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# Contents



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*Editorial*

# Editor's Introduction

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The April issue of *Journal of Communication Inquiry* (*JCI*) brings together scholarship that applies a critical-cultural lens to exploring communication phenomena in a range of national and historical contexts, from the 19th- and 21st-century United States to contemporary Latin America to post-Soviet Russia. *JCI* is dedicated to publishing research that explores the complex relationships between mass communication and society across time and culture. The articles in this issue reflect that commitment.

In the opening article, Emilia M. Valenzuela-Vergara analyzes the representations of immigration in the mainstream Chilean press. Findings show that, despite the emerging alternative narrative that provides a more humanizing take on immigration, the prevailing discourse continues to rely on simplified, vilifying representations of immigrants. Such portrayals fail to provide a comprehensive picture of immigration that would give justice to the complex, multifaceted nature of this societal phenomenon.

The question of the meaning-making role of the media is also central to the article by Ryan J. Phillips, who analyzes the framing techniques applied by *The Washington Post* in its online coverage of vegan parenting, in order to explore the role of the media in shaping public debate on contentious issues and to demonstrate the usefulness of applying a rhetorical framing analysis in such scholarly explorations. The analysis reveals a reliance on prolepses and blind spots, which enables *The Washington Post* to construct the meaning of vegan parenting in terms of a dominant health-based frame. This contributes to relegating alternative perspectives to the margins of public debate and to making it harder for proponents of vegan parenting to effectively challenge the dominant narrative.

In the next article, titled "Unruly Women and Carnivalesque Countercontrol: Offensive Humor in Mediated Social Protest," Anne Graefer, Allaina Kilby, and Inger-Lise Kalviknes Bore take the reader on a virtual tour to the Women's March in January 2018 by exploring social media postings of anti-Trump protest signs with the purpose of exploring the opportunities of offensive humor for civic participation. The authors conclude that offensive humor can operate as an effective political tool able to galvanize social protest in both online and offline settings.

In "How Trains Became People: Southern Pacific Railroad Co.'s Networked Rhetorical Culture and the Dawn of Corporate Personhood," Nicholas S. Paliewicz offers an actor-network analysis of the corporation's alliances and coalitions. The analysis provides insight into a rhetorical culture that bolstered the corporation's case for constitutional protection and eventually expanded the boundaries of the 14th Amendment to apply to corporations as legalistic persons with constitutional prerogatives.

The issue is rounded out by reviews of two books that examine recent political and media transformations in two regions: Russia and Latin America. In her review of Natalia Roudakova's *Losing Pravda: Ethics and The Press in Post-Truth Russia*, Anna Popkova concludes that the book can be considered "an essential reading not only for the scholars of Russian media and politics but for anyone who cares about the role of journalism, truth, and ethics in political and public culture." The opinion about the relevance of a region-specific look for a broader audience is shared by Ingrid Bachmann, who reviews a second book, *The Pink Tide: Media Access and Political Power in Latin America*, edited by Lee Artz. Bachmann notes that the book not only offers an insightful picture of different approaches to public communication in the region but opens up opportunities for a broader, "much needed discussion about media policy, social justice, and public communication."

Many thanks to all those who helped this issue to completion, including Sage production staff, Advisory Board members, Executive Editor, our reviewers, and authors.

**Volha Kananovich**
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*Article*

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# Media Representations of Immigration in the Chilean Press: To a Different Narrative of Immigration?

**Emilia M. Valenzuela-Vergara**[1]

**Abstract**

This article examines representations of immigration in Chilean newspapers. From January to December 2016, a total of 507 articles from three mainstream newspapers were analyzed. The findings show a dual discourse on immigration in the Chileans press: a criminalization of immigrants, which frame them as delinquents, deviant, and dangerous people, and a positive and more humanizing discourse, which portrays them as people who deserve to be protected by the Chilean society. The study also finds a shift in the way media sources are representing immigration compared to previous reports, characterized by presenting alternative images of migrants, a more cautious use of language, and increased attention to the voices of governmental and religious leaders. Nevertheless, this shift has also intensified the "difference" and "otherness" of foreigners in Chile by repeatedly focusing on their nationality and differentiating between the "good" and "bad" immigrants.

**Keywords**

immigration, print media, news, framing, news coverage, Chile

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## Introduction

Even though the immigration rate in Chile is not significant as compared to other nations, the number of immigrants is growing rapidly each year, and the immigrant profile is changing considerably. Between 2010 and 2015, Chile registered the largest increases in immigration in Latin America, reaching 4.9% per year (Economic Commission for Latin America and the Caribbean & Latin America of the International Labour Organization, 2017). In 2014, there were 410,988 immigrants, representing 2.3% of the total population (Ministerio del Interior y Seguridad Pública, Sección Estudios Departamento de Extranjería y Migración, 2016). This number increased drastically to almost one million in 2017, which represents 5.5% of the total population. Most of the immigrants came from Latin American countries, most commonly Peru, Colombia, Venezuela, Bolivia, Haiti, and Argentina (Ministerio del Interior y Seguridad Pública, 2017).

Scholarly literature confirms that immigrants who arrive at the country, primarily from Latin American countries, are segregated and discriminated against. The multidimensional index—including indicators of labor, education, health, and housing—shows a higher incidence of poverty among immigrants than among Chileans (Rojas Pedemonte & Silva, 2016). Their access to subsidized housing has historically been limited, and currently, they are living in segregated neighborhoods with high levels of overcrowding (14.9% immigrants vs. 7.9% Chileans). In addition, immigrants tend to engage in informal and precarious labor including domestic and service work, agricultural and construction work, and also selling cheap electronics, clothes, and food (Pávez & Chan, 2018; Stefoni, Leiva, & Bonhomme, 2017). The situation of immigrant students is also critical. In Chile, scholars find that immigrant students (a) are concentrated in schools with high rates of poverty (Mardones, 2006); (b) experience high levels of discrimination and racism in schools (de la Torre Díaz, 2011; Hein, 2012; Pávez, 2012; Riedemann & Stefoni, 2015; Tijoux, 2013); and (c) experience lower expectations and support from their teachers (Hernández, 2016).

But, despite poverty rates and housing conditions, immigrants have, on average, higher educational levels compared to Chileans (12.6 and 10.7 years, respectively; Rojas Pedemonte & Silva, 2016) and lower rate of criminality. During 2015, a total of 5,415 immigrants went through the Chilean judicial system after being apprehended by law enforcement officers, which is equivalent to 1.1% of all foreigners in Chile (Mesa Interisntitucional de Acceso a la Justicia de Migrantes y Extranjeros, 2016). Contrary to the immigration situation of many European or North American countries, most of the immigrants coming to Chile share cultural characteristics with Chileans. For example, immigrants arriving in Chile generally have a high level of local language skills (Lafortune & Tessada, 2016), and less than 1 in 10 first-generation immigrant

students speaks a language other than Spanish (Organisation for Economic Co-operation and Development, 2015).

The significant growth in immigration rates has also led to a national debate on race, racism, and national identity in Chile. Horacio Gutiérrez (2010) argues that processes of racialization in Chile are related to the constant search for national homogeneity, with the idea that a national identity has to be rooted in a homogeneous race and that diversity and multiculturalism is incompatible with the existence of a national identity. In the 19th century, racial and ethnic homogenization was proposed and attempted with various measures such as encouraging the immigration of international populations deemed to be "superior" and promoting the mixture of races in order to decrease the presence of groups considered to be "inferior" over the long run (Gutiérrez, 2010). In addition, some scholars argue that the discussion of racial difference in Chile has only been expressed as ethnic difference (Barandiarán, 2012). Indigenous groups, especially *Mapuches*, have been the primary target of racist attitudes and practices since the beginning of colonialism (Espinosa & Cueto, 2014). In that way, Chile has historically lived under the illusion of cultural homogeneity since its consolidation as a nation, which has been reproduced by different institutions such as the mass media and the educational system (Poblete Melis & Galaz, 2007). However, the increase in immigration rates, mainly from Colombia, the Dominican Republic, and Haiti, has heightened the discussion of race in Chile. A recent survey shows that 41% of Chileans believe that immigrants raise crime rates; 40% say that immigrants deprive them of work possibilities; and 57% think that Chile must take more drastic measures to exclude undocumented immigrants (CEP, 2017). Mass media could have profound effects on shaping the opinions of Chileans. Scholars have found negative media portrayals of this group commonly associated to violence, crime, delinquency, corruption, and smuggling (Browne & Romero, 2010; Doña, 2001; Fernández Ortiz, 2004; Romero Lizama, 2011).

The rise in immigration rates in Chile during the last years and the exceptional characteristics of recent immigrants, with their higher levels of education and a lower incidence of criminality compared to their Chilean counterparts, have come together to make the subject of immigration in Chile an exceptional case study. This article investigates the representation of immigration in the Chilean press: What are the dominant frames in media coverage of immigration? What is the tone of the media coverage of immigrants in Chile? Who is discussing immigration in Chile? Is print media, for example, portraying their elevated levels of education and lower rates of crime compared to Chileans?

## New Framing

One way of studying immigration is to analyze mass media outlets, as these present one version of our society, the main changes that it is experiencing as

well as a reflection of its values and norms. Media discourse plays a crucial role in depicting immigration to society, but its portrayal is far from being neutral. Van Dijk (2001) argues that media discourse is shaped by power relations, which in turn reflect societal dominance. The press's discourse produces knowledge, imparts ideas that reflect the interests of a dominant group, presents a specific version of reality, and provides a framework for what should and should not be presented. In that way, discourse, and more precisely, language, plays a fundamental role in shaping unequal relations of power. However, not all discourses are equal; some of them have high levels of dominance or legitimacy and others do not or have lower levels of dominance or legitimacy (Rojo & Van Dijk, 1997).

Scholars have demonstrated the key role that media play in framing certain issues of immigration. According to Entman (1993),

> To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described. (p. 52)

Framing involves not only the selection and organization of ideas, words, images, and themes but also the exclusion of specific issues (de Vreese, Peter, & Semetko, 2001). Therefore, the way media present the information can have significant implications for how the people receive, understand, interpret, and react to a presented issue (De Vreese, 2004; McCombs & Ghanem, 2001; Scheufele, 1999).

Media can influence the way people think about issues by using a different tone of voice in the news. De Vreese and Boomgaarden (2003) define "valence framing" as those frames that present a particular issue in either positive or negative terms. These frames have important effects on perceptions, judgments, evaluations, and behavior of the readers. Scholars have shown how news frame immigration in terms of good and bad, which means to represent immigrants as a threat and a risk to the country, or immigrants seen as contributors and opportunity. Stephan, Renfro, Esses, Stephan, and Martin (2005) argue that negative attitudes toward immigration are a result of the perception of immigrants as a threat to the country. When immigrants are seen as a threat to the economy, to the access of social programs, or to security issues, people develop negative attitudes toward immigrants. About this point, scholars also rely on the "otherness" frame or "othering," which represent immigrants as inferior and alien to the native population (Lakoff & Ferguson, 2006). Immigrants are seen as other whose presence challenges the political and cultural order of the country and, therefore, need to be excluded (Triandafyllidou, 2000).

In the United States, most of the studies suggest that the media shows negative aspects of immigrants. For example, negative representations of Latino

immigrants have been found in the U.S. press. Chavez (2008) finds that Latinos are usually represented as a threat and a danger to the country, as most of the news refers to crime, lack of documentation, and illegal border crossings. Moreover, the media has used recurrent metaphors depicting Latinos as "a brown tide," "parasites," and "animals" (Santa Ana, 2002); "immigrants as pollutant" (Cisneros, 2008); and "immigrants as invaders" (Chavez, 2008). These metaphors have shaped the U.S. public opinion about Latinos by misrepresenting them as unwanted immigrants.

Despite most of the studies focus on the threat framing of immigration, some scholars have found how media represents immigrants from a "humanitarian victim" frame (Benson, 2013; Van Gorp, 2005). Using a more sympathetic tone, the humanitarian frame sees immigrants as people who deserve to be protected. Analyzing the representation of African immigrants in the Finnish press, Horsti (2008) finds that despite illegality and control, frames are the most recurrent ones in the press; the immigrants are also framed as victims and as heroes. Van Gorp (2005) finds news coverage of asylum seeker seen in a victim frame, portrayed as tragic person, in need of help.

## Immigration and the Print Media in Chile

In Chile, different scholars have focused on mass media's representation of immigrants, particularly on how they discuss their lives, their cultures, and their behaviors. Scholars have highlighted how Chilean media representation of immigrants remains largely negative. Most studies suggest that mass media usually associates them with violence, crime, delinquency, corruption, illegality, and smuggling (Browne & Romero, 2010; Doña, 2001; Fernández Ortiz, 2004; Romero Lizama, 2011). Fernández Ortiz (2004) analyzes news items about Peruvian and Bolivian immigrants in Chile contained in two mainstream newspapers between the years 2000 and 2003. He concludes that 97% of the news stories display negative incidents involving these groups and that the most common terms used to describe Peruvian immigration waves into Chile were "invasion," "avalanche," "explosion," and "inundation." Similarly, Doña (2001) finds that the media show immigration as a problem for the country, and it is associated with criminality, marginality, and poverty. Moreover, immigration is presented as a threat to the national economy, the job market, and social services (Doña, 2001). Topics related to their daily life experiences, success stories, position of the elites, and immigrants' contribution to Chileans culture, arts, and business are practically ignored by the press (Fernández Ortiz, 2004). Furthermore, immigrants' voices are essentially absent in the media (Romero Lizama, 2011).

Mass media outlets refer to immigrants differently depending on their country of origin. In particular, the Chilean print media tend to construct categories or place labels onto immigrants, linking immigrants' acts with their country of

origin (Doña, 2001; Fernández Ortiz, 2004). While European immigrants are associated with economic development and success, people from non-European countries are linked to illegality and crime. Assumptions such as "All Colombians and Bolivians are drug dealers," or "Every Peruvian woman is a domestic worker" start to become commonplace (Doña, 2001). Moreover, high levels of discrimination and stigmatization have been found in the Chilean press' discourse. Fernández Ortiz (2004) finds derogatory terms in *El Mercurio* and *La Tercera*, referring to Bolivians and Peruvian immigrants as "dark skinned," "domestic," "indigenous," "donkeys," "criminals," "violent," "angry," "alcoholics," "domestic workers," "needy," "illiterate," "minority," and "drug traffickers."

