far from shore, and inspected and tested before they were allowed to finish their crossing into the United States is idealized. It was not an accident that the President Bush’s address to the nation on the anniversary of the attacks was made from the physical place, and this analysis would suggest the rhetorical space, of Ellis Island. Several example entries made in the National Park Service’s visitor journal at the Ellis Island monument, and reprinted on their website, exemplify the connections being made:

_Tennessee:_ We are American. We fought and worked hard to make this Country what it is. Our heritage is at stake here and Ellis Island and the Statue of Liberty inspire us to make our Country better - after 9/11/01.

_Utah:_ I had not intended to visit Ellis Island or Liberty Island during my visit to New York City. Yet, when I passed the destruction and rubble of the Trade Center and saw the magnitude, a great depression hit me. I knew at that point I had to go see the Statue of Liberty and see it; to show the
promise of America will never be defeated, we will endure as we always have for the cause of Liberty will never be defeated.

Texas: I cannot express the need for these National Museums and Sites to stay open. Especially after 9-11, our young people need to see the foundations of our country’s beginning. This is our hope for the future.

The evidence suggests that there have been advances in the war of position, that the domain of the sensible has been altered. For example, within the past two years coverage of “white rights discourse” has risen perceptibly in the mainstream press. The Public Religion Research Institute found 51% of “Americans” identified discrimination against whites as a problem equal to bigotry against minorities, while the numbers were increasingly higher as respondents were co-varied with their identification as Republican, evangelical Christian, or Tea Party. The Texas-based Former Majority Association for Equality awarded its first scholarships to winners chosen from its pool of white, male, financially needy college-bound applicants in July 2011. The U.S. Census data from 2010 highlighted two demographic indicators: that the portion of the population reporting as “white” grew more slowly than every other racial group and that the portion of the white population reporting as “white plus another race” grew at its highest ever rate. These numbers were widely circulated in reports investigating the possibility of “white oppression.” Meanwhile, serious challenges in the Supreme Court to the voting rights act went virtually unnoticed, even as marches on Washington hosted by Glenn Beck and Jon Stewart had similarly homogenous, white attendees.

To consider whites who carry unearned skin privilege as inheriting a legacy of inhumanity, experiencing the trials of physical, sexual, and psychological violation by government sanction, and as overcoming the stigma of scapegoating, strikes many on the political left as non-sensible, illogical, or even pathological. However, Rancière notes that
“political argumentation is at one and the same time the demonstration of a possible world in which the argument could count as an argument, one that is addressed by a subject qualified to argue, over an identified object, to an addressee who is required to see the object and to hear the argument that he 'normally' has no reason either to see or to hear.” What Obama’s necessary recognition in the 2008 primary, the rise of white rights discourses, and experience in our classrooms tells us is that the possible has become the actual. Treating it as illogic or pathologic is not adequate. The very vehicles of more, and more accurate, information can form racialized affect, quite possibly in conflict with their producers’ intent.

Second Meditation: Absencing Mode

As Shenton describes it in *EI I*, “When immigrants came, no matter which group, they were making a conscious decision to rupture their source of origin and to begin the process of reinventing an identity. The nature of American identity is one of choosing.” The first mode of political/rhetorical identification I described has a long tradition of study by rhetoricians, notably by scholars working with constitutive rhetorics. It has been assumed that the emotional investment at work in the formation, circulation, and maintenance of identity are different (merely) in degree from the investment necessary to buoy specific policy initiatives. I am in accord with this assumption up to a point. Discursive analyses have revealed the overwhelming homology between the operation of identity and assertions into “that sphere of social life commonly called ‘politics’: elections, political parties, the doings of governments and parliaments, the state apparatus.” However, I would like to explore how this case study has suggested that this recognition of presence is not sufficient to account for the common differentiation between “attitude” and “behavior.” Put differently, the rhetorical form of transition documented in films about the liminal space of Ellis Island is not only a
resource for the (re)establishment of a newly bounded community charged by a “wrong” with aesthetic power. The form also performs in one and the same moment the creation of an absence, the space in which to feel the difference between the promised “wholeness” of the “whole” and its deficiency in expressed materiality. Theoretically I turn to the work of Ernesto Laclau and artifactually to the public agendas101 of policy advocates from the 2000s to demonstrate that radical emotional investment is vital but different in kind in this second mode.102 Reading between these modes allows rhetorical scholars to consider affect with greater nuance and thickness.103 What we will find, I maintain, is a demonstration of what Michael Lerner alluded to: one of the ways in which the process of opening to the right involves whites in a community where racist, sexist, and homophobic discourse are a part.

From 2002 through 2012, Pat Buchanan maintained a position as commentator with the 24 hour news network MSNBC. Though the network developed an increasing reputation as a liberal foil to the conservative spin of FOX News, Buchanan remained on the payroll, developing a rapport with channel staples like Rachel Maddow. However, in late 2011 Buchanan was suspended after the publication of his book Suicide of a Superpower: Will America Survive to 2025? It was reported that of particular concern to executives were the chapters “The End of White America” and “The Death of Christian America.”104 When Buchanan was finally “released” in February 2012 the split was somewhat surprising, because Buchanan had been nothing in those ten years if not completely consistent in his views. In fact, these most offensive passages in his 2012 book were virtual repeats of his most thorough explication of these theses published the same year he established his relationship to MSNBC, 2002’s The Death of the West: How Dying Populations and Immigrant Invasions Imperil Our Country and Civilization. While the nation was still reeling
from the fresh shock and fear provoked in New York City, Washington, D.C., and Pennsylvania, Buchanan’s 2002 book illustrated how claims directly served by (Ellis Island) immigrant trauma can become a nodal point for a whole series of demands that might otherwise remain relatively autonomous. Around the keystone of immigration (as the title indicates), he had articulated an entire chain of demands that hold together diverse substantive interests but share recognition of the absent wholeness that emerged from discourses of American identity argued through Ellis Island. Though MSNBC President Phil Griffith said of the 2012 book, “I don’t think the ideas that [Buchanan] put forth are appropriate for the national dialogue, much less for MSNBC,” the network had been providing him a venue for that same message for a decade.

Buchanan makes use of the strategy to “neutralize identity by taking up identity against identity,” quite intentionally. In one particularly potent passage he writes:

A belief in racial rights and ethnic entitlements has taken root among our minorities. This belief is encouraged by cultural elites who denigrate the melting pot and preach the glories of multiculturalism. Today, ethnic enclaves are encouraged to maintain their separate identities, and in the barrios ethnic chauvinism is rife. “The integrationist impulse of the 1960s is dead,” writes Glenn Garvin in Reason, “Liberal chic in the 1990s is segregation, dressed up as identity-group politics.” If today Calvin Coolidge declared “America must remain American,” he would be charged with a hate crime.

The dual categories of non-white (liberal) and elite (Democrat) hold for Buchanan as well as Coulter. Immigration stands as Buchanan’s example of the problem with political discourse tout court: those who demand fixes for the fissures he has identified are pathologized and ostracized. Here is the model of reasoning as Buchanan establishes it using immigration policy:

Immigration is a necessary subject for national debate, for it is about who we are as a people. Like the Mississippi, with its endless flow of life-giving
water, immigration has enriched America throughout history. But when the Mississippi floods its banks, the devastation can be enormous. Yet, by the commands of political correctness, immigration as an issue is off the table. Only “nativists” or “xenophobes” could question a policy by which the United States takes in more people of different colors, creeds, cultures, and civilizations than all other nations of the other combined. The river is rising to levels unseen in our history. What will become of our country if the levees do not hold.

Buchanan’s argument repeats for multiple issues: 1) the issue can be proven to be materially important, 2) the issue is symbolically important, 3) the conventional order has made a judgment based upon criteria that undermine American wholeness, 4) the questioners of such order have been labeled as deviant. The argument outlining the fissure proposed to be filled by “tougher penalties for illegal immigration” is the model by which every other felt deficiency operates. It can speak for the others because any of the other demands may fill its form.

For nine chapters, Buchanan catalogues a series of fissures cracking the symbolic surface of American identity. Then in the final chapter he outlines the specific policy recommendations intended to fill these gaps. The demands that issue forth from each fissure are differentiated in their content, from tax law to treaty withdrawal, from education curricula to media regulations, from defiance of political correctness to pro-life statutes. However, each is equivalent in their failure to be satisfied in the conventional order. The particular demand for assimilation is presented as unmet, just as the demand from the religious right for family values and abortion repeal, and as the demand by American isolationists for withdrawing all troops from Europe and Asia, and as the demand of Confederate revalorists for the celebration of the Southern Cross “battle banner,” etc. Buchanan weaves together evidence from think tanks, current events, security experts, military strategists,
demographers, and even rhetorical critics (Richard Weaver)\textsuperscript{110} in readable and pathos-laden prose that is surprisingly lucid to the uninitiated.\textsuperscript{111}

Laclau theorizes that this process, too, is a result of radical affective investment, one I argue is an investment different in kind. It is crucial to note that it is possible to represent that which is not present.\textsuperscript{112} One gives a name to the unnamable, providing a figural term where there is not a literal term available. Catachresis happens at two levels in the absencing mode. On the first, Ellis immigrants (and those casuistically included) came to stand for the whole of “the people” of “America,” the naming of the assumed relation which will never be the total of itself. As these Ellis immigrant Americans go forth in their daily praxis, they are haunted by a feeling of disharmony,\textsuperscript{113} recognizing their lived (ontic) being as deficient from the imagined fullness (ontological) of community promised by the radical political moment of their contentious counting.\textsuperscript{114} It is here where the second level of catachresis takes place. By naming that feeling (leaky borders), one performs an affective investment in a particular solution (demand = wall) as a means to fill that gap, or shore up the failed totality of a community (America).\textsuperscript{115} The demand for a “wall” does not name the literal deficiency – a wall will never be what its advocates really wanted.\textsuperscript{116} The affective result is constitutively split. On one hand Buchanan’s constituencies have attached themselves to specific policies. One the other hand, by choosing to represent their deficiency as satisfiable, they have committed themselves to, and invested themselves in, an attachment to an aspiration\textsuperscript{117} for a system they hope the policy will bring about (more perfect union).\textsuperscript{118}

The radicality of the affective investment in this mode is certainly measured by its ability to endure the strain of substantive augmentation. The key for Buchanan, Coulter, or any rhetor invoking the Ellis identity to articulate a political agenda is the delicate balance
between claims. In any unique set of circumstances, the absent presence involved - the “unmetness” that ties each to the other - must be tended carefully. The key policy, such as illegal immigration, must itself be able to channel the other demands. It must, in effect, empty its own substance to make room for the substance of additional claims. The more empty it becomes, the more radical the emotional link to the demand must be, as it must not only function non-literally, but do so for multiple deficiencies. Such coalitions are volatile, and identity resources provide no guarantees. This is especially important for a rhetorical consideration of affect. The affective investment during a *presencing mode* may be fully intact, charged with emotional energy. And yet, such ardor may be inadequate for an *absencing mode*, whose imperative is inducing action on policy agendas (like voting, for example). The felt presence of identification and the constitution of belonging may be necessary, I would argue, but may not be sufficient to make the transition between these two modes. The investment necessary to sustain a consensus between felt absences is invoked with a different type of rhetorical mastery.

Former U.S. Congressional Representative Tom Tancredo’s short-lived presidential candidacy in 2008 provides one example by which to consider the limits of this mastery. Like Buchanan, Tancredo identified illegal immigration as the keystone issue upon which he would build the policy claims of his congressional work and presidential candidacy. He consistently described illegal immigration as “more than one issue,” a lens through which to view others such as education policy, crime, health care, economy and trade, national security, and taxation. Tancredo claimed that the voting results on ballot issues discretely related to illegal immigration showed evidence of adequate investment to capitalize his equivalential strategy, despite the defeat of congressional representatives with similar policy
To be sure, a number of circumstances separate Tancredo from Buchanan, including two highly expensive and contestedly effective military campaigns, over half a decade with no additional terrorist catastrophe on U.S. soil, stigma from an increasingly unpopular president creeping onto members of his party (even the critic Tancredo), fear fatigue that may have prepared some voters for relief found in moderate messages, a broad-based protest movement in 2006 against proposed immigration reforms, and the individual role differences between an opinion leader and a man in position to directly design policy and protocol. These parameters highlight the difficulties a rhetor must manage when seeking affective investment of publics in the catachrestical gap between an ontic experience and ontological promise of (an Ellis-identified) “America.” The expected difficulty in managing this gap is tensile failure, when emotional investment is stretched so thin that it fails to hold together across fragmented commitments. However, if there is no flexibility at all, an insufficient catachrestical suture to require a radical affinity in the absence of presence, emotional rigidity might result in flexural failure, immediate deformity under pressure.

Tancredo gained wide exposure to audiences through the primary season debates, and advertisements presented to its first audiences in Iowa and New Hampshire (available to others on his campaign website and YouTube channel). Like Buchanan, Tancredo relied on the premise that Americans have a felt deficiency between their ontic experience and what they expect as an ontological promise of their community. However, unlike Buchanan, Tancredo operationalizes a different argumentative strategy by which to equate the differences in how this deficiency has been named as a demand. Rather than offering the form of the argument for “tougher penalties for illegal immigration” as the model by which
each of these present absences may be expressed - functionally emptying immigration of its substantive difference so that it may speak on behalf of other substantive demands, Tancredo instead crafts an argument that traces every felt deficiency to the same substantive cause. Tancredo’s position on healthcare offers a timely example of his strategy. In the August 5, 2007, primary debate broadcast on ABC’s This Week, then Representative Tancredo explained his position on healthcare.

Let me suggest -- let me suggest we think about something in the area of health care that perhaps is unique, different and scary to some people, but that is this: The government -- it’s not the responsibility of the federal government to provide womb-to-tomb health care for America. (APPLAUSE) And so, we constantly debate on exactly what way we want to push government control of this issue, but in every way we’re doing it, it’s unhealthy. It is unhealthy to have a government health-care plan in America. There are some things we can do, absolutely. The expansion of health savings accounts that increases individual responsibly. The allowing for people to actually take -- the reimportation of prescription drugs. And not only that, but let’s do something about the 12 million to 20 million illegal aliens in this country that are taking a large part of our health-care dollars.123

Tancredo uses this same approach for most issues: 1) the problem is explained properly from a traditionally “conservative” paradigm,124 2) the problem has been addressed by improper governmental means, 3) because of inadequate valuing of American culture by “gutless”/“spineless politicians,”125 who 4) bow to demands of non-natives. In the June 5, 2007 debate he repeats this pattern when discussing schools, jobs, and welfare;126 in the September 27, 2007 debate it is used to discuss education, welfare, and the United Nations;127 October 9, 2007 to explain wage, tax, trade, and union policy;128 October 21, 2007 to present plans on Social Security;129 November 28, 2007 on small business promotion and the safety inspection of imported products;130 on December 12, 2007 to attack NAFTA;131 and in the three campaign commercials still available on his YouTube channel, illegal immigration is the
substantive cause of malfunctioning schools and hospitals, recession felt through unemployment, terrorism, and the domestic crimes of murder, drug trafficking, gang violence, and rape.\textsuperscript{132}

When the argument used to articulate demands to one another relies on a single substantive cause, the suture of catachresis is nearly eliminated. The diverse possibility of the provoking deficiency is completely compressed to a single point of departure. The constituencies that would align with Tancredo have their differences discursively eliminated and their affective investment forced toward a single point. In this reduction of passionate attachments there is an uninterrogated opportunity cost: the loss of affiliative power. Laclau emphasizes the peer to peer identification described by Freud in Group Psychology and the Analysis of the Ego that develops when we encounter others who have performed an affective investment similar to our own: “The third [form of identification] arises...‘with any new perception of a common quality shared with some other person who is not a object [sic] of the sexual instinct. The more important this common quality is, the more successful may this partial identification become, and it may thus represent the beginning of a new tie.”\textsuperscript{133} In the act of making the claim toward an authority for relief of deficiency, Ellis Island inheritors feel similar phantom pain, though from varied and sundry points of attachment. In that moment arises the possibility for solidarity and mutual support. Part of the coalitional bond may not be loving the same lost object as others, but discovering the wonder of loving a different lost object in the same way that others love. There is not enough room for differences to exist between those that are made equivalent following argumentation like Tancredo’s. A policy agenda using the logics circulated through Ellis Island documentaries as a form or model provide the affiliative space needed for a fair tax advocate or treaty
skeptic to sign on, even if their reaction to the substantive suggestion of breeding more “European stock” is not a first priority. A policy agenda using this logic as causal explanation allows little emptiness, and may shift from the radical to the shrill and reactionary.

If one is already established in the discursive community, Tancredo certainly participates in the racist discourse already present. But his is a pathway too obvious in its substance. There is no mistaking – no room for substituting anything other than – Tancredo’s absent presence. In some ways, he’s less of a threat for both his obviousness and how close he was within striking distance to wielding executive power. Buchanan is a savvy rhetor, with a strategy more complex and coalitional, and without the recognizable pull of individual office driving him, able to speak with the “disinterested” voice of “principle” in the public forum. And due to his dogged consistency, denying him that forum after a decade serves to make his claim to being “blacklisted” sound sympathetic.

One of the most striking examples in Obama’s “A More Perfect Union Address” was his description of his own family. “I can no more disown him [Reverend Wright] than I can my white grandmother,” he emphasized, “a woman who helped raise me, a woman who sacrificed again and again for me, a woman who loves me as much as she loves anything in this world, but a woman who once confessed her fear of black men who passed by her on the street, and who on more than one occasion has uttered racial or ethnic stereotypes that made me cringe. These people are a part of me. And they are a part of America, this country that I love.”134 The vividness of the contradiction concretized bell hooks’s description of a culture of domination as one that fundamentally distorts and perverts the psyches of all citizens, and that wounds in that perversion.135 Obama is right, I would argue, to insist that white
racialized affect be taken seriously as a complicated, legitimate concern, and not written off as either hyper-rational or pathological. However, hooks is absolutely correct to make clear what Obama did not: that these wounds, racialized wounds, are *different in kind*. 
Notes


4 Ibid., 71. Emphasis added.


10 Ibid., 85.


18 Cannato, American Passage, 12.

19 Ibid.


40 Berlant, *The Queen of America*, 100.


44 Ibid., 2.


47 Ibid., 12.


49 *Island Called Ellis*, VHS, directed by Donald B. Hyatt (1967; Alexandria, VA: Time-Life Video, 1991). The film was produced by NBC News as part of the Project XX documentary series and aired for the first time on television January 13, 1967. The film was redistributed by means of Time Life Home Video in 1991 as part of the *America: A Look Back* series.

Ellis Island, DVD, directed by Lisa Bourgoujian (1997; North Hollywood, CA: Greystone Productions, 2003). This three part series was produced for The History Channel and aired on television for the first time January 19, 1997.


Nichols, Representing Reality, 24.


Nichols, Representing Reality, 35.


“Even if,” as Kenneth Burke said, “any given terminology is a reflection of reality, by its very nature as a terminology it must be a selection of reality; and to this extent it must function also as a deflection of reality.” Kenneth Burke, Language as Symbolic Action:


65 “The old power of death that symbolized sovereign power was now carefully supplanted by the administration of bodies and the calculated management of life. During the classical period, there was a rapid development of various disciplines – universities, secondary schools, barracks, workshops; there was also the emergence, in the field of political practices and economic observation, of the problems of birthrate, longevity, public health, housing, and migration. Hence there was an explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations marking the beginning of an era of ‘bio-power.’” Michel Foucault, The History of Sexuality: Volume I: An Introduction (New York: Vintage Book, 1990), 139-140.

66 Ibid., 140.

67 Some stories even repeat. For example, the story of Leah Shain’s aunt, deported for “feeblemindedness,” makes it into both EI and FEI.

68 “Whiteness moves with ease, adopting particularity or universality as the need arises. Always able to speak from the objective location of human, whiteness and its practices remain outside of culture. While flexibility thus works to ensure white privilege, it also often provides access into the seductive game of identity politics….And yet, for all its dominance, whiteness, like any other dominant hegemony, is not without its vulnerabilities. Indeed, the strategic/tactical tension demonstrates the constant struggle and the significance of attending to both the trends and the moments.” Lisa A. Flores, Dreama G. Moon, and Thomas K. Nakayama, “Dynamic Rhetorics of Race: California’s Racial Privacy Initiative and the Shifting Grounds of Racial Politics,” Communication and Critical/Cultural Studies 3, no. 3 (2006): 184.


71 According to the National Park Service, the “West Indies” was the only “nationality” of origin with notable numbers of immigrants outside the European continent. “For Teachers: Ellis Island Infrequently Asked Questions,” National Park Service, no date, http://www.nps.gov/elis/forteachers/upload/3-5-Ellis-QnAs2.pdf.

73 Rancière, Disagreement, 8-9.

74 “In its broad sense, however, aesthetics refers to the distribution of the sensible that determines a mode of articulation between forms of action, production, perception, and thought. This general definition extends aesthetics beyond the strict realm of art to include the conceptual coordinates of visibility operative in the political domain.” Rancière, The Politics of Aesthetics, 82.

75 David R. Roediger, How Race Survived U.S. History: From Settlement and Slavery to the Obama Phenomenon (Brooklyn, NY: Verso, 2008), 139.


77 Ibid., 131.


81 Rancière, Disagreement, 46.


83 Ibid., 74.

Coulter, participates in a more “transnational phenomenon,” (17) whereby “the category of immigration [functions] as a substitute for the notion of race and a solvent of ‘class consciousness’,” as observed by Etienne Balibar. “Quite clearly,” he writes, “we are not simply dealing with a camouflaging operation, made necessary by the disrepute into which the term ‘race’ and its derivatives has fallen, nor solely with the consequences of the transformation of French society.” (20) As he concedes, “there are, as we know, different national situations where these matters are concerned,” (26) and it has been my argument that in the United States this operation of “racism without races” (21) has produced a “turn-about effect” (21) differently from that described by Balibar in France. Etienne Balibar, “Is There a ‘Neo-Racism’?,” in Race, Nation, Class: Ambiguous Identities, ed. Etienne Balibar and Immanuel Wallerstein (London: Verso, 1992), 17-28.


Obama, “A More Perfect Union.”


100 Jenny Edkins, Poststructuralism and International Relations: Bringing the Political Back In (Boulder, CO: Lynne Reiner, 1999), 2. It would not be appropriate to say that this is a single identity or that attachments to the claim growing out of this felt deficiency is the only one operating for a given local/embodied psyche. It is dependent upon the articulation of discourses in a given time/space to determine which claim is most salient. Across the documentaries, testimony from immigrants and experts as well as visual materials repeat. In like manner, it is probable that some of the demands resulting in the 2000s on the agendas of the rhetors considered here were subscribed to by the same individuals via multiple paths, though the point is the possibility and probability that a person brought in on one demand would come to participate under the empty signifier with other demands that she may without the rhetorical operation not have embraced.

101 By “agenda,” I mean the range of policy recommendations that a rhetor(s) advocates as a more or less comprehensive statement of his/her/their paradigm of governance. I assume that
a populous and diverse representative democracy would require the consensus of a multiplicity of supporters and plans for a multiplicity of issues to be addressed.

For Rancière, once an act is accepted in a normative understanding, it is within what he calls the “police order” and becomes a device for surveillance. Hence, once circulating an identity hinged on Ellis immigration is no longer political. I want to argue, instead, that it is not only “grand moments” in which (re)founding takes place. In any moment where there is undecidability between conventional order and some type of reordering, the political is in operation. “Social order,” as Jenny Edkins explains, “is characterized by antagonisms that bring to light both the contingency of the institutionalized frameworks of society within which everyday social practice takes place and the existence of other possible resolutions.” Edkins, *Poststructuralism and International Relations*, 5. To be clear, Laclau theorizes a political moment quite similar to Rancière in his description of the operation of the heterogeneous. When those who have been operating as the constitutive outside are able to expect participation in fullness of community, thus viably naming and putting forth demands to fix deficiencies they recognize. However, Laclau recognizes the political operating in additional ways, and those will be the focus of this section. Laclau, *On Populist Reason*, 93-94. I argue alongside Laclau that the order is not always the same as itself, and though resilient, it is not completely reified. As Carsten Strathausen describes it, “For [Laclau], the only way to achieve particular political goals is to build ‘chains of equivalences’ that operate within rather than outside the existing democratic system.” Carsten Strathausen, “A Critique of Neo-Left Ontology,” *Postmodern Culture*, 16, no. 3 (2006): ¶41. He continues: “From Laclau’s perspective, Žižek’s and Badiou’s exhortations to withdraw from rather than engage with the democratic system run the risk of relinquishing political power to the right.” Laclau does not characterize Rancière in this way. My concern is that the valuing of the political as Rancière characterizes it may trump the work done to improve a system from within.

The scholarship on constitutive rhetoric consistently considers the internal form and function within the discrete messages assumed to speak into being “the people” in question. With few exceptions, the analysis ends at this point with the assumption that such emotional investment is sufficient to carry forward any policy result found to have followed after, coming dangerously close at times to assuming a *post hoc ergo propter hoc* judgment. Helen Tate offers an excellent case study countering this tendency. In her consideration of the failure and eventual co-optation of the constitutive appeal of white lesbian feminism, she carefully tracks the effects not only during but after the constitutive performance. This case study, however, explores notable differences. First, the identity claims were neither the concentrated claims made by a discrete, or even loosely unified group of rhetors (film producers), as were those of white lesbian feminists. Second, though the result of the intended second persona claimed overtly by the rhetors could be considered a “failure” as were those of white lesbian feminists, the asymmetry of the audience reading is less an outcome from a concentrated debate than of the hegemonic forces of circulation operating over decades. Third, the films were produced from an intended position somewhere near center-left and I will argue that they were co-opted, in a sense, by a contentiously opposed political position. However, as my analysis demonstrates, this co-optation was again not the
result of a planned assault through strategic statements but rather through hegemonic means. Tate, “The Ideological Effects.”