Chilean mass media construct a collective stereotype about some groups, generating apathy, suspicion, distrust, and even rejection of particular groups (Doña, 2001). However, the majority of the literature available about immigrants and print media in Chile focuses on particular communities, such as Peruvian, Bolivian, or Colombian immigrants. There are limited studies that analyze how the press portrays immigration in Chile from a broader viewpoint, that analyze the differences in discourse depending on the immigrants' country of origin, or that connect with previous findings on this issue. This article examines how immigration in Chile appears in the press. In particular, the essay focuses on the following questions: What are the dominant frames in media coverage of immigration? What is the tone of the media coverage of immigrants in Chile? Who is discussing immigration in Chile? Do they have a particular discourse? And, are the findings different from those of previous studies?

## Method and Data

The sample consists of a set of daily news stories and reports concerning immigration from three Chileans newspapers: *El Mercurio*, *La Tercera*, and *La Estrella de Arica*. *El Mercurio* and *La Tercera*, located in Santiago, are the two most important national newspapers in the country. They constitute the duopoly of El Mercurio S.A.P. and Copesa S.A., concentrating more than 80% of the press circulation and readership (Monckeberg, 2011). *La Estrella de Arica* is a regional daily newspaper published in the city of Arica, Chile's northernmost city. Affiliated with El Mercurio S.A.P., this newspaper is the most read in the region (Vicuña & Rojas, 2015), and it was added to the sample to include local news about immigration in a border region.

I collected all newspaper articles published by *El Mercurio*, *La Tercera*, and *La Estrella de Arica* between January 1 and December 31, 2016. This period was chosen because, as a consequence of the significant increase of immigrant rates in 2016, the topic of immigration in Chile acquired a previously unseen relevance in both the media and in public and political discussions. Moreover, immigration gained major visibility due to the debate of a new national

immigration policy discussed in the Congress and during the presidential election campaigns. As Gissi-Barbieri and Ghio-Suárez (2017) stated, in 2016, Chile experienced an unprecedented "politicization of immigration" in which even some presidential candidates raised the issue of immigration as a problem.

All articles were located using each newspaper's online archives. The main criterion for selection was that the major topic in each article refers to the situation of immigration in Chile. I used keywords such as "migrant" and "immigrant" to search for articles and also the nationalities of the most important communities such as "Peruvians," "Colombians," "Dominicans," "Argentineans," and "Haitians." A total of 507 articles were identified including news reports, editorial columns, letters to the editor, and interviews.

The study uses qualitative content analysis to investigate how news media in Chile has covered immigration issues during 2016. According to Schwandt (1997), content analysis is "a generic name for a variety of means of textual analysis that involve comparing, contrasting, and categorization a corpus of data" (p. 21). The method of study consists of an inductive, in-depth, and reflexive approach of the print news to investigate the deeper meanings of the articles (Altheide & Schneider, 2013). Instead of using preexisting codes, I develop a coding schema grounded in the data, thus allowing categories, frames, and meanings to emerge throughout the study. The unit of analysis was each newspaper story. In a first phase, I read all the articles selected in the analysis and created a standardized coding sheet, identifying the name of the newspaper, date of publication, section of the newspaper, story type, the length of the news items, source selection, country of origin of immigrants, and tentative identification of frames of immigration. In a second phase, I reread each article and refined the coding schema using a constant comparative approach (Glaser & Strauss, 1967), in which coded data and categories were continually compared and contrast to identify thematic patterns, develop explanations for similarities and differences, and better understand the meanings of the research topic. I examined in detail the tone of the article, the language, how immigrants were labeled, and the type of actions that were associated with them. I also examined not only which aspects of immigration were highlight by newspapers but also which ones were omitted (de Vreese et al., 2001).

The analysis led to six themes by which the press represents immigration: (a) "security issues" that include immigrants' criminal activity, court cases, and violence; (b) "immigration policies" that include articles about legislation and policy reforms relating to immigration; (c) "magnitude news" or statistics of immigration, which are news that commonly show the increase in percentage of immigrants; (d) "immigrants' civil society" that tell stories on daily activities, work, culture, and social relationships of immigrants; (e) "education" that encompasses stories of schooling and professional training; and (f) "other immigration issues" that include issues related to refugees, children and youth, television and entertainment, and seminars and conferences about immigration.

**Table 1.** Type of News.

| | Frequency | Percent |
|---|---|---|
| Valid | | |
| Informative news | 380 | 75.0 |
| Opinion | 89 | 17.6 |
| Report | 23 | 4.5 |
| Interview | 15 | 3.0 |
| Total | 507 | 100.0 |

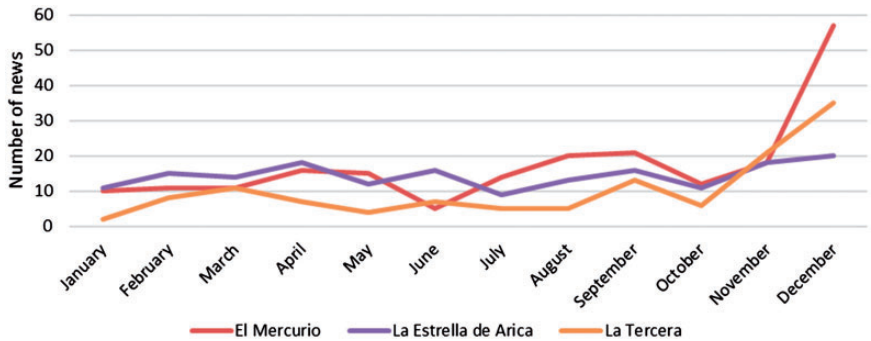


**Figure 1.** Number of news items on immigration in Chile covered by *El Mercurio*, *La Estrella de Arica*, and *La Tercera* in 2016 ($N = 507$).

I also code the prevailing tone of each story (de Vreese & Boomgaarden, 2003). A negative tone was indicated by a focus on migration as a problem or threat to Chile. A positive tone was identified as expressing sympathy or support toward immigrants, for example, seen them as contributors to the economy, culture, or politics of the country. A neutral tone was understood as having neither a positive nor a negative tone. The qualitative analyses were conducted entirely by the author of the study. No second coder was involved, and inter-coder reliability was not measured for the study.

Figure 1 shows the number of news items on immigration in Chile published by El Mercurio, La Tercera, and La Estrella de Arica per month in 2016. On average, I found 42 articles per month about immigration, with an increase at the end of the year. *El Mercurio* published the greatest number of news items (41%), followed by *La Estrella de Arica* (34%). The newspaper articles varied in length, ranging from 24 to 3,452 words, and 75% were informative pieces. The details of the frequencies and percentages of the type of news are shown in table 1.

Sixty-one percent of the news items referred to Latin American immigrants, mostly Peruvians, Colombians, Dominicans, and Bolivians; 36% focused on

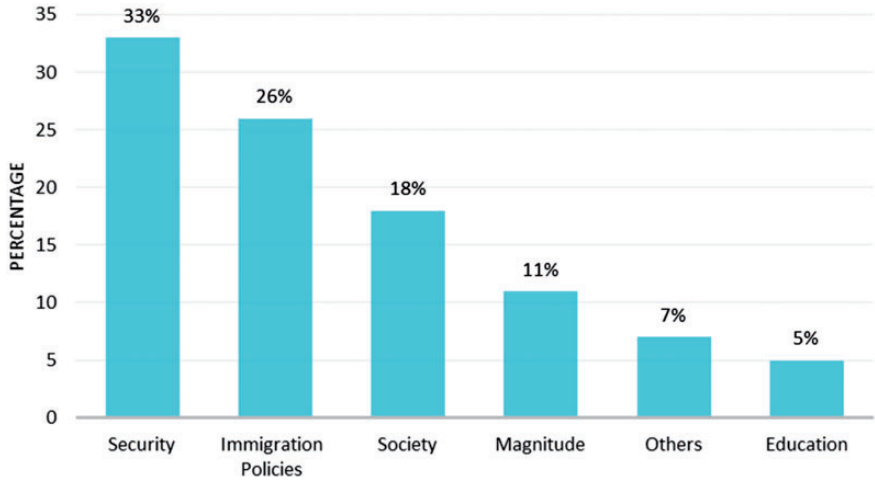


**Figure 2.** Main topics covered by *El Mercurio*, *La Tercera*, and *La Estrella de Arica* in 2016 ($N = 507$).

"immigrants in general" without specifying nationality; and only 2% reported on Asian immigrants (Syria, Iraq, and China).

Regarding press language, the media are using different terms to refer to immigrants, depending on their countries of origin. Press reports use terms like "immigrant," "foreign," "refugees," "non-Chilean citizens," "undocumented," and "illegal alien" interchangeably. Racist and xenophobic terms previously found in the press by scholars in the 1990s and 2000s, such as "dark-skinned," "indigenous," "needy," "illiterate," or "minority," were not commonly found in this study.

The next section shows the main findings of the study including the dominant frames and source selection in media coverage of immigration in Chile. The last part discusses whether there is a shift in the way media sources are representing immigration compared to previous reports.

## Analysis

### *Newspaper Coverage of Immigration in Chile: A Dual Discourse*

The main topics highlighted by *El Mercurio*, *La Tercera*, and *La Estrella de Arica* were security (33%), followed by immigration policies (26%), and immigrants' civil society (18%). Figure 2 shows the main topics covered by the three Chilean newspapers in 2016.

A dual discourse of immigration prevails in the Chileans press. On the one hand, there is a criminalization discourse of immigrants in security and

magnitude news, which frame them as delinquents, deviant, and dangerous people. On the other hand, a positive and humanizer discourse on immigration is used in most of the immigration policy news and civil society news.

*The criminalization of immigrants: Security and magnitude issues.* News items about security news are recurrent in the Chilean press. Reported as small notes in the national editorials section, this group of news shows specific "social problems," whereby the most common are drug trafficking (26%), and "illegal" or "clandestine" entry into the country (18%). Less frequent are news articles about immigrants accused of smuggling, public disturbances, human trafficking, theft, and kidnapping. Only five articles referred to cases in which immigrants were the victims of crime.

Of the three newspapers, *La Estrella de Arica* is the one that publishes the highest number of news stories on security. This is hardly surprising, as Arica shares a border with Peru and Bolivia and is an entry point for many immigrants. In that regard, *La Estrella de Arica*, responding to local needs and the demands of its community, tends to publish short notes about immigrants' arrests for crossing different borderlands such as the Atacama Desert, the railway Arica-La Paz, the international airport, Arica's harbor, and the border crossing of Chacalluta-Santa Rosa.

Practically all security news refer to immigrants from Latin American countries, mostly from Peru, the Dominican Republic, and Colombia. Using a criminalizing framework, editorials associate these communities to certain types of crime, where the most frequent are the link between Colombians and drug trafficking and public disturbances, and Peruvians and Dominicans, with undocumented status and human trafficking.

The stereotype that associates Colombian immigrants with drug-related issues has been widely dispersed by the mass media (Guarnizo & Diaz, 1999). The Chilean press follows a similar pattern with common headlines like: "Colombian bikers attempt to smuggle a massive shipment of synthetic drugs into the country" (*El Mercurio*, May 2016) and "Colombian should be imprisoned until 2022 for smuggling drugs in shampoo and towels" (*El Mercurio*, May 2016). The majority of arrests take place in the Atacama Desert, the Chacalluta Border, and other borderlands and are due to drug trafficking, specifically of marijuana, ecstasy, LSD, and cocaine. A group of news stories refers to the variety of ways in which Colombians hide drugs upon entering the country, using cosmetics, sheets, body lotions, rocks, woods, and boxes of candy. As the news notes, these "unusual techniques" and "innovative strategies" have been introduced, thereby complicating the work of border patrol. In addition, Colombian immigrants used to be associated with violent crimes such as homicides, fights, and public disturbances, contributing to their image as problematic and dangerous to Chilean society. These stories often highlight the coordinated work of police officers disrupting organized crime groups, controlling public disturbances and detaining undocumented immigrants.

Several times, security reports use the term *illegal* referring to immigrants that do not have a legalized status in the country, but they also use terms such as "clandestine" and "undocumented" immigrant. The association between Dominican immigrants and "illegal" crossing and human trafficking is powerful. The news items, published especially by *La Estrella de Arica*, emphasize the number of detentions: "Caught 18 Dominicans for crossing the border," "11 Dominicans arrested on Tacna-Arica railroad," and "9 Dominicans caught walking on the border." They label immigrants as "illegal aliens" or "illegal Dominicans." This is even more problematic when news stories employ testimonies that use "Dominican immigrants" as synonyms for "undocumented persons" or "human trafficking":

> In fact, according to prosecutors and the police, not a week goes by without the initiation of a dangerous police operation: in minefields, on the coastal border, on the railroad line between Arica (Chile) and Tacna (Peru), or near the border checkpoint at Chacalluta (...) and regarding the trafficking of immigrants, the figures are all but monopolized by the Dominicans. (El Mercurio, August 2016)

> When renting out properties, we have been told not to rent to Dominicans, only to legal people. (El Mercurio, January 2016)

Although not all articles explicitly use the term *illegality*, repeating notions of "undocumented" or "illegal" can have serious consequences for society's treatment of immigrants in the country. "Illegality" or undocumented status is depicted as a static condition, without considering that it is merely circumstantial. The strong association between immigrants and detentions creates negative stereotypes of this group, contributing to their stigmatization and discrimination. As some scholars have argued, the media repeatedly places labels on immigrants, ultimately linking communities to criminal acts. Although not as common, some media outlets act in an even more problematic way, assuming that certain crimes have been committed by immigrants without possessing any evidence of wrongdoing. For example, an article published by *El Mercurio* suggests that the main culprit of a kidnapping is a "foreign gang" because the victim thought that she heard a "foreign accent." Assumptions such as this one, which should be avoided when presented with so little evidence, serve only to reinforce negative images and prejudices and to fuel anti-immigrant sentiment.

The criminalization discourse of immigrants is also present on articles about magnitude. The assumption that immigration rates in Chile are growing is present in most of the news items analyzed, but 11% of the articles focus exclusively on this issue. This coverage is different in many ways: Reports are long and detailed, sometimes appearing on the front page, using national surveys and statistics, showing graphs and tables, and referring to immigrants as a whole (and as a homogenous group). Here, numbers are the focus of study: "Number of foreigners settled in the country rises by 123% over a 13 year period,

according to official figures" (*El Mercurio*, January 2016); "In six months, eight times more Haitians have arrived than all the arrivals in 2013" (*El Mercurio*, August 2016); "Immigrant population increased from 2.1% to 2.7% in two years" (*La Estrella de Arica*, December 2016). Immigration is still being presented as a recent phenomenon, with new waves of immigrants arriving at the country, and making a series of changes in Chilean society. These news stories highlight an increase in the percentage of immigrants, although the total remains low, and significantly lower than other countries, contributing to an exaggerated perception of the phenomenon.

As some scholars have found, news regarding the magnitude of immigration contained a clear sense of exaggeration and sensationalism, in some cases employing pejorative terms when referring to the rise in immigration. The main concerns are "the massive influx of Haitians," the increase in undocumented immigrants, makeshift settlements in the North of Chile, the "strong rise" in traffic and crime, and the lack of regulation in the remittance market. Reports alert readers that Chile is experiencing a "new" immigration phenomenon and that urgent public policies are needed to control and regulate this situation. This is similar to what Santa Ana (2002) found regarding Latinos' immigration into the United States, and how metaphoric systems have shaped the public opinion about them. As the author says, one way of dealing metaphorically with Latinos was to brandish them as invaders, misrepresenting them as unwanted immigrants. Such news does not foster learning about immigration but instead serves to bolster the idea that immigration is an "unresolved problem."

The most controversial news item of the year was published by *El Mercurio* on August 30. On the cover of the editorial section, the article states that "52% of people accused of crimes in the extreme north of the country are foreigners." Using military language, the report suggests that, according to the police, not a week goes by that law enforcement does not have to embark on a dangerous police operation: alongside minefields, on the coastal border, on the railroad line between Arica (Chile) and Tacna (Peru), or near the border control of Chacalluta. In three instances, the article reiterates the nationalities of the immigrants detained: Peruvians, Dominicans, Bolivians, and Colombians charged with human and drug trafficking, as well as crossing the border in an unauthorized area. The different types of crime are analyzed and treated in the same way, thereby creating a huge distortion. Headlines like this one could have substantial effects on the public's perception of immigration. In that way, it is not surprising that 41% of the Chileans believe that immigrants raise crime rates (CEP, 2017) despite the fact that they have lower rates of criminality compared to Chileans.

*Humanizing immigrants: Immigration policy and civil society.* In contrast to the previous dominant narrative of immigrants, which portray them as criminals, drugs dealers, "illegals" and violent people, a counter-narrative, which humanize

immigrants is present in most of the news regarding immigration policy and immigrants' civil society.

First, reports on immigration policy include both, news regarding immigration legislation as well as specific public policies targeting this population. The need to formulate a new national immigration policy is the most frequent and pressing topic and makes up the majority of letters and opinion pieces reacting to the political debate on immigration. Much of the recent news refer to delays, misunderstanding, and problems with a new law being discussed in Congress. A congressional debate increased its press coverage during the last months of the year. A group of immigration policy news promotes the ideas of integration and social protection of immigrants. Captions inform us that "we are all immigrants" and that "Chile is a country with open doors" and "open borders." Chile is portrayed as an open country that has promoted tolerance, cooperation, and the inclusion of immigrants. Nevertheless, this image is not new in the Chilean press, and the debate about the need to modernize immigration laws has been present in the press for a long time, without major progress on this front.

Second, news on immigrants' civil society, which includes notes on daily activities work, culture, and social relationships of immigrants also use a more humanizing discourse. Overall, these reports show positive attributes of immigrants, use more cautious language, include immigrants' viewpoints, and clear up previous misconceptions about immigrants. Referring to them as "foreign," or "immigrants" without any additional labels, reports recount successful stories of immigrants' integration in Chilean society, lauding their courage and strength in traversing the country, and reporting on their cultural contribution through the introduction of their cuisine, celebrations, and traditions. Moreover, the news emphasizes immigrants' higher educational and professional levels, as compared to that of the average Chilean.

Some news articles depict immigrants as an active and organized group interested in political issues. These stories report on their reactions to immigration policies, public protests against discrimination, immigrants' social movements, and their interest and participation in national elections. A report published by *El Mercurio* shows how the immigrant vote can be extremely influential in the next municipal elections. One caption reads: "Seven of the 11 municipalities with the highest proportion of foreign voters are in the Metropolitan Region. According to the Director of Immigration, these new voters will have a higher voter turnout rate than Chileans" (*El Mercurio* in June 2016). This article is the newspaper's featured story and uses pictures, graphs, and infographics to support its arguments.

Immigrants' interest and engagement in Chilean politics can be a powerful tool for social integration. Reports showing immigrants' celebrations and participation in soccer games and tournaments also help with immigrants' integration. During 2016's Centennial Copa America, headlines such as these were

commonplace: "A fervent passion for soccer unites Haitians in Chile" (*El Mercurio*, June 2016); "Colombians celebrate awaiting their next opponent"; "Now Colombians place their chips on La Roja" (*La Estrella de Arica*, June 2016); "Bolivians celebrate with fricassee and chicken sajta" (*La Estrella de Arica*, June 2016). Using an appealing narrative, these news items show how immigrants celebrated the tournament, which kind of food they ate, and which *cabalas* or superstitions they performed. As immigrants' testimonies indicate, their celebrations are "always happy," "enthusiastic," and "at home with family." These reports show a more humanizing narrative, in contrast to the previous hegemonic discourse of immigrants, which portrayed them as criminals or "illegals."

A small number of news reports inform the public about immigration and education in Chile. Most of the stories tell specific policies schools are implementing to integrate immigrants' children including the celebration of a multicultural day, incorporation of the Peruvian national anthem, changes in the educational curriculum, and even includes the implementation of exchange and cooperation programs with schools from immigrant children's countries of origin. For example, in July, *La Tercera* published a report entitled "Immigrants' children in schools: a work in progress," which details some policies introduced to integrate the growing number of immigrant students in the classroom, including changes in the educational curriculum and traditional celebrations.

Only two reports are describing the situation of European immigrants in Chile: "Italians in Arica" and "Germans colonies in the South of Chile." Using a positive tone, reports associate these communities with notions of progress, development, and success. Moreover, journalists highlight immigrants' contributions by mentioning their professions: "amateur merchant," "Italian merchants," and "foreign businessmen." Thus, immigrants' professions and their contributions acquired importance, sometimes more than their countries of origins. About this, an interview with a religious leader underscores the point: "We call Europeans foreigners and Latinos, immigrants" (*La Tercera*, December 2016).

Although some positive aspects of immigrants are shown in the Chilean press's discourse, it is relevant to note that most of these are published in special editions, supplements, or specialized sections of the newspaper like *Economy and Business*, *Revista Campo*, *Revista Del Domingo*, *Revista Ya*, and *Reportajes*. These kinds of reports have a narrower distribution, access, and exposure to readership than the main body of the newspaper (Fernández Ortiz, 2004). In addition, only a small group of news stories shows the struggles and problems faced by immigrants in Chile, such as poverty and discrimination, issues related to immigration status, lack of secure housing, limited access to services, language barriers, and a lack of recognition of their professional qualifications. Regarding education and immigration, no significant information provided

about social exclusion, racism, and bullying at schools. During the entire year, there was only one news article reporting a situation of discrimination and xenophobia at schools based on a study: "Immigrants' families feel that schools have no authority to prevent discrimination" (*El Mercurio*, January 2016). There is an absence of discussion regarding the situation of immigrants' children, what their situation at school is, how they feel, and their profile. The case of immigrant university students is notoriously absent in the media debate as well.

## *Immigration Experts in Chile*

Who is discussing immigration in Chile? Do they have a particular discourse? How often do they appear in the print media? Seventy-eight percent of newspaper reports use interviews as a primary source. Twenty-four percent of the news items quote governmental officials such as ministers, senators, congressmen, national directors, and mayors. In the second place, 20% of news items quote individuals from the field of justice, including lawyers, national and regional prosecutors, police, majors of the antidrug unit, lieutenants, public defenders, police commissioners, and investigative police subprefects. In contrast to findings that argue that the immigrant voice is practically absent in mass media, close to one fifth of news releases use the direct narrative of immigrants in Chile. The most common testimonies are from Colombian, Dominican, and Peruvian immigrants.

Although the media tends to interview individuals from different sectors to cover immigration issues, during 2016, the debate was dominated by two authorities: The National Director of the Foreign and Migration Department (DEM) and the Director of the Jesuits' Service for Migrants and Refugees (JSM).[a] Their immigration discourse, which is based on an inclusive and human rights approach, received media coverage, as journalists appealed to both leaders to define concepts and explain and clarify immigrants' issues, especially regarding immigration policies and security concerns:

> We have a very clear signal from the President of the Republic to promote integration and tolerance for diversity. (National Director of the DEM in *La Tercera*, April 2016)

> Immigrant children are a component of social cohesion for the future. (National Director of the DEM in *La Tercera*, July 2016)

> We need an immigration policy that understands that immigrants, before being workers, are subjects of rights. (National Director of the JSM in *El Mercurio*, January 2016)

In addition, both individuals were essential opinion leaders for right-wing politicians who promoted a discourse espousing stricter controls and regulations for immigrants. Right-wing politicians suggested that many of the gangs of criminals in Chile, such as those that produce counterfeit credit cards, were foreigners. For example, the cover of *La Tercera* on November 29 was titled "Chile's Vamos Party takes the flag against illegal immigration," and the interviewed parties make strong statements linking immigrants with delinquency. These claims also coincide with the presidential elections in the United States, contributing to increased coverage of immigration policies during November and December 2016. Journalists usually called on both experts to explain or to react to stigmatized perceptions of immigrants or to analyze the situation in the United States. For example, the Director of the JSM cautions of the dangers of imitating U.S. immigration policies aimed at decreasing immigration:

> When you believe you are regulating because it creates more bureaucracy or more barriers, what it does is prepare the land for these gangs to appear. And the tremendous thing about it is that these gangs, which thrive off excluded and vulnerable people, are beginning to behave like the gangs I saw on the U.S. border with Mexico, and that operate with great violence. (Director of the JSM in *La Tercera*, November 2016)

The prominence of governmental sources in the news is common across nations and media types, but the same cannot be said of religious leaders. Thorbjørnsrud (2015) found that elected officials and dominant political parties were the principal sources for immigration news in the United States, France, and Norway, while religious leaders have a minimal media presence in this area. The case of Chile is different, as the Catholic Church has had a historical and institutional role in the creation of human rights organizations. Since colonial times, the Church had been directly involved in politics, and even after the separation of Church and state in 1925, the Church remained extremely influential in the social, moral, and political life of Chilean society (Loveman, 1998; Smith, 1982). For example, during the Chilean military dictatorship, the Catholic Church played a crucial role in the creation and development of human right movements, in contrast to the Uruguayan and Argentinian dictatorship experiences, in which the Catholic Church had little influence (Loveman, 1998). Therefore, the prominence of religious leaders in immigration news could be related to the Church's cultural and historical tradition of promoting human rights and advocating for a discourse of social inclusion.

The continued reliance of the media on government and religious leaders may be associated with the fact that immigration in Chile remains understudied, and there are limited sources and experts on the topic. Other reasons could be that some institutions are working on strategic communication, and media outlets are developing affiliations with these sources. Regardless of the reason, the

strong presence of the governmental and religious leaders during the year and their robust human right discourse undoubtedly contribute to show immigration as a more humanized issue. However, the discourse on immigration in the Chilean print media is limited, as the media turns to the same pundits over and over again and offers minimal coverage of other experts such as immigrant leaders or national and international scholars. Relying on experts who are government leaders is inherently problematic because the discourse then becomes dependent upon the views on immigration of whichever political party happens to be in power.

## *Is the Way That the Media Portrays the Immigration Discourse Changing?*

Analyzing news representation of immigration in Chile is especially important as the country is currently facing a significant increase in the number of immigrants, mainly from neighboring countries. The country is in a transitional period from being an immigrant-sending country to a newly emerging immigrant-receiving country. The increase in the number of immigrants in Chile and the lack of studies about the current situation of this group put media in a central role as most of the information that people have about immigration comes from media. This is the first study that analyzed how the Chilean press portrays immigration in Chile from a broader viewpoint, that analyze the differences in discourse depending on the immigrants' country of origin, and that connect with previous findings on this issue.

The study shows how is media covering immigration issues from a South-to-South perspective. The representation of immigration by the Chilean print media context shows interesting and contradictory results: a dual discourse of immigration; a shift in the way media are representing immigration compared to previous reports; and the absence of race in media discourse of immigration.

First, the analysis shows how the Chilean newsprint media reproduce and maintain a dual discourse of immigration that can have serious consequences to the public perception of the audience. On the one hand, Chilean print media are prioritizing security news, framing immigration mostly as a threat. Despite the reduced number of immigrants' detentions as reflected in national statistics, news outlets report daily incidents of drug trafficking, illegal border crossing, human trafficking, and cases of violence, fueling the dominant opinion that immigrants are criminals. On the other hand, a positive and humanizer discourse on immigration is used in most of the immigration policy news and civil society news, portraying them as a welcoming group to the country, in need of public services, or as integrated into the Chilean society. The dual discourse that criminalizes and humanizes immigrants contributes to seeing them as "good" and "bad" immigrants, reinforcing the difference and otherness of foreigners. As Gonzales (2013) argues, the good/bad immigrant binary is an ideological framework, a "common sense" rhetoric assuming that some

immigrants may "pass," and others must be controlled and cleansed from the nation. The Chilean press installs imaginaries of "bad" immigrants: "*illegal* Dominicans," "Colombians drug traffickers," "massive influx of Haitians." A "good" immigrant, in contrast, is one who deserves to be protected by the Chilean government, one who participates in political elections and celebrates Chileans triumphs on soccer tournaments. Showing a good/bad immigrant binary can have a significant effect on the audience ranging from experiencing fear, violence to feelings of tolerance and empathy, which result in increasing difference. In both cases, nationality and its repetition across the news are the key strategy that media use to frame immigrants' news.

In addition, the Chilean case shows how frames can change throughout the coverage of immigration issues. Vis-à-vis previous studies on mass media coverage of immigration during the 1990s and 2000s in Chile, this analysis shows a shift in the way media are representing immigration. *El Mercurio*, *La Estrella de Arica*, and *La Tercera* are offering new and different narratives; journalists are using more cautious language; and the media are attempting to dispel old misconceptions and stereotypes about immigrants that were common in press pieces of past decades. However, it is important not to categorically assume that the Chilean press is becoming more tolerant than before. First, the exceptional characteristics of immigrants in Chile, with their higher income levels, education, health conditions, and lower rate of criminality compared to Chile's national average, is being addressed by media, but mostly superficially and reactively. These assumptions are rarely headlines or explained in depth by the newspapers, and most of the headlines and cover pages give priority to stories covering the magnitude of immigration and security issues. Second, this "shift" on the immigration discourse has to do with the significance coverage of governmental and nongovernmental organization leaders that have contributed to portray a more humanizer view of immigrants. This can be problematic, as the discourse on immigration can change abruptly due to a change in government leadership. Given this scenario, the print media should employ other sources to enrich and diversify their press reports. A related point is that, even though the media have been including the voice of immigrants, immigrant organizations and immigrant social movements are not included.