107 Patrick J. Buchanan, The Death of the West, 126.

108 Ibid., 133.

109 To be clear, I am writing in Buchanan’s terms. His description of a “conventional order” may differ markedly from what is either factually accurate or perceptually recognizable to those of different political orientations. Buchanan holds that it is the heterosexual, Christian, patriarchal, white male that is the marginalized population. He even goes so far as to label hate crime legislation as “the cultural elite’s way of racially profiling white males.” Ibid., 67.

110 Ibid., 210-11.

111 Case in point is Buchanan’s treatment of the Frankfurt School of critical theory. Buchanan reads Theodore Adorno and Max Horkheimer in a way that agrees on the surface with a common assessment made by some in cultural studies: as cultural elitists. Unfortunately, the density of Adorno and Horkheimer’s prose would make it difficult for some readers to recognize how profoundly Buchanan has misrepresented the purpose and content of their arguments. By the end of Chapter 4 Buchanan has constructed a timeline in which the Frankfurt School instigated a use of the culture industry (especially television) to wage a war of position lead by a “propaganda assault” on rigorous intellectuality!

112 Laclau calls this the “absent presence.” He utilizes this mechanism in his explanation of the logical failure of any “totality.” Laclau uses Copjec’s description of Lacan’s masculine argumentative position, without identifying it as sexuated.

113 Laclau, On Populist Reason, 87. “One first dimension of the break is that, at its root, there is experience of a lack, a gap which has emerged in the harmonious continuity of the social. There is a fullness of the community which is missing. This is decisive: the construction of the ‘people’ will be the attempt to give a name to that absent fullness. Without this initial breakdown of something in the social order – however minimal that something could initially be – there is no possibility of antagonism, frontier, or, ultimately, ‘people.’”
114 Ibid., 86.

115 Ibid., 97.

116 Ibid., 71. Slavoj Žižek describes it in this way: “Demand always implies a certain dialectical mediation: we demand something, but what we are really aiming at through this demand is something else – sometimes even the very refusal of the demand in its literality.” Slavoj Žižek, Looking Awry: An Introduction to Jacques Lacan through Popular Culture (Cambridge, MA: MIT Press, 1992), 21.

117 Laclau, On Populist Reason, 94.


121 The viewership for the primary season debates was up markedly for the 2008 election. According to The New York Times, “As the nominating contests played out in the first half of 2008 and the cable networks showed two dozen candidate debates, CNN had, on average, 32 percent more 25- to 54-year-old viewers than during the same period in 2004, while MSNBC (starting from a much smaller base) averaged 73 percent more. The Fox News Channel showed a 17 percent decline compared with the same time period, but still had more viewers than the other news channels.” Brian Stelter and Richard Perez-Pena, “Voting with Their Eyeballs,” The New York Times, August 4, 2008, Lexis-Nexis Academic.

122 While this study is not in a position to test the axioms presented by Holbert and Benoit, I do have in mind their imperative to consider the intertextual influence of multiple outlets available for gathering political information. “By and large,” they observe, “political communication campaign research either focuses on a single outlet or treats multiple outlets as being in competition with one another for which outlet has the greatest influence on a given democratic outcome variable. For the most part, citizens do not treat their use of various political communication information outlets as competing with one another, nor does the influence of one particular outlet function in a vacuum relative to other outlets.” R. Lance Holbert and William L. Benoit, “A Theory of Political Campaign media Connectedness,” Communication Monographs 76, no. 3 (2009): 322.

For Tancredo this typically means: small government with the exception of defense, deregulation and the trust of free market economics, Christian-inflected moral imperatives, focus on the superiority of “American” values, etc.

Tancredo uses these terms in his campaign commercials.


CHAPTER IV:
FIGURING RESISTANCE, RESISTING FINALIZATION

When promoting his new book, *Day of Reckoning*, in November 2007, Pat Buchanan chose to explain his advice for immigration policy not by references to his conservative forbearers like Ronald Reagan, nor to the proclamations of a think-tank like the Heritage Foundation, or even through recourse to post-9/11 terrorist hysteria. “Look,” he commanded FOX News pundits Sean Hannity and Alan Colmes, “Have you seen the *Gangs of New York?* The movie?”¹ For Buchanan, the 2002 Martin Scorsese film had come to function as shorthand for the excesses of bloodshed and identity fragmentation made inevitable by lax immigration controls and porous borders. He continued, “I’m saying that it did work, the melting pot worked with the Irish, the Jews, the Germans, the Scotch-Irish, and we were all melded, but that doesn’t mean you can bring the whole world here in numbers we have never known before, no nation has ever known before, and it’s going to work again.”² Nearly five years after its release, Scorsese was asked by Liane Hansen of National Public Radio to consider what the film had “contribute[d] to the national conversation about immigration?”³

He reflected:

There’s always been a resistance of fear and ignorance of the groups that have come to America until people begin to understand, begin to know the need and very often those coming here have no other choice in their lives – no other choice. But that’s the big issue about America. Does assimilation really work?...There’s always seems to be *[sic]* this very strong distress in the resistance.

Scorsese himself seemed to give voice to that distress in the halting prose that he used to contextualize the film’s political statement to *Dateline NBC* in 2002: “The amount of racism, the amount of hatred – it’s a – it’s an – it’s a fascinating place in New York.”⁴
In this chapter I consider the threshold between immigancy/citizenship to be constituted by the narrative imagery of popular cinema’s cultural spectacle. This threshold is constituted in the normalizing discourses experienced on a mass-scale by those accessing the texts of the national culture industry, described by Lauren Berlant as “organiz[ing] consciousness, not by way of explicit propaganda, but by replacing and simplifying memories people actually have with image traces of political experience about which people can have political feelings that link them to other citizens.”\(^5\) Importantly, as the last chapter demonstrated, this memory is often not “real” or existent. As Bradford Vivian suggests, “the impossibility of satisfying this desire [to know what cannot be remembered], however, only redoubles its intensity and multiplies its domain.”\(^6\) The intensity of desire is the guarantor of the continuity of the symbolic order and the rhetorical reconciliation described by Amsterdam Vallon quite adeptly in the film: “Some of it I half-remember…the rest? The rest I took from dreams.”\(^7\) “The symbolic order is assured as soon as there are images,” Julia Kristeva muses, “in which one unfailingly believes, for belief itself is an image: the two sorts of image are constituted by the same processes and start with the same terms: memory, sight and love or will.”\(^8\) This channel is constituted by the “liminal realm where the reality outside [the film viewing experience] recedes for a spell”\(^9\) leaving the audience as a collective co-author of these public dreams,\(^10\) and thus of their communal myths.\(^11\) The liminality between history and imagination is paradigmatically manifest in Gangs of New York, whose indeterminate fictionality is part of the very means by which its creators sought to provoke desire/demand in movie-goers. It is based upon an historical text (whose historicity is itself up for debate), was the last large scale film produced without computer generated sets (but not shot at any “authentic” location), and was described as meticulously researched (but always for its
costumes, sets, dialect – not its events). Popular culture is one threshold upon which American national fantasy has tarried in attempting to cover over the gap in collective identity, and *Gangs of New York* is a material moment of manifestation in which this fundamental fantasy is exercised. In a pragmatic sense, “the epic is a form a director like Scorsese must subvert even as he invokes it. But it doesn’t erase the sordid splendor of Scorsese’s congested, conflicted entrancing achievement.”

I begin this chapter by establishing the critical response to the film. By and large it was judged to be a work of intermittent excellence, worth seeing but unrecuperatively flawed and unsatisfying. Following quickly, I demonstrate the ways in which *Gangs of New York* was circulated as a lasting means to identify, introduce, and explain the political challenges facing American identity both within the United States and by observers abroad. I contend that these two seemingly opposed responses justify returning to the text for a close reading. As the starting point, my reading takes the dissatisfaction of critics seriously, but I insist that what they have identified is not a weakness but, in fact, the *imperative strength* that the film offers as a narrative of immigrancy/citizenship. I ultimately argue that the contribution of critical reading may lie not in finding an accurate interpretation of a text, but rather in demonstrating how a specific approach to reading can itself be political. As Linda Zerilli describes it from an Arendtian sensibility, “politics are not the interests [that are pursued] as such but the world-building practice of publicly articulating matters of common concern.”

My first concern from that point will be to situate my critical practice within the theoretical and methodological traditions of reading films rhetorically and politically. My second concern will be to concentrate on a series of elements from the film that produce resistance to itself from within. I parse ways in which the film’s “unsatisfying” resistance to
itself resonates with the very threshold between immigrancy/citizenship of the United States
writ large. As I conclude this chapter, I meditate on the rhetorical and political vision that the
film offers for the American context and for a rhetorically and politically “revised framework
of interpretation.”

Two explanatory notes are necessary before I begin. First, I have included two
appendices to assist in clarifying the complex of references I make to the characters and plot
of the film. Appendix A is a list of characters. Appendix B is a timeline of the plot broken
out by chapter as included on the digital versatile disc (DVD) edition used as a reference for
this essay. Second, I include within the text a limited number of screen captures made from
the same DVD. In accordance with the Code of Best Practices in Fair Use for Scholarly
Research in Communication created by the International Communication Association, these
images are presented under the second situation in which the doctrine of fair use clearly
applies: “Quoting Copyrighted Material for Illustration.” The images are: 1) presented “for a
purpose entirely distinct from that of the original, and…directed to an entirely distinct
audience from that for which it originally was intended,” 2) have been limited in number to
only those necessary, and 3) are provided citation “in a form and manner typically used in
communication scholarship for the material used in any publication of shared results of the
study.”

Reception and Circulation of Gangs of New York

To begin, the most consistent response from movie reviewers was a clear need mitigate
or qualify any praise that was offered for the film. As befits his reputation, Roger Ebert of the
Sun-Times (Chicago) summarized with elegant simplicity: “It is very good, but not great.”
As Miami Herald’s Rene Rodriguez explained,
This densely detailed, wildly ambitious movie has to be ranked as a disappointment, in part because the bar was set so high. When you have the best American filmmaker of his generation making the movie he’s dreamed of for more than two decades – a movie that would serve a summation to many of the themes that have permeated his films – anything less than a masterpiece simply will not do. And *Gangs of New York* is many things, but a masterpiece is not one of them.19

The most common ways of characterizing the film were as excessive (in weight or size) and messy. For example, the review in the *Boston Globe* described it as “long, overwrought, sprawling,”20 *The New Yorker* as “grisly and heavy-spirited,”21 and National Public Radio’s *Morning Edition* as “a heavy-footed golem of a motion picture, hard to ignore as it throws its weight around.”22 Stephen Hunter of the *Washington Post* asked, “What is a movie? That’s a question Martin Scorsese, great a director as he is really can’t answer clearly in *Gangs of New York*. Such a confusion is at the middle of this muddle.”23 Doug Camilli pulled no punches in the *Gazette* (Montreal):

> In fact, it’s a mess. It doesn’t know what it wants to be. As a historical docudrama, it’s unrecognizable; as a love story it’s wooden and heartless; as a political tract it’s vaguely anti-American, but essentially ridiculous; as sheer spectacle it’s not a patch on, say, *Ben-Hur*; as a coming-of-age tale it’s utterly predictable; as an action picture it’s bloody enough but even less plausible than most.24

And yet, the same reviewers could not deny that just as it was disappointing them, the film was simultaneously surpassing their expectations. The same *Boston Globe* reviewer who complained of the film’s excesses also called it, “frequently brilliant.”25 Liberally sprinkled throughout the complaints were adjectives along with brilliant26 like stunning,27 imposing,28 genius,29 exhilarating,30 and magnificent.31 It was perhaps Lisa Schwarzbaum writing for *Entertainment Weekly* that entwined the praise and blame most illustratively.

> If I could convince myself that in its mess and untamed intensity, *Gangs of New York* means to iterate the ungainly shape of the very history it recounts, then I’d be able to say this movie is towering and profound. Since I can’t –
because it groans and lumbers over too many ruts of narrative didacticism and murky puddles of historical matter as often as it explodes with scenes of greatness – I’m stuck calling it only (only!) intermittently extraordinary.\(^{32}\)

Peter Travers of *Rolling Stone* characterized the film similarly, though concluded that it was a film to see *because* of its flaws: “Here is a historical epic that fudges a few facts, tacks on a pandering love story and trips on its own grand ambitions. And yet here is a film that I give the highest rating. Nuts? I don’t think so. *Gangs of New York* is something better than perfect: It’s thrillingly alive.”\(^{33}\)

Movie reviewers found something amiss with the film – something left them unsatisfied, frustrated, unresolved, uncertain, or unconvinced. However, exactly what was at the heart of the turmoil was not easily identified. Some reviewers, like Gary Arnold in the *Washington Times*, blamed the writing for “a minefield of graphic brutalities and poorly contrived topical or amorous subplots.”\(^{34}\) J. Hoberman of the *Village Voice* concurred, noting that when a script passes through the hands of three screenwriters “and perhaps even producer Harvey Weinstein” it is bound to be “the least engaging aspect of the movie.”\(^{35}\) Others blamed the editing for emphasizing the wrong material.\(^{36}\) But most placed the responsibility with the director, agreeing with *New York Magazine*’s Peter Ranier that, “Scorsese is caught in a conceptual bind: He is trying to make a movie that is hyperbolic, almost hallucinatory, in its historical perceptions, and yet also realistic in human terms.”\(^{37}\) As the final conflicted judgment on the film, Academy Awards commentators noted with some amount of smugness that while the film was nominated for ten Oscars for 2002 – including Best Picture and Best Director – it did not win in a single category.\(^{38}\)

Like other large budget (estimates agree at over $100 million) Hollywood movies with famous directors, popular stars (Day-Lewis, DiCaprio, Diaz), and a powerhouse of
production and distribution (Miramax) to back it, *Gangs of New York*’s continuing presence in discursive circulation might have been predicted from the moment of its making. However, as suggested by the opening anecdote, the ways that the film was talked about *outside* of movie reviews at the time of its release and in the years afterword reveal that none of these expected elements – the artistic merits, the production values, the acting or directing, the budget or distribution – were what would become the cultural “life” of the film. Instead, the film would come to represent something quite different. And, I maintain, it was actually this *broader cultural imperative* that the movie reviewers were sensing, even as they sought to place blame for their discomfort on the old standbys from their typical vocabulary of box-office terms. To search out the cultural imperative, I turn next to the non-review press that covered the film at the time of its release and as the decade of the 2000s progressed.

*Gangs of New York* came to be invoked as a way to identify, introduce, and explain the political realities of American life, suggesting it had more than average significance. At the time of the film’s release on December 20, 2002, press coverage (both reviews and non-reviews) linked the film explicitly to public policy concerns. The final minutes certainly invited the links made by commentators to the attacks of September 11, 2001. “The concluding image,” wrote J. Hoberman “is a stunning matte shot of smoky Lower Manhattan as seen from a Brooklyn graveyard, followed by the inevitable time-lapse dissolve to the skyline as of September 10, 2001.” Some respondents read the image as patriotic, not far from a virtual “finger” to the Hollywood establishment for trying to “paper over the pain, the rage and the continued threat of radical Islam” by “airbrush[ing] the terrorists and even the World Trade Center out of existence.” Others focused on the reported one-year delay of the release as a sensitive move on the part of Miramax, especially as a way to avoid a perceived
slight to the New York City Fire and Police Departments (whose film counterparts are
decidedly not heroic).  

Additional commentators drew notice to the contemporary moment, though looking
slightly back and slightly ahead. Several critics gestured toward the brazen corruption of the
democratic process in the film. “That American democracy emerged from this cauldron is
miraculous. We put the Founding Fathers on our money, but these Founding Crooks for a
long time held sway,” observed Roger Ebert. It was not a difficult parallel to draw between
the conniving of Boss Tweed on screen and the recent memory of the skepticism about the
hanging chads don’t come to mind, then you’re not paying attention.” But, as the film hit its
stride in theatres in January 2003, the nation was also contemplating the announcement by
the Bush Administration of preparations for war in Iraq. Representative Charles Rangel
called for implementing a draft to ensure an adequate and representative fighting force,
which both Newsweek and ABC World News This Morning explained by reference to
conscription and backlash depicted in Gangs. Scorsese (identified as the film’s director)
also received publicity for voicing “misgivings” about the war. Perhaps the most unusual
link was a piece that described the extremely violent imagery of the movie as an example of
early protests in the Peace Movement.  

What may seem surprising is how little was initially said about the most obvious parallel
between the fictional past on screen and the political present: immigration. It may be that the
message was so obvious that critics felt it needed no further interpretation. It’s quite clear
that the “Nativists hate the Irish who swarmed off the boats after escaping the potato
famine,” Jami Bernard deadpans for the Daily News (New York), “just as later generations
have turned on immigrants from Eastern Europe, Haiti, Cuba, Mexico, etc. Scorsese creates a film so resonant that it is both a work of art and an anthropological document,” O’Sullivan surmised. The professional reviewers may not have felt that the film needed their help to point out its immigration message, yet in the years to come it would be the film’s immigration message that became instrumental for those trying to explain policy dynamics to domestic and international audiences. Immigration policy would be the film’s lasting legacy.

In covering the Gangs entry in the 2003 Berlin Film Festival, Jan Dupont suggested that, “Unlike during World War II, when Hollywood portrayed a heroic and noble America, and the world perhaps believed it, the image now is of outrageous brutality, even devoid of humanity. And apparently much of the rest of the world goes for it.” Indeed, one of the most common ways the film has come to be used is as a commonplace to illustrate that American history does not stand up to American ideals or mythology. John Bloom covering U.S. Supreme Court cases on immigration for the United Press International wire service used the film in this manner, writing:

The shame of the country shows up as early as the 1840s, when there were riots in Boston and New York against the Irish and many were killed in bloody gang wars. This is, of course, what Martin Scorsese’s Gang of New York was all about. It happened again in the 1920s, when the fear of the radical “reds” led to wholesale roundups and deportations that were often ruled illegal – after it was too late. It happened in 1942, with the now scandalous internment of 120,000 Japanese-Americans and the confiscation of their property. It happened in the 1950s, when Mexicans were targeted for abuse. In fact, neither the executive branch nor the legislative branch, have been at all kind to immigrants. The Congress passed unconstitutional laws against foreigners, and the executive branch has carried out unconstitutional trials and deportations of foreigners. But in every case, until now, the judicial branch has put a stop to it.
In a “Letter to the Editor” of the *Washington Post*, reader Nikolas Trendowski chastised a fellow reader for “antipathy” to recent immigrants, making them feel “unwelcome at town meetings or in interaction with ‘longtime’ residents,” just as was “witness[ed in the] Oscar-nominated film *Gangs of New York.*”\(^5\) Readers of London’s *Sunday Times* were invited to understand Samuel Huntington’s “anxieties about Mexican immigrants” in his 2004 book *Who Are We? America’s Great Debate* through the film. Huntington “sound[ed] almost indistinguishable from the fears expressed a century and a half ago about the Irish (see *Gangs of New York*),” Niall Ferguson explained.\(^5\) The contradiction between the promised valuing of immigrants and the reality of American hostility led the *Philadelphia Inquirer*’s editorial staff to utilize the film in this same way: “The immigration issue is important to African Americans as well as Latinos….Such a coalition could be a formidable motivator for some Congress members to stop making speeches that mimic the nativist drivel spouted by the prejudiced thugs in the movie *Gangs of New York* who raised hell to keep Irish immigrants and Negroes in their place in Civil War-era America.”\(^5\)

In contrast, *Gangs* was also used by rhetors like Pat Buchanan as a means to expose the threat of immigration policy done wrong. “Anyone who knows *West Side Story* or *Gangs of New York*,” claimed Simon Jenkins for London’s *Evening Standard*, “will appreciate the damage that comes from bad handling.”\(^5\) He told the *Guardian*’s readers the next year that, “Some deterrence to migration is needed if political and social institutions in receiving countries, even melting pots such as London, do not degenerate to ‘gangs of New York’ status.”\(^5\) Buchanan himself had used the illustration with Chris Matthews a year before introducing it to Hannity and Colmes.\(^5\) The specific threat associated with “bad handling” of immigration policy was progressively focused through the organic terminology of the film’s
title to link criminal activity with gangs and (illegal) immigration. “Historically,” noted the United Press International wire,

organized crime has always flourished among the most impoverished, defenseless and vulnerable communities of mass immigration throughout American history. The Martin Scorsese movie *Gangs of New York* gave a vivid, though if anything romanticized, account of the vicious Irish ethnic gangs that controlled areas of Manhattan for decades throughout the 19th century. Violent Irish gangs were powerful in the middle West Side of the city, the so-called ‘Hell’s Kitchen’ area, as late as the 1980s.57

The July 20, 2008, London’s *Sunday Telegraph* could not resist titling its feature focused on the era of the 1950s “The Real *Gangs of New York,*” a time when a siege mentality, combined with a lack of working-class jobs, cramped living conditions and widespread racism, left many adolescents feeling vulnerable, frustrated and angry. They asserted themselves and proved their manhood by forming gangs and fighting. So Puerto Ricans and the Viceroy’s waged war against the mostly Italian Red Wings, who ‘owned’ a neighboring area of Harlem, while the Irish Jesters in Washington Heights fought running battles with black gangs based next to them in the Bronx.58

In 2007 and again in 2009 the *New York Post* ran film-titled features on the ties between immigration and gang crime. The former focused on the recent rise in gang membership “spurred by a wave of street toughs from Mexico,“59 while the latter outlined the networks of organized crime from the Italian mafia to “tough guys from Albania, Russia and Asia,” along with a newly formed “Middle Eastern organized crime task force to assure Arab and Israeli thugs dedicated to criminal activity don’t have any luck.”60

Alongside the cleverly tagged stories ran updates about “Operation Community Shield,” a national effort by Immigration and Customs Enforcement (ICE) to crackdown on gang activity as part of the Department of Homeland Security. Homeland Security Assistant Secretary Julie L. Myers told reporters that “violent foreign-born gang members represent a threat to communities across the nation,” and “violent foreign-born gang members and their
associates have more than worn out their welcome, and to them I have one message: good riddance.” 61 ICE did not distinguish the reporting of drug, assault, and firearms charges from deportation violations in their public statements. 62 Meanwhile editorial pages ran excerpts of books like Laura Ingraham’s *Power to the People*, which noted, “We are horrified to learn how the illegal alien invasion feeds crime and gang activity in our country.” “Gangs comprised of illegals,” she continued, “such as the deadly Salvadoran MS-13, have been terrorizing communities from Northern Virginia to Long Island since the 1980s. Their crimes range from human and drug trafficking, murder (often by machete), rape, extortion, and armed robbery. MS-13 is now the most powerful gang in America and operates in more than thirty states.” 63

As years have passed, the film remains in common vocabulary not as a classic work of art, nor as an example of directorial genius, nor as an example of ensemble acting greatness (though Day-Lewis’ performance still receives mention as one of his personal best), but instead returns repeatedly as a method of translating unfamiliar history, policy, or sociality into a politically useful statement with which to rhetorically wrangle over the threshold of immigrancy/citizenship and (especially American) identity. While it might have been “Gunsmoke meets Planet of the Apes in Martin Scorsese's overlarge, overcooked epic of 19th century Manhattan,” Salon.com still told its readers, “You should see it anyway.” 64 It is my contention that it is the frustrating nature of the film’s resistance to itself, what critics identified as its unsatisfying quality, that is the *very thing* that has allowed it to stand as a rhetorically and politically useful device. And further, that if taken seriously, it may be *this very quality* which promises to hold more than merely instrumental value. This may be the kind of text that provides an opportunity for learning to read American mythology for
something nascent, a change in valuing what we ourselves produce in the collective dreaming of popular culture. “The issue here is the normative import of our reading practices as political theorists and as citizens and residents of democratic regimes,” notes Bonnie Honig. It is part of my purpose in this chapter to add rhetorical theorists and practitioners to the significance of her observation.

Sacvan Bercovitch in his book The Rites of Assent reads the literature and philosophy of the early Republic in order to trace the symbolic constructions of American identity that continue to be formative. In particular, his discussion of Ralph Waldo Emerson’s shaping of a unique brand of “dissent” that combined capitalism with a philosophy of individuality bears relevance for this case study. Emerson constructed America as a symbol that was “contradictory-conciliatory… contradictory in that it compels the opposition between the actual and the ideal; conciliatory, in that it defines that oppositionalism as the gap to be bridged between individual and society.” This vision has proven eminently flexible, as it reads every form of conflict a) as temporary, and b) as ultimately serving consensus. Like the capitalism that so informed Emerson’s linking of the “market” to politics, this vision “profits” from co-opting opposition, and places responsibility for both success and dysfunction onto the individual subject. “Society” is generally understood as an aggregation of individual choices that becomes increasingly more antagonistic to the individual the more aggregate it encompasses. Arguably, this was the vision that held sway thoroughly enough to convince Francis Fukuyama to declare its triumph even beyond the borders of the United States as “the end of history” in 1989. Yet, by 2002 (the year of Gangs’ release), Fukuyama himself was asking, “Has History Started Again?” As I noted in the introduction to this dissertation, the decade progressively placed this long-standing American image under
duress. I submit that what the reception and circulation of *Gangs of New York* offers is a chance to follow Bercovitch’s lead: to read a work of culture for a particularly “American” sense of identity at a unique juncture. I further argue that the reception and circulation offers us a chance to see a quite different “America” from, and quite opportunistically resistant to, that which Bercovitch traced to Emerson. Specifically at issue for this project, the film recognizes the central part played for American identity by the threshold of immigrancy/citizenship and does so with a provocative articulation of time(s) and space(s) in its narrative.