Finally, the idea that immigrants are contributing to the debate of race in Chile is also not evident in the media. The immigration discourse avoids talking about racism, race, and xenophobia, and there is not a problematization of these issues. This was clear in the analysis of education's news, which highlights stories of inclusion and successful practices that schools were implementing in order to integrate immigrant children, while experiences of social exclusion, racism, and bullying at schools were not considered. As Van Dijk (1992) points out, racial denial in the press is not an unconscious practice; it takes the form of resignation, mitigation, euphemisms, and transference, which have an important effect on people's reception of the information. In this

way, racism survives only when it is reproduced daily through multiple acts of exclusion, internalization, or marginalization.

The Chilean print media offers us one version of the changes in immigration in Chile; however, there are topics not yet covered by the press. The study leads to important new questions about how news is framing immigration in Chile. For instance, what is happening with immigrants that come from Argentina, from Europe, or from other Latin American countries like Mexico? Information about immigrants from other countries has not been covered by the press and has not even been considered as part of the same phenomenon of immigration. In addition, it is crucial to generate more information and news about other immigration topics that are still absent from the media, such as human trafficking, refugees, women, children and youth, asylum seekers, immigrants' housing conditions, and immigrants' social networks.

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a. The JSM is a nonprofit organization that provides services and assistance to immigrants and refugees in Arica, Antofagasta, and Santiago.

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# Frames as Boundaries: Rhetorical Framing Analysis and the Confines of Public Discourse in Online News Coverage of Vegan Parenting

**Ryan J. Phillips**[1]

**Abstract**

This article examines the boundary work of frames and the methodological significance of understanding this work when conducting rhetorical framing analysis. While the boundary properties of frames have been theorized by scholars, there remains a lack of clear engagement with how to effectively address these discursive boundaries methodically. I argue that agenda-dismissal, which makes use of both prolepses and blind spots, ought to be addressed in addition to agenda-setting and agenda-extension when conducting rhetorical framing analysis. A case study is provided in which the rhetorical framing of vegan parenting in online news media is analyzed and critiqued for confining the issue within a dominant health-based frame. Strategies for dismantling discursive boundaries and reframing public issues are also considered within the context of the case study.

**Keywords**

qualitative methodology, communication theory, news media, agenda-setting, framing

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## Introduction

Rhetorical framing analysis has been used as an effective method for assessing the discursive significance of texts and public speeches since the 1980s (Kuypers, 2005). This multidisciplinary method of qualitative analysis is useful in gaining greater insight into the rhetorical means by which topics are discussed, whether in public debate, news media, or advertising and other promotional cultures. Rhetorical framing analysis has also been used to study a variety of health topics in both the humanities and social sciences, including obesity (Saguy & Riley, 2005), HIV or AIDS (Yartey, 2015), and breastfeeding (Hausman, 2013).

However, there remain methodological limitations to rhetorical framing analysis that have not yet been significantly addressed in the existing literature. Rhetorical frames perform boundary work, insofar as they establish that which will be discussed and that which will not be discussed in public discourses. Although the boundary work that frames perform has been theorized and discussed by some scholars (e.g., Pan & Kosicki, 2001), there remain almost no methodological inquiries into how the boundary work of frames can be studied through qualitative analysis.

This article therefore engages with methodological considerations for why and how rhetorical framing analysis can be used to assess the boundary work of frames in public discourse. In order to demonstrate the value of considering boundaries in rhetorical framing analysis, a case study is provided in which the boundary work of frames in the online news coverage of vegan parenting is critically analyzed from a rhetorical perspective. I also engage with some prognoses for how to effectively address the boundary issues of frames in public discourse, as outlined by Lakoff (2004) and Ceccarelli (2011). Ultimately, this article aims to contribute to the methodological significance of rhetorical framing analysis as a useful tool for social research.

While this article predominantly deals with the methodological issues of rhetorical framing analysis from a social scientific perspective, I also understand and acknowledge that, within the larger fields of rhetoric and mass communication, the differences between theory and method can be somewhat blurred (e.g., Scheufele, 1999). As such, I specifically wish to appeal to the social scientific notion of methodology as part of a larger meta-framing strategy (i.e., how discourses regarding frames and framing are themselves framed and rhetorically constructed), rather than in order to distinguish categorically between rhetorical theory and method.

## Frames and Rhetorical Framing Analysis

Framing is the attempt to draw attention towards, make more salient, or else strategically organize certain aspects of a topic while deflecting attention away from other aspects; similar to how a picture frame might be chosen in order to

emphasize some aspects of a photograph or de-emphasize others (Entman, 1993; Gamson & Modigliani, 1987; Tankard, 2001). As Entman (1993) argued, framing exists at four critical junctures in any communicative process: the communicator themselves, the communicative text or message, the receiver (or, audience), and the general culture (i.e., the common stock of frames in a given population or community). Framing thus serves necessary communicative and social functions—as well as cognitive functions—as Lakoff (2010) notes that frames also have neural bases, which allow us to make sense of our experiences and perceptions about the world.

Understanding framing is significant given the demonstrated effectiveness of framing in influencing the perceptions of audiences, who typically rely on the most readily available information in order to make decisions or interpret social phenomena (Nisbet, 2010). For example, one study found that audiences responded differently to news stories about a Ku Klux Klan rally based on whether the issue was framed in terms of free speech and civil liberties or safety and public order (Nelson, Clawson, & Oxley, 1997). While audiences certainly still maintain elements of cognitive autonomy, framing can affect the degree of this autonomy in significant ways when individuals are presented with ambiguous issues (Kahneman & Tversky, 1979). As a method, framing analysis is therefore useful in identifying and critically analyzing which aspects of a particular issue are being highlighted, de-emphasized, or wholly ignored by the speaker (Kuypers, 2002, 2010).

As Kuypers (2005) notes, facts remain neutral until they are framed in one way rather than another. While some form of framing may be necessary in order to convey a message by means of constructing a coherent narrative, framing can become insidious when it is used for political or ideological purposes. Some critics argue that news media should aim to *inform* rather than *direct* the public, and if it does direct, it ought to do so in a way that is not overly biased (Blidook, 2009). Others, however, argue that the notion of objective or value-neutral journalism is unrealistic, given that journalists are only human and therefore cannot help but include some personal perspectives in their reporting (McChesney, 2008; Schudson, 1989). Furthermore, attempts to limit or remove subjectivity from journalism disallow for journalists to offer critical perspectives on social and political phenomena and thereby restrict news media's role as a watchdog in democratic societies (McChesney, 2008). Finally, Hackett and Gruneau (2000) have argued that the notion of objectivity in for-profit news journalism is effectively a nonissue, given the incredible degree of influence that media owners and managers exert over both the content being covered as well as the framing strategies of that content.

These competing perspectives further complicate the concept of framing, given that frames also tend to be most effective when they appeal to preexisting religious, political, or other cultural values of an audience (Nisbet, 2010; Reese, 2010). van Gorp (2010) therefore argues that "culturally embedded frames form

universally understood codes that implicitly influence the receiver's message interpretation, which lends meaning, coherence, and ready explanations for complex issues" (pp. 87–88). This is why, for example, framing an issue in terms of civil liberties or individual rights is so effective in Western neoliberal societies, as in the case of the aforementioned study regarding the Ku Klux Klan.

Frames therefore work in a similar way to Kenneth Burke's concept of terministic screens. Burke (1966) argued that individuals can represent issues differently based on what aspects they (whether consciously or unconsciously) highlight, de-emphasize, or ignore in their language. Terministic screens therefore function in similar ways to filters for photographs. For example, choosing to apply different filters to the same photograph might serve to influence different interpretations of that image if its brightness is augmented, is made black and white, or set in sepia tone. Similarly, applying different terministic screens to the language of an issue can change the ways in which others interpret the discourse. The difference between frames and terministic screens, however, is that frames also function to create discursive borders that establish *what* individuals will interpret in addition to influencing *how* they will do so.

Frames also become stronger over time, and the continuous framing of an issue in a specific way can determine what the audience will think about—a phenomenon known as *agenda-setting* (Iyengar & Kinder, 2010; Kuypers, 2005; Kuypers & Cooper, 2005). Studies have found that news media, though often perceived as at least somewhat biased by the public in one way or other, are nevertheless consistently effective at agenda-setting (i.e., telling the public what to think about, rather than what to think; Kuypers & Cooper, 2005). News media are also effective in suggesting how issues ought to be interpreted, which is further accomplished through prolonged framing. This extended framing process is known as *agenda-extension* and works to expand upon the ways in which an issue has become framed (Kuypers & Cooper, 2005). As such, rather than telling the public what to think, news media are largely responsible for influencing which issues the public will be thinking about (agenda-setting) as well as highlighting and expanding upon particular aspects of those issues (agenda-extension). Although different social or political actors might attempt to frame a single issue in differing ways, these various frames inevitably compete with each other until one becomes dominant. These *framing contests* occur when actors strategically work to align their respective frames with the cognitive predispositions of their audience in a way that most effectively promotes each actor's position on a given issue (Kaplan, 2008; Saguy & Riley, 2005). Framing contests are therefore significant elements to consider when analyzing instances of agenda-setting and agenda-extension.

The use of framing analysis has increased among communications scholars since the 1980s and is employed in order to examine many types of discourse, including policy, advertising, and public deliberations (Kuypers, 2010; Reese,

2010). Grube (2010), for example, analyzed the current trends in how contemporary Australian Prime Ministers have framed their respective policies, and framing analysis is often employed by marketing researchers to determine the most effective ways for organizations to communicate with the public (e.g., Auger, 2014; Garcia & Greenwood, 2015).

Although framing analysis can be employed in both quantitative and qualitative ways (e.g., Bigl, 2017; Sznitman & Lewis, 2015), Kuypers (2005) has noted that since framing is primarily a rhetorical act, it makes methodological sense to study instances of framing from a rhetorical perspective—especially through comparative analyses. By comparing the rhetorical strategies used by different actors to address the same issue or similar issues, we can identify and critically analyze the differences or similarities in framing techniques and the significances thereof. In order to demonstrate the usefulness of rhetorical framing analysis, Kuypers has applied this method extensively to the comparative analyses of various U.S. political speeches and mainstream news coverage of issues such as race relations and the second Iraq War (Kuypers, 2002; Kuypers & Cooper, 2005). Kuypers' extensive work has expanded upon the methodology of rhetorical framing analysis and used this method to develop the argument that there exists a prevalent liberal (or at least, anti-conservative) bias in U.S. mainstream media.

Although I am ultimately interested in engaging with and expanding upon Kuypers' crucial methodological work regarding rhetorical framing analysis, I also believe that it is important to outline how his own work has been, in some ways, problematic. Johnston (2003) and Weaver (2004), for example, have both noted that Kuypers tends to present overgeneralized arguments regarding widespread liberal bias in U.S. news media based on only a handful of case studies. Additionally, Kuypers' claim that U.S. news media are liberally biased and consistently anticonservative are based solely on case studies of social issues, especially race and homosexuality, while ignoring how economic issues are framed (Weaver, 2004). Kuypers also tends to conflate the correlation of overwhelmingly (self-reported) liberal journalists and (perceived) liberal biases with causation, while wholly ignoring the significant influence of media ownership and control on content production (e.g., Bagdikian, 2004; Blidook, 2009; Downing, 2011; Hackett & Gruneau, 2000; Herman & Chomsky, 1988; McChesney, 2008; Mirrlees, 2016). Finally, Kuypers' work does not engage with any articulation of what constitutes liberal or conservative perspectives and seems to group together all notions of Left politics indiscriminately.

Despite these ideological issues in his own application, Kuypers remains one of the most prominent scholars of rhetorical framing analysis. Indeed, Kuypers' methodological work (regarding what rhetorical framing analysis is and its utility as a research tool) has been crucial in developing this particular research method for communication scholars. However, I argue that the methodology of rhetorical framing analysis itself remains partially incomplete. Specifically, I will

argue that rhetorical framing analysis has, until now, largely ignored the significance of identifying and critically analyzing how frames create discursive boundaries that can confine public deliberation.

## Frames as Boundaries

Framing not only highlights and ignores certain aspects of an issue, but it also establishes the boundaries within which an issue is able to be discussed (Pan & Kosicki, 2001). Framing therefore constitutes a form of *boundary work*, a concept referring to the processes of establishing, engaging with, defying, or critiquing the boundaries of an issue (Metze, 2017). It is therefore important to assess the methodological dimensions of the boundary work of frames in order to more fully understand and appreciate their rhetorical implications.

A fundamental function of framing's boundary work is the establishment of how an issue is able to be discussed, including what terms may be used and what positions or perspectives are allowed to be included in the debate. By engaging some social actors in a debate and excluding others, a discursive community develops and continues to reproduce itself through continuous engagement with an issue. Framing is therefore a process of discursive community building, in which a lexicon is put forward by media and political actors and subsequently adopted by other stakeholders and citizens for deliberative purposes (Pan & Kosicki, 2001). In contrast with traditional communities defined by the spatial proximity or value-sharing of individuals, what these discursive communities share is their deliberative engagement with the language and perspectives that exist within a dominant frame (Pan and Kosicki, 2001). Individuals who participate in public deliberation by discussing particular issues within the confines of the dominant frames therefore assert their membership within a dominant discursive community.

The discursive community building aspect of framing is closely related to Kenneth Burke's concept of *identification*. For Burke (1969), the primary goal of rhetoric should be identification, as identification is crucial for persuasion. It is therefore important for individuals to be able to either effectively identify themselves with their audience or else to identify for their audience the relationships between other elements of an issue (Burke, 1969). This relates to the process of discursive community building, as the boundaries of a dominant frame serve to identify for audiences which perspectives and opinions on an issue are included and which perspectives are excluded from the discussion. As a necessary consequence, Burke further noted that an equal occurrence of *division* results from the process of identification (Burke, 1969). This means that identifying with the discourse of a dominant frame allows for an individual to engage with the issue as an identified member of a discursive community, whereas not aligning with the language or perspectives of a dominant frame risks separating an individual from the discussion altogether.