*Reading Film Rhetorically: Aesthetics, Politics, and Deconstruction*

Countless studies in Rhetoric have treated film as a text since the 1970s, substituting it in place of the traditional public oratory or printed persuasive tracks as the discipline responded to more complex and sophisticated theoretical movements, and the evolving realities of rhetors and audiences in their encounters with technology and practice. However, in reckoning with film as a uniquely rhetorical form, the seminal work of Janet Hocker Rushing and Thomas Frentz set the initial parameters that continue to influence critical work. I find their statement of the rhetoric of fiction film from 1978 to be the clearest statement to this time. “First, film and society reciprocally influence one another,” they wrote. “By projecting collective images of a culture, by serving as symptoms of cultural needs, and by symbolizing trends, dramatic media both reflect and create societal events. Second, socio-political processes, like film, are structured and perceived as essentially dramatic. Film is clearly a potent vehicle for symbolizing socio-political change.” As they concluded, “although film and overall social processes are inextricably related, it is with political processes that film is most symbiotically linked. For political acts, like film, are essentially dramatic and symbolic in form.” In other words, the rhetorical accomplishment of the fiction film is its translation
of the world of abstract ideals and values into the daily experience of audiences’ choices and the materiality of public policy through the illustrations enacted (quite possibly other-wise) on screen. In Kenneth Burke’s terms, fiction films provide rhetorical “equipment for living.”

As Gianos characterizes it, “Both [movies and politics] grow from the same places, tap the same sources, speak in the same powerful and ambiguous ways. Movies and politics are not the same, but neither are they entirely different. In their fashion, both play to the same audience.” Films and their industry “both consciously and unconsciously interven[e] in extra-cinematic processes of social and political construction,” writes Josh Gunn, participating in the “affective economy of the political.” The “industry” of film, however, is not only constituted by actors, cinematographers, union trade workers, etc., who manufacture the product, “it also exists as our product, the product of the society which consumes it, as an orientation of consciousness, whose roots are unconscious, and without which we would be unable to understand the overall trajectory which founds the institution and accounts for its continuing existence,” argues Christian Metz. “It is not enough for the studios to hand over a polished little mechanism labeled ‘fiction film’; the play of elements still has to be realized…to take place.” The doubling of their role between aesthetic and political appreciation becomes clear when one considers that fiction film audiences have commonly been represented by critics as “presumptive citizens” whose ability to perform their civic duties are either enhanced or destroyed by their experiences with media. “When reformers worried about immigrant nickelodeon audiences,” Butsch notes as an example, “they were defining the audiences as presumptive citizens, and the movies as having a duty to Americanize them.” Films have long been recognized as “rich source of informal education
and ideas,” and because of this as a powerful vehicle for “value judgments or ideological or political biases.” However, this malleability also must be recognized, as Kristin Hoerl does, for the possibility that “mainstream, commercial films may have greater potential to integrate new [progressive] attitudes and beliefs into popular culture than do radical, counter-hegemonic films.”

As Michael Coyne argues, “In the twentieth century, the most potent agent of American mythology is Hollywood cinema. Movies were crucial in propagating and consolidating modern American national identity.” In film,

America performs relentless acts of surveillance at the same time acting as the perpetual object of scrutiny. This simultaneously valorizing and disciplinary performance inextricably links American exceptionalism to American normality. Hence, [a figuration of] the American border makes America the standard state: that is, the average, ordinary state and also the paragon state.

It is by film, then, that Americans come to recognize what is already acceptable to “the people,” or are interpellated into a “renewed sense of national belonging.” Numerous scholars have treated fiction film as a vehicle for such complex constructions as public character, rebel citizenship, and citizenship as friendship. However, as might be surmised, since the plots of the case study films did not contain “immigrants,” citizenship is considered apart from (one of) its structuring counterpart(s). *Gangs of New York* provides a plot that is deeply imbricated by both figures, and can provide one starting point from which to reimagine the immigrancy/citizenship threshold. As Alex Howath, director of the Austrian Film Museum told the United Press Wire Service:

Popular fiction like *Gangs of New York* offers a better way of understanding the American imaginary and politics (as well as its politics of the imaginary and politics of imagery) than semi-smart, seemingly critical “documentaries” like *Bowling for Columbine*. Putting it bluntly (but not taking it lightly), one might argue that America’s popular culture actually is its politics. In the U.S., more than anywhere else, political action and historical change are always
negotiated and set in motion on the not so imaginary stages of cinema, popular literature, media entertainment. The fascinating mirrorings between political history and popular culture in the United States make it impossible (and senseless) to dedicate which of the two follows the other. Who’s on first? I’d say that they’re Siamese twins, no first, no second, just one strange creature with two faces and one heart.\textsuperscript{84}

To introduce my reading strategy, let me return once again to the observations of those who reviewed the film. This time, I take my lead from the scholarly and academic writers who turned their incisive quills to the task. These writers, like the mainstream critics, found the film to be frustrating. Three scholars in particular provide me with insightful comments that point in a fruitful direction. First, Vincent DiGirolamo, writing for \textit{Radical History Review}, summarized his lengthy treatment of the film by saying, “These operatic flourishes undermined my ability to trust anything I saw or heard, and thus distanced me rather than drew me into the story. In the end, I saw and heard much more than I felt because the movie provides more spectacle than emotion, which makes for unsatisfying storytelling no matter what the form, genre, or medium.”\textsuperscript{85} Second, early in her review for \textit{Film Comment}, Amy Taubin’s offers her first description of several scenes that she objected to in an important way. She says of a particular piece of dialogue uttered by the lead female character, Jenny Everdeane (who has just described a scar on her abdomen), “‘They cut my baby out of me,’ she says, trying to put on a brave face. And then the subject is dropped. Did the baby live or die? Did she have a hysterectomy as well? What percentage of women survived OB/GYN surgery in the mid-19\textsuperscript{th} century? Was it done in a hospital or in a back alley? Who paid for the doctor? \textit{In almost any other Scorsese film, you would find out all of that.”}\textsuperscript{86} And finally, Richard Oestreicher suggests in \textit{History Workshop Journal} that:

The film deconstructs the “give me your tired, your poor, yearning to breathe free” Statue of Liberty story line of the American immigrant, but \textit{offers no coherent competing narrative}….The film seems to be leading to a moment in
which working people appear to be (confusedly) groping toward a political self-consciousness, but then it abandons them amidst the ludicrously sophomoric plot device of a voice-over narrator reading telegraphed news headlines. Finally it ends by telling us none of it, even the moment of clarity about the class nature of the draft, really mattered. *There are only corporate towers and the overgrown gravestones of the forgotten*. 87

The three scholars identify their dissatisfaction as a sense of uncertainty about what the film has left as a final message. Whether they find it missing all together as Oestreicher does, whether they don’t know if they can trust what they saw as DiGirolamo suggests, or whether they wish for the style of film they had come to count on as Taubin does, each wants a closure that he or she does not get.

These scholars, as do the professional reviewers and likely most audience members, demonstrate Honig’s normative import to their reading. That norm is undergirded by the Emersonian sensibility of conflict-conciliation, whereby any conflicts encountered should be temporary and ultimately serve a consensus, should be co-opted to profit coherence and emotional fulfillment and finitude by the end of the story. In contradistinction to this norm, I maintain that the film itself offers the key to an alternate method of reading, one that has the possibility to foster a different symbolic America. To this end, let me demonstrate with an example of what may be the single strangest moment in the film’s two hours and forty-eight minutes.

At the two hour, twenty-nine minute, nine second mark, and directly in the middle of the montage that builds frenetically to the parallel confrontations between the Immigrant/Nativists gangs and the Union Army/Draft Rioters, something that might only be described as “weird” happens. 88 After 108 shot changes in the span of a mere five minutes, there sounds the distinct trumpet of an elephant across a visual of the Irish Dead Rabbits gang marching shoulder-to-shoulder to the left and right of Amsterdam Vallon. Then the
elephant itself appears (Figure 3), and the action stops cold. The Dead Rabbits look utterly confused. In what becomes a near-slap-stick gag, the marchers behind bump into those in front who have stopped in bafflement, and whose eye-lines track with the pachyderm as it tramples across their field of vision (Figure 4). The shot changes again so the audience sees the elephant, and is treated to more amusement as the advertising banner that has been draped across the animal's back falls, and a few rag-tag draft rioters stumble along behind it, for what reason one can only guess. The camera returns to the Dead Rabbits, who physically shift backwards once more, still utterly agog at this exotic mammoth that has broken their rhythm and interrupted their killing intent with what one would surely describe as a "what the hell?" moment.

Figure 3: Enter Elephant, Production Lot Right

Figure 4: The Dead Rabbits, Uncertain
The intervention of the elephant stops the dramatic action. It is comic in the middle of a tragic scene. Considering the description by more than a few critics of Leonardo DiCaprio’s performance, it may be the most emotional variety he shows on screen. Even though the entire sequence from first sound effect to the return of the montage succession is a mere thirteen seconds, the strangeness of the moment leaves a weightier impression than the speed of the previous minutes. Historian Daniel Walkowitz pointed out the elephant as a supercilious inclusion: “Barnum's circus actually burnt in July 1865, so no elephants ran through the streets during the draft riot ([which the film portrays as] two years earlier).”91 The review in the Village Voice called the elephant an “embellishment” that “Scorsese throws in” for the express purpose of having it “amble across the set.”92 Two reviewers used it as a punning device to characterize the problem with the film as a whole, calling the motion picture “a strangely elephantine reduction of [Scorsese’s] talent,”93 and “elephantine enough to contain an actual elephant.”94 The animal and its thirteen seconds do not fit. They are not immediately sensible. It stands out not only to the audience, but even to the players in the scene as a point of uncertainty in an otherwise fatefully deterministic, fatalistic sequence of events. To get back on track, the film’s narrative must metaphorically shake itself out of that moment to return to the inevitable march of the Union soldier’s bayonets that begin the montage rolling again.

The normative import of reading has lead respondents to ask on a micro-level “What’s wrong with this picture of an elephant?” and to extend that question to ask of the film as a whole “What wrong with Scorsese’s moving picture?” and even further to “What’s wrong with this picture of America?” The presumption has been that “frustration” and “unsatisfied” are thoroughly negative affective conditions that signal a state which must be alleviated for
the viewer, the audience, and the nation. I maintain that it is time to recognize these responses differently. It is time to formulate different questions, and the elephant, I argue, gives a glimpse as to how. Although it does not succeed in preventing the clash of Immigrants/Nativists nor Union Soldiers/Draft Rioters within the film, the elephant does effectively stop the action. It produces a space in which uncertainty reigns, and where something “other than” was contemplated. Rather than continuing to ask “How might frustration with immigration be eliminated?” might there be much to be gained from formulating a new question in relationship to collective affect? To pursue this possibility, I believe I am justified in returning to a close reading of the filmic text of *Gangs of New York*. I concentrate on elements, like the elephant’s thirteen seconds, that resist the inevitability, finalizability, and determinability of the narrative.

My approach to reading the film follows that of Gayatri Spivak. Spivak reads as a “literary-philosophical critic,” such that she sees film as “didactic pieces,” whereby a character is read as “almost to embody the inherent orthodoxy” of an “ideological subject.” A film is thus read as a process of the “formation of the intellectual, the preparation of viewship,” both the dominant and the minority, which therefore has the power to “renegotiate the relationship between aesthetics and politics.” The tradition of reading film in rhetorical studies scholarship shares both emphases with Spivak: considering film as instructive, and seeing film as a rhetorical link between aesthetics and politics. In her methodological approach, however, Spivak differs radically from many reading film in rhetorical studies.

Most commonly, it is the delineation of the *continuity* of the series of actions and their connections to desired outcomes that drive the methodological approaches applied to film.
While conflict is integral to the drama that unfolds, the conflict is merely a vehicle to achieve the most important operation, *resolution*. In one of the earliest examples, Rushing and Frentz suggest that film can act as a type of experimental venue for inventing and practicing value change that may then be accepted or rejected by the audience who participates in the outcomes played on screen. Scholars like Medhurst wrote in the legacy of this model, even as his understanding of conflict became more sophisticated, so as to render audiences “capable of understanding the system of oppression under which they live, and able to construct new realities – new histories – to dwell within.” With the developing influence of Critical Cultural Studies, authors like Rowland and Strain applied concepts such as polysemy to the rhetorical reading of film, and yet, the competing, multiple voices continue to operate in their theorization by means of producing alternative *resolutions* that co-exist. Even some of the most recent scholarship considers filmic resolutions to be what allows “individuals…to produce new outcomes in their lives.” Brian Ott’s recent call for rhetorical scholars to read film both somatically and symbolically in a multi-modal approach has gone further than most in focusing attention on the form of film as an experience that moves audiences. Though not precluded by the reading strategy he outlines, the demonstration he provides is one that reckons with the depths cinematic materiality, but keeps to narrative coherence. In sharp contrast, Spivak reads “how a deconstructionist reads.” This method concentrates on “moments of bafflement” and the “utterly situational irruption” in a scene that could be leveraged to “effect a change, however infinitesimal, in its entire systematicity.” Rather than resolution, what matters is the moment of conflict in its irreducibility. That unsolvable moment is the break into which a wedge can be driven. While a new resolution may propose a new “answer” to a question about the relationship of
immigrant/citizen, it is only a void that offers the possibility of reformulating the question itself.

As Thompson explains the radical difference of such a reading strategy, moments of rupture produce an excess that is “difficult to talk about.” She continues, “Most viewers are determined to find a necessary function for any element the critic singles out… Perhaps the tendency is cultural stemming from the fact that art is so often spoken of as unified and creating perfect order, beyond that possible in nature.”106 Peter Brooks suggests that such a tendency in reading is one of desire for what I will refer to as narrative logic:

The beginning in fact presupposes the end. The very possibility of meaning plotted through time depends on the anticipated structuring force of the ending: the interminable would be the meaningless. We read the incidents of narration as ‘promises and announcements’ of final coherence: the metaphor reached through the chain of metonymies. As Roquentin further suggests, we read only those incidents and signs which can be construed as promise and announcement, enchained toward a construction of significance – those signs which, as in the detective story, appear to be clues to the underlying intentionality of event. The sense of beginning, then, is determined by the sense of an ending.107

Paul de Man noted that this response to the text resonates more deeply, “the consciousness [of undecidability] does not result from the absence of something, but consists of the presence of a nothingness… The human mind will go through amazing feats of distortion to avoid facing ‘the nothingness of human matters.’”108 Crucial for Spivak, then, is identifying how the film produces a “stalling of a program of reading.”109 To put this in applied terms, for Spivak, the presentation of Bill Cutting as a nativist, a foreign-hating, bigoted, violent, ruthless persecutor of (especially) the Irish, would be too predictable to offer useful insight. Even rejecting Cutting as a “bad citizen,” or enacting a new and improved hate-free citizenship would not shake loose the binary that continues to produce native/foreigner.

Instead, it is necessary to look for and concentrate on the moments when Bill Cutting doesn’t
seem to “be himself,” when it becomes impossible to tell exactly who Bill Cutting is supposed to be, when a character other than Bill functions as Bill when he could/should act himself, or when it seems impossible to discern why he acts as he does.

Such ruptures are inherent to any text, as they are to the very structure of signification itself. As de Man once again explains, “The deconstruction is not something we have added to the text but it constituted the text in the first place. A literary text simultaneously asserts and denies the authority of its own rhetorical mode, and by reading the text as we did we were only trying to come closer to being as rigorous a reader as the author had to be in order to write the sentence in the first place [sic].” Though deconstruction has several iterations, one of the most fruitful seeks to read the text “against itself,” in a sense. I take this to mean that moments of distressing ambiguity, fragility, contradiction, or other types of disruption might resist the foregone conclusions of narrative logic, even simultaneous to the advance of the plot toward a recognizable end. It is that element of the method that resonates with the argument of this case study as a whole: the act of resistance to itself is the operationalization of productively tarrying on the threshold immigrancy/citizenship read from the level of the sign through a fractal expansion to trope, policy, and identity.

Resistant Figurations and Rhetorical Work

It is from these methodological bases that I return to a close reading of several elements in Gangs of New York which provoke hesitation for the audience, as what they encounter on screen is not immediately reconcilable with the expected outcome foreshadowed by the narrative’s logic. In any narrative, its development “shows that the tension is maintained as an ever more complicated postponement or detour leading back to the goal of quiescence. As Sartre and Benjamin compellingly argued, the narrative must tend toward its end, seek
illumination in its own death.”¹¹² Instead, these are times when something, such as a character’s actions, “become very indeterminate,”¹¹³ and the fragility of causal links is exposed. These are times when there is a “complication of the detour” that endangers the narrative with a “short-circuit: the danger of reaching the end too quickly, of achieving the im-proper death.”¹¹⁴ They can, indeed, result in a sense of frustration and dissatisfaction with the film, as the professional reviewers attested.

Aporia, the First: Flashback as Temporal Brake and Narrative Breaking

The film is almost unbendingly linear in its temporal progression. As the camera pulls back from the bloody aftermath of the opening battle sequence to an atmospheric view of the tip of Manhattan, the audience is told that they have been in “New York City 1846.”¹¹⁵ As the camera fades back into focus on the adult Amsterdam Vallon, another title informs the audience that it is now “16 Years Later.”¹¹⁶ The scenes from that point progress inexorably forward to the climactic (repetition) of the battle between the Dead (resurrected) Rabbits and Cutting’s nativists, this time taking place within the larger conflict between the Draft Rioters and the Union soldiers who will have been called to quell them. Almost unbending, that is. The progression will be so fully forward, in fact, that the only four fleeting flashbacks used in the film stand out more for their contrast to the whole. Each flashback lasts less than one second, and fits into a specific sequence: 1) Camera focused on Amsterdam, his eyes latched onto a focal point.; 2) A view of a supporting character or item, as if through Amsterdam’s eyes.; 3) A view of Vallon’s face, flashing almost imperceptibly between what appears to be recognition, and an attempt to suppress this recognition.; 4) The flashback frames are inserted. In each case, the flashback is an exact re-run of footage from the opening battle sequence. A color filter was applied to the opening that tinted the visual field blue/gray. This
sharpens the contrast with the gold/sienna hues of Amsterdam’s “present.”; 5) The camera returns to Amsterdam’s “present” face “seeing” the “cause” of the flashback again. In those few seconds, “Time is off its hinges, time is off course, beside itself, disadjusted.” The tiny temporal “breaches” act as “poetic and thinking peepholes"\textsuperscript{117} through which the audience can, with Vallon, contemplate the narrative from within. The flashbacks are tied to the four characters most prominent in Figure 5. In the center is Priest Vallon. To his left stands “Happy Jack” Mulraney. To Priest’s immediate right, slightly behind, is Walter “Monk” McGinn. Second from Priest’s right, acting as the Dead Rabbit’s standard bearer, is McGloin.

![Figure 5: Happy Jack, Priest Vallon, Monk, McGloin\textsuperscript{118}](image)

Flashback #1 is prompted when Amsterdam encounters “Happy Jack” Mulraney for the first time upon his return to the Five Points.\textsuperscript{119} Amsterdam and Johnny looted as part of the crowd at the fire the previous evening, and pooled their take with several other men near their age (including the character Shang and the sole African American with a speaking part, Jimmy Spoils). As the group discusses the tribute to be paid to Cutting, Mulraney blusters into the room. He has become a police officer in the intervening years. Amsterdam recognizes him instantly, as the flashback plays. When he was a child the mustachioed man
wore animal skins, and smiled down at Amsterdam before taking his right hand while Priest held Amsterdam’s left. But it becomes obvious that Mulraney protects no one except himself in his new life, and that he interprets “law” creatively. Happy Jack plunders the best of the loot, and nearly destroys the music box that Johnny has been trying to secret away as a gift for the fair Jenny Everdeane. Amsterdam can see that the other young men fear Mulraney, and that this is what Mulraney enjoys most about his work. Amsterdam’s final expression is both confused and concerned by the turn of events.

Flashback #2 is prompted quite soon after, as Amsterdam joins Johnny to drop off Cutting’s cut of the ill-gotten gains. Vallon enters Bill’s headquarters (the ominous Satan’s Circus “grocery”) for the first time and immediately tries to lie low in the shadows while gathering intelligence for his revenge. As Johnny approaches a table where men are playing cards, a rather short, bald, brash man with a deep brogue (McGloin) tries to intercept the tribute. Their slight scuffle is stopped short when The Butcher prompts Johnny to step forward. In the course of the “offering,” Cutting notices Amsterdam lurking nearby and asks him to come into the light, which he reluctantly does. McGloin returns to stand near the table again like a guard dog. As Amsterdam gets a clear look at McGloin, the flashback rolls.

Child Amsterdam remembers McGloin sharpening iron spikes that had been attached to the ends of his boots like claws, and exchanging a kind smile with the older man. Adult Amsterdam shifts his gaze uncertainly between McGloin and Cutting, and his brow furrows at this strange about-face. The tenacious bulldog at his father’s side is now at the side of his father’s worst enemy.

These two Dead Rabbits have changed allegiances in the sixteen years Amsterdam had been in Hellgate reformatory. As the narrative unfolds, Amsterdam is given ample
opportunity to recognize the differences in the ways these two similarly changed men have done so, however. Mulraney has become the criminal inscribed at the heart of the law, the servant of the public who ensures that the criminals who threaten the public remain in business in order to have someone to ply his own criminal trade upon. Mulraney acts as tour guide to the uptown Schermerhorns and Horace Greeley when they wish to be tourists to the City’s dark underbelly. He has traded his Celtic axe for a billy club, and he can hang his pocket watch from a lamp post in Paradise Square without worry that it will be stolen. But he’s bribed by two masters now: Tammany Hall and Satan’s Circus. As a “crusher,” he does the dirty work of the politicians, and he “don’t fill his lungs without I [Bill Cutting] tell him so [sic].”

McGloin, by contrast, has found a new master who lets him do what he does best: guard and attack. Nobody needed to bribe McGloin: he came willingly. Yet, Bill hates the Irish, and demonstrates this most sadistically with McGloin. The Irishman never speaks back to Cutting within the run time of the film. However, his is the character who represents the sublimation of abuse, as racism begets racism. It is through McGloin that the audience witnesses the virulent and venomous hatred of African Americans by the some of the Irish. During the 1862 reveal of the Five Points, the film lays this out for the audience without much nuance. Amidst a celebration of the abolition of slavery (complete with fireworks) Cutting walks with McGloin and the rest of the inner circle past anti-War protesters. A protester yells, “Lincoln will make all white men slaves!” McGloin turns to Bill and asks, “He’s trying to say we’re no different than the niggers now?” Bill replies, with a nasty smile, “You ain’t.” Immediately McGloin spots a group of free Black men in the street and attacks them, shoving them to the ground and commencing to beat them. “Go back to Africa,
nigger!” he screams. “No nig noggery! No nig noggery here! None!” Julia Kristeva describes McGloin’s situation quite well: “As enclave of the other within the other, otherness becomes crystallized as pure ostracism: the foreigner excludes before being excluded, even more than he is being excluded.”

The #3 Flashback that Amsterdam experiences is provoked by an encounter with the character Walter “Monk” McGinn. Adult Vallon encounters Monk after working closer to the The Butcher’s inner circle. As Cutting’s group leaves Paradise Square after the public execution, Amsterdam in tow, Monk approaches the group, and subtly challenges Bill. Amsterdam takes note. Monk is wary, but does not flinch the way others do, and Vallon has never seen this well-dressed man paying tribute to Cutting. However Monk is earning, he’s independent of The Butcher. As Vallon passes, Monk tries to get a better look at the young man. McGinn is the only person besides Johnny that recognized Amsterdam as Priest’s son. As the two part, the flashback plays, and child Amsterdam watches Monk agree to fight only for money and kick open the door to do battle.

The final Flashback #4 takes place in the very next scene, as Amsterdam and Bill return to Satan’s Circus, and Bill plies his trade as an actual butcher. As Vallon snacks on a piece of fruit, Bill sets up a lesson about the similarities between meat cutting and man killing. He outlines sure-death blows using a pig carcass as “most like the flesh of a man.” He beckons to Vallon, who stands up quickly appearing eager for the lesson. Bill demonstrates by touching points simultaneously on the pig and Vallon. Then he turns to Amsterdam, holds out the knife and tells him, “Now you try.” Yet, as they stand before the animal, Amsterdam pauses. He sees the poster advertising the celebration of “The Great Nativist Victory Over the Foreign Invader,” and flashes to the last time he was handed a blade: when Priest handed
him a shaving razor with a lesson, just prior to the Battle of the Five Points. In crucial contrast to the previous three, in this flashback it is not adult from the past that Vallon sees in the flash back. It is not a younger/former Bill Cutting that is compared to The Butcher of the present. Amsterdam does not even see the face of his dead father in the memory. What Amsterdam sees is himself as a child taking a knife from a man, just as he has as an adult taken a knife from a man. This comparison has been for Amsterdam of himself with himself.

After a blink, he goes ahead with the maneuvers, and receives coaching from Bill. The Butcher offers Vallon praise, which Vallon appears to appreciate, as he turns to Bill and smiles.

Amsterdam the child tried to strike at McGinn as the mercenary bent to take his payment off the dead body of Priest Vallon. As an adult, Amsterdam was ready to find the man as ruthless and unprincipled as the child had. But instead, Vallon finds in Monk an independence that neither of the loyal Dead Rabbits of his memory were able to sustain. As Brendan Gleeson characterized it, “I don't think Amsterdam knows quite who or what Monk is, or whether he is or is not to be trusted. And Monk would be reluctant to tell him.”

In that state of uncertainty, Vallon moved quickly into his encounter with Cutting, where it appears he feels both from and for The Butcher genuine affection. The lesson he recalls from Priest is vivid, but long ago and far away. He can recall being required to halt cleaning the blood from the blade, but there was no explanation given, no coaching, no praise on a job well done. Priest provided the task of revenge, but certainly not the tools by which to accomplish it. Paradoxically, it is Bill, the target of revenge, that will have to provide the lessons and reinforcement that Amsterdam really needed (from Priest) in order to fulfill the task.
These four flashbacks put the brakes on the temporality of the film, disengaging the narrative “cruise control.” Each breaks open a space for comparison within the narrative that is not immediately resolved. In terms of resolution, Mulraney, McGinn, and McGloin are all flawed characters that meet unglamorous ends. Mulraney will be killed by Vallon in self-defense. McGinn will be murdered in cold blood by Cutting. McGloin will be gunned down by Union troops. While Monk’s timeline might bear the closest resemblance to a typical “redemption story” (as he develops from mercenary into candidate for Sheriff), he never protected his community – not even as a candidate for office – when it wasn’t a completely self-serving outcome. Gleeson, once again, provides useful perspective: “He's a consummate killer, if somewhat reluctant in his soul to be what he is. So he pursues a lone furrow throughout the movie, and he carries a torch that maybe he doesn't even know he carries.”

Even with the comparative perspectives that each provided to Vallon, when faced with the opportunity to apply the reflexive tools to himself, he became more conflicted. After the flashbacks his relationship to The Butcher is less clearly identifiable as revenge than it was prior.

These temporal fault lines shake Vallon’s confidence both in what he remembered and in what he thinks he knows of his present. The flashbacks brake and break up (to borrow from Joan Copjec) the rush to judgment on the part of Vallon about men, on the part of the narrative about a “moral to the story,” and on the part of the audience about the larger value implications the film may present. In reading films as didactic pieces along with Spivak, I would suggest that this is a crucial lesson *Gangs of New York* provides to its audience about immigrancy and citizenship in the current age. There should be skepticism in things
remembered and the assumptions of the present, as well as comparative considerations of the unexpected consequences of our actions.

\textit{Aporias, the Second, the Third, and the Fourth: Of Threshold Crossing}

Flashback \#4 was the most complicated. It opened the space for Amsterdam to reflect on the way(s) in which \textit{he} was no longer (never?) the same as it was thrown into relief how the men he recalled were no longer (never?) the same. As his present and his past collided, he had the chance to compare his uncertainty about those men to the uncertainty about himself. That flashback was especially important because it also placed his reflection between the edges of two sharpened blades: one offered by Priest Vallon and the other offered by Bill Cutting. The negotiation between these two men, the weapons of immigrancy and citizenship, is the crux of the film. “Once again, here as elsewhere,” Jacques Derrida would advise, “wherever deconstruction is at stake, it would be a matter of linking an \textit{affirmation} (in particular a political one), \textit{if there is any}, to the experience of the impossible, which can only be a radical experience of the \textit{perhaps}.”\textsuperscript{127} But “perhaps,” as might be surmised, can lead to frustration and unsatisfied critics.

DiGirolamo sets out the parameters of the complicated relational dynamics.

Bill and Amsterdam are each obsessed by a desire to honor their own father’s memory, or rather their skewed sense of it. Bill’s father was killed in the War of 1812, and Bill wants to ensure that he did not die in vain, that America is not befouled by bog Irish “trespassers” who had no hand in fighting for it and owe their allegiance to Rome. Priest Vallon died fighting against those who would deny Irish Catholics the rights and freedoms of their adopted country. The historic missions of the two sons are thus at odds: one must destroy the other to achieve his vision of America.\textsuperscript{128}

Yet, there is a “twist,” as DiGirolamo observes. The audience never sees Bill Cutting’s father, hearing of him only that he “gave his life makin’ this country what it is. Murdered by the British with all his men on the twenty-fifth of July, Anno Domini, 1814.”\textsuperscript{129} Given what
we see of the state of families in the Five Points, it is not certain if Bill’s father would have
been married to his mother, and it is highly unlikely that Bill ever knew the man personally.
Bill says he was raised “in a very similar establishment” to an orphan asylum. Before
being Amsterdam’s enemy, Bill was, of course, Priest’s enemy. Both Bill and Amsterdam
lost their “original” fathers, as the film portrays it, at a point in their lives so early that the
actual men could only function as the kind of phantasm or ghost, a memory so visceral that it
nearly materializes. Both Bill and Amsterdam each believes he has been sworn a type of
oath to his dead father that as the son he must fulfill. Bill must keep the land pure of foreign
invaders. Amsterdam must “keep the blood on the blade” and “never look away” as he
avenges Priest’s death. Each man’s onscreen actions are never far from the haunting presence
of this oath-giver, a specter pursuing each with the unrelenting insistence and persistence of a
nearly-manifest superego. Copjec points out an important element underwriting the narrative
logic of the film:

One often hears it said that the superego is an internalization of the laws and
ideals of the culture or community; this simplification misses the fact that the
laws and the ideals of the community are themselves fabricated only on the
basis of an idealization of dissatisfaction. If the superego always demands
more sacrifice, more work, this is because the ideals it sets in front of the
subject is kept aloft by a loss that the subject is unable to put behind him. The
superego attempts to mask the loss of the Other by posing as witness or
reminder of that absolute satisfaction which can no longer be ours.

Though demonstrated through individual characters, the sacred oaths of Cutting and Vallon
are grounded in the communal expectations of native and foreigner, citizen and immigrant. In
each case, the oath sets forth the promise of fulfillment upon completion, even as alternate
stories of culture already reveal to the audience (if not the characters) that the promise is in
bad faith (even if the oath is not). It seems tragic, then, when both Bill and Amsterdam find
in their living enemy a man that can serve as the warm-blooded, instructive model that each
desperately needs in order to achieve the skills that will be necessary to appease the phantasmatic father. Of course, such action also ensures for each the superego’s torturous attention because each has sought to fulfill their oath precisely by violating its injunction. As a result, both Bill and Amsterdam become “two signs in one, a double sign” as they “adjoin” together “injunctions and sworn faith.”

Priest Crosses: As Surrogate Father. While the audience doesn’t witness any commentary on screen from Priest regarding his feelings toward Bill, the two do address each other in tones that sound more like good-natured teasing than hatred prior to the declaration of battle in the opening sequence. “Is this it, Priest?” Bill smirks across the snowy Paradise Square. “The Pope’s new army? A few crusty bitches and a bunch of rag-tags?” As the audience learns, a mild insult is the nearest Bill gets to showing affection, even with his closest associates. “Now, now, Bill,” Priest Vallon chides back as one might to a cocky adolescent. “We swore this was a battle between warriors, not a bunch of Miss Nancies,” he continues, teasing Bill in kind, “so, warriors is what I brought.” Their mutual banter makes the ire of the resulting challenges all the harsher.

As the battle that follows rages to a climax, Bill cuts a swath to Priest, and his knife strike hits home. Once Priest falls, Bill calls an end to the violence by drawing attention to his dying foe. But just as quickly the scene turns intimate, as the camera comes in close to focus on the interaction between the two men, and within seconds, the young Amsterdam. Bill leans in, stroking Priest’s hair as one might do to comfort a beloved, murmuring, “It’ll soon be over, Priest.” Priest has meanwhile gripped his young son’s face, and implored him to “never look away,” before telling Cutting to, “Finish it.” With a killer’s efficient if brutal mercy, Cutting ensures that Priest Vallon’s death is swift, and protects his body from looting.
in the aftermath of the gang fight. Cutting leaves the knife he killed his rival with on the
body, declaring, “You’ll need this to cross the river,” then warns off the surviving warriors
that Priest is not to be a target for trophy taking. “No hand shall touch him! He’ll cross over
whole!”\textsuperscript{135}

For fifteen years Cutting will keep a portrait of Priest Vallon above his favorite table in
his headquarters, and will hold a yearly celebration of his victory over the man, which
includes a toast in Priest’s honor. While the gesture is certainly a way to gloat and keep alive
the fear won with the victory, it cannot be underestimated as a sign of respect and, if the
audience believes that Bill can be honest, genuine (if disturbing) mourning for a man he
considered more than a mentor. As he describes it to Amsterdam in troublingly powerful
soliloquy:

I killed the last honorable man fifteen years ago. You’ve seen his portrait
downstairs….The Priest and me, we lived by the same principles. It was only
faith that divided us. He give me this [scar on my face], you know. It was the
finest beating I ever took…But when he come to finish me, I couldn’t look
him in the eye. He spared me because [of that]. He wanted me to live in
shame. This was a great man, a great man. So I cut out the eye that looked
away, and sent it to him wrapped in blue paper. I would have cut them both
out if I could have fought him blind. Then I rose back up again with a full
heart and buried him in his own blood….He was the only man I ever killed
worth remembering. I never had a son. Civilization is crumbling. God bless
you.\textsuperscript{136}

Bill pursued the task “father Cutting” set him to with terrible cruelty to himself and others.
But it is his surrogate father, Priest Vallon, that Bill mourns, even as he was forced to give
Priest as a sacrifice to the superego. As he ends the speech in oddly halting sentences, it’s not
completely clear that he understands how his last four statements fit together. His reason and
his emotion both appear to fail him as he exits the scene abruptly in both physical and
psychic discomfort. The audience could make the last four sentences hang together. Or, they
may not. Amsterdam, as we shall see, has by this time, become the son that Bill never had
and Bill has come to substitute for the father that Amsterdam hardly had a chance to know.

*Amsterdam Crosses: As Surrogate Son.* As a child, the film showed Amsterdam witness
his father Priest’s mortal wounding at the hand of Cutting, then showed the child strike out at
Cutting with the same knife that had killed his father. As an adult, the film showed
Amsterdam throw the Bible given to him by the protestant Reverend from Hellgate
Reformatory (with the command to “Put to death the earthly things in you: immorality,
impurity, passion, vengeance”\(^{137}\)) into the river as he set out to return to the Five Points. The
film further revealed the details of Vallon’s plan to kill Bill at the next celebration of Bill’s
defeat of Priest. The audience had been provided with the set up for the narrative
expectations of a typical revenge plot. These conventions could certainly suggest a parasitic
use of the resources of one’s enemy against him/her. In such a logic, it would be fully
predictable that Vallon would insinuate himself in with Cutting to take what he can get,
thereby weakening his enemy.

While not a pristine ideal, Cutting has qualities that are regularly held up as red-blooded
American: tenaciousness, a driving work ethic (though toward a criminal enterprise), a
charismatic sociability, a hearty appetite for food/women/money, loyalty, patriotic zeal,
toughness and endurance, and even a certain (ruthless) reflexivity. As described by Daniel
Day-Lewis who portrayed him,

> [Bill’s] a man of unassailable conviction. A very dangerous state of mind,
highly enjoyable and strangely relaxing. He does, however, live with a
punishing sense of honor, particularly in relation to Priest Vallon, a kind of
idealized self who in life and in death confronts Bill with a profound question
about his own worth. That question is a weighty one to live with. To my mind,
considering the times and the streets that gave birth to him he is – however
misguided – an honorable man. And thanks be to Christ he has a sense of
humor.\(^{138}\)
Many of these qualities are the same ones that Vallon must put to use in overthrowing Cutting. Vallon could not succeed without the very nativist he will destroy. The film has also shown moments of affection between the two. Cutting praised Vallon for his wits in salvaging a doomed scavenger mission (“He could have left that ship with nothing. Instead he makes The Police Gazette. A periodical of note.”139), noticing the younger man’s outstanding qualities from nearly their first encounter. Further, Cutting voiced appreciation for Amsterdam’s fighting skills against McGloin, choosing to comfort Amsterdam with a steak to the cheek after the brawl.140 This leads eventually to a personal tutoring session in knife play described previously.141 Once in the inner circle, Amsterdam received approval from Bill for saving their profit-making venture of a prize-fight by moving it from illegality within city limits to a barge out in the harbor.142 In each instance, Vallon’s fear of being found out is present, but so is his gratitude for the advantage he receives. “It’s a funny feeling being took under the wing of a dragon,” Vallon says in voice over. “It’s warmer than you think.”143

However, Vallon does not seem to be certain in his sworn faith to the superegoic mission from Priest to avenge his death. The increasing complexity of Amsterdam’s relationship to Bill leads the younger man to a point where he finally comes unpurposed, acting without understanding what he has done. In the scene in question, Bill’s closest associates, including Amsterdam, are attending a performance of Uncle Tom’s Cabin, when Amsterdam notices a man with a gun who approaches. The man is, indeed, an assassin looking to enact vengeance on Bill for the cruelty The Butcher has wrought on the Irish in the Five Points. Acting quickly, Amsterdam yells a warning and rushes to intercept the gunman, who manages to get off a shot that strikes Cutting in the left shoulder. Vallon further tackles the assassi
ends up shooting the assassin with the assassin’s own gun during the struggle that ensues. After the scuffle is over, Cutting makes a showy presentation of his toughness by interrogating the dying gunman, while Amsterdam looks on in shock. Bill then makes the highly unusual and impressive gesture of tipping his stovepipe hat to Vallon in front of the entire audience. With his wound still bleeding, Cutting roars to the crowd to be seated and to the actors to finish the show, while Vallon manages to exit the theatre.

Once alone, Vallon begins to cry violently. As audiences know (quite possibly from their own experiences with cinema), crying may be an outward sign of many different, possibly conflicting, affective states. One can cry from happiness, sadness, anger, or even from confusion at not being able to sort out how one is to label one’s emotional state. In considering this scene, it is not at all clear what motivates the tears. A reading that privileges resolution might easily overlook this moment, or refuse to tarry in its void. Such a reading would quickly jump to the more satisfying resolution as the character Monk enters to shake Vallon back into his father’s Irish sensibility.

It may be that Vallon is crying because he has never killed before. While the audience knows from the previous scenes that he is a fighter and bears the scars of past battles, they have not before seen him take human life. There are other responses that might be expected to the incident of the foiled assassination. Vallon is not shown crowing with satisfaction over his thorough deceit, having managed to get Bill to trust him and to be placed in a position that much more above suspicion as to his true motives. Vallon is not shown swearing in wrathful regret over his missed opportunity for getting Bill killed efficiently and without any blame falling on himself. Vallon is not shown brooding over having killed a fellow son of Erin, like his father and himself. It is the eruption of tears that suggests a moment of
unresolvability. It is immanently possible that in such a moment of “morta[l] confusion,” Vallon may realize he *loves* the man he *is certain* he hates. What is clear is that Amsterdam acted without thinking, *without knowing what he did*, and that action prevented the Butcher’s death. What is clear is that the adult Amsterdam was able to do for his surrogate father what the child Amsterdam could not for Priest. Now the question stands starkly indeterminate: what will become of the charge from the phantasmal father to slay the surrogate?

Later that night, Vallon will shed tears a second time, though not as violently. After rejoining Bill’s inner circle for a debauched celebration of The Butcher’s survival, during which Vallon consummates his relationship with Jenny Everdeane, Vallon awakens to find Cutting sitting at their bedside wrapped in a flag. After the rambling and ruthless soliloquy paying tribute to Priest Vallon (quoted above), Amsterdam, only half awake - likely still feeling the after effects of alcohol, opium, and sex - sniffles, clearing his eyes once again. Neither he, nor the audience, knows precisely what to think about the relationship between this foreigner and this native, this mirror image repetition of surrogate father and son.

*Bill Crosses: As Surrogate Father.* The final moment of this relationship I read comes in the climactic battle between the immigrant gangs united behind Vallon’s Dead Rabbits, and the groups associated with Cutting’s nativists. Finding a break in this scene is surprising, since many of the narrative elements are expected and even a bit heavy-handed. The scene overtly compromises the ability to distinguish, ultimately, between the two sides. As the battle is about to begin, the military ships that have brought the Union troops to New York to quell the Draft Riots begin firing cannons into the city, shattering buildings and bodies in the Five Points. Neither set of combatants is safe, as both sides are culled by the ammunition and debris. The shelling sends up a fog of dust and particles which makes it hard for the
characters to see one another, or to tell friend from foe. When the army troops move into the scene they first shoot the stuffing out of McGloin, Cutting’s man. Upon seeing this injustice, Vallon’s man, Shang, is outraged and charges the same soldiers, only to have his own stuffing bayonetted out of him. The two deaths culminate in a statement difficult to miss – a member of one gang died because he was outraged at the treatment of his enemy by the state.

By the end of the scene, nativists marked by blue sashes and shirts are helping immigrants marked by red sashes and shirts (and vice versa) from the square. In the face of the state and the war both factions despise, the natives and foreigners (obviously) bleed the same way when they are cut. Gary Lewis, the actor who portrayed McGloin, was theoretically articulate when explaining the *resolutional* reading expected of this scene:

> Someone once said that war is an extension of politics by other means [von Clausewitz]. But actually politics is an extension of war by other means [Foucault]. Looking at the period in which the film takes place, the tension between those two outlooks seems to be present, because there’s a brutal, intense warfare happening between the gangs. But this tribalism is ultimately superseded when the big guns come. Who's got the big guns? The state.147

In so obvious an attempt to make them all “human,” rather than tribal or factional members, does anything escape the round up?

Thompson reminds us that “pretending that a work is exhausted by its functioning structures robs it of much that is strange, unfamiliar, and striking about it. It is the critic’s task at least in part to renew and expand the work’s power to defamiliarize, one way to do this would be precisely to break up old perceptions of the work and to point up its more difficult aspects.”148 What, then, is strange or unfamiliar here? I suspect it is the fact that it seems as if Cutting must, in the last moment, *convince* Vallon to do what Vallon had committed to after resolving his previous indeterminacy. Put differently, Vallon had succumbed to the causal action of the narrative when his tears subsided. He started knife-
throwing practice in the next scene, and then went ahead with his own assassination attempt, which failed.\textsuperscript{149} When he recovered from the brutality visited upon him as punishment by Cutting, he had declared the finality of that commitment by hanging the carcass of a rabbit in Paradise Square,\textsuperscript{150} making a deal with Boss Tweed that usurps Cutting as the provider of votes to Tammany Hall,\textsuperscript{151} and uniting the Irish into a wall of bodies that turns Bill back from the Catholic Church they are refurbishing when he and his thugs come to call.\textsuperscript{152} He thus resurrected his father’s gang and legacy, and answered Jenny’s request to leave the Five Points for California with a resounding “no” before she ever asked.\textsuperscript{153} Now, when the final fulfillment of this narrative destiny is at hand, Amsterdam \textit{pauses}, and so too must the program of reading.\textsuperscript{154}

After some of the smoke has cleared, and Vallon can once again see the attacker (Cutting) who has twice already sliced his left hamstring, another blast hits leaving both men flattened. As they rise to their knees, McGloin makes his charge against a wall of Union soldiers. Bill looks over, then back to Vallon. Vallon’s face displays a look of shock. Then he glances down toward Cutting’s waist and back up. The camera angle changes to face Bill, mimicking the movement. The audience now sees that Cutting has a piece of shrapnel lodged in his torso. It is hard to tell if this in one of the “killing” spots Cutting had trained Vallon to recognize in less dangerous times. It does not appear to be a heart, kidney, or jugular slice. It may be a stomach “wound,” that would “bleed and bleed,” but not kill.\textsuperscript{155} The audience watches from overhead as McGloin falls.\textsuperscript{156} Though Amsterdam has the advantage over a wounded opponent he doesn’t move. Instead, he visually marks the wound again and swings back up to Cutting’s eyes, with the same uncertain facial expression. He seems to have completely lost the sense of purpose that he had since he began his knife throwing and
sustained until mere seconds earlier when he was screaming for Bill in the smoky mayhem. At this moment, the gravely injured Bill is within Amsterdam’s grasp, but…Amsterdam does nothing. Once again as before, Vallon cannot decide his relationship to his tor/mentor.

In this scene, however, it is not only Vallon that does the unexpected. Cutting, the old fighter who was both tough enough to cut out his own eye and arrogant enough to celebrate his killing of the only man worthy of remembering for sixteen years, virtually flips over in submission. He shrugs at Vallon’s blank stare, nods almost absently as he looks off over the younger man’s shoulder about the scene before meeting Amsterdam’s eye once again. The audience watches a Union soldier step over McGloin and shoots him in the head. At this, Shang screams “You bastards!” drawing Amsterdam’s attention. Amsterdam shouts for Shang to stay away, but Shang has committed himself. The soldiers stab and kick Shang, and Bill watches this with just a hint of ruefulness. At this point the audience sees the first image of red and blue combatants helping each other from the square. Bill watches the square for a second more, then looks back to the shrapnel. Amsterdam still has made no move to attack or defend, and looks yet again to Bill with uncertainty, almost as if asking his former boss for the orders he used to give. Bill pulls out the shrapnel. Despite any pain, he almost smiles. 

*And still Vallon does not make a move.* The audience might not know the specific status of his injury, but it is clear that Cutting could both attack and defend at that point. *Yet, he does neither.* He waits. He has the strength to escape, and to avoid death by the hand of the man he had proclaimed “a base defiler of a noble name” and who hadn’t been worthy enough “to earn death by my [sic] hand.”157 But even Cutting’s submission is not enough, as Vallon continues to stall.
Cutting must propel Vallon to the action Vallon will not take himself. Cutting says, “Thank God I die a true American,” and he gestures with both hands, leaving his torso completely open without any pretense of defense. He has finally given the order Amsterdam has been waiting for, it seems. For the first time Amsterdam’s eyes show a clear emotion, and his facial expression changes. He finally looses his knife from its sheath. Cutting keeps Vallon’s gaze, and smiles. In admiration? As a mocking gesture? Proud of the man he considered a son? Rueful that his life has come to this? In recognition that Vallon didn’t have the strength alone? A sneer, rather than a smile? Proud to die a warrior in battle? Glad that he will not have to live in this crumbled civilization? The reason is not clear, but the result is: Vallon’s rage builds with his vocal growl and the death blow is struck. Cutting has been forced, in effect, to kill himself by Vallon’s hand. He has ensured that the outcome was not as expected, though perhaps more instructive. Priest was a type of father to Bill. Bill is a type of father to Amsterdam (even as Priest is Amsterdam’s biological parent). Unlike Bill, Amsterdam did not kill his surrogate father. Since Bill, in effect, killed himself, the cycle has at least the infinitesimal possibility of being broken. As Bill falls, he clutches Amsterdam’s hand and curls fetally toward Amsterdam in death. Amsterdam, following Priest’s command from his childhood, never looks away.

And yet, Bill’s had not been the only suicide on the square. It was preceded by the sacrifices of McGloin (standard bearer for the Dead Rabbits under Priest, turned nativist) and Shang (standard bearer for the Dead Rabbits under Amsterdam), who both knew death was inevitable and chose suicide by army. And, as Jenny Everdeane is forced to return to the rubble of the Five Points after her attempt to leave for California is foiled by the rioters, she finds both Cutting and Vallon laid out side-by-side like corpses on the square. As Jenny
roused Amsterdam, he curls fetally into Jenny not unlike the position Bill had taken when he lay dying. It may be that Amsterdam, too, has taken his own life, or at least the life of Bill’s surrogate son, in this final battle – resulting is the impossible but necessary conclusion without conclusion that must always already again come to pass.

Figure 6 outlines the complex of threshold-crossing relationships that develop in the film. Bill receives from his father a task he swears as an oath of faith. In giving Bill “the finest beating I ever took [sic],” Priest seems to have passed through the injunction of that oath to become a surrogate father to Bill, providing the “fullness of heart” necessary to Bill’s success at fulfilling the oath. Yet, though Bill brings about Priest’s final death, he does not kill his surrogate father, keeping the memory alive for the sixteen years he mourns. Amsterdam swears an oath to Priest to avenge his death. Yet Amsterdam crosses over the threshold of immigrancy/citizenship to become the nativist’s surrogate son. As a son, he becomes uncertain of his oath, unsure which of his two fathers he serves – acting without knowing. It is not until his surrogate father deals symbolic death to Amsterdam that the younger man swears fealty to the oath again. Yet, when it comes to the final moment, because Bill has passed through the injunction in becoming a surrogate, Amsterdam falters in the oath again. Ultimately, Bill must force his surrogate son’s hand to cause his own final death. While the act ends the life of Amsterdam as a surrogate son of Cutting, it leaves Amsterdam’s surrogate father alive. The young Vallon is thus left in the precarious position of having no father, but the haunting of surrogate father, and surrogate grandfather. Who will they be to Amsterdam with the bondage of neither the injunction nor the oath? Who will he be to himself? How will Priest as surrogate grandfather differ from Priest as oath wielding father? What rough beast will Amsterdam father? 