The creation of discursive communities occurs when influential social actors such as politicians, media, and celebrities draw or redraw the discursive boundaries of a particular issue in order to produce or reproduce a particular frame, within which other social actors can then either situate themselves or not situate themselves. This process is known as *frame alignment* and involves individuals or groups of social actors deciding whether or not to engage with an issue within the boundaries of a dominant discursive frame (Pan & Kosicki, 2001; Snow, Rochford, Worden, & Benford, 1986). For example, Pan and Kosicki (2001) have noted that during the Persian Gulf War, then U.S. President Bush and his administration were effective in narrowly confining public discourse to a deliberation about the best means by which to punish the aggressive actions of Iraq. This confined framework was made possible due to the Bush administration's persistent, consistent, and simplistic media message. In contrast, the competing frames of anti-war and humanitarian interventionist perspectives on the issue were packaged together less cohesively and thus did not achieve dominance. As a result, opponents of the Bush administration needed to align their dissenting perspectives within the boundaries of the dominant frame in order to effectively engage with the issue at all, given the ineffectiveness of the competing frames.

Critical communications scholars have argued that news media can be particularly insidious in allowing for problematic (i.e., misleading, divisive, etc.) dominant frames to arise. For example, Hackett and Gruneau (2000) have argued that the use of official sources can significantly affect news framing processes, given that it is more efficient for journalists to rely on pre-made public relations campaigns by policy makers, corporations, and other wealthy actors than to do in-depth investigative journalism. Conversely, when grassroots organizers, activists, or unions demonstrate or protest in order to draw attention to an issue, their actions are often given greater attention in news media than their causes. Herman and Chomsky (1988) also identified sourcing as well as four other filters (ownership and control, advertising, flak, and communist scapegoating) in their propaganda model of news media, which further addresses the problematic relationship between corporate media structures and the creation and reproduction of dominant frames. According to these critical scholars, the various news filters tend to perpetuate dominant frames, while simultaneously creating blind spots that news media consistently fail to address in any adequate capacity.

The notion of blind spots within news media is crucial to conceptualizing frames as discursive boundaries, as these blind spots can be understood as the flip-side of agenda-setting. By ignoring particular issues or certain aspects of issues, a necessary result of agenda-setting is the simultaneous process of *agenda-dismissal*, wherein the news media also establish what issues the public will *not* think about or deliberate. This agenda-dismissal property of blind spots

further reflects Burke's concept of division as the necessary rhetorical consequence of identification, wherein one is necessarily the result of the other.

While this is not to suggest that agenda-dismissal literally disallows individuals to think about and discuss issues in ways that do not fit within the boundaries of a dominant frame, it does mean that doing so risks situating the individual outside of a particular discursive community. This can then lead to what is often called the spiral of silence, referring to the phenomenon in which individuals with marginalized perspectives that are not often (if ever) addressed in the media tend to become increasingly reluctant to express those views for fear of being ridiculed or ignored (Hackett & Gruneau, 2000; Kuypers, 2002). Once a dominant frame has emerged and established the discursive boundaries of an issue, it becomes increasingly difficult over time for perspectives exterior to the boundaries of a dominant frame to engage in the debate to any meaningful or sustained degree. As a result, the dominant views and perspectives from within the discursive community become augmented and eventually encompass the entire debate about a particular issue.

A final point regarding the nature of frames as boundaries is that these boundaries are not always restrictive but can also serve to expand the perimeters of public deliberation for strategic political purposes. Ceccarelli (2011) addresses the phenomenon of strategic boundary extension by analyzing manufactured scientific controversies in news media. While legitimate controversies arise naturally in public debate when there exist sustained differences of values or opinions on a given issue (such as on the topic of abortion), Ceccarelli notes that manufactured controversies arise "in the public sphere when an arguer announces that there is an ongoing scientific debate in the technical sphere about a matter for which there is actually an overwhelming scientific consensus" (p. 196). Unlike legitimate, naturally arising controversies, manufactured controversies tend to be employed by news media in order to perpetuate a continuous debate about facts rather than accepting scientific consensus on an issue. The result is that deliberation regarding the best course of policy action cannot occur in any meaningful way while members of this expanded discursive community continue to disagree on basic premises. An example of expanded frame boundaries is the ongoing public debate regarding climate change—although there is overwhelming scientific consensus that climate change is a significant global threat that policy makers urgently need to address, there still exists an ongoing public debate regarding whether or not climate change is occurring at all (Ceccarelli, 2011).

Ceccarelli's concept of manufactured scientific controversies thus supports the notion of frames as boundaries by demonstrating how the strategic expansion of these frames can significantly alter the nature of public debate. Similarly, the potential for blind spots in news media identified by various critical scholars demonstrates the ability of restricted boundaries to confine public discourse by ignoring views that fall outside of the dominant frame, which can lead to a spiral

of silence for those advocating marginalized perspectives. I now move on to how rhetorical framing analysis might be useful in identifying and addressing boundary problems within the case study of media reports on vegan parenting.

## Case Study: Vegan Parenting

During the Summer and Fall of 2016, *Washington Post*'s website posted several articles on the issue of parents raising their children on vegan diets. This trend in coverage began after the hospitalization of an infant boy in Italy "whose parents allegedly kept him on a vegan diet without providing dietary supplements" (Hui, para. 2). Following this initial story, the newspaper's website continued to both follow the story of vegan parenting in Italy and the ensuing legal debate as well as reporting on several other global incidents of child malnourishment or neglect involving vegan parents (Guarino, 2016; Hui, 2016; Schmelzer, 2016). Many of these articles were subsequently republished in various other online news platforms, or referenced in related news stories (De Groot, 2016).

By late-October of 2016, *The Associated Press* published an article on the issue from the perspectives of vegan parents themselves, who argued that the recent debate about vegan parenting and child neglect "unfairly stigmatizes those who have done their homework and are safely raising their babies without feeding them animal products" (De Groot, para. 3). However, by the time that *The Associated Press* article was published, the issue's discursive boundaries had already been established, and the dominant frame had already built and confined a discursive community. As such, even articles appearing to defend parents raising their children on a vegan diet were engaging with a debate that had preexisting discursive parameters. This ultimately restricted the range of available rhetorical strategies in addressing the issue of vegan parenting and inadvertently contributed to reproducing and strengthening the boundaries of the dominant frame: that vegan parenting is potentially dangerous for children.

In this case study, I use rhetorical framing analysis in order to identify the agenda-setting and agenda-dismissal strategies of the vegan parenting issue as discussed in the *Washington Post* articles of 2016. I employ a qualitative analysis of these articles due to the sudden (albeit, short-lived) interest of *Washington Post* in vegan parenting beginning in the Summer of 2016 and abruptly ending by the early-Fall of that same year. Ultimately, I argue that *Washington Post*'s brief interest in covering stories about veganism—and, more specifically, vegan parenting—represents an ephemeral period of interest in engaging in sensationalized journalism, similar to reports of pit bull attacks in the United Kingdom during the early-1980s (see: Cohen & Richardson, 2002).

*Washington Post* is one of the most widely read newspapers in North America (usually ranked in the top 3 U.S. newspapers in terms of readership and digital subscriptions; Atkinson, 2017). As such, the newspaper's contributions to and influences upon public discourse in North America are substantial, and

therefore, such an identifiable period of sensationalist reporting from such a widely circulated medium merits critical analysis.

My goal is to demonstrate the value in using rhetorical framing analysis to address not only what perspectives are included in the discursive boundaries of dominant frames but also the significance of specifically identifying and addressing the ways in which those boundaries exclude certain perspectives from a discourse. While, certainly, the notion of frames as discursive boundaries suggests that any dominant frame necessarily excludes a nearly infinite number of possible perspectives on an issue, I argue that what frames do include within their boundaries are closely related to specific, alternative perspectives that become rhetorically dismissed through the process of agenda-dismissal—a phenomenon closely related to Burke's twin notions of identification and division. I also engage with Lakoff's (2004) and Ceccarelli's (2011) prognostic strategies for how to effectively address issues of framing in public discourse without becoming trapped within the discursive boundaries of dominant frames.

## *Agenda-Setting and Agenda-Dismissal in News Coverage of Vegan Parenting*

There are two main agenda-setting strategies in the *Washington Post* news coverage of vegan parenting, which effectively established the dominant frame for the issue over several months. These strategies are important to understand, as they established the boundaries within which other news coverage and public discourses were able to address the issue. The first of these agenda-setting strategies is the *identification between vegan parenting and child malnourishment*, or the vegan malnourishment frame. As noted above, identification is the rhetorical act of drawing attention towards an association between two or more things or people (Burke, 1969). Identification, in this sense, can be an effective rhetorical strategy regardless of whether the associative qualities are real or manufactured, so long as the audience is sufficiently convinced that an association exists or might exist.

In the case of vegan parenting, *Washington Post*'s series of articles perpetuated the vegan malnourishment frame—an identification between parents raising their children on vegan diets and instances of child malnourishment. For example, Hui's (2016) article draws attention to instances of both vegan parenting and child malnourishment at various points, including a recent case in Italy, an unspecified case from 2007, and a 2004 case in France. By grouping together several loosely related anecdotes, and by repeating terms like "vegan" and "malnourishment," Hui presents to her audience an association between two phenomena that might otherwise be considered unrelated. In Guarino's (2016) article, vegan parenting is identified with child malnourishment and child endangerment several times, and the author notes that "a commitment to veganism can make raising a healthy child more challenging, as parents must

ensure that a child receives sufficient calories and the correct balance of nutrients" (para. 7). This vegan malnourishment frame thus indirectly suggests that nonvegan parents do not need to concern themselves with these potential risks, and that nonvegan diets for children are somehow inherently safe or healthy, or at least safer or healthier than vegan diets. As a whole, this strategy works to establish and perpetuate a dominant frame of malnourishment, towards which discussions of vegan parenting gravitate, and subsequently become confined within the boundaries of that frame.

These *Washington Post* articles also dismissed potential counterarguments on the issue of vegan parenting through the use of prolepsis. In theories of argumentation, prolepsis refers to the strategy of anticipating a counterargument and preemptively addressing that counterargument in order to strengthen one's own position. Prolepsis therefore works as a sort of inoculation against an argumentative attack—by introducing a potential counterargument to one's own position and addressing that counterargument on one's own terms, an arguer is able to immunize themselves from that counterargument in case it is brought up again throughout the debate (Compton, Jackson, & Dimmock, 2016).

Prolepsis is a common framing technique and can be very effective in establishing discursive boundaries. By using prolepsis in the framing of an issue, social actors can effectively situate the discourse as being concerned with x and not with y. As such, anyone attempting to engage further with y can be dismissed by the discursive community, given that y now falls outside of the issue's discursive boundaries. For example, Schmelzer's (2016) article notes that "veganism itself isn't necessarily dangerous to children... It just takes extra work" (para. 7). Through the use of prolepsis, this position effectively frames vegan parenting as a practice that can be either healthy for children or lead to malnourishment, without suggesting that vegan diets themselves are inherently dangerous. However, as a result of identifying vegan parenting with even the potential of malnourishment, there is also the simultaneous and necessary rhetorical effect of division (or, dissociation) between nonvegan parenting and malnourishment. This division situates any associations between nonvegan parenting and malnourishment outside of the dominant frame's discursive boundaries and therefore situates anyone addressing these associations within the boundaries of an entirely different issue.

The prolepses used in the vegan malnourishment frame thus also constitute what Ibarra and Kitsuse (1993) called a sympathetic counterrhetoric. In public discourse, individuals in opposition to a particular position can take either a hardline, unsympathetic approach to countering the rhetoric of their opponents (by denying both the descriptive and prescriptive aspects of a social issue), or else take a more nuanced and sympathetic approach (in which only the prescriptive aspects of an opponent's position are denied). Specifically, the vegan

malnourishment frame employs what Ibarra and Kitsuse (1993) categorize as a *costs involved* sympathetic counterrhetoric. The "costs involved" sympathetic counterrhetoric works to sympathize with a described social problem (in this case, sympathizing with wanting to raise children on a vegan diet), though ultimately undermines this position by suggesting that the costs involved in achieving the desired would not outweigh the potential benefits (i.e., the notion that vegan parenting somehow requires more work than nonvegan parenting).

The consistent and constant vegan malnourishment frame also preempts the second, more general agenda-setting strategy of the issue's dominant frame. Specifically, this second strategy involves the *identification of vegan parenting as a health-related issue*, or the health-based veganism frame. While there are certainly parents choosing to raise their children on vegan diets for health-based reasons, the dominant frame of health-based veganism establishes health as the sole issue involved in the discussion. The dominant frame is thus presented as whether or not vegan diets are healthy for children. This health-based veganism frame therefore wholly ignores (and thereby excludes from the debate) other reasons for vegan parenting, including parents choosing to raise their children on vegan diets for moral, religious, or environmental reasons. These other potential reasons for raising children on vegan diets thus become media blind spots to which the public is not exposed.

As a result of these blind spots, members of the dominant frame's discursive community are able to dismiss these various other perspectives on the grounds that they are not engaging with the issue at hand. For example, Schmelzer's (2016) article notes that conservative politicians in Italy have criticized vegan parenting as "some parents. . . [being] allowed to impose their will on children in an almost fanatical, religious way" (para. 3). This position is interesting, as it exemplifies a member of the dominant discursive community effectively decrying any potential religious-based arguments in favor of vegan parenting and thus reinforces the discursive boundaries that situate health within and other perspectives outside of the dominant frame.

These blind spots of ethical, environmental, and religious veganism are the rhetorical byproducts of identifying vegan diets with health-related notions such as malnourishment and dietary supplements (De Groot, 2016; Hui, 2016). By identifying vegan parenting as a health issue, the *Washington Post* articles simultaneously dissociate vegan parenting as a practice of instilling moral, cultural, or religious understandings in future generations. The agenda-setting strategy of vegan parenting as a health issue thus creates discursive boundaries that dismiss other perspectives from the debate. This agenda-dismissal also frames the discourse in a way that draws public attention away from discussing the potential moral, environmental, or religious aspects of why parents might be choosing to raise their children on vegan diets.

## Analysis and Discussion: Dismantling Discursive Boundaries and Reframing Public Discourse

Identifying both the agenda-setting and agenda-dismissal aspects of a dominant frame is important when using rhetorical framing analysis in order to develop a more comprehensive understanding of any discursive issue. As such, critical readers must be able to recognize and appreciate the significance of the boundary work that frames perform. It is therefore also important to take into consideration these boundary aspects of media and public discourse in order to more fully develop rhetorical framing analysis as a method of inquiry. In this section, I further elaborate on the rhetorical significance of prolepsis and blind spots in creating discursive boundaries, as demonstrated in the case of vegan parenting, and discuss how rhetorical framing analysis is an appropriate method for studying these boundaries. I also engage with some prognostic arguments for how best to deal with these boundary issues and reframe discourses strategically, as rhetorical framing analysis is a useful tool for both scholarly inquiry as well as practical civic engagement and public deliberation.