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Aporia, the Fifth: The Body Politician

I would next like to draw attention to a strange and unexpected irruption in the presentation of the character of William Magear “Boss” Tweed. The narrative is not subtle in taking advantage of the legend of Tammany Hall’s infamous architect. He is ready to equally manipulate Cutting or Vallon. America’s paradigmatic corrupt and near-mythically unscrupulous politician would hardly notice similarity or difference when it was Machiavellian advantage that mattered. However, in one particular scene, the audience is treated not to the myth, but to an oddly fleshy bit of the unadulterated man, or at least his partially-naked, pale, sweaty and aged body. In the scene, Cutting (escorted by Amsterdam and Johnny) goes to meet Tweed in his luxurious office suite. As the Cutting crew walks down the hall approaching the office, they hear Tweed’s voice making a deal about billing the city “five thousand a month for supplies and services” of some unknown kind. As the three burst open the double doors, though, they are treated to an unexpected scene. Bill, Amsterdam, and Johnny are exposed to an exposed Tweed (Figure 7). Tweed has been
conducting business while swathed precariously in towels. There is neither dialogue nor easily discernible visual element to give the audience context. Why is he conducting business in such a state of under-dress, suggestive of complete undress? From the sun shining through the windows, it appears that the visit takes place during normal business hours. All the other men in attendance are fully attired in the expected waistcoats and top coats, with hats nearby. In this instance, even Amsterdam and Johnny are more appropriately attired, although their thuggish clothes are well below the stately standards of their environment.

![Figure 7: Toweled Tweed (Note: Top hat on table, right.)](image)

As fashion sociologist Diana Crane describes it, clothes became one of the first affordable consumer items in the nineteenth century. As lower classes gained access to such an indulgence, there developed competition (perhaps especially in the supposedly “classless” society of the United States) to distinguish one’s social position through fashion. She notes the particular saliency of clothing as a mobility marker for immigrants in the U.S. Though the film treats clothing as “fairly stylized although based on historical accuracy,” and “tak[ing] the reality a few steps further…kind of a made-up world,” there is one element that does remain distinguishable for the audience is a correspondence between social status and clothing quality: as a character “gets more successful, he has more money to spend on
his clothing, so he does smarten up \[sic\].” In all the scenes prior to this point, Tweed had been “suited up,” as it were, in the protective armor of the clothing of his class, the wealthiest of the New Yorkers shown in the film. The quality and composition of his dress were described by designer Sandy Powell as “fairly accurate to the period, much more conservative in monochromatic colors – blacks, grays, and browns,” which Boss wears whether on the docks, at the office, or getting a drink with a topless prostitute at Satan’s Circus.

Except in this scene. Tweed begins wearing towels, flashing a bit of overly-fed underarm, pectoral and shoulder for the audience, who can then ponder what other bits jiggle unrestrained beneath. Amsterdam and Johnny are excused and leave to wait outside the door, where they contemplate a statue of “Tamanend,” the Native American for whom Tammany Hall is named. The statue is life-sized and naked of well-toned torso, cloaked over one shoulder and partially around the waist in a blanket. The comparison to the draped Tweed places the “boss” in an unflattering light. In her cultural history of nudity, Ruth Barcan discusses the two-sidedness of metaphors of nakedness. “This kind of exposure,” she notes, “is linked to both truth and vulnerability (and as such, can actually not be seen either as ‘positive’ or ‘negative’ in any simple way).” Perhaps even stranger than Tweed’s attire itself was that he seems as composed wearing towels as he does his normal outfits.

Back inside the room, Tweed is about to propose to Cutting what is arguably the most historically inaccurate and morally compromised action he orchestrates in the narrative. Tweed will demand that men innocent of capital crimes be publicly executed. (According to the historical record, the last public execution in New York City took place three decades prior to its depiction in the film timeline, well before Tweed was in power.) In the cut-time
between the hall and the interior, Tweed has begun to dress himself. Yet, it is not a smooth undertaking. It is when Tweed is shown donning his clothes that he is completely flustered. Once again the audience hears Tweed before they see him. He begins speaking, and the camera breaks in as he continues (Figure 8):

Bill, I can’t get a day’s work done for all the good citizens coming in here to harass me about crime in the Points.

Some even go so far as to accuse Tammany of connivance with this so-called rampant criminality. What am I to do? I can’t have this. Something has to be done.169

Tweed has not been able to get his “pants” rightly done up about the situation in the Five Points. Bill is not the mastermind in this criminal enterprise, though. “What do you have in mind?” Bill asks. Tweed responds “as if he’s talking about what shirt he should wear tomorrow”171: “I think maybe we should hang someone. No one important necessarily. Average men will do. Back-alley amusers with no affiliations.”172 He instructs Bill that it should be four men. As they continue to converse, Tweed adjusts his cuffs. Tweed fumbles with his vest. Tweed fiddles with his tie. Tweed fidgets with his fixings until the scene cuts to the reading of charges against the accused. After the reading is complete, Cutting greets
the condemned men, commenting to one, Arthur, “I see that you dressed for the occasion.”
“You know me, Bill,” Arthur answers. “I always like to look me best, you know.”

The frailty of the film representation is visually manifest in the physical body of a character that had been built up in American political myth as a nearly impenetrable and, more importantly, a dangerously penetrating figure of the lurking shyster politician who has repeatedly become the actual office holder. Just to reference those in most recent memory, the shade of Tweed has haunted America as the Richard Nixon of Watergate, the Ted Kennedy who drove off Chappaquiddick, the Bill Clinton who stained a certain intern’s dress, the Ronald Reagan who couldn’t recall his administration’s liaison between Iran and Nicaraguan rebels, the unfortunately named Congressman from New York who couldn’t stop himself from sending self “portraits” over social media to underage women, and the numerous candidates for office who support building a wall across the border with Mexico, but who have undocumented housekeepers, gardeners, nannies, and the list could continue.

Yet, when the William Tweed of *Gangs of New York* makes the most heinous deal of his time on screen, he does so with the suggestion that he is very nearly naked, and that the clothes he has available to costume himself with are not quite fit for him. Put differently, there are no underlings present to provide plausible deniability. The audience stands as observers. At least in *this public dream*, the politician will not be able to pass-the-buck, even to his onscreen sidekick, Killoran. Suddenly, Tweed *is not exactly the legend* the film has been taking advantage of, even as the film continues to treat that very legend *to hyperbole*. It opens a space for a reflection not only on the character in that moment, but on his behavior in the narrative more broadly and possibly to new questions about policy and politics to be asked outside the film.
The actions that Boss Tweed takes within the film are generally less clear, upon reflection within this available opening than they appear without it, following as they would the narrative logic. James Broadbent described Tweed quite astutely in this assessment, “Tweed was a great character - charismatic - and in his own way did a lot for New York. He was a good, practical politician. He had to get people on his side, and at this stage in his career, and in the film, he befriends the gangs. They can buy the votes that he needs. He has to collude with these criminals, which I think he finds quite easy. He's really a gang leader himself - just of a more organized sort of gang.”

He buys votes, but does a lot for the people. He leads a gang, but enfranchises those on the margins that the rest of America would prefer to forget out of existence (then as now). He is not a dictator: he respects the idea of democracy at a level which requires him to operate through the system of popular sovereignty, no matter how comfortable he is with compromising its mechanisms. As portrayed in the film, Tweed doesn't stop people from voting. Tweed gets more people to vote…more times.

As a “practical politician,” Tweed of the film does things contemporary Americans seem to wish their elected officials would do better. He gets his own hands dirty, in many senses of this word. He knows his full business, so that he can be responsible for the actions he takes. Film Tweed could not make an ambiguous claim that he “did not have sex with that woman,” or that he “did not recall.” It is always Boss Tweed himself that makes the deal with Bill or Amsterdam face-to-face. Tweed himself rides a Fire Engine with his own thugs and himself gives the order, “Musn’t let it spread!” which the crowd knows means to go ahead and loot. He personally warns Bill and Amsterdam that he (Tweed) didn’t bribe the correct police force to “ignore” their illegal prize fight. He attends both the after-theatre
debauchery in full view of the entire company at Satan’s Circus, and also doesn’t hide that he is Cutting’s guest at Sparrow’s Chinese Pagoda where Vallon takes his near fatal beating. However, he is also the one who personally greets the Irish coming off the boats after their harrowing trip. It appears that the only character in the entire film with a welcoming word to say to the frightened newcomers is William Magear Tweed. (The army recruiters aren’t actively hostile, but their mercenary agenda is quite clear.) When the Draft Rioters threaten the legitimate political infrastructure of New York City (as dubious as it may be), Tweed himself takes up arms. He doesn’t cower and leave the defense of the system to other men. Perhaps most telling, though clearly a profiteer, Tweed recognizes that the people of the City deserve something in return for the power they provide him.

TWEEDE: I’m talking about civic duty. Responsibilities we owe to the people. Schools and hospitals, sewers and utilities; street construction, repairs and sweeping. Business licenses, saloon licenses, carting licenses…streetcars, ferries, rubbish disposal. There’s a power of money to be made in this city, Bill. With your help, the people can be made to understand that all these things are best kept within what I like to call the Tammany family. Which is why I’m talking about an Alliance between our two great organizations.

BILL, THE BUTCHER: You’re talking about muscle work.

TWEEDE: That, too. Muscle to match our spirit.

Tweed of the film is not an angel, but neither is he the legendary demon of the political nightmare. In peeling away the layers of waistcoat, topcoat, stiff collar, hair tonic, spats, and the armor of privilege, the fleshy body of the Boss stopped the narrative for an imperative second of recognition. Neither the glorious nor the shameful are complete and adequate viewed alone.
Aporia, the Sixth: Recognizing Rhetorical Agency When It's Gone

The final element of resistance to the inevitable progression of the narrative of *Gangs of New York* that I would like to concentrate on is the development of the character of Jenny Everdeane, female lead and only female character of any substance in the film as a whole. She is an Irish immigrant who works at various forms of thievery, and perhaps as a prostitute. She is the sexual partner of at least two if not all three of the male characters who desire her: Amsterdam Vallon, Bill Cutting, and Johnny. She is neither shy nor hesitant about following her sexual desire to her satisfaction. Ruby C. Tapia demonstrates persuasively that part of the “threat” of the immigrant body generally is the specific fertility of immigrant women. The “danger” presented is that virtue-damaging promiscuity will turn into a flood of maternal productivity. Like the threatening immigrant woman, Everdeane is promiscuous. However, this promiscuity does not produce the outcome that the threat suggests. Everdeane has been subject to a highly invasive abortion, which has left her scarred and (almost surely) unable to re-produce the immigrant horde. Lauren Berlant’s analysis of *Time* magazine’s special issues on immigration demonstrates powerfully how the immigrant woman is a particularly salient figure of support for national identity because of her ability to demonstrate a special type of desire for the nation. Everdeane functions in this way as well, but with a difference. She can desire the nation with a kind of abandon and excess that will not shackle her nation-lover with the unbearable burden of parenthood. Her threat has been made safe.

And yet, it is exactly here that the narrative resists itself. Jenny as an object of sexual desire does not function predictably. The most likely father of her lost child, the nativist Bill Cutting, no longer desires Everdeane once she has been made safe to desire. Jenny tells
Amsterdam that “he doesn’t fancy girls that scarred up.” This has left Jenny with a freedom to bed whom she pleases, and yet because of her years under Bill’s protection she has not been reduced to the level of the average “frenchified” sex worker. She is still the belle of the Five Points and the queen of the Reformer’s Ball, where she is allowed to choose which man she will dance with. Fatefully, she chooses Amsterdam Vallon – to his surprise and Johnny’s. During their very first sexual encounter following this dance, Jenny and Amsterdam compare scars. Amsterdam finds out up front that it is quite likely Jenny is not able to bear children. This is not a deterrent to his desire as we find out it is for Bill. Instead, it is Jenny’s history as the bedmate of Bill that cools Amsterdam’s passion. “I ain’t interested in The Butcher’s leavin’s,” he tells her bitterly. He pushes her away, leaving them both angry, unsatisfied, and set for future sparring. It is not until Amsterdam has saved Bill’s life and been publicly acknowledged as being “owed” a debt by Bill that Amsterdam rekindles his desire for Jenny. In other words, it is not until he has risen to a kind of equality of position that he seeks out Jenny as a sexual partner. Their intercourse is a type of affirmation of Amsterdam’s standing, doubly affirmed when Bill visits them in the night and approves of their union – “Whatever takes your fancy, my young friend.”

However, she is also the cause of Amsterdam’s fall, due again to the very same sexual liaison that affirmed his position. Amsterdam beds Jenny during the conflicted celebration following his “saving” of Bill’s life at the theatre. As the inner circle got drunk and high on opium, Amsterdam had watched Jenny tend to Bill’s wound, and the spark of looks between the two over Cutting’s head appeared to be the impetus for each to move from the main hall to the privacy of the upper floor. However, before she leaves (the first to do so), Jenny stops to speak with Johnny. Earlier that day, at the prize fight, Amsterdam had observed her slip
away with Johnny for what might be presumed to be a tryst. In Satan’s Circus, however, Jenny tries to convince Johnny to leave, telling him “Why don’t ya get outta here, Johnny? Go on. Go home,” and shoos him from the bar before she heads upstairs. Johnny does not leave, and the audience sees him watch minutes later when the violent sparring between Jenny and Amsterdam that began with his accusation “Is there anyone in the five points you haven’t fucked!?” advances through her threat to bite instead of kiss him, with lightning speed to coitus. It is Johnny who, in jealousy over Jenny’s repeated preference for Amsterdam over himself, reveals Vallon’s identity to Cutting.

Everdeane is both a prize and a threat. She is both an active sexual agent, and the object that marks the play of power between the representative of her foreign origin and the representative of her adopted land. Her body functions as a type of embattled territory in the dynamic of the narrative. The film eventually accommodates the incorporation of her contested position into the predictable love story, and numerous reviewers of the film noted the disappointing turn of the character from feisty and independent to a “boringly conventional ingénue” who is “suddenly reduced to playing nursemaid for Amsterdam.” I would maintain that this turn is not simply a bit of bad writing or poor acting, as most reviewers suggested. Indeed, I find that they have recognized a very important and instructive point: It is when the character of Jenny Everdeane is finalized and slotted into the place she predictably must inhabit in the narrative that she loses her rhetorical power. A traditional feminist reading might suggest that this loss is rooted in the patriarchal use of the female body to mark the territory of battle, or as A.O. Scott described her for the New York Times, “more a structural necessity – the linchpin of male jealousy – than a fully imagined...
person.”¹⁹³ I would not wholly disagree. But following Spivak we can see the character in greater complexity.

It is the indeterminacy of the character that provided her the means of agency through the early stages of the film. When Everdeane concretizes the situational interruptions of the narrative, she makes possible the asking of new questions, not simply the resolution of new answers. As the dialogue and the action reveal, it is she who was the initiator of intercourse with both Cutting and Vallon, and quite probably with Johnny. It is she that binds the wounds of Cutting after the attempted assassination and of Vallon after Cutting nearly kills him. It is for the sake of her attention that Johnny betrays Vallon to Cutting, and thus by means of her that all three “die”: Vallon (symbolically) by Cutting’s hand, Johnny nearly by Cutting’s torture and finally out of mercy by Vallon’s gun, and Cutting (literally) by Vallon’s knife. It is during the narrative time when she manifests unresolvable feelings and actions toward the native and the foreigner that Everdeane has power. She is the character that is able to live on the threshold between the sides of the boundary. Once the narrative commits her to a single side, the critics rightly noticed that she loses her impact – rhetorically and politically.

Meditations on the Aporetics of an American Imperative

In returning to Gangs of New York for a close textual reading of several aporetic elements, I sought to take seriously the recognition that the film was, itself, a conflicted work, at one and the same time cumbersome and incisive, brilliant and obscure, excessive and lacking. Though as with any work, it would have been possible to find other ways in which the text(e) unraveled itself from within, I highlighted (functionally) four of the most compelling. Through the minimal and striking use of flashback imagery, audiences experience a braking and breaking-up of the narrative. They are provoked, with Amsterdam
Vallon, to compare and contrast, to question the past and present, and to be uncertain of their assumptions and the consequences of their actions. As Priest Vallon, Bill Cutting, and Amsterdam Vallon cross and re-cross the threshold between immigrancy and citizenship to form unexpected and unconventional relationships of surrogate fathers and surrogate sons, the audience is reminded that loyalty can never be as certain as it seems, nor can hate, nor can love. When it becomes clear that to remain faithful to an oath requires a violation of that oath’s injunction, the audience is prompted to pause not once, but several times, and to ponder that “regret is a morally and politically productive emotion and survival requires it.” When confronted with the naked parts of a Boss Tweed who cannot seem to get his sartorial closures fastened, the audience is called to face the discomfited scene of politics (again), for the virtue of the naked truth can also be the shame of the vulnerable body. Perhaps the most important task for the crowd wasn’t determining if the emperor had no clothes for them not to see. Finally, in the finality that was forced upon Jenny Everdeane, the audience may seek a lesson in the negative about the value of cherishing spaces in which to remain unresolved.

Immigration as a policy issue is perennially at stake in both domestic and foreign affairs. In forwarding the film as a rhetorically and politically salient text, I take its popular, mainstream position seriously. “The point is not that we can hope to escape the world of metaphor and myth,” writes Robert Ivie in his study of the second Bush administration’s turn to preemptive strike foreign policy, “but that we must become alert to its presence in our everyday reality to the extent that pernicious appropriations of a particular mythic construction can be contested in order to yield more viable visions of democratic practice.” With this in mind I would like to highlight two observations about the film. First, the film
places in front of Americans a particularly pernicious collective neurosis. Second, the film prompts an analysis, both of itself and potentially of what it might call them to be, that doesn’t define a “cure.”

First, the film participates in the pattern of xenophilia and xenophobia that I have written of previously. As Honig noted, “the foreigner who shores up and reinvigorates the regime also unsettles it at the same time. Since the presumed test of both a good and a bad foreigner is the measure of her contribution to the restoration of the nation rather than, say, to the nation’s transformation or attenuation, nationalist xenophilia tends to feed and (re)produce nationalist xenophobia as its partner.”\textsuperscript{196} Cutting is the clearest representative of this complicated dance. He says of the Irish, “If only I had the guns, Mr. Tweed, I’d shoot each and every one of them before they set foot on American soil,”\textsuperscript{197} not just xenophobic, but xenomisiac. Yet, he has managed to find a way to tell the difference between the “good” and the “bad” foreigner, the audience knows. He is both surrogately fathered by and father to men he knows full well are Irish. He has several others that are part of his inner circle, sharing his table and most of his time. He has loved the Irish Jenny as a daughter and as a consort.

But the film, as primarily identifying with the viewpoint of Amsterdam Vallon, reverses this stance, demonstrating the foreigner’s \textit{philia} and \textit{phobia} for the native. He has sworn revenge on The Butcher, but Amsterdam relishes the care and praise he receives from the native. When it comes to the point when Amsterdam has Bill at his mercy, that’s exactly what the surrogate son shows, unable to kill Cutting without being forced. “By explicitly, obviously, ostensibly occupying the place of difference, the foreigner challenges both the identity of the group and his own - a challenge that few among us are apt to take up,”
Kristeva recognizes. “A drastic challenge: ‘I am not like you.’ An intrusion: ‘Behave with me as you would among yourselves.’ A call for love: ‘Recognize me.’ In all that the there is a mixture of humility and arrogance, suffering and domination, a feeling of having been wounded and being all-powerful.”

This shift of position is key to the film’s perspective and potency. It displaces the certainty of identification as to who is right or wrong, and when and where that might or might not be the case.

The shift is a deft maneuver that places something deeply unsettling before the audience. Not only does the film recognize the split in the affective orientation of citizens to immigrants, but also offers an opening to recognize “a peculiar form of demophobia [that] has marked the national identity since the advent of a republican polity more than two hundred years ago.”

It is not only the immigrant, like Vallon, that both loves and hates the citizenry of the American nation, it is the nation itself that has always already loved and hated its own citizens. This particular paradox sits at the heart of the American form of representative democracy which grew out of the compromise of the Constitutional Convention, and its reflection of the published debates between the Federalists and the Anti-Federalists. The Anti-Federalists were rather more trusting of the population, viewing the electorate as industrious and motivated to live up to the challenge posed to them. The Anti-Federalists championed the legitimating function of popular sovereignty for law and the social contract. They tended to follow more closely the theorists of democracy. They favored systems that sound surprisingly like those proposed by some Marxist models (though less economic inflection), including local and regional citizen committees. The Federalists wrote in support of strong, centralized national government in line with theories of republicanism. Their writing characterized “the people” like the demos of the ancient world as unruly,
uneducated, unprepared for self-governance, and as a diseased and distempered mob not to be trusted. Popular energy should be channeled through representatives, a virtuous, perhaps expert or professional class that could be trusted to make right decisions. As we know, the Federalists were the more persuasive, inscribing fear of the enfranchised electorate into structures like the electoral college.

Representative democracy has at its core demophilia – a love and reliance on the citizen populace for its legitimacy, and in the United States, for a type of moral world mission to spread democracy – existing simultaneously with demophobia – a fear and hatred of the citizen populace who may be so concerned with their own internal spats that they won’t do their duty and be conscripted. “The paradox of America’s political consciousness is that it predisposes the nation to fear its own demise by depicting unfettered democracy as a dangerous disease of illiberal rule while rendering suspect any containment of democratic distemper of egalitarian ideals,” Ivie concludes. What the film exposes is

the rhetorical dynamic that promotes excessive fear of the domestic as well as the foreign Other. They have grounded their national identity in a symbol of political legitimacy fundamentally feared and distrusted no less than revered and deified…a term of awe that simultaneously attracts and repels, that connotes instability, vulnerability, and disorder more than trust in the rule of the people. The United States fears itself as a democracy subject to self-destruction no less than foreign attack or domination.

What, then, does the film offer as a rhetorical vision in response to this recognition? As Amsterdam says, “I was raised here. All I ever knew of Ireland was in the talk of the others at the orphan asylum…I lost the proof of it in my language at the asylum.” “Strangely,” writes Kristeva, “the foreigner lives within us: he [sic] is the hidden face of our identity, the space that wrecks our abode, the time in which understanding and affinity founder. By recognizing him within ourselves, we are spared detesting him in himself. A symptom that
precisely turns ‘we’ into a problem, perhaps makes it impossible, the foreigner comes in when the consciousness of my difference arises, and he disappears when we all acknowledge ourselves as foreigners, unamenable to bonds and communities.”\textsuperscript{203} The problem of foreignness has perhaps never been foreign, or has perhaps always already been native.

Second, \textit{Gangs} is part of a grouping of fiction films grounded in historical reality.\textsuperscript{204} It goes one step further, and makes claims to have characters and events based upon real people and true stories. The film’s promotional line, “America was born in the streets,” was coupled with P.R. materials that emphasized the authenticity of the research that went into building sets, producing the dialect, and to the authenticity of the immersion acting techniques of lead player Daniel Day-Lewis. When interviewed about the production, the actors described the experience as one where they “didn’t have to imagine” as they acted because the time and the space was “really there” in (especially) the sets and costumes,\textsuperscript{205} but also the level of violence portrayed.\textsuperscript{206} It is quite probable that many audience members agreed with Paul Clinton of \textit{CNN} that “Scorsese is not only a highly-skilled director, he's also a historian, and this story has been expertly researched down to the finest details. It feels totally authentic throughout.”\textsuperscript{207} “What wouldn’t appeal as dry information in a history book is vividly brought to life, clearly defined, if occasionally overexplained by Amsterdam's narration,” noted Steve Persall.\textsuperscript{208}

Yet, at the same time, no amount of history could be good enough in a work that wanted to preserve its right to fiction’s creative freedom. Stephanie Zacharek called the creative team “folk-tale-telling historians, intent on telling a story that feels true, even if whole patches of it are sheer invention.”\textsuperscript{209} The \textit{Village Voice} accused the film of “read[ing] the present back into history and reimagin[ing] the past to suit itself.”\textsuperscript{210} My favorite comment, however,
came from Jami Bernard of the *Daily News* (New York), who said, “Many of the historic specifics have been compressed, altered or otherwise twisted into the equivalent of a balloon animal.” And this was before the professional historians got started. The academics lambasted the movie for the fact that none of the “working class” ever seemed to work, ineligibility of non-citizens for the draft, condensation of events and characters, the cleanliness and training of the Union troops, the inaccurate portrayal of the power of the U.S. federal government, the lack of care about the lives of women and African Americans, and more. As Christoph Claussen puts it, there is a kind of counterintuitive act of “self-restraint” on the part of filmmakers to bind their creativity by the limitations of history if they can never succeed at it.211

This clash is not new to *Gangs*. Hayden White pointed out in 1973 that the presumption that history and fiction were starkly different was faulty.

> It is sometimes said that the aim of the historian is to explain the past by “finding,” “identifying,” or “uncovering” the “stories” that lie buried in chronicles; and that the difference between “history” and “fiction” resides in the fact that the historian “finds” his stories, whereas the fiction writer “invents” his. This conception of the historian’s task, however, obscures the extent to which “invention” also plays a part in the historian’s operations.212

Media theorists writing in the vein of postmodernism and image through such concepts as simulacrum and hyper-reality went so far as to challenge the notion that “history” would eventually even be desired by audiences. Richard Corliss, critic for *Time* thought *Gangs* was likely to disappoint for just that reason: “Today when audiences go into the past, they want fantasy. They’re not looking to pay for history lessons.”213

Given the reading I have forwarded in this chapter, I was struck by Mike Clark’s comment about the issue in his review for *USA Today*: “Historians will pick apart *Gangs* for years. (With most current movies, why bother?)”214 Why bother, indeed? If filmmakers know
they’ll get blasted on history, why bother to bind their fiction? If audiences want fantasy, why bother to buy a ticket for history? If Hollywood always bungles this delicate balance as “with most current movies,” why bother to comment on it at all? Claussen notes that, “the end of the modernist utopia and its telos of progress; the loss of the ideological certainties related to it; and the media communication that seems to accelerate the processes of transnationalism that are part of so-called ‘reflexive modernity’ all seem to increase the [collective] desire for an ‘ascertainment in time.’”215 Put differently, the fluidity of time and space facilitated by technologies of connection and isolation in the current conjuncture provoke audiences to seek the pleasure of placing (recall Metz’s description of film being produced when it “takes place” as a co-construction with an audience). Films that successfully enact a rhetorical claim to basis upon a true story have effectively enhanced this pleasure of placing. It is a manifestation of the ancient recognition of the pleasures of mimesis, but one with notable qualities. “The medium of the media itself,” suggests Derrida, “this element itself is neither living nor dead, present nor absent: it spectralizes.”216 The spectral quality keeps before the audience the recognition that must remain intact for mimetic pleasure. As Metz parses it, spectral taking place is particularly complex.

Thus the cinema, “more perceptual” than certain arts according to the list of its sensory registers, is also “less perceptual” than others once the status of these perceptions I envisaged rather than their number or diversity; for its perceptions are all in a sense “false.” Or rather, the activity of perception which it involves is real (the cinema is not a phantasy), but the perceived is not really the object, it is its shade, is phantom, its double, its replica in a new kind of mirror. It will be said that literature, after all, is itself only made of replicas (written words, presenting absent object). But at least it does not present them to us with all the really perceived detail that the screen does (giving more and taking as much, i.e. taking more). The unique position of the cinema lies in this dual character of its signifier: unaccustomed perceptual wealth, but at the same time stamped with unreality to an unusual degree, and from the very outset. More than the other arts, or in a more unique way, the cinema involves us in the imaginary: it drums up all perception, but to switch
it immediately over into its own absence, which is nonetheless the only signifier present.217

If the audience will always already know a film is “fictional,” it seems strange to functionally demand films that *double* their fiction by successfully sustaining a rhetorical claim to “history.” Indeed, why bother?

The aporias specific to *Gangs of New York* are exactly the thing that make it worth the bother in this case. *Gangs of New York* more than other contemporary films, and perhaps more than other rhetorical forms that manifest the threshold between immigrancy/citizenship, keeps the questions of history and fiction open. It leaves the audience positively unsatisfied, not completely convinced but not without the lingering feeling that they have nearly learned what they desired to know. Though describing a different work, Joan Copjec’s words seem apropos: “History flows through these figures but it does not contain them.”218 The film does not have enough “history” to make the audience believe. Yet, the film does not have so much fiction that it prevents them from believing. “The connection is a stroke of genius,” writes Amy Taubin, “to show within what otherwise appears to be a traditional costume picture that movies are porous texts and movie history continually commingles with ‘real’ history in the collective cultural imagination.”219 The key to this open question are the kinds of aporias I sought to read in this chapter, disjunctures that keep the narrative logic of *Gangs* from reaching a perfect and perfectly satisfying “death,” as Brooks described it. Open questions can feel unsafe, and without safety there is always the possibility of fear and with it the foreseeably unjust. But, as I will turn to in the next chapter, this is the very risk that grounds *freedom*. Derrida once again:

> Is not disjuncture the very possibility of the other? How to distinguish between two disadjustments, between the disjuncture of the unjust and the one that opens up the infinite asymmetry of the relations to the other, that is to say,
the play for justice?...For justice as incalculability of the gift and singularity of
an-economic ex-position to others...How does the concern with what there is
to be intersect, in order perhaps to exceed it, with the logic of vengeance or
right? A trajectory that is necessarily without heading and without
assurance.220

For identity as a collective matter, it is crucial to keep the question of history vs. fiction open,
and to be compelled to return to it, to be bothered again and again. It is when the question is
closed, when the collective is certain, when the figuration is finalized, when nobody bothers
with it or when nobody feels as though they are allowed to bother with it that rhetorical and
political power is realized as only present in its absence. “Only when we believe that we are
not transparent to ourselves,” writes Kelly Oliver, “will we...be compelled to continually
question our own motives and desires. And only when we engage in this continual self-
interrogation is there hope that we can become an ethical society; only then is there hope for
anything approximating justice.”221

Gangs of New York not only recognizes the central part played for American identity by
the threshold of immigrancy/citizenship, but in contrast to the institutional form of law and
bureaucracy or the documentary form of memory and materiality, it is surprisingly the
popular cultural spectacle that allows these conflicts to remain conflicted. Gangs of New York
is frustrating and unsatisfying because it does something crucial at this conjuncture for
American identity: it keeps the question of our social values open, in tension, on and at a
threshold that we may never wish to cross, or rather, never wish to stop crossing. Put
differently, it can keep us returning to buy a ticket. It can tap into collective desire, and as I
will argue in the coming chapterReagan, help us recognize that tending that desire – not
satisfying it – is the imperative.
Foucault once told an interviewer,

Today, cheap books aren’t enough. There are much more effective means like television and the cinema. And I believe this was one way of reprogramming popular memory, which existed but had no way of expressing itself. So people are shown not what they were, but what they must remember having been. Since memory is actually a very important factor in struggle (really, in fact, struggles develop in a kind of conscious moving forward of history), if one control’s people’s memory, one controls their dynamism. (124-124)

Quite often, Foucault’s thoughts on popular cinema are used as a kind of ominous warning of the power of normative media. However, it was the words of mainstream critics that alerted me to the aporias of *Gangs of New York*, and the reaction of characters within the film to its own text that suggested how it might be understood other-wise. The rhetorical vision offered by the film, I argue, is one that allows an active risk of “another head, the heading being not only ours, but the other, not only that which we identify, calculate, and decide upon, but the *heading of the other*, before which we must respond, and which we must *remember, of which* we must *remind ourselves*, the heading of an other being perhaps the first condition of an identity or identification that is not an ego-centrism destructive of oneself and the other.”

Knowing what we know of the twisted paths of fathers and sons in the film, there may be no need to fear Amsterdam’s final voice over: “The path is the torch that lights our way. Where our fathers have shown us the path, we shall follow.”
Notes


2 Ibid., ¶36.


10 Ibid., 47.

11 Ibid., 4.

12 The film was based on Herbert Asbury’s The Gangs of New York. Asbury’s book might best be described as creative non-fiction. His “historical research” consisted of retelling yellow journalistic accounts of the criminal underworld from decades prior to publishing his work. Scorsese and screenwriter Cocks each independently and serendipitously discovered the book in late December 1970. Scorsese first announced plans for the film in the Hollywood trades in 1977, and the first drafts of a screenplay were written by 1978. The prohibitive cost of production remained an obstacle for nearly twenty-five years. The picture finally went into filming from September 18, 2000 – April 12, 2001. The film had an estimated budget of between $97,000,000 and $120,000,000, and was filmed in Italy on fifteen blocks of reconstructed “old New York” (complete with harbor and two full ships) at Cinecittà Studios near Rome. “Historical consultant” for the movie was Luc Sante, author of Low Life: Lures and Snares of Old New York. Sante describes his work as “an attempt at a


16 See footnote 7.


39 Hoberman, “Vice City,” ¶11.


54 Simon Jenkins, “Keep the Immigrants Coming,” *Evening Standard* (London), January 27, 2005, Lexis-Nexis Academic, ¶17. Jenkins specified that “waves of recent immigrants” can “devastate established schools, overwhelm doctors’ surgeries, transform churches, parks and social facilities,” (¶17; 18). I must admit to a momentary curiosity if they would also be breaking into choreographed song and dance, or perhaps experience the emergence *sui generis* of “feeling pretty.”


62 Ibid., ¶5, 9, 11.


79 Berlant, *The Queen of America*, 57.


84 Dupont, “America in Film,” ¶17-19.


88 *GoNY*, Δ: 2.11.

89 Ibid.

90 Ibid.


92 Hoberman, “Vice City,” ¶8.


94 Turan, review of *GoNY*, ¶2.


96 Ibid., 245.

97 Ibid., 244.
The brief series I sketch is certainly not exhaustive of those I might cite. However, as I read the literature in the field, they are representative of certain moves applied to reading film rhetorically. Further, as I read these examples, they make more overt attempts to theorize film narrative as rhetorical, rather than using movies as “another” text.

Rushing & Frentz, “The Rhetoric of *Rocky,*” 66


Brian Ott, “The Visceral Politics of *V for Vendetta:* On Political Affect in Cinema,” *Critical Studies in Media Communication* 27, no. 1 (2010): 39-54. I share neither Ott’s Lyotardian theorization of the unconscious nor his Deleuzian theorization of affect. However, should one wish to read for rupture from this perspective, Lyotard’s notion of “incommensurability” may prove useful.

Spivak, *Outside in,* 248.

Ibid., 246.


Paul de Man, *Blindness and Insight: Essays in the Rhetoric of Contemporary Criticism,* 2nd ed. (Minneapolis, MN: University of Minnesota Press, 1983), 18. De Man seems to recognize the long-standing normative import of the Emersonian reading strategy as he continues: “In order not to see that the failure lies in the nature of things, one chooses to locate it in the individual, ‘romantic’ subject, and thus retreats behind a historical scheme which, apocalyptic as it may sound, is basically reassuring and bland.”

Spivak, *Outside in,* 248.
I take the term fractal from mathematics (not unlike sign theory developed from a shared history of linguistics and mathematics). I argue that this term reflects powerfully the multi-layered resonance that rhetoricians recognize between various localized, particular phenomenon and considerations of the patterns that emerge between these cases. The idea was first introduced to me by Dr. Timothy Havens during a lecture to the Seminar Series at the University of Iowa’s Department of Communication Studies. “A fractal is an object or quantity that displays self-similarity, in a somewhat technical sense, on all scales. The object need not exhibit exactly the same structure at all scales, but the same ‘type’ of structures must appear on all scales. A plot of the quantity on a log-log graph versus scale then gives a straight line, whose slope is said to be the fractal dimension. The prototypical example for a fractal is the length of a coastline measured with different length rulers. The shorter the ruler, the longer the length measured, a paradox known as the coastline paradox.” (Emphasis added) Well documented examples of fractal equations include: Gosper island, Koch snowflake, box fractal, Sierpiński sieve, Barnsley’s fern, and Mandelbrot set. Eric W. Weisstein, “Fractal,” from MathWorld--A Wolfram Web Resource, 2012, http://mathworld.wolfram.com/Fractal.html.

124 *GoNY*, Δ: 1.8.


126 Ibid., 86.


128 DiGirolamo, “Such, Such Were the B’hoys....”125-126.

129 *GoNY*, Δ: 1.10.

130 *GoNY*, Δ: 1.8. The opening scene of the film takes place in 1846. The next action opens 16 years later. If the year is 1862 when Bill says he is 47 during Chapter 1.11, it is probable his father died before he was born.


132 Joan Copjec, *Imagine There’s No Woman: Ethics and Sublimation* (Cambridge, MA: MIT Press, 2004), 46. Additionally, “Modern man, refusing to accept the finitude that modern thought thrusts upon him, doubles himself through a notion of race that allows him to survive his own death. Henceforth he is not only an individual subject, but also a member of a racial group. The phenomenon of race (and of racism) that results is unlike anything that preceded it and not only because race has now to assume the role of heaven, of eternity, in safeguarding the subject’s immortality. Focused on the finite, modern man can no longer reliably sustain the old idea of eternity, but he does manage to reconstitute an alternative from a scrap left behind by the old idea. This leftover or remainder is the superego, the libidinally cathected belief that there is - if not a heaven - at least something that escapes the ravages of historical contingency. This idea is a negative one, nothing more than the conviction that between our expectations and their realization there is always a shortfall, some compromise. Yet it is what survives of eternity in the modern world, and it lends to a certain notion of race an element of ideality that is the source of its profound violence and its disdain for every historical obstacle, every contingency that opposes it.” (105-106)

133 Derrida, *Specters*, 34.

134 *GoNY*, Δ: 1.1.

135 Ibid.

136 *GoNY*, Δ: 2.1.
137 GoNY, Δ: 1.2.

138 Daniel Day-Lewis quoted in Scorsese, Making the Movie, 63.

139 GoNY, Δ: 1.6.

140 Ibid.

141 GoNY, Δ: 1.8.

142 GoNY, Δ: 1.10.

143 Ibid.

144 GoNY, Δ: 1.10.

145 GoNY, Δ: 1.11.

146 GoNY, Δ: 2.11.


149 GoNY, Δ: 2.4.

150 GoNY, Δ: 2.7.

151 GoNY, Δ: 2.8.

152 GoNY, Δ: 2.7.

153 GoNY, Δ: 2.10.

154 GoNY, Δ: 2.11.

155 GoNY, Δ: 1.8.

156 GoNY, Δ: 2.11.

157 GoNY, Δ: 2.4.
158 *GoNY*, Δ: 2.1.


161 The shooting script indicates that editing prevented the audience from seeing more of Tweed in towels, and a partial explanation for it. Scorsese, *Making the Movie*, 195. *GoNY*, Δ: 1.8.

162 Ibid.


164 Sandy Powell quoted in Scorsese, *Making the Movie*, 104.

165 Ibid., 107.

166 Ibid., 108.


168 DiGirolamo, “Such, Such Were the B’hoys...,” 126.

169 *GoNY*, Δ: 1.8.

170 Ibid.


172 “Amusers: fellows who carry snuff or pepper in their pockets, which they throw into a person’s eyes and then run away.” Scorsese, *Making the Movie*, 101. *GoNY*, Δ: 1.8.

173 Ibid.

Any unambiguous reference to Jenny providing sex for hire has been edited out of the final film. See, for example, the difference between the final cut and the shooting script of the “My medal!” scene, GoNY, Δ: 1.7. In the final edit, Jenny tells Amsterdam that she does not have to pay any “quarter” to Cutting because they “have a special arrangement.” When Amsterdam has given her a very strange look, she responds with, “I don’t want to see you again,” and they part. In the shooting script, by contrast, the two have an extended conversation wherein Jenny tells Amsterdam if he wants “something more than a look it’ll cost more than the price of that medal,” to which he replies, “I’m not interested in that kind of romance,” (Scorsese, Making the Movie, 186). The only unambiguous reference to Jenny as a prostitute remaining in the final film is the dialect colloquialism that Amsterdam uses to describe her to Johnny: “She’s a prim lookin’ star-gazer” (GoNY, Δ: 1.3). However, the phrase is far out of use for most audience members, who would not understand it to mean “whore” without doing research.


Researcher Marianne Bower described the amount to detail she provided for such small items as questions about a capped tooth: “I called my dentist to find out who the best dental historian was and then called him. Then I bought a book that had images of dentistry from the time period. I wrote a long paper on dentistry from the 1840s to the 1860s - what would happen if you had an abscess, what kind of false teeth they had then, what kind of material would it be made of for a poor person” (Scorsese, Making the Movie, 37). Even a cursory survey of the time period notes that numerous herbal methods of inducing abortion were widely available and some were surprisingly effective. Even through the 1870s it was quite possible for women to procure the implements and materials to self-induce termination of pregnancy, or to find a practitioner of one manner or another to assist. However, the more intrusive methods carried mortal risks for women. See for example: Dorothy E. McBride, Abortion in the United States: A Reference Handbook (Santa Barbara, CA: ABC-CLIO, Inc., 2008), 3-9.; “Abortion in the Nineteenth Century,” Encyclopedia of Birth Control, Edited by Vern Bullough (Santa Barbara, CA: ABC-CLIO, 2001), 3-5. A procedure leaving a scar both
so terrible, but also one so recovered (no longer discolored, etc.) would likely have been a
systemic threat to a very young Jenny. As Everdeane describes it in the film, GoNY, Δ: 1.9:
“There was a baby. They cut it out.” Further, she had continued to be sexually active after
that point, and the film does not provide evidence that she has been subject to any further
pregnancies. Thus, I conclude it is most likely that Jenny was left infertile.

184 Berlant, The Queen of America, 177-220.
185 GoNY, Δ: 2.1.
186 GoNY, Δ: 1.9.
187 Ibid.
188 GoNY, Δ: 2.1.
189 GoNY, Δ: 1.11.
191 Todd McCarthy, review of Gangs of New York, Miramax, Variety, December 5, 2002,
Review: Gangs.”
192 Maitland McDonagh, review of Gangs of New York, Miramax, TVGuide.com, no date,
Reviews Martin Scorsese’s Gangs of New York,” Today (NBC), December 20, 2002, Lexis-
Nexis Academic, ¶4.
193 Scott, “To Feel a City Seethe,” ¶9.
University Press, 2009), 9.
195 Ivie, Democracy and America’s War, 90.
196 Honig, Democracy and the Foreigner, 76. Fear and love are not exactly antonyms. A
more properly opposing suffix would be –misia, from the Greek for “hatred” or “repulsion,”
rather than “fear.”
197 GoNY, Δ: 1.2.
198 Kristeva, Strangers to Ourselves, 42.
199 Ivie, Democracy and America’s War, 14.
200 Ibid., 45.

201 Ibid., 12.

202 GoNY, Δ: 1.8.

203 Kristeva, Strangers to Ourselves, 1.

204 It is not quite accurate to call the films together a “genre” because they can concurrently fit genres like epic, romantic comedy, drama, western, etc.

205 Liam Neeson, John C. Reilly, & Gary Lewis quoted in Scorsese, Making the Film, 71, 83, & 91.


209 Zacharek, review of GoNY, ¶12.

210 Hoberman, “Vice City,” ¶5.


213 Corliss, “Have a Very Leo Noel,” ¶1-2.


216 Derrida, Specters, 63.


223 GoNY, Δ: 2.12.
CHAPTER V:
REFLECTING REMARKS, ENVISIONING CHALLENGES

In his 2008 book *The Thirteen American Arguments: Enduring Debates that Define and Inspire Our Country*, Howard Fineman tells a story about accompanying then Senator Tom Daschle on a visit to tiny Eureka, South Dakota, where they stopped to sample the wares of the “world’s best kuchen bakery.”1 The custard tart had been imported to the state by German-Russian immigrants of the nineteenth century. The baking in the present was done by an immigrant from the Philippines who “married a South Dakotan and learned the secrets of the cake.”2 “The immigration debate endures,” Fineman writes, “because the needs and instincts that underlie it are so fundamental....The will of the world to make its way to America – and the need for this country to have the world do so – is too great.”3 Like the entire central corridor of the United States, South Dakota had experienced “brain drain” as a growing trend in the twentieth century. The descendants of the German-Russians and their counterparts still had a taste for kuchen and other ancestral delights, but they increasing left the rural settings and agricultural jobs of these landscapes for the urban centers closer to the coasts. Without newer immigrants, there would be nobody to bake the kuchen soon to be sold via the internet to the German-Russian “diaspora,” and no professionals to provide essential social services – like doctors for the clinic in Aberdeen, South Dakota, where Fineman and Daschle encountered a dedicated and very busy physician who feared new, harsher regulations on immigration after 9/11 would keep him from reuniting with his family.4

In 1998, Giorgio Agamben’s *Homo Sacer: Sovereign Power and Bare Life* was translated into English. The stark theoretical landscape he sketched introduced readers to “the state of exception.” As the 2000s advanced, the political realities of the War on Terror, the
PATRIOT Act, and especially Abu Ghraib and Guantanamo Bay not only “call[ed] into question every theory of the contractual origin of state power and, along with it, every attempt to ground political communities in something like a ‘belonging,’ whether it be founded on popular, national religious, or any other identity,” but seemed to prove inescapably “that every attempt to found political liberties in the rights of the citizen is, therefore, in vain.” ⁵ In the final chapter of the book, “Threshold,” Agamben wrote that “it is on the basis of these uncertain and nameless terrains, these difficult zones of indistinction, that the ways and the forms of a new politics must be thought.” ⁶ “Critics should begin the search for things worth writing about as a critic,” wrote Nosthstine, Blair, and Copeland, “by reflecting on their own experiences, curiosity, and commitments – with what they care about, and think would be worth understanding. Critics should judge finished criticism, in part, by the extent to which its conclusions are useful or insightful for them, and relevant to their own experiences, curiosity, and commitments.” ⁷ My dissertation has, in some ways, been premised on this challenge, as a way to combat the bleakness I felt in the wake of reading Agamben’s text and coming to terms with the re-election of George W. Bush in 2004. As I wrote in the Statement of Purpose that I submitted with my application to the University of Iowa program, it is through the tools of rhetorical criticism that I am able to figure out the “complicated landscapes of tough problems and...have a voice in the ways to solve them.” ⁸ For this project it meant first, seeking out the uniquely American conjunctures for “threshold.” Second, it meant recognizing that in these uniquely American zones of “indistinctness” there is hope to be found, even as one must not shy away from the tragic and obscene.
In this final chapter, then, I look back over the course of this project in order to accomplish three things. First, I will provide an account of what I believe the contributions of the individual case studies have demonstrated as a progressive argument taken as a whole. Second, I will proffer three ways in which the analysis and criticism I have engaged in contribute to the thickening of concepts and the advance of rhetorical theory. Finally, I set forth a vision for the next phase for the investment I have made here to grow and move forward.

**Thresholds Accounts**

My study has sought to understand the rhetorical processes of immigrancy at work, and how the thresholds where becoming “citizen” takes place are shaped by and in turn shape a national fantasy of America as an imagined community. The 2000s posed a particular challenge to a community imagined as exceptionalist, and the duress of these threats to American identity provoked a casting about for reassurance to both citizenship as a role that asked for dedication to the relations that are assumed to form America, and to citizenship’s dialectical partner, immigrancy, as the means to control a piece of the outside, to desperately engage in the fantasy that it is possible to master the unknown, faceless, threatening other.

In Chapter II, I considered the institutional threshold process of the immigrancy/citizenship transformation constituted by law and bureaucracy. I found at work a masculine argumentative logic that made a claim to totality sustained by producing its own failure. The revision of the civics portion of the citizenship test was sold on the idea that it produced a high passing rate, yet the conversation surrounding the revision created conditions that ensured that if the test could not exclude enough immigrants, citizen-students and idiot-citizens would be ready to offer up as outsiders-within. These status citizens could
be pushed over the threshold to act as surrogate immigrants should America’s identity require their service. Though the test’s supporters promised America’s status-citizens that the exam would produce better assimilated applicants for Naturalization, the supporters had to admit that this would only be possible if “studying” worked in an idealized way to produce emotional attachment to “our” values. This fantasy about education was simultaneously sustaining nightmare fears about terrorist indoctrination that were implemented as part of the PATRIOT Act to surveil residents’ library records. To cover over the gap that ultimately could not be breached between what the exam was promised to be and what the questions could never produce – in fact, what the level of the English language used to write them could not be used to explain – the questions were vetted through documentation that provided an object-medium. The reports could feel Americans’ skepticism on their behalf, leaving them satisfied without the fatigue of conducting the inquiry. During the time of the revision, the elevated importance of the exam shifted the performative speech act of naturalization from the traditional locus in the Oath of Allegiance to the citizenship test. In the rhetorical form of closed-ended questions, the examination ensured that the nation got exactly the six of ten correct answers it needed from immigrants. But more importantly, it ensured that the nation would receive nothing more.

Chapter III, which analyzed the historical threshold process of the immigrancy/citizenship transformation constituted by memory and materiality, turned to the rhetorical form of documentary film and the construction of Ellis Island as the representation of immigration tout court. This bears greater implications because of the adoption of the “nation of immigrants” as the American origin mythos. Crucial at this threshold are the functions of establishing epistemic authority for narratives of European immigrant trauma
and part-for-whole substitutions. Though the films suggest that their producers’ intent may have been quite progressive in seeking empathy between the descendants of “old” immigrants and the newest waves of migrant populations, it became clear that these narratives could be co-opted toward alternate purposes. In documenting the history of the Ellis experience, especially in the variations of physical and psychological harm, the groups that would later come to be included under the umbrella of “whiteness” are provided graphic representations of their unequal pasts. However, at the same time, identification through pain that is facilitated by these narratives is equated through multiple intimations to the experience of non-white groups. The result has been utilized by advocates for white rights to flatten the field of claims to legal redress and undermine attempts at racial reconciliation. I argued that these narratives operating in the cultural arena were a presencing mode of affective investment, likened to the more traditionally termed “constitutive” rhetoric. I further explored the simultaneous production of an absencing mode of affective investment. This mode is different in kind, and served to explain the attachment of subjects to policy initiatives, and the ways that skilled rhetors managed to coalesce them in coalition across commitments.

Both case studies revealed consequences that produced rhetorically and politically unsustainable outcomes. The cycle of superegoic dissatisfaction and self-flagellating auto-immunity is tragically valenced and unresolved. I would draw attention to the development of what might be called the “skirmishes of the percenters” that emerged over the past two years as an example. There were the 99% of Occupy Wall Street, and the 53% of those who backlashed against the movement. Out of that discussion branched off the term “One-Percenters” with a cultural life all its own. Later, one of those one-percenters would create a
kerfuffle and produce another category to be wielded as a weapon or a shield with pride (depending on one’s affiliation, or perhaps mood), the 47%. In each case, part of the fracas was determining exactly who was inside the percent and who was out, and exactly which side of which fraction faction one was on at a given moment. The point, I would argue, is that the outsider within grew in importance as the continuing duress on American exceptionalist identity went unrelieved. In December 2011, the deployment of the National Guard along the U.S.-Mexico border resulted in an historic low in the number of illegal border crossings.