As noted in the vegan parenting case study, prolepsis is a common means by which the discursive boundaries of frames can be established or reinforced. By appropriating potential counterarguments and explicitly undermining them, an arguer is able to make those perspectives seem less relevant to the discourse and impede their future usage by other individuals. This tactic then forces an arguer to either exert extra rhetorical effort to restore credit to the undermined position or else abandon that particular position and thereby concede that that position is (or has become) situated outside of the discursive frame. Prolepsis thus effectively engages in boundary work by attempting to either dismiss a perspective from a discourse or else enticing a discursive opponent to react to the dismissal in a defensive way.

The use of rhetorical framing analysis ought to include a special vigilance for identifying the use and discursive effects of prolepses when analyzing public discourses. This is because prolepsis, by the strategy's very nature, works to try and situate certain perspectives within and other perspectives outside of a discourse. By identifying where and when in a discourse prolepses occur, a critical reader can better understand how a dominant frame is being established or reinforced and therefore gain a more comprehensive understanding of the frame itself.

Identifying blind spots is also crucial to the usefulness of rhetorical framing analysis in assessing the boundary work of frames. Blind spots are perspectives that relate to an issue yet are not included within the boundaries of a dominant frame. For example, most news media report regularly on business and investment issues, yet rarely (if ever) report on the labor perspective of capitalist economics, except when reporting on disruptive actions such as strikes (Hackett & Gruneau, 2000). As a result, labor issues become situated outside

of the dominant economic frame and are unlikely to be presented to (or interpreted by) audiences as a significant aspect of economic discourse.

Blind spots therefore constitute the division that Burke argued was a necessary result of any rhetorical identification—by identifying x with y, an arguer is simultaneously dissociating x from z, unless otherwise specified. By analyzing the divisions associated with different instances of identification, rhetorical framing analysis can reveal which individuals and perspectives are and are not being allowed to participate within the confines of discursive boundaries for any given issue. As noted above, ignoring blind spots in public discourse can result in a spiral of silence in which certain perspectives become increasingly marginalized and eventually risk being silenced altogether. It is therefore important to avoid this potential spiraling in order to allow for a multitude of perspectives, opinions, and values to be included within a discursive community, especially regarding political, economic, and social issues.

A comprehensive understanding of how frames work in public discourse is also important for effective civic engagements with that discourse. Lakoff (2004) has argued that being able to effectively frame (or, reframe) the rhetoric of public discourse is a necessary element of successfully moving the passions of a civic audience. Specifically, Lakoff advocates for American liberal-progressives and Democrats to consider why and how American conservatives and the Republican Party have been so successful (since the 1980s) at gaining public support for their policies. Lakoff argues that the political success of conservatives in the United States is largely due to their learned ability to rhetorically frame the issues of public debate. For example, by constantly mentioning "tax relief," George W. Bush and the Republican Party of the early-2000s managed to frame taxes as a burden on the citizenry (pp. 3–4). This continuous metaphor of tax as a burden thus worked to situate anyone against tax relief as a bad person (Lakoff, 2004). As a result, liberal-progressives also began engaging within the dominant frame of tax relief, though specifically advocating for tax relief for the middle- and working-class. Unfortunately for liberal-progressives, however, this reactive strategy has only served to further reproduce the dominant conservative framework (and its rhetorical boundaries), rather than reframing taxes as a necessary element for a functional democratic society.

Lakoff identifies several strategies for reframing the rhetoric of public discourse and debate, two of which relate to the notion of frames as boundaries. First, arguers need to avoid using the rhetoric of their opponents—using someone else's words only reinforces their perspective, given that it makes that perspective more salient in the minds of the audience. For example, by constantly engaging with Republicans on the issue of tax relief, Democrats reinforced the notion that taxation-as-a-burden is an acceptable metaphor and therefore that the dominant frame is an acceptable discourse within which to situate oneself. As such, the more one engages with the language of their opponents, the more one reinforces the rhetorical boundaries within which one is able to address an

issue. Second, Lakoff argues that individuals need to be able to reframe public discourses. In order to do so, arguers need to first present their perspective on an issue substantially yet clearly, then identify why and how the perspective of their opponent is incorrect, less ideal, less efficient, and so on, and finally articulate why their audience ought to side with them over their opponent (Lakoff, 2004). When done consistently and constantly, this strategy can work to dismantle the discursive boundaries of existing dominant frames and establish new ones that more effectively accomplish one's goals. In order to accomplish this strategic reframing, however, it is crucial to first be able to identify the existing frames and discursive boundaries of an issue.

Ceccarelli (2011) has also suggested rhetorical strategies for effectively reframing issues in public discourse, based on stasis theory. Stasis theory conceptualizes issues or events as an amalgamation of hierarchical stases, with the lower level stases relating to the facts of the issue and the higher level stases relating to what ought to be done about the issue. In the case of vegan parenting, the dominant frame became centralized around the lower level stases of whether or not vegan parenting was a health concern. Ceccarelli, however, argues that reframing an issue in public discourse ought to briefly address the lower level stases, but quickly advance to addressing the higher level stases, such as what the best policy options might be for resolving the issue. For example, Ceccarelli notes that, rather than perpetuating any public debate regarding whether or not climate change is occurring, scientists could be more effective in their persuasion by first acknowledging that climate change is real and advancing to substantial discussions regarding the most effective policy measures for addressing the issue. This strategy, when used consistently and constantly, works to reframe the debate in a way that makes the public discussion more about policy than about basic facts and premises.

Proponents of vegan parenting, then, might benefit from engaging less with whether or not vegan diets are healthy for children, and instead shifting the discursive boundaries by reframing the issue as being about public health policy, nutritional education, or reworking outdated national food guides. In accordance with Lakoff's work, it might also be helpful for proponents of vegan parenting to reframe the debate as being about the health benefits of vegan diets for children rather than whether or not they are related to malnourishment, or focusing instead on the moral, environmental, or religious bases for raising a child on a vegan diet, with minimal engagement with the health benefits of vegan diets. In either case, a sustained and consistent rhetoric is necessary for reframing issues.

More generally, it is important for both communications scholars and engaged citizens to better understand the means by which frames and their boundary effects are constructed and manipulated by various other social actors, in order to allow for more effective participation in public discourses. This becomes especially pertinent during social periods of political polarization.

As media discourses continue to contribute to the increasing polarization of global, national, and even local politics, a thorough understanding of framing and reframing strategies becomes a necessary component of any attempt to redirect public discourses towards a more constructive form of democratic participation. While it is well beyond the scope of this analysis to address this concern in any greater detail, further assessments of public discourse, media, and democratic participation ought to take into consideration issues relating to the aforementioned strategies of framing and reframing—including rhetorical strategies of agenda-dismissal.

## Conclusion

This article has attempted to refine the methodology of rhetorical framing analysis by drawing attention to the ways in which frames create discursive boundaries, which I have argued ought to be taken into consideration when analyzing public discourses. While a significant body of work on rhetorical framing analysis has focused on the agenda-setting and agenda-extension aspects of news media, there has been less investigative emphasis on how discursive boundaries contribute to the agenda-dismissal aspects of framing. Specifically, I have argued that researchers using rhetorical framing analysis ought to be especially sensitive to the use of prolepsis as a potential signifier of discursive boundary confinement and therefore agenda-dismissal strategies. As well, the use of rhetorical framing analysis ought to engage more substantially with not only instances of identification but also with the resulting divisions (or, dissociations), as conceptualized by Kenneth Burke, given that division serves to both produce and perpetuate the parameters within which an issue is able to be discussed. By identifying and engaging with instances of strategic division, critical readers can help to illuminate marginalized or ignored perspectives and lessen the effects of the spiral of silence phenomenon in public discourse. Social and political actors hoping to engage with public discourses (including activists, journalists, scientists, and policy makers) can also increase the effectiveness of their own rhetorical framing and reframing strategies by better understanding how to assess existing dominant or competing frames and their discursive boundaries.

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# Unruly Women and Carnivalesque Countercontrol: Offensive Humor in Mediated Social Protest

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**Abstract**

At the Women's March in January 2018, many protest posters featured offensive jokes at the expense of Trump's body and behavior. Such posters were shared widely online, much to the amusement of the movement's supporters. Through a close analysis of posts on Instagram and Twitter, we explore the role of "vulgar" and "offensive" humor in mediated social protest. By highlighting its radical and conservative tendencies, we demonstrate how we can understand these practices of offensive humor as a contemporary expression of "the carnivalesque" that is complexly intertwined with social change.

**Keywords**

offensive humor, social protest, women's march, digital culture, carnivalesque

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## Introduction

The Women's March in January 2018 was a worldwide protest to advocate legislation and policies regarding human rights and other issues, including women's rights, immigration reform, health-care reform, racial equality, freedom of religion, and workers' rights. Most of the rallies were aimed at Donald Trump, largely due to statements he had made and positions that he had taken which were regarded as racist, antiwomen, or otherwise offensive. To vent this anger, many protest posters featured offensive jokes at the expense of Trump's body, mocking his "comb over" hairstyle, his small hands, his orange taint, and so on. Such posters were often spotted at protests and shared widely online, much to the amusement of the movement's supporters. While some people suggest that such charged political online humor can mobilize people and serve as "a pre-political gateway to future civic engagement" (I. Reilly & Boler, 2014, p. 442), there is also concern that it remains inefficient or even antithetical to meaningful sociopolitical change (Thorogood, 2016). Thus, in the context of social media, offensive political humor advances the so-called echo chambers where people only speak to like-minded individuals (Bore, Graefer, & Kilby, 2018). Others argue that routine online searches for pleasure and entertainment "entrap[s] us within the circuits of neoliberal communicative capitalism—a process that continuously replaces political action with political feeling, forever turning activity into passivity".

By drawing on the literature that explores and adapts Bakhtin's (1984) concept of the carnivalesque (e.g., Rowe, 1995; Stallybrass & White, 1986), this article argues for a more nuanced understanding of offensive political humor as a flexible affective resource that is complexly intertwined with social change (Pedwell, 2017). Based on our analysis of 400 social media posts from Instagram and Twitter, we argue that the online circulation of humorous (yet offensive) protest posters creates forms of "polysemic undertow" (Waisanen & Becker, 2015, p. 261) that both contest and confirm normative assumptions about White masculinity and the political public sphere. For this reason, the meanings of these protest posters are not so coherent as to reflect either transgression or backlash politics exclusively. Rather, the contradictory nature of offensive humor holds these circulating online images in tension, thereby enabling what Reilly and Boler (2014) call "prepolitization"—a novel form of civic participation that can mobilize citizens who would not otherwise explicitly participate in civic life, thereby creating new political sensibilities and desires.

We argue that the Women's March provides unique insight into how offensive humor can function as a mobilizing force, without glossing over its limitations in the realm of civic engagement. Offending those in power does not replace rational political debate. Nonetheless, it can be an effective tool for drawing attention to situations of injustice, for binding people together against formal power structures of authority, and for carving out a space for empowering feelings of

countercontrol, which are necessary ingredients for social and political change (Day, 2011; Mouffe, 2005). In this sense, this article contributes to the work of contemporary scholars of social movements and media who rethink traditional understandings of politics and participatory democracy.

## Literature Review: Offense, Online Humor, and Mediated Protest

> The cheerful vulgarity of the powerless is used as a weapon against the pretence and hypocrisy of the powerful. (Stamm, 1982, p, 47)

Giving and taking offense on social networking sites is a contested topic. While some celebrate the interactive architecture of social media as a democratizing and diversifying force, others warn that these seemingly antihierarchical affordances invite offensive behavior, such as cyberbullying or the production and circulation of offensive material that more traditional media outlets would have censored or regulated. Thus, social media and other user content hosting companies are increasingly under the ethical and legal responsibility to make their network a "positive" and "safe" space where offense is avoided.

Offense, however, is an affectively charged, slippery subject that escapes clear definitions. Although offensive material is, in principle, distinguished from that which is illegal (obscenity, child abuse images, incitement to racial hatred, etc.), it remains difficult to define the boundaries in a robust and consensual fashion. Generally, media content is judged to be offensive when it is too graphic or explicit in style and content (Attwood, Campbell, & Hunter, 2012). Intrusive images of suffering, or racist, classist, or sexist depictions that contribute to stereotyping, or bias and inaccuracy in the media are often reported as offending audiences (Livingstone & Hargrave, 2009). In public discussions, "offensive" media content is often equated with "harmful" content. This equation is based on simplistic theories of media effects that conceive offense as a monolithic "bad" thing that can be pinned to certain media representations and eliminated through censorship. Such understandings fail to see the contextual, relational nature of offense (offensive to whom? in what situation?) as well as the emotional messiness of offense. Offense is far from a monolithic, clear-cut emotion but contains a wide range of contradictory feelings and emotions, such as pain, anger and frustration, alongside joy and titillation (Das & Graefer, 2017). Furthermore, these approaches overlook the potential for the so-called negative emotions to push us into new critical directions, as it has long been theorized by feminist scholars such as Audre Lorde (1984), Sara Ahmed (2007), and Sianne Ngai (2005). Taking offense and "getting angry" is here often conceived as an affective mobilizing force for social and political transformation.

Offensive joking, in particular, has been theorized as offering temporary relief from oppressive social norms and conventions (Freud, 1960). Pickering and Littlewood (1998) argue that what remains crucial in this context is whether the humor kicks socially upwards or downwards; whether comic aggression is directed "at those who are in positions of power and authority, or at those who are relatively powerless and subordinated" (p. 295). Such an understanding implies that offense is not in and of itself wrong and that, depending on its direction, it can have a positive or negative impact.

The affirmative and liberating possibilities of grotesque, offensive humorous transgressions are often associated with "the carnivalesque": A general mood of liberation, mocking of hierarchies, and temporary suspension of rules (Bakhtin, 1984). For Mikhail Bakhtin (1984), the popular tradition of carnival has the potential to suspend social hierarchies through mostly bodily and bawdy humor, which finds expression in the celebration of bodily grotesqueness and excessiveness, fooling around, and profanities. These markers of indecorum are strictly policed during "normal" times, but during carnival, they can be animated and enable comic reversals. For instance, a jester might be crowned in place of a king, and, as a result, the authoritative voice of the dominant discourse momentarily loses its privilege. Bakhtinian carnival theory has been criticized for its neglect of carnival violence against women and Jews, its failure to consider social relations of gender, and its failure to deal with the consistence of dominant culture (e.g., Russo, 1994). We nevertheless see Bakhtin's concept as a valuable starting point and draw on the productive ways in which it has been extended through the work of Stallybrass and White (1986) and Rowe (1995). First, Stallybrass and White (1986) argue that the carnivalesque should be situated within a wider pattern of transgression, in order to "move beyond Bakhtin's problematic *folkloric* approach to a political anthropology of *binary extremism* in class society" (p. 28). They maintain that this broader focus on "transgressive symbolic domains" enables us not only to examine cultural hierarchies and binary social structures that underlie the carnival but also to "operate far beyond the strict confines of popular festivities." Second, Kathleen Rowe (1990, 1995) builds on Mary Russo's (1994) work on the female grotesque to adapt Bakhtin's concept for thinking about female unruliness. As Rowe (1995) argues, the transgressive figure of the "unruly woman" can help "sanction political disobedience" but is also associated with dirt and pollution (p. 83). She threatens "the conceptual categories which organize our lives," and this liminality evokes intense, contradictory feelings: "Her ambivalence, which is the source of her oppositional power, is usually contained within the licence accorded to the comic and the carnivalesque. But not always." Our study, then, draws on these two key extensions of Bakhtin's work to examine how transgression *spills over* the confines of the temporary, local contexts of the Women's March through the online circulation of offensive protest humor.