Even if the outsider-from-outside problem were to be solved, the masculine enunciative position still remains intact. The outside must be produced, and somehow it will be. In the most radical sense, it may be that the unity of the “United” of the States themselves could be challenged, at least symbolically. As of November 12, 2012, residents of eighteen states have begun petitions on the “We the People” forum of the White House website for “peaceful secession from the United States.” This forum promises that the Oval Office will respond to any petition that reaches over 25,000 signatures. Texas passed the signature threshold at 3:22 pm EST on the 12th, and the number of signatures continued to rise.

Though Obama’s candidacy and victory could have provided an opportunity to open dialogue about the unresolved racial tensions that had become mitigated through the rhetoric regarding immigration both past and present, veiled accusations instead hovered just at the surface during his first term in the Oval Office. The 2012 electorate was polarized, with polls showing Romney with a 23 point lead over the incumbent with white voters (the largest gap since 1988), while the African American contingent supporting Romney have been dubbed “the zero percenters.” The co-chairman of the Romney campaign, John Sununu, may have reflected such sentiments when he responded to the news that Colin Powell had endorsed
Obama by saying, “Frankly, when you take a look at Colin Powell, you have to wonder if that’s an endorsement based on issues, or whether he’s got a slightly different reason for preferring President Obama.” He clarified, adding, “Well, I think when you have somebody of your own race that you’re proud of being President of the United States, I applaud Colin for standing with him.”\textsuperscript{16} Incidents reported at the Republican National Convention, including the harassment of a CNN camera woman who was African American and the effective “silencing” of a Puerto Rican speaker in “what might have been an ugly bout of nativism,”\textsuperscript{17} dove-tail with survey research correlating the rise of the Tea Party and its subsequent influence on the mainstream Republican Party (and later Congress through the 2010 midterm elections) to a rise in white racial animus.\textsuperscript{18} Analysts also interpreted the latest Associated Press polling data as reflecting that 51\% of (white) Americans harbor racist attitudes towards African Americans, and this will cost Obama at least 5\% in the 2012 election despite his arguably excessive use of the Executive powers to attract votes with simultaneous moves toward border militarization and residency legalization.\textsuperscript{19}

It would seem that in seeking to secure American identity by a recourse to the threshold of history, the nation engaged in \textit{prosopopeia}, a trope described by Paul de Man as “a type of autobiography,” “the fiction of an apostrophe to an absent, deceased or voiceless entity, which posits the possibility of the latter's reply and confers upon it the power of speech.”\textsuperscript{20} As documentary film (re)told the story of America’s origin in the part-for-whole of Ellis Immigrants, the body politic of our collective past was given “the fiction of the voice-from-beyond-the-grave.”\textsuperscript{21} The fantasy of nation that results from this autobiography of the dead, however, “deprives and disfigures to the exact extent that it restores,” as de Man warned it would.\textsuperscript{22} There is a “latent threat that inhabits prosopopeia,” he wrote, because the trope has a
symmetrical structure. “By making the death [sic] speak...by the same token...the living are struck dumb, frozen in their own death.”23 The evidence of racial tension surfacing can arguably be understood as a toxic stasis as the demographic character of the body politic changes. The tactical availability of non-white immigrant identities to become the casuistic autobiographies of those simultaneously benefitting from unearned skin privilege offers only the repetition of the past – living as the dead had lived.

The threshold constituted in narrative imagery by popular cinema’s spectacle in Chapter IV’s analysis of Gangs of New York is the type of normalizing discourse experienced on a mass-scale by those accessing the texts of the national culture industry that critical rhetoricians love to hate. It was produced with the kind of budget and for the type of distribution that rarely supports rhetorical, aesthetic, or political invention. I argued, however, that what movie reviewers, audiences, and academic writers felt in the film as a dissonance of uncertainty, frustration, and/or dissatisfaction was a crucial recognition of the potential of the film for exactly that – a way to recognize and a training to read American experience with thresholds of immigrancy/citizenship otherwise, one that arose organically from the collective’s own cultural “dreaming.” The film does not answer its own questions easily, or it answers them in paradoxical ways, or it answers them with other questions. It is a tragic tale of an anti-hero protagonist who is less appealing than the antagonist, and whose love interest becomes completely uninteresting once she is loved. Even the corrupt politician is played by a better actor than the leading man, some said. And yet...there is an elephant! As a fiction film that is too much history, and a historical film that is too much fiction, Gangs keeps open the conflicted questions of identity in ways that neither the institutional nor historical thresholds could. The crossing of the immigrancy/citizenship threshold throughout
the film revealed to audiences the metonymic displacement onto the split between immigrants and citizens that was serving to help cope with the split internal to citizen-subjectivity itself. In this violent, flawed, and conflicted film, I find brilliant moments of indeterminacy. There is learning to be identified in these moments. The lesson is reorientation in order to recognize a response of uncertainty or frustration not as a condition to be forever eliminated but rather as an indication of a structural opportunity for the rhetorical and the political to arise. These are the phases necessary for inventio.

I recognize the possibility that I may be accused of falling prey to a reliance on voluntarism. If put to the test, I will defend the position that historically and ontologically, rhetoricians have taught and theorized that humans live in a world where one cannot wait for perfect knowledge to be available. Humans are provoked to act in the face of probabilities. As practitioners of a stochastic and kairotic art, they may take aim after diagnosing from the conditions with the wisdom of experience like the archer at their target, but they will always and must always let loose the arrow against the risk of contingency. Humans must choose, even if that choice is to be silent or to withhold action. This is the reason why, through the course of this project, I ended up not pursuing the half-formed notion of focusing sharply on “agency.” I came to see that the work on agency in rhetorical studies has been fruitful in coming to understand the term as a structural opening, rather than a function of human will.24 However, in my estimation, it is still the factor of human choice that rhetorical critics desire to study. This factor of human choice is, I would argue, the misrecognition or fantasy that Joshua Gunn once claimed agency to be.25 Thus, if agency is not the term, how should we account for or theorize about this element of choice, invention, turn, attention, the human moment of do or do not that reads Gangs of New York for its breaks instead of its continuity?
I might suggest that we need to turn our attention more clearly to understanding “purpose” – from the Burkean pentad\textsuperscript{26} – as both more and less than “intention.” It is less than intention, for I am not talking about the rhetor/initiator’s control over a text in circulation. And yet it is more than intention, because I do want to suggest there is intentionality in the uptake of texts in circulation by those that encounter them, and that these rhetor/consumers may infer about the intentionality of the rhetor/initiator as part of their (rhetor/consumer’s) purpose in that uptake.

\textit{Threshold Theorizing}

The pieces are now in place to envision the potential that theoretical applications in each of the case studies make possible when taken together for their implications for both “nation” and “patriotism.” As noted in Chapter II, the citizenship testing during the process of naturalization is a revealing point of study because it places in a crucible the elements that are presumed to be gathered by birthright citizens during their developmental process of political socialization. The "will to empower" at the institutional threshold of law and bureaucracy in the naturalization exam operates by means of a disciplinary technology of education extended into governmentality by civic engagement. The closure of the performative of the citizenship test by oral examination within the syllogistic form of its questions and answers conditions out of possibility an unfettered encounter through which the applicant might be seduced by the availability of any unpredictable encounters with the “nation” – the potential for the real in it. Recognizing that the worry over the unruly role of immigrancy is a metonymy for the split in citizenship as we came to recognize in the Chapter IV \textit{Gangs} case study, the danger is always that the press for coherence enforced by governing
like the PATRIOT Act and cultural shaming like the percentage skirmishes will prevent the seduction of the real for any citizen.

*Relationship of Need vs. Relationship of Love*

Figure 9 outlines the relationship between the immigrant and the assumed relation “America” (the imaged community of the nation) as the naturalization exam creates it. As explained previously, the relationship is one of need. The nation presents a demand to the immigrant for a specific, non-negotiable, differential item – a question is asked for which there is only one correct answer. The immigrant must offer up that specific object or the relationship does not exit. The item is not indifferent. However, the one to whom the demand is made, is. As long as the answer is given, it doesn’t really matter who gives it. What results from the establishment of the relationship of need is that it sets the pattern for future interaction. For example, when the immigrant has a need – say for their documentation of citizenship – s/he makes a specific demand that can only be fulfilled by one object. Once that item is supplied, there is no need to return. In effect, why be in relation at all if there is no longer any need?

To cathect to the nation – to be in a relationship of love, like patriotism – the citizen (new or old) would need to encounter the nation in circumstances that allow unfettered scripts to develop, where complete identification between expectation and outcome is not enforce(able). The possibility of the encounter with the real in the object is what attaches the subject to it – it is the *potentia* that continues to (re)engage the psyche, for the object to
remain (re)discoverable. For love of the object the subject is capacitated to resist complete predication by regimes of discourse. The subject can muster the rhetorical resources for the innovation of invention. In order to be in a relationship of love, the nation and the immigrant would need to be mutually singular to one another. In such a relation, “indifferent objects are all received as signs of the [immigrant’s] love.” As long as the object comes from “the one to whom the demand is addressed,” any response is satisfactory. The response, instead of providing for a particular need, represents something “which the [immigrant] … is but does not have, and therefore cannot give.” The immigrant can give to the nation an objet a, a response that represents his/her indeterminateness, to demonstrate that s/he surrenders to allowing the nation to be his/her “sole satisfaction, [his/her] reason to be.” The kind of argumentative logic that accepts without limit – that continues to include without making a claim to have the “total” of what is acceptable – would be the Lacanian feminine.
Most importantly, the relationship of love is reciprocal. Through the same encounter, the immigrant would be transformed, so that s/he is never the same as her/himself. The encounter with the objet a is an experience of transformation for loved/r, one which establishes her as her own irreplaceable singularity. It is by this moment of conversion that the subject gains autonomy, and a capacity to act ethically. In the feminine ethic, the nation would also provide an objet a to the immigrant. It would not be ephemeral qualities like “freedom” or an abstracted “way of life” that solicited this response, but rather the nation as it is encountered, as always different from itself. With this encounter in mind, “love of country” becomes a very rich relationship indeed. I take a bit of editorial liberty with Copjec as she writes: “We are invited once more to taste the tautologism of love, and perhaps now we can say in what it consists, namely the coincidence, or near coincidence, of the drive with its object. This is what Lacan sometimes called the ‘illusion of love’: one believes the beloved [nation] is everything one could hope for without recognizing the role one’s love for [the nation] plays in one’s satisfaction…It means she loves [the nation] as [it] is, the way [it] comes.”

The encounter between immigrant and nation would need to be significantly different from a question/answer examination to produce a love relationship. We might get a glimpse of the possibility for such an encounter in the responses of current citizens to the experience of caucusing. The particular candidate to whom the citizen aligns her/his preference is a matter of indifference. It matters neither in which corner I stand to raise my hand nor whose name I write on my secret ballot. It is my responding to the call of the nation to give my opinion that satisfies. In the same encounter, however, the citizen can reciprocally come to recognize the objet a that is offered by the nation. The citizen encounters the nation by the synecdochal approach of her/his fellows who quibble and quarrel, who mark their children
with candidate stickers, who gossip and gripe about those they discount, and who, above all, seek out the singularity of the *each other citizen* in an appeal to join. Each person in my precinct, warts and all, becomes a pathway to the “absolute, universalizing” and “indeterminate part of the [nation’s] being” that becomes, in a way, my only “reason to be” a citizen at all.29 Figure 10 outlines the difference between the relationship of love and the relationship of need.

The assumed relation “America” (the imagined community of the nation) puts forward a demand through the synecdochal citizen. The nation does not expect any specific object in return, but is satisfied with whatever the immigrant provides with his/her attendance upon his/her fellow. In the course of the attending, the immigrant is transformed into something different than what s/he had been before (and will ever be again), as is the synecdochal

![Figure 10: Relationship of Love](image-url)
citizen. The singularity of each, and quite possibly the substitution of a different synecdochal citizen in either position, provides the continual difference-from-itself that fascinates the mutually engaged subjects/objet a’s, and by such part-for-whole substitution, the continual desire for more of the nation. As described in Chapter II, the naturalization exam places in a crucible of time/space the assumptions that the nation has for birthright citizens. For birthright citizens, reconceptualizing citizenship as enacted through the fascination with the continuing difference of their fellow citizens would be a significant alteration from the understanding that “the ballot has always been a certificate of full membership in society, and its value depends primarily on its capacity to confer a minimum of social dignity.”30 Not only would this view change the understanding of the constitution of citizenship, it would also change the understanding of what constituted social dignity and patriotism. Loving the nation would not have to mean sacrificing one’s life, agreeing with the president, or supporting the troops. It would mean being fascinated and transformed by other citizens – and by non-citizens. In fact, it would value both non-status citizens and the ethic of the feminine for the crucial part each plays in a healthy and functional patriotism which is not One. It is not One because it does not demand a single response, it delights in any attention – especially in the difference that fascinates, and is transformed in each new encounter to be itself a different lover for a different nation as a result. And yet, it is drawn ever back to that which it loves.

Friendship which is not One

In considering the encounter between the (assumed) citizen(s) as the synecdoche of the imagined community of the nation and the immigrant, I want to return to a passage from Bonnie Honig’s Democracy and the Foreigner. As a reminder, Honig observed that the
rióls of consent were important for immigrants because these are the ways the nation became able to judge the difference between “sincere and fraudulent speech acts, admirable immigrant idealism and rough practicality, and among virtue, pleasure, and use – is it true love or are they just using us?” Honig makes a subtle but significant link here using the convenient connotative overlap allowed by the indistinctness of the English language. She does so by linking “true love” with the reference to “virtue, pleasure, and use.” Under the conditions of immigration, “love” is thought most commonly as patriotism. However, Lacan and psychoanalytic critics have taken advantage of its libidinal links to explore how drive, desire and affect are channeled through the imaginary and symbolic orders to help us to recognize how we become attached to (or unattached from) various objects - identities, groups, policies, a nation - as well as to one another. Further, in referring to “virtue, pleasure, and use,” Honig invokes a more ancient kind of “love”: the love between friends – philia – that was of great concern to the Aristotle (from whom she lifts the triad).

In the Eudemian Ethics, Aristotle describes these three kinds of philia as follows:

One kind, we said, is based on virtue, another on utility, and a third on pleasure. Most people's friendships are based on utility: people love one another because they are useful and only in so far as they are useful....Friendships based on pleasure are characteristic of the young, who are sensitive to what is pleasant; accordingly, they are changeable, for as their characters change as they grow up, so too do their pleasures. But the best people's friendships are based on virtue. From this it is evident that the primary friendship, the friendship of good people, is mutual exchange of love and choice. To one who loves, the loved one is a friend, and one who returns the love is a friend to the one he loves. Of particular interest for rhetorical studies of immigrancy and citizenship has been the category of utility or use friendship, because this is where Aristotle identifies political or civic friendships as existing. Further, it is also as use friends that citizens of one state are related to citizens of another state, and that “ruler-ruled” relationships can be understood.
Aristotle places these relationships under the category of use because each is based on equality that is like that of market exchanges, contractual in nature. It should be understood as a legal obligation between the parties, Aristotle decided after some debate, because friendship based on utility is prone to accusations. For those who use each other with a view to some benefit always want more and suppose they obtain less than what is proper. And so they blame the other because they do not obtain as much as they want and think they merit, and those who perform the benefaction are not able to supply as much as the recipients want.

Aristotle runs up against the problem lurking in all citizenship based upon legal status: equality based upon form alone can never provide for substantive equality. To continue to expect equivalent exchange guaranteed by a more perfect contractual obligation is bound to fail. Aristotle notes that the temptation (perhaps when speaking in the imprecision of the cluster of English terms around “love” I might offer “longing” or “desire”) to turn to ethical obligations, rather than legal ones, to enforce political and civic friendships. However, he ultimately finds no way to work out the contradictions, and suggests that it might be best to follow the examples of city-states that outlaw contractual agreements of any kind between those who hold friendly affection for each other.

Contemporary theorists have taken Aristotle up on his proposition of the philia of use as providing an appropriate basis for political relationships. One notable for her popularity with rhetoricians is Danielle Allen, whose book Talking to Strangers: Anxieties of Citizenship since Brown V. Board of Education I was advised to read by several wise counselors for this project. Indeed, Allen targets the exact problem I seek to theorize in rethinking the relationship of love between immigrancy/citizenship toward nation. She writes:

But in a democracy – and especially a multiltiered, bureaucratic federal republic – governmental officials are to be encountered at every turn, and, theoretically, they are fellow citizens and equals. To trust the institutions of one’s polity is to trust those citizen officials. A democracy, like any other
popularly based regime, need unitary institutions (“the people” as one) that can act in the people’s name and maintain the allegiance of the citizenry, but its citizens also need means of cultivating relationships among themselves that can nourish political trust. Does every citizen need to trust every other citizen? Clearly not. The goal of trust generation is merely to convert the multitude into the “people as a whole,” a healthy but imperfect body that is able to pass on a culture of trust generation across generations. Just as the universe is a functioning organic complex full of heterogeneity, nonconformity, and even mutually contradictory processes, but nonetheless a whole, a democratic people should cultivate coherence from within heterogeneity. The development of practices for generating trust among citizens should supplement, not replace, efforts to maintain allegiance to democratic institutions. And neither the cultivation of such trust nor the promotion of allegiance to democratic institutions rules out a simultaneous cultivation of intellectual skepticism about particular policies promoted by fellow citizens of by one’s political institutions. The aim rather is to develop practices that support vigorous arguments about political disagreements by sustaining the relationships that make it worthwhile to argue with others in the first place.36

Unfortunately, when read closely, Allen goes wrong by doing exactly what Aristotle warned made utility friendship so problematic. When Allen returns to the *Nicomachean Ethics* to prove the superiority of utility friendship for politics based upon its foundation in a particular form of equality, she quotes from Book 8 Chapter 5 which is referencing “primary” friendship. What she misses is that primary friendship (*e prote philia*) is not use friendship. Primary friendship is “the highest, if not the universal, sense, [it] is that of friendship founded upon virtue (*di areten*). It is reserved to man, since it implies this faculty of decision, of deliberation or reflective choice (*proalresis, bouleusis*) which appertains to neither animals nor to God.”37 She has, in effect, relied on ethics to guarantee proper market exchange without recognizing it. Aristotle further qualified the passage as being about the “good” person acting as a “good” or “complete” friend, one who has taken time to “live with” their friends – all the qualities that he only associated with virtue friendship, and none of which Allen acknowledges.38
Allen is correct that Aristotle believes that equality is the stuff of all friendships. But in utility friendship, the exercised and expected equality is equality in the *use of one another*. Aristotle recognizes that this is precisely the kind of relationship that always presents the danger of one friend exploiting or abusing the other. I seek a relationship between those in immigrancy/citizenship (and citizenship/citizenship) that are each made singular by the encounter. Such a transformation would be closest to understanding each as a “second self” of the other, the production of a kind of reciprocal in the encounter. Allen seeks this too, she writes. Aristotle reserved this kind of description of equality of regard and attention for virtue friends.

There are a number of assumptions that Aristotle makes that we would find untenable with understandings of language, media, and materiality in contemporary rhetorical theory. Aristotle does recognize the structuring power of difference, but he understands difference as constituted in essential qualities, such as birth into a social rank like slavery or aristocracy, or by sexual category of man or woman. Though he does recognize the possibility that men and women may be able to be virtuous friends, he allows that this may only be possible in a few cases under the conditions of marriage, and typically only those that produce offspring. He also holds that friendship has particular conditions of both duration, proximity, and the number of manageable relationships that new technologies of transport and communications would challenge, as would advancements in theory. However, I believe his typography offers us an important place to start. I propose to read the categories of pleasure, use, and virtue friendship with the relationships of need, desire, and love provided by Lacanian psychoanalysis to further theorize the encounter of synecdochal citizens.
I have described at length the relationship of need in both Chapter I and II. It is characterized by a demand for a specific object, and that object is not a matter of indifference. However, it does not matter all that much who provides the object, nor if the petitioner sees the provider again. What matters is the object of the exchange. If the expectation is not sufficiently met, the relationship is not satisfactory. If the exchange is satisfactory, the relationship may very well end. I read this in Aristotle’s terms as the friendship of use. While it does hold the practical advantage (perhaps political) that the relationship does not have to be a lifelong bond, use friendship does not look beyond the object. It does not consider anything in the provider – especially not the key to love: the something beyond the self that the provider is but cannot give. The petitioner is neither driven, nor cathected.

Copjec also describes a relationship characterized primarily by desire. The relationship of desire does not require a specific person to fulfill it. Anyone will do. However, unlike need, desire makes no specific demand for an item or object. In fact, the petitioner may not actually know what it is that is sought. The petitioner might ask for specific things, but if obtained those things never satisfy completely. The obtained item is enjoyed in itself, completely consumed, and once consumed the petitioner asks for something else – never the same thing again. What would be the point? The petitioner, in effect, makes a demand in general, and the provider that answers is not terribly important. Desire can address and be addressed by many different providers through many different objects, but never find suitable pleasure with the same one twice. This bears resemblance to Aristotle’s relationship of pleasure. The friends that engage in the relationship expect only to have a good time with one another. Neither feels any commitment beyond the encounter to remain affiliated, and no guilt ensues
over limited association. In political terms, it seems there might be tolerance, or perhaps the most facile forms of cosmopolitanism (where we eat each other’s delicacies and try out each other’s dances at a festival), but there is no lasting affect – no impression left by the metonymic slide of symbols against one another. The petitioner is driven, but not cathected.

What remains, then, are the relationships of love and virtue. I have described the relationship of love as one in which the object demanded by the petitioner is indifferent. What matters is the attendance by the provider to the desire of the petitioner. No matter what is provided, the petitioner finds it to be exactly as she would have it to be, and with each subsequent demand is equally satisfied with a discovery of the unexpectedly satisfying response. It is the fascination with potential natality, with the singularity of the provider and the transformative difference that results in the petitioner her-not-self-same-again from the encounter that provokes return. The petitioner is able to desire the same provider again and again and again.... In relationships of need or desire, the demand is fulfilled by an object which the provider is the means to offer or accomplish. In the relationship of love, it would appear that the provider her/himself becomes the object. The provider is the objet a – the object-cause of the petitioner’s desire, as well as the point of the petitioner’s cathexis – the location of repeating, partial satisfaction that brakes and breaks up the drive.

There are implications that I must work through in reconciling the philia of virtue friendship through a psychoanalytic lens of love, especially as I am suggesting it for the synecdoche of citizen friends. The primary difficulty from the perspective of both Aristotle and psychoanalysis would seem to be the issue of the number of relationships that can be legitimately understood to be loving and/or virtuous. Aristotle provides suggestive openings that there may yet be the possibility for virtue friendship to exist in political circumstances.
When describing *philia* based upon virtue, Aristotle repeatedly describes the friend as “another self.” As he elaborates:

> We must look for the truth in what follows. A friend, as the proverb says, is a second Hercules - another self. Humanity is scattered and hard to bring together. By nature a friend is what is most akin to his friend, but one friend is alike in body and another alike in soul, and one friend in one part of body or soul, and another in another. But nonetheless, being a friend amounts to being a separate self. Perceiving a friend, then, must be in a manner perceiving oneself, and in a manner knowing oneself.

And further when considering the relationship of the self to the friend: “For friendship is a *community*, and as someone is disposed toward himself, so he is disposed also toward a friend.” Yet, Aristotle does not expect that friends must be carbon copies of one another. He considers the inherited wisdom both that like attracts like and that opposites attract. What he finds is that it is not necessarily similarity that virtuous friends love in one another, but rather the balance, or golden mean, that they find in the relation between them. It is especially interesting, however, to note the illustration he offers to explain what he means, finally, about how even opposites might be alike in their virtuous relation.

> For to be like-minded is not for each to have the same thing in mind, whatever it may be, but to have it in mind in the same way - for example, when both the demos and the decent have it in mind for the best persons to rule - since in this way what they aim at comes to pass for everyone. Like-mindedness, therefore, appears to be political friendship, just as it is also said to be, for it concerns advantageous things and those that relate to life.

It is the friendship of citizens, strangely enough, that is the easiest way to explain how the love of virtuous friends is enacted across their differences. Because, like citizens, virtuous friends may not always agree with their other/second selves, and it may actually improve them when they do not: “the friendship of decent people is decent and is increased by their associating with one another. They also seem to become better by engaging in activity
together and by correcting one another, for they take an imprint from one another of the qualities they find pleasing.”

Though Aristotle warns that virtuous friendships are few, and should even be scarce, he does tantalizingly introduce the possibility that in politics things may be different. He writes in Book 9 of the *Nicomachean Ethics*, “Now, as fellow citizens, it is possible to be a friend to many without being obsequious but as a truly decent person. Yet it is not possible to be a friend to many if the friendship is based on virtue and on what the people involved are in themselves, and it is desirable enough to find even a few people of this sort.” I believe psychoanalysis allows us to consider that the distinction Aristotle draws here may not be between the legal and ethical practices of utility friendship (the typical difference that preoccupies him in political circumstances), but rather a distinction about how petitioners orient toward providers. The obsequious petitioner is like the petitioner of need or desire. The petitioner is indifferent to the provider. The provider is not the focus of special interest or care, certainly not an *objet a* in him/herself. There is nothing about the provider that is beyond what is immediately provided. The petitioner does not understand the provider to have the possibility to be a second self. The decent petitioner (the petitioner capable of being a virtuous friend), however, demonstrates a different recognition of the provider. In the *polis*, a petitioner is able to recognize many more providers *than typical* as potential second selves. *And the key to this lies in citizenship*. There is something unique about the “inhabitants” organic to participatory political space that, despite the overwhelming incentives toward use, *can* resist complete predication. The citizen has something that they *are* that they cannot *give*: their assumed relation to other citizens that generates the imagined community of the
nation. And for love of this object, the petitioner retains the possibility to invent, to create, to change, to resist.

This does not fully answer the issue of sheer numeric preponderance, nor of the duration generally reckoned necessary by either Aristotle or psychoanalysis as a requirement for love relationships or virtue *philia*. For example, Lacan’s description of a relationship of love as found between Antigone and Polynices would have been a lifetime in development. It is rare to speak of a “relationship” (in the singular) of love or friendship that is not presumed to be dyadic. And to consider the *philia* of virtue friendship or a love relationship seems intuitively antithetical to the *collective* undertakings of the threshold processes of immigrancy and citizenship. “Making one's way in loving speech cannot be imposed by the history of the loves of a whole people,” Luce Irigaray submits.

It risks encountering there more obstacles and paralyses than enlightenments. Besides the fact that love in our culture has been poorly cultivated and not very happy, individual feeling and the approach of the other harmonize with difficulty to collective imperatives coming from the outside. It is neither through fidelity to a tradition, nor by traveling in a foreign land that the path of dialogue will be discovered.47

At the same time, though, Irigaray asks, “How will we respond, or correspond, to the challenges of globalization, if not through the invention of another language? Through making our way toward finding a language that is more communicative and less subjected to information?” She continues,

Through cultivating the relation between two subjects in the respect for difference(s)? Which allows creating little by little a language of exchange between cultures, traditions, sexes, generations. A discourse or norms already constituted cannot succeed in discovering another speech, in which the subject is situated differently in the use of language.48
The necessary relationship must be one of love between immigrancy and citizenship, between synecdochal citizens, and in the formation of the assumed relation of a nation. But it cannot be the love as we know it. It must be a patriotism that is not One.

*Patriotism That Is Not One*

Throughout this project I have worked at the point of affect – the metonymic chafing between symbols that leaves an impression. I have additionally described this study as located at the place where government meets governmentality. I have flirted along the edges of biopolitics, where the symbolic and the material parallel one another in the management of populations through the inscriptions of accountancy and the surveillance of the gaze. I grounded this dissertation in a decade where American exceptionalism was placed under duress such that its adherents were subject to terroristic domestic inversions of the measures designed to protect them from external threats. At each point it has been contingency and contiguity that resonate. In short, rhetoric has been at work to bridge the gaps of proximity and smooth past the mishaps of unpredictability to keep politics from becoming the political. Yet, as all three case studies demonstrated, rhetoric is neither impermeable nor permanent. In fact, the opening for the invention, creativity, and resistance necessary for reworking at the level of the rhetorical is always already to be found within the rotten perfection of rhetoric.

I believe Irigaray proffers guidance for how we may encounter the synecdochal citizen in a relationship of love like that of virtue friends, without falling prey to the temptation of likeness (instead of like-mindedness), to complete predication (fidelity to tradition), or to giving up completely on a sense of belonging (traveling in a foreign land). It does begin, as I have suggested, with recognition of the psyche in terms of drives, the *objet a*, and desire.
Discovering “another speech” begins with understanding that the highest “gift” is “a sign of recognition indicating in a sensible manner the irreducibility of and to the other: through a color, a tone of voice, a tactile choice of word, a simple vibration.” Put differently, when recognition itself becomes the gift and the item one receives ceases to be the satisfaction of one’s desire, not only is the subject transformed, but they can enter into dialogue in a new language. The new language is not about a new vocabulary, but instead recognizes the intimacy that all language makes possible. Rhetoric is re-cognized and re-valued for its world-making even to the intimacy of the personal encounter. “Word is also what is able to incarnate body,” Irigaray explains, “and the flesh that one wants to say to the other. Of the flesh in which to exchange with him or her.”

Not a part of the body but a flesh that goes beyond the body without destroying it, amputating it: transmuted physical allowing a communication before and after an immediately bodily touching. Words give flesh before entering into corporeal or carnal exchanges: kinds of annunciation in which the flesh of whoever proposes to approach can be heard.

The collective enters here in the ontological register rather than in the doxastic register where it is usually theorized, and the register where rhetorical studies has typically sought it. As enworded beings, and as embodied beings, humans collectively are reconstituted in the re-cognizing and re-valuing of rhetoric as intimate. Word is thus constituting public other-wise whether it speaks to one or to many.

As I concluded from Chapter IV, (re)theorizing threshold processes in the American context, and consequently what becomes anew of nation and patriotism, will necessarily entail cherishing indeterminacy. “In fact, for Lacan,” Stavrakakas construes, “certainty is not something we should attribute to our knowledge of things. Certainty is a defining characteristic of psychosis. In Lacan's view, it constitutes its elementary phenomenon, the
basis of delusional belief (III: 75). Opening up our symbolic resources to uncertainty is, on the other hand, the only prudent move we have left. What we can know has to be expressed within the structure of language but that structure has to incorporate a recognition of its own limit."51 In a relationship of love, the petitioner is provoked to demand satisfaction from the same provider repeatedly precisely because of the indeterminacy that the real provides. One might put it in rhetorical terms as Irigaray does: “In its turning back to the one who said it, speech attends to what it has learned from the other but also - if it listens - to that in which it failed in communicating. It will therefore become two in different manners, which is to say ambiguous. The meaning that it conveys becomes deeper and richer through this communicating in which an incommunicable always remains.”52 If considered in terms of synecdochal citizens, what fascinates is what each has not revealed about the imagined community of nation. Each returns to other(s) lured by the promise that this will (never) be revealed. Though this is stated in intimate terms, it is not merely a lesson for dyadic rhetoric. Derrida underscores its coetaneously public import:

But we cannot, and we must not, exclude the fact that when someone is speaking, in private or in public, when someone teaches, publishes, preaches, orders, promises, prophesies, informs or communicates, some force in him or her is also striving not to be understood, approved, accepted in consensus - not immediately, not fully, and therefore not in the immediacy and plentitude of tomorrow, etc....for the accord of hyperbolic lovence to be possible...the possibility of failure must, in addition, not be simply an accidental edge of the condition, but its haunting. And the haunting must leave an imprint right on the body it seems to threaten, to the point of merging indissociably with it, as inseparable from it as its essence or essential attributes.53

I would simply highlight that this impressionable body may be the body politic.

The take-away is this: 1) in (re)theorizing threshold processes of immigrancy/citizenship as ultimately synecdochal encounters between citizens through which each accesses the assumed relation of the imagined nation as 2) a recuperated form of virtue friendship
considered as a relationship of love that 3) is held together foremost by attendance and uncertainty, it is possible to understand that 4) just as the exact object provided in response to the demand is neither necessary nor predictable (in fact, being unexpected may enhance the desire to return to the same provider), 5) it may be the uncertainty of which citizen will provide the satisfying attendance that further enhances the desire to return to the same provider. Patriotism, then, becomes most conclusively not One – for there is neither one provider, one object, one desire, nor one satisfaction for this love.

*Threshold Envisioning*

The final emphasis for this project will be considering my next direction. Strangely, it returns to the very first suspicion I had for what this dissertation might address. In the summer of 2006 I read Chantal Mouffe’s *The Return of the Political* for the first time. In reflecting on her description of radical democratic citizenship, I was struck by how rarely it seemed that status citizens in the contemporary United States acted in these ways. In fact, each election cycle prompted editorials and feature stories about how apathetic the American electorate was. These discussions suggested both that citizenship had increasingly become equated to the very limited idea of voting, and also that there was dissatisfaction with that understanding, and even less satisfaction with how that activity as the expression of citizenship was fulfilling the longing the 2000s expressed for reassurance of the meaningfulness of citizens’ relation to one another as the imagined community of America. I had been preoccupied that spring with the conundrum what I viewed as a failure of the violation of civil liberties such as speech and assembly by the Bush-Cheney campaign in the 2004 election, and had been considering ways in which the activity of voting might be
working as a Foucauldian technology to discourage other forms of citizenship enactment by means of its representation as citizenship *tout court*.

To my surprise, Mouffe addressed the voting problem by drawing on Elias Canetti:

> [T]he actual vote is decisive, as the moment in which the one is really measured against the other. It is all that is left of the original lethal clash and it is played out in many forms, with threats, abuse and physical provocation which may lead to blows or missiles. But the counting of the vote ends the battle." If we accept such a view, it follows that parties can play an important role in giving expression to social division and the conflict of wills. But if they fail in their job, conflicts will assume other guises and it will be more difficult to manage them democratically.\(^5^n\)

That spring there had been massive expressions of the kind of agonistic activity and productive conflict that Mouffe described. It involved the grassroots organizing, the commitment to democratic values and the personal risk for the cause of political ideals. The activity had taken place all across the nation, and it had resulted in legislation that President Bush had campaigned on being tabled out of Congress. Senator John McCain specifically noted that it was the public activism of people on the streets protesting that changed the course of the legislature.\(^5^n\) The 2006 Immigrant Protests as they had come to be called were conducted by significant numbers of people who not only were not citizens, and therefore did not have the status to make a claim to the rights of legislative representation, but many of whom were not in the country legally. Their willingness to become visible was a personal risk of their safety, freedom from incarceration, and livelihood since many had no protection for their employment if they skipped work to participate. As an article in *Argumentation and Advocacy* pointed out, these protesters also listened to their critics and recognized that identifying with their new home territory of the United States not only in deed but in presentations of American symbols showed their sincerity in their endeavors.\(^5^n\)
The next step for my work is to consider how demonstrations such as these form the basis for reorienting the notion of the threshold of immigrancy/citizenship not as something that is “done to us,” or that is used for tactical advantage to escape the responsibilities of injustice as became possible for white rights discourses through Ellis Island. Instead, with a recognition that citizenship is split against itself and that citizenship may not be enacted by status citizens, it becomes important to revisit encounters like the 2006 Immigrant Protests to recognize how purposively moving into the position of immigrancy – to a time when voting was not an option, for example – has the potential to rejuvenate theorizing, thinking, and acting in and as “nation.” How might an ethic of the feminine argumentative position of subjectivity be implemented to refuse to make a claim that the “totality” of citizenly actions has been reached? How can the unique possibility of the citizen-real of these yet-unencountered enactments seduce us to (re)encounter the nation through the synecdoche of the virtuously valued rival? We cannot continue to exploit one another only long enough to slake our unending desire, or to get our need precisely met. The first ends in the cycle of resource and human consumption that puts us on the brink of eco-collapse, racial enclaving and the foolish notion that Ayn Rand should be mandatory reading for your congressional office staff. The second asks us to consider our lives in terms of equivalent exchange, and to forget that the most important elements of humanity cannot be reduced to bios. They reside in zoe, which cannot be weighed, measured, counted, stockpiled, or transacted like a business. Neither should a nation. There is worth in patriotism, though it is a patriotism that is symbolically and materially not One.

Further, purposive choosing to move across the threshold to the place of immigrancy has implications for a long-standing concern of rhetoricians, the constitution of “the people.”
Specifically, in correspondence to the uncertainty of the relationship of love outlined above, this portents imagining “the people” not as a unity – nor even as Danielle Allen does, as a whole – but rather something more like the very disjunction that is The Political. Rancière offers such a definition: “The people is the supplement that disjoins the population from itself, by suspending all logics of legitimate domination.” 57 He continues, “the people as such consists in an artifice that cuts through the logic that runs from the principle of birth to the principle of wealth. It is an abstract supplement in relation to any action (ac)count of the parts of the population, of their qualification for partaking in the community and of the common shares that they are due by virtue of these qualifications.”58 Imagine if it were “the people” who were not One.
Notes


2 Ibid.

3 Ibid., 48

4 Ibid.


6 Ibid., 187.


12 I thank Michael Lawrence for the suggestion of this term.


16 Ibid., ¶6-7.

17 Jack Hitt, “A Troubling Chant on the Convention Floor,” *Harper’s Magazine* [Online], August 28, 2012, http://harpers.org/blog/2012/08/a-troubling-chant-on-the-convention-floor/, ¶3. As rhetoricians would remind Hitt and the RNC: rhetoric is not a function of the speaker’s intention but rather of the resulting effect. Protest all you want after the fact. The chant was USA. The speaker was from a territory with marginal citizenship rights. She could not be heard because of your action. People watching understood the two as related.


21 Ibid., 926.

22 Ibid., 930.

23 Ibid., 928.

24 I am in near complete agreement with the account of agency given by Erin Rand. My one point of contention would be with her, in my view, rush to call the opportunity of agency “queer” in its very nature. It is my belief that in attempting to capture the structural opening of agency “for” queer politics that Rand is overstepping the bounds of what she has proven, and underestimated the very language she challenges. Erin J. Rand, "An Inflammatory Fag and a Queer Form: Larry Kramer, Polemics, and Rhetorical Agency," *Quarterly Journal of Speech* 94, no. 3 (2008): 297-319.
“Such a debate is a discipline-specific misrecognition or fantasy. Insofar as fantasies offer, simultaneously, a frame within which to exercise agency and a shield from the horror of contingency, our contemporary anxiety about the rhetorical agent is a generative or productive scholarly neurosis; in other words, the question of rhetorical agency is a fundamental topos for scholarly invention that forestalls any satisfactory answer.” Joshua Gunn, "Refitting Fantasy: Psychoanalysis, Subjectivity, and Talking to the Dead," Quarterly Journal of Speech 90, no. 1 (2004): 19.


Ibid., 44.

Ibid., 42.


Ibid., 1242b 22-40, 1243a 1-3.

Ibid.


These also do not require access to Eudemian Ethics nor proficiency in Greek to recognize. I had neither when I first noticed the problem.

Aristotle, Nicomachean Ethics, 1162a 17-18; 24-34.
I utilize the technique of placing the term under erasure because neither remains the self-same in the relationship of love.

Ibid., 1168b 7-9; 1170b 7.


Ibid., 1167a 34-35, 1167b 1-4.

Ibid., 1172a 10-14.

Ibid., 1171a 18-21.


Ibid., 42.

Ibid., 16.

Ibid., 15-16.


Derrida, *The Politics of Friendship*, 218-219. Derrida makes clear that he does not believe that to come to this conclusion there must be recourse to the death drive, an obvious attempt to steer away from psychoanalysis. In using this quotation, I do not mean to misread or misrepresent Derrida by associating him in this paragraph with Lacan and Irigaray. He does, however, explain the relationship between intimacy and publicity with precision and grace I, myself, do not.


58 Ibid.
## APPENDIX A:

### GANGS OF NEW YORK CHARACTER REFERENCE GUIDE

<table>
<thead>
<tr>
<th>Character Name</th>
<th>Description</th>
<th>Referred to as</th>
<th>Actor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amsterdam Vallon</td>
<td>Main character. As a child witnessed his father's death in the original Battle of the Five Points. Returns sixteen years later to seek revenge upon Bill Cutting.</td>
<td>Amsterdam Vallon; Amsterdam; Vallon</td>
<td>Leonardo DiCaprio</td>
</tr>
<tr>
<td>Priest Vallon</td>
<td>Leader of the original Dead Rabbits gang. Biological parent to Amsterdam.</td>
<td>Priest Vallon; Priest; Vallon</td>
<td>Liam Neeson</td>
</tr>
<tr>
<td>Bill &quot;The Butcher&quot; Cutting</td>
<td>Leader of the nativists, and criminal overlord of the Five Points. Killed Priest Vallon.</td>
<td>Bill; Bill the Butcher; The Butcher; Cutting</td>
<td>Daniel Day-Lewis</td>
</tr>
<tr>
<td>William Magear &quot;Boss&quot; Tweed</td>
<td>City politician based upon the historical personage.</td>
<td>Boss Tweed; the Boss; Tweed</td>
<td>Jim Broadbent</td>
</tr>
<tr>
<td>McGloin (No given name)</td>
<td>Former Dead Rabbit. Now serves as muscle and whipping boy for Bill Cutting.</td>
<td>McGloin</td>
<td>Gary Lewis</td>
</tr>
<tr>
<td>&quot;Happy Jack&quot; Mulraney</td>
<td>Then a Dead Rabbit. Now a corrupt police officer.</td>
<td>Jack Mulraney; Happy Jack; Jack; Mulraney</td>
<td>John C. Reilly</td>
</tr>
<tr>
<td>Walter &quot;Monk&quot; McGinn</td>
<td>Then a mercenary who was paid to fight for the Dead Rabbits. Now one of the few independent men in the Five Points.</td>
<td>Monk McGinn; Monk; McGinn</td>
<td>Brendan Gleeson</td>
</tr>
<tr>
<td>Johnny Sirocco</td>
<td>Witnessed the original Battle of the Five Points alongside Amsterdam. Recognizes him upon return and provides a bridge in to the current world, including fateful introductions to Bill Cutting and Jenny Everdeane.</td>
<td>Johnny</td>
<td>Henry Thomas</td>
</tr>
<tr>
<td>Shang</td>
<td>Local tough near Amsterdam's age.</td>
<td>Shang</td>
<td>Stephen Graham</td>
</tr>
<tr>
<td>Killoran</td>
<td>Mostly silent side-kick of Boss Tweed.</td>
<td>Killoran</td>
<td>Eddie Marsan</td>
</tr>
<tr>
<td>Jimmy Spoils</td>
<td>The only Black person with a speaking part, and not much of that. Hangs out with Johnny's group, then Amsterdam's.</td>
<td>Jimmy Spoils</td>
<td>Lawrence Gilliard, Jr.</td>
</tr>
</tbody>
</table>

**Table A1: Gangs of New York Character Reference Guide**
APPENDIX B:

TIMELINE FOR GANGS OF NEW YORK DVDS

<table>
<thead>
<tr>
<th>Disk</th>
<th>Chapter</th>
<th>Title:</th>
<th>Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Battle of the Five Points</td>
<td>Battle sequence between the original Dead Rabbits gang and their allies vs. the nativists. Introduces child Amsterdam, Priest Vallon, Bill &quot;the Butcher&quot; Cutting, and characters we will later recognize as Johnny, Happy Jack, McGloin and Monk.</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>A City in Turmoil</td>
<td>Time skip forward sixteen years. Amsterdam is released from Hellgate Reformatory, and New York City of the Civil War is introduced, as are the aged Johnny, Bill, and McGloin. The first entry of Boss Tweed.</td>
</tr>
<tr>
<td>1</td>
<td>3</td>
<td>The Gangs</td>
<td>Johnny gives Amsterdam a tour of Paradise Square and explains how the system works, offering to help him now as he did when they were children. The two &quot;bump into&quot; Jenny, and a romantic rivalry is suggested.</td>
</tr>
<tr>
<td>1</td>
<td>4</td>
<td>Fighting over Fires</td>
<td>Amsterdam engages in his first criminal activity by looting during a fire while the competing fire-fighting companies brawl for &quot;dibs&quot; on the case outside. Happy Jack, now a police officer, returns.</td>
</tr>
<tr>
<td>1</td>
<td>5</td>
<td>Bill's Tribute</td>
<td>While paying Bill his cut of the fire take, Amsterdam meets McGloin and draws Bill's attention but isn't recognized. He and Johnny get an assignment from The Butcher.</td>
</tr>
<tr>
<td>1</td>
<td>6</td>
<td>A Couple of Fidlam Bens</td>
<td>The thieving assignment is nearly a bust, but Amsterdam manages to salvage a profit, impressing Bill. In the wake, Amsterdam brawls with McGloin, impressing Cutting further.</td>
</tr>
<tr>
<td>1</td>
<td>7</td>
<td>My Medal!</td>
<td>Jenny pickpockets Amsterdam, and the two have a sexually-charged confrontation after he trails her on her thief's labors. First mention that Jenny has a relationship of some kind with Bill.</td>
</tr>
<tr>
<td>1</td>
<td>8</td>
<td>The Butcher's Lesson</td>
<td>Several vignettes are edited together: Happy Jack gives a tour of Paradise Square to wealthy New Yorkers. Tweed makes a deal with Cutting to hang innocent men, and the execution takes place. Amsterdam participates in a subtle challenge between Monk and Bill. Bill gives Amsterdam personal tutoring in knife play using a pig carcass.</td>
</tr>
<tr>
<td>1</td>
<td>9</td>
<td>The Queen of the Dance</td>
<td>A religious group hosts a dance, choosing Jenny as the &quot;queen.&quot; Jenny chooses Amsterdam as her partner, to both his and Johnny's surprise. Amsterdam and Jenny have their first sexual encounter that turns sour after a reference to Bill.</td>
</tr>
<tr>
<td>1</td>
<td>10</td>
<td>Under the Dragon's Wing</td>
<td>Amsterdam saves Bill's profit on a prize-fight, then saves Bill's life from an assassin's bullet at the theatre afterwards, earning him the Butcher's public acknowledgement.</td>
</tr>
<tr>
<td>1</td>
<td>11</td>
<td>I'll Bite You!</td>
<td>Bill's inner circle has a debauched celebration at Satan's Circus. Amsterdam and Jenny consummate their relationship, but are observed.</td>
</tr>
</tbody>
</table>

Table B1: Timeline for Gangs of New York DVD 1
<table>
<thead>
<tr>
<th>Disk</th>
<th>Chapter</th>
<th>Title:</th>
<th>Action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1</td>
<td>Civilization is Crumbling</td>
<td>Bill makes a disturbing nighttime visit to Amsterdam and Jenny.</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>Betrayal</td>
<td>Just before the anniversary celebration of the victory at the Battle of the Five Points begins, Johnny reveals Amsterdam's identity to Bill.</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
<td>This is a Night for Americans!</td>
<td>The anniversary celebration begins, and Bill performs an old knife throwing routine with his former assistant, Jenny. His behavior is more dangerously unhinged than normal.</td>
</tr>
<tr>
<td>2</td>
<td>4</td>
<td>Spared by the Butcher</td>
<td>As Bill offers a toast to his old nemesis Priest, Amsterdam makes his assassination attempt, and fails. Bill puts on a show of sparing the younger man after giving him a brutal beating.</td>
</tr>
<tr>
<td>2</td>
<td>5</td>
<td>Regaining a Full Heart</td>
<td>Amsterdam is treated for his wounds and discusses the future with Jenny and the past with Monk, finally coming to a decision.</td>
</tr>
<tr>
<td>2</td>
<td>6</td>
<td>Old Uncle Jack</td>
<td>Bill calls in his markers on Mulraney, and sends him after Amsterdam. Johnny confesses his treachery and Amsterdam tells him to leave and never return.</td>
</tr>
<tr>
<td>2</td>
<td>7</td>
<td>Just Kill Me</td>
<td>Johnny gets caught by Cutting's men trying to leave the city. McGloin finds no mercy at the Catholic Church. When Bill and the nativists come to call that night for payback, they are turned back by a wall of Irish defenders.</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
<td>Sheriff Monk</td>
<td>Tweed makes a deal with Vallon for the Irish to vote Tammany. Vallon only agrees on the condition that an Irish candidate is assured the office of Sheriff. Monk McGinn runs and wins amidst the shady dealings at the ballot box.</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>Notch 45</td>
<td>Bill kills Monk in broad daylight at McGinn's place of business on Paradise Square.</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
<td>Settling Terms</td>
<td>Vallon challenges Cutting to a battle during Monk's funeral procession. All the Five Points gangs - immigrant and nativist - gather to decide when, where, and with what weapons they will fight. Meanwhile, tensions rise over conscription in the city, and Jenny gives Amsterdam an ultimatum.</td>
</tr>
<tr>
<td>2</td>
<td>11</td>
<td>Mob Rule</td>
<td>Three praying men - Vallon, Cutting, and the wealthy Mr. Schermerhorn - frame the buildup to a clash within a clash as the immigrant gangs and the nativists prepare to do battle at the same time Draft Rioters tear up the city. As the two sets of gangs face each other, Union troops fresh from the fields of the Civil War point their guns at the massing mob.</td>
</tr>
<tr>
<td>2</td>
<td>12</td>
<td>A True American</td>
<td>What should have been a bloody battle of all against all is reduced to a showdown between two men as the artillery of the Union gunships open fire on New York. When it comes down to it, Vallon fulfills his goal to end the life of his father's killer. Jenny is unable to leave as she planned, and returns to collect Amsterdam. The two limp their way out of Manhattan, reflecting on the forgetting that will ensue.</td>
</tr>
</tbody>
</table>

Table B2: Timeline for *Gangs of New York* DVD 2


An Act to Amend and Supplement the Naturalization Laws and for Other Purposes, 44 Stat. 709 (1926).

An Act to Create a Department of Labor, 37 Stat. 736 (1913).

An Act to Establish a Bureau of Immigration and Naturalization and to Provide a Uniform Rule for the Naturalization of Aliens Throughout the United States, 34 Stat. 596 (1906).

Act to Establish the Department of Commerce and Labor, 32 Stat. 825 (1903).

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U. S. Const. amend. XIV, § 1.

U.S. Const. art. I, § 8, cl. 4.

U.S. Const. art. II, § 1, cl. 5