Here, the carnivalesque functions as a malleable resource that can provide spaces for disruption and rebellion, without glossing over cultural differences.

However, while some scholars in critical humor studies have argued that offensive humor can operate as a powerful social corrective as well as a strategic and effective commentator on political issues (Bivens & Cole, 2018; Thorogood, 2016), others highlight that its uniting-and-dividing function draws a sharp boundary between those who laugh and those who are not "in on the joke" (Kuipers, 2011; Lockyer & Pickering, 2001). From such a perspective, bawdy political humor that predominantly works by deriding and offending those in power is merely:

> further convincing those who agree with it while alienating those who don't agree. Thus, the satirical mission to "make laugh, not war" only serves to polemicise the gap between those who agree and disagree with its political message, suggesting its transformative worth is limited. (Thorogood, 2016, p. 217)

This so-called echo chamber phenomenon is often discussed in the context of social media. Critics argue that, rather than enabling debate and deliberative compromise essential for creating political change, our social media practices of "posting," "liking" and "sharing," along with algorithms, generate filter bubbles and echo chambers with restrictive partisan sentiments, where only like-minded people speak to each other (Bore et al., 2018; Jamieson & Capella, 2008; Pariser, 2012). Nevertheless, Bivens and Cole (2018, p. 6) maintain that "the prevalence of social media use, like Instagram, Facebook, and Twitter, provides a method through which individuals can push back against the legislative structures in the United States." They illustrate in their work on "grotesque protest" that social media provides individuals with opportunities to resist attempts to control bodies and to reinsert individuals' voices in political discourse that is aimed to exclude those bodies (Enli and Skogerbø, 2013). In a similar vein, Tufekci and Wilson (2012) found that social media use greatly increased the odds of being involved in a protest, and that it "represent[s] crosscutting networking mechanisms in a protest ecology" (Segerberg & Bennett, 2011, p. 197). Thus, although commonly understood as like minds speaking to like minds, social media can also be seen to diversify protest networks and encourage debate.

## Methodology

This article builds on our previous study (Bore et al., 2018), which examined the social media circulation of images from the 2017 Women's March. One of the key themes we identified was the prevalence of images featuring placards that mocked Trump's body. We want to explore this tendency further within the context of the 2018 Women's March, to consider how offensive humor might function as an affective protest strategy. We collected our sample by using the #WomensMarch2018 and #WomensMarchNYC hashtags to search for public

posts of images that were shared on Instagram and Twitter between January 20 and 21, 2018. We chose these two platforms because they are associated with different affordances and cultures. Twitter is reportedly used by 24% of the U.S. adults (Smith & Anderson, 2018), and, although it facilitates the sharing of imagery, it is primarily associated with text content (Sulleyman, 2018) and has often been used for political communication and activism (Enli & Skogerbø, 2013). Instagram is reportedly used by 35% of the U.S. adults (Smith & Anderson, 2018). This platform foregrounds imagery and is often considered a feminized online space that is preoccupied with celebrity, beauty, and style (Seligson, 2016). We are interested in images of protest signs as a form of visual and affective political communication, and about how protesters and social media users can grab our attention and encourage circulation through the use of offensive humor and spectacle.

Our data collection followed a three-step process. On the day of the march, we followed the #WomensMarch2018 and #WomensMarchNYC hashtags on Twitter and Instagram and observed recurring images of individuals and groups of protesters holding protest signs, many of which were designed to offend Donald Trump through bawdy and bodily humor. This trend confirmed that offensive humor was once again a prevalent protest strategy. On January 22, we then used the platform tools to collect the 200 "top" posts from each of the two platforms for thematic analysis. We identified three recurring themes: The ridicule of Trump's body, the association of Trump with excrement, and name-calling and violence targeting Trump. Finally, we selected one illustrative post from each of these three themes for close analysis. We include screengrabs of the images here but have removed social media usernames and profile pictures. The three-case study images were all widely shared on social media. This approach facilitates reflection on how the reiteration and circulation of images "invite polysemic undertow" (Waisanen & Becker, 2015, p. 264) that can unsettle Trump's intended personae as serious public official and thereby animate political engagement and social change. Having outlined our theoretical framework and our methodological approach, we will now move on to our three-part analysis. We begin by exploring the tendency to mock Trump's skin color.

## Orange Skin, White Masculinity, and Carnivalesque Countercontrol

Trump's body is often the target of ridicule. His "orange" skin tone has inspired large numbers of Internet memes where the president is mocked as "Agent Orange" or "Cheeto Trump." Equally popular targets are his supposedly "tiny" hands. Merchandise includes t-shirts that read "Keep your tiny hands off my rights" and coffee cups with extra small handles, just two of the many

physical and digital artifacts through which Trump's opponents publicly ridicule his masculinity. Here, we focus on the recurring degradation of Trump as failed White masculinity and use Bakhtin's (1984) concept of the carnivalesque to consider the ambiguous workings of this offensive humor in political protest.


The above poster draws attention to the Deferred Action for Childhood Arrivals (DACA) act that the Trump administration has tried to rescind since September 2017. DACA, an Obama-era protection scheme, allows those who

entered the United States illegally as children to receive a renewable, 2-year period of deferred action from deportation and to be eligible for a work permit. The scheme is now closed to new entrants and puts 800,000 registered recipients in danger of deportation. Trump's attack on DACA offended not only many DREAMERS (recipients of DACA) but also protesters at the Women's March. Thus, numerous protest posters in the 2018 March focused on DACA and the above placard is one such example.

Under the pink headline "DACA DACA TINY COCK-A," we see a cartoon-like drawing of Trump. He is naked, showing off his "orange" skin, and wearing only a blue jacket and a red tie. His signature comb over hair-do is exaggerated and his arms are wide open. The lines around his small hands make it look as if he is "flashing" the onlooker, showing off his small penis, or his "tiny cock-a," as the poster reads. The poster criticizes the imminent changes in DACA policy and aims to provoke laughter by offending and shaming Trump's body through the use of "carnivalesque" humor. Drawing on Bakhtin's (1984) work, we employ the concept of the carnivalesque to think about vulgar, grotesque, bodily humor that is commonly intended or experienced as offensive, and that is used to challenge privileged positions and reframe public and political discourse.

The rhyme "DACA DACA TINY COCK-A" mimics the ways in which small children try to offend each other in the playground. It relies on the shared understanding that there is a comic incongruity between our expectations for "presidential" behavior and the "childish" and unconsidered ways in which Trump presents himself publicly and politically. Trump's child-like behavior violates dominant assumptions about the rational, male agent in the political public sphere, and it can be argued that it is exactly these kinds of transgressions that Trump's opponents experience as offensive, and which in turn mobilize them to protest and give offense back.

The poster also makes reference to the running joke of Trump's "tiny hands," and the popular myth that a man's hand size is indicative of his penis size. Small hands here suggest a lack of masculinity and a lack of gendered attributes, such as strength and leadership. The link between hands and gender performance is underlined by Janice Winship's (1981) influential work about the relationship between the positioning of hands and sexuality in advertising. According to her analysis, male and female hands are part of an entire message system of representation signifying appropriate gender behavior. In other words, hands allow us to tap into familiar ideologies of masculinity and femininity because the big and strong hand of the "leader" is "naturally" the hand of a man, whereas the small and delicate hand of the homemaker and caretaker is "naturally" the hand of a woman. By repeatedly mocking Trump for his "small" hands, opponents do not only offend his masculinity on a personal level, but they undermine his presidency by insinuating that he is not a "real" man, he is not a "leader" and therefore not someone we should fear, trust, or follow.

Furthermore, the poster constructs the naked, overly tanned Trump as the butt of the joke because orange skin is commonly perceived as a funny tanning "accident" rather than a desired skin hue. As Graefer (2014) argues, "orange" skin invites ridicule and offense giving as it symbolizes excessiveness, lack of taste, and the pollution of "proper" whiteness. Regarded as "ugly" and "tasteless," this skin tone stands in stark contrast to the White hue that the proper White, middle-class subject should embody. The White, middle-class subject is controlled and rational in its desire to darken its skin, making tanning in this case an acceptable and positive habit. Orange skin, on the other hand, is taken as visible evidence of a subject's inner out-of-controlness and illustrates that Trump does not have the supposedly innate cultural tastes and decorum that wealthy White people should have. His highly visible over- and misuse of tanning products also marks him as vain and overly concerned with his appearance, characteristics that are commonly associated with femininity rather than masculinity.

The DACA DACA protest poster then uses offensive, bodily humor to produce Trump as a figure of ridicule, but this kind of humor is riddled with both transgressive and conservative tendencies: One could, for instance, argue that offensive humor works here to undermine the powerful White man via emasculation. Yet it ironically also works to *restore* dominant assumptions of an idealized White masculinity that is free from feminine traces, such as tiny hands or vanity, and immaculately White, rather than orange. Furthermore, the vulgar ridiculing of Trump's body can also be interpreted as conservative because women have historically been silenced and policed through these same mechanisms of body shaming.

However, we should not reject offensive humor as a tool in mediated social protest altogether. Rather, we suggest that this online sharing of offensive humor aimed at the powerful can be seen as a contemporary expression of Bakhtin's (1984) carnivalesque. Despite the fact that online practices in the context of Instagram and Twitter defy the circumscribed spatial and temporal specificity of "carnival," it still provides a useful tool for understanding the transformative potential of offensive, vulgar humor because it illustrates how the transgression of social boundaries (i.e., being offensive) can be a productive act of resistance. This potential is grounded in the *collective* experience of transgression:

> Carnival is not a spectacle seen by people; they live in it, and everyone participates because its very idea embraces all the people . . . It has a universal spirit; it is a special condition of the entire world, of the world's revival and renewal, in which all take part. (Bakhtin, 1984, p. 7)

Notwithstanding the inherent problems of Bakhtin's celebratory universalism, it can be argued that posting offensive placards against Trump generates new forms of collectivity because it serves as a public act of stance taking (Du Bois, 2007), where people align (and disalign) with others through the stances they

take towards a particular idea, object, or person. Offending Trump through humor works, then, not only to vent the protesters' anger and frustration but to create a sense of superiority and belonging, through the affective experience of shared laughter:

> Laughing at faulty behaviour [and bodies] can also reinforce unity among group members, as a feeling of superiority over those being ridiculed can coexist with a feeling of belonging. (Duncan, 1982 cited in J. C. Meyer, 2000, p. 351)

These acts of online offense giving, then, are performances designed to appeal to like-minded others, thereby aligning bodies with antiracist counterpolitics and drawing boundaries between "us" and "them." Some of the comments below the online image highlight this uniting power of offensive humor:

Expressions such as "Love it" or the powerful arm emoji illustrate that sharing "great signs" beyond the marches enables new forms of collectivity, temporary zones in which feminists are able to take a stance and make their anger visible while enjoying themselves in the process. The glee and pleasure that users experienced when engaging with these offensive online images can be seen as producing carnivalesque moments of countercontrol where activists no longer feel helpless in the face of patriarchy and racism, but where they feel powerful and impactful. Our premise, then, is that offensive humor, as communicated through these images, is affective and, as such, drives online exchanges and attaches people to particular platforms, threads, or groups. A direct, tangible and measurable "effect" of activism might not be easy to locate, yet it would be wrong to ignore results like the production of feeling, which, we argue, is necessary for social change.

## Filth, Cultural Transgression, and Immigrant Bodies

We now turn to the second recurring theme in the circulated images from the 2018 Women's March, which was the degradation of Trump through the semiotic resource of filth. Combining the concept of the carnivalesque with Stallybrass and White's (1986) notion of cultural transgression, we examine a sign shared on Twitter and consider how it responded to Trump's offensive behavior by shifting the shame and otherness he inscribes on immigrant bodies onto the president himself.

This sign illustrates the recurring association between Trump and feces. The image was posted by a private Twitter user, who photographed and shared his "favorite" signs from the Women's March in New York City. At the time of our data collection, the tweet had been shared 625 times, favorited 1.7K times and had received 70 comments. The sign depicts Trump's face as a bottom that emits a brown puddle. Across his yellow hair, the text reads "F*ING MORON," while text within the brown puddle reads "LIAR." The discursive association between Trump and feces work in two key ways here. First, the sign is a critique of Trump's use of the term "shithole countries" to refer to the nations of origin of immigrants he considered undesirable (Dawsey, 2018). Second, the sign uses comic inversion and grotesque imagery to construct Trump as abject. We explore how these strategies work together and reflect on how they invite onlookers to feel both offense and pleasure.

Trump's "shithole" remarks were made in a meeting with the U.S. senators on the January 11, 2018, and received extensive international media coverage. The president of Senegal said he was "shocked," the government of Botswana said the remarks were "irresponsible, reprehensible and racist," while an African group of ambassadors at the United Nations described them as "outrageous, racist and xenophobic" (Taylor, 2018). The remarks, then, were widely constructed as offensive.

The protest sign shifts the "shithole" label from these nations onto Trump himself, repositioning the offender as the target of offense. Here, Trump becomes the "shithole," reduced to an abject body part and dismissed as a "moron." As in the grotesque imagery described by Bakhtin (1984), we see a decentered body that is ruptured by bulges and orifices. The close-up image fills the entire sign. The buttocks are comically round and disproportionately large. The anus protrudes and leaks filth. The vulgarity of the picture is echoed by the crudeness of the written language: Trump's debased body contaminates the world with its "shit." Such rhetorical strategies work "to mock, destabilize, and publicize private parts and activities we are socialized to hide" (Bivens & Cole, 2018, p. 20). Situated within protest culture, the sign employed this carnivalesque language and imagery to contribute an affective critique of Trump to public sphere debates around his presidency. By shifting the "shithole" label from developing nations onto Trump himself, it reverted the cultural hierarchy of Trump's racist immigration policy, simultaneously *articulating* offense at his racism, and *giving back* offense by degrading and insulting the president.

The reach of the sign was extended beyond the moment and geographical context of the march through the circulation of the image on social media. The Twitter user who shared it used the platform's comment function to share a number of other photographs of protest signs, while other users responded by expressing excitement, laughter, calling for Trump to be impeached, and sharing

photographs of other signs that resonated with them:


We can locate these photographed protest signs within a wider symbolic practice that degrades Trump by associating him with the lower stratum of the body (Bakhtin, 1984). Trump's buttocks and feces were recurring themes in circulating images from the 2018 Women's March, while other social media users have also adopted the hashtags #PEEOTUS and #SCROTUS to avoid mentioning Trump's name and title, thereby denying the legitimacy of his presidency (Bivens & Cole, 2018). This refusal indicates that he is seen as a transgressive figure. He is both president and other, both insider and outsider. Drawing on Stallybrass and White (1986), we argue that the widespread use of grotesque representations signals a dual sense of disgust and fascination with Trump. His offensive behavior represents base impulses that should have been repressed from the rational public sphere, a notion that is also evident in Hillary Clinton's labeling of some Trump supporters as "deplorables" with "racist, sexist, homophobic, xenophobic, Islamaphobic" views (K. Reilly, 2016). Trump-as-president is a hybrid of high and low discourse, a transgression of established cultural boundaries that creates a 'powerful symbolic dissonance' (Stallybrass & White, 1986, p. 25). The recurring use of filth as a semiotic resource in protest signs can be seen as an attempt to reaffirm the classification of him as other, suggesting the coexistence of a desire "to degrade the high and mighty" and "a paradoxical reverence for tradition and hierarchy" (Gilmore, 1998, p. 6). Through this mingling of transgressive and conservative tendencies,

the target of laughter and offense is not the presidency as *institution*, but Trump as an illegitimate president.

Challenging the universalism that undermines Bakhtin's work on the carnival, Stallybrass and White (1986) were interested in examining the cultural transgressions of class binaries. Our study, in turn, underscores that class structures intersect with those of race, nationality, and gender. In each case, "discourses about the body have a privileged role, for transcoding between different levels and sectors of social and psychic reality are effected through the intensifying grid of the body" (Stallybrass & White, 1986, p. 26). Trump attempts to classify, legislate, and control the bodies of immigrants by associating them with excrement, while protesters use the same semiotic resource to degrade *his* body and delegitimize his presidency. As Stallybrass and White (1986) note, "somatic symbols . . . are ultimate elements of social classification itself" (p. 26).

Thorogood (2016) suggests that crude, ambiguous humor can help fight disengagement from formal politics. By "reducing politics to the excretions of the human body," protesters negotiate and challenge geopolitical discourse by connecting contemporary debates to our shared bodily vulnerability. As Grant-Smith (2010) writes, "we all shit," and so defecation can be mobilized to demonstrate our "common humanity and animality" (para. 29). However, we would argue that this sign does *no*t work to position Trump within a human collective but instead positions him as a repulsive other. Its strategy resembles that of the "DACA DACA" sign, as it employs the playground rhetoric of "no, *you're* the shithole." However, drawing on Bivens and Cole, we nonetheless argue that "grotesque protest" can still work as "an effective tool for opening space, transgressing boundaries, and demanding attention." The excess of protest signs like this one invites us to take gleeful pleasure in offending Trump, reminding him that he is out of place and illegitimate, and demonstrating resistance to his attempts "to control bodies." In this way, the grotesque is mobilized "to strategically reframe public and political discourse about the body" through street protests and on social media (Bivens & Cole, 2018, p. 7).

Across the protest signs focusing on "orange" Trump and Trump-as-filth, his White, male, heterosexual, and wealthy body is subjected to degrading strategies that have long been used to oppress women and minorities. It here becomes violently appropriated as a site of resistance, used to articulate feelings of offense but also to *cause* offense. This strategy valorizes anger as a political emotion and invites us to take pleasure in voicing that anger without concern for the decorum imposed on women by patriarchal discourse. The last part of our analysis will focus in on this relationship between gender, anger, and offensive humor.

## The Retaliation of the Unruly

In this final theme of circulated protest signs from the 2018 Women's March, we examine how female protestors used the characteristics of unruliness, such as

offense (Rowe, 1995), to appropriate Trump as the target of carnivalesque humor. To illustrate this trend, we conduct a close analysis of the sign saying "Little bitch, you can't fuck with me," which demonstrates the ambiguity that was evident in some of the offensive Trump placards:


This sign mixes humor, politics, and popular culture to promote the embrace of unruly feminism and to protest an epidemic culture of sexual harassment and the policing of women's bodies. The sign features a quote from music artist

Cardi B's song "Bodak Yellow"; a "diss" track that skewers those who have mocked B's rise to fame from Bronx stripper to music history maker. In this track, B uses the pejorative term "little bitch" to lambast those who criticize her achievements, but in the context of the Women's March, the term is used to insult Trump's behavior and body.

According to *The Urban Dictionary* (2006), "little bitch" is a whiny, petty person, willing to stab people in the back. Thus, the sign's reappropriation of the popular term connects these associations with Trump's actions and behavior, such as his claim that "no politician in history has been treated worse" (Gambino, 2017) than him, his childish exchanges with North Korean leader King Jong Un, and the Republican Party's cutting of Medicaid, which Trump's working-class supporters are reliant on (Harwood, 2017). The gendered nature of the term "bitch" further attacks Trump's "inadequate" masculinity, emphasized by the word "little" and its connection to the long running joke about his small hands and penis.

The sign combines this insult with a threat through the phrase "you can't fuck with me" and the image of Trump's head pinned down by a pair of Black, high-heeled feet. Together, they act as a warning that the Women's March activists are not to be "messed with." This threat is supported by Cardi B's own clarification of her lyrics: "I can be humble but . . . if you push me, I can really stamp on your head" (Giulione, 2017). While the *song* incites violent behavior, its meaning within a humorous placard is much more ambiguous. As Lockyer and Pickering (2005, p. 13) argue, the line between make-believe and reality is not clear in a joking context. This is because humor can be a form of exaggeration, but it can also be used to express real beliefs (Lockyer and Pickering, 2005). Thus, while some may view the sign's message as threatening and offensive, others may defend it as "just a joke" or benign violation humor (McGraw & Warren, 2010) that appears immoral but is essentially harmless because the words are "just" borrowed from a song and are not the actual words of the protestors.

This image garnered many affective responses because it was posted by Cardi B and circulated to her 17 million Instagram followers. B's cultural and symbolic capital afforded maximum exposure to the protest sign and this particular Women's March message. According to D. S. Meyer (1995, p. 182), one of the key benefits of celebrity-endorsed protest is "the increased mobilization of support and publicity". Similarly, scholars have argued that music has the capacity to mobilize political action and collective identity (DeNora, 2000; Githens-Mazer, 2008). Such ideas are applicable to Cardi B's Instagram post, as it acquired over 1 million likes and nearly 13,000 comments. The comments were varied; some expressed support for Trump, arguing that he was "creating a fuck ton of jobs," while some expressed amusement through the crying laughing emoji. However, the dominant response expressed support for the sign's message and B's accompanying comment about the disrespectful treatment of

women: "Yaaas" supported by the hands up in agreement emoji; "This is everything"; and "Yas girl, pussy power."

The sign's divisive humor perhaps resonated with Instagram users because it reflects a shift in feminist tone since the 2017 Women's March. The first event launched as a reaction to Trump's misogynistic behavior and the GOP's attempts to cut female health care. But, since then, we have been confronted with the Weinstein scandal and a myriad of sexual harassment cases highlighted by the #Metoo movement and #Timesup initiative. The shocking extent of abuse, identified across different industries, has accelerated and widened the objectives of the current women's movement, accompanied by widespread expressions of anger and the adoption of a combative tone. That tone is evident in this sign, where it takes the form of "rebellious humor that simultaneously mocks the powerful" (Billing, 2005, pp. 207, 208) and creates connective laughter among the unruly women of the March.

Unruly women do not conform to traditional norms of femininity that emphasize women's passivity, compliance, and agreeability (Fox, 1977; Tolman, Impett, Tracy, & Michael, 2006). Instead, their unruliness is characterized by aggression, humor, and their will to offend and challenge the patriarchal status quo (Peterson, 2017; Rowe, 1995). Once again, these characteristics draw our attention to Bakhtin's (1984) work on the "carnivalesque" as a form of grotesque resistance. For Bakhtin, the female body signifies the grotesque body because "woman is related to the material bodily lower stratum" (p. 24) through menstruation, pregnancy, and childbirth. This is a problematic label that highlights the limitations associated with Bakhtin's (1984) claims that the carnival was a liberating event that embraced all people. "The female association with the lower bodily stratum connotes shame and filth, which works in contrast to the cerebral upper body that is associated with higher functions of thought and emotion" (Mizejewski, 2014, p. 100). It suggests that the female body was a victim of the carnival's subversive comedy, rather than an instigator of it. This argument resonates with the work of other scholars (Russo, 1994; Stallybrass & White, 1986), who argue that women were regularly subjected to physical and verbal abuse at the carnival.

The characteristics of unruliness and the grotesque appear to be grounded in misogyny, as they have been used to attack women who do not conform to traditional standards of femininity. However, Rowe (1995, p. 91) argues that "transgressing this line of acceptability can be a source of power for women, especially when the characteristics or unruliness are recoded and reframed to expose what they conceal": The oppression of women through the expectation that we stay silent, compliant, and do not make a spectacle of ourselves. The women of the March use the semiotic resources of unruliness as part of affective strategies to claim visibility, voice, and agency and to reposition Trump as the grotesque body. Consequently, the male body that stands accused of mocking,

attacking, and attempting to police the female body becomes the protestors' symbolic target of collective, angry, and offensive humor.

While Trump may be the sign's chief target, its humorous political message can also be read as an attack on all those who reinforce the patriarchal status quo. Its circulation on Instagram might be particularly valuable, then, because of the site's preoccupation with conventional beauty and body standards (Seligson, 2016). However, while Instagram may bolster traditional notions of femininity, its audience of 800 million active users and its visual-led content make it an attractive platform to challenge these conventions via online activism. Deluca and Peeples stress the power of visual communication in their theorization of the public screen. Their work attempts to expand our understanding of political debate beyond the emphasis on face-to-face rational dialogue of the public sphere (Habermas, 1974) by arguing that the use of spectacle across image-led media platforms can expand dialogue and make political issues more accessible (Deluca & Peeples, 2002). Consequently, Cardi B's post indicates that the circulation of feminist content within the feminized sphere of Instagram might have the potential to attract new supporters to the Women's March movement and create a space for users to deliberate its messages, beyond the temporal and spatial confinements of the marches themselves.

## Conclusion

This article has unpacked some of the ways in which protest signs in the 2018 Women's March used offensive humor to challenge Trump and reflected on how they were recontextualized and circulated on Twitter and Instagram. Through the close analysis of three social media posts, we have explored how Trump was dismissed as an *improper* White, masculine subject, how he was degraded through an association with feces and the lower bodily stratum, and, finally, how he was repositioned as the infantile, feminized victim of unruly women. Emphasizing the ambiguity of offensive humor, we identified a recurring tension not only between its uniting and dividing functions but also between conservative and radical tendencies: Protesters and social media users attacked Trump's patriarchal and racist policies and practices through the use of gendered and raced insults that simultaneously reinforced established notions of ideal White masculinity. This duality worked in two key ways: First, protesters identified and punished Trump as a transgressive other while redrawing the boundaries of appropriate White masculinity. This discourse articulated offense at his transgressions of established norms for public sphere debate and "presidential" behavior while simultaneously giving offense back through the spectacle of unruly, carnivalesque protest. Second, participants repeatedly appropriated aggressive, humorous strategies of offense giving that have been associated with masculine cultures (Pujolar, 2000) and used to oppress female and non-

White bodies (Thomas, 2015). Here, they reversed that hierarchy by repositioning Trump as the abject body; malformed, leaking, and prostrate.

We argue that the use of offensive humor in feminist protest in online and offline spaces can open up new opportunities for unruly dialogue and civic participation. Online networks are central to this practice, as humorous content grabs our attention and is shared through followers and hashtags (Day, 2011). This is "spreadable" (Jenkins, Ford, & Green, 2013) media content, which is privileged by popular platforms because it is entertaining and drives online traffic. As such, it "floats to the top" among representations of the 2018 Women's March and becomes part of the "popular memory" (Newman, 2014, p. 16) of the event. This pattern is evident in the frequent publication of news articles listing the "funniest" protest signs from the march, which promotes the value of humor and spectacle in protest communication.

The signs, at the protests and in their new online contexts, offer the pleasures of creative, transgressive humor and offense giving (Pujolar, 2000). This invites us to see the world differently through the carnivalesque lens of affective intensities, reversed hierarchies, and a grotesque aesthetic. Thus. in addition to laughter, offensive humor provides an effective intervention in the dominant regime by allowing unheard voices to be heard and to respond to the issues they face. But offensive humor as spectacle is not a tactic solely used by liberal protestors, it has also been used by right-wing Tea Party activists to draw attention to America's economic issues. Interestingly, bar one study (see Mayer et al., 2016) on the political content of Tea Party protest signs there is a deficit of research on conservative movements and humorous collective action strategies. Therefore, we believe that this would make a worthy topic of further research or comparative analysis of oppositional political movements.

Returning to the subject of the Women's March, we argue that offensive humor is a worthy political tool that readdresses traditional understandings of protest strategy in an attempt to publicize neglected political issues. This is because its attention grabbing power might introduce citizens who do not see themselves as "political" to relevant issues, thereby "preparing them for civic participation and political engagement" (Dahlgren cited in Reilly and Boler, 2014, p. 437). Furthermore, offensive humor appeals to like-minded others, thereby aligning bodies with feminist and antiracist counterpolitics in communities of resistance that include and transcend the geographically and temporally bound march events. This process can facilitate new insight and energize participants to continue their feminist and antiracist work in other spaces.

## Author's note

Inger-Lise Kalviknes Bore is now an independent researcher and Allaina Kilby is now affiliated with Swansea University, Wales, UK.

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# How Trains Became People: Southern Pacific Railroad Co.'s Networked Rhetorical Culture and the Dawn of Corporate Personhood

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**Abstract**

This essay analyzes how a rhetorical culture emerged in which the Supreme Court of the United States assumed corporations were constitutional persons under the Fourteenth Amendment. Approaching rhetorical culture from a networked standpoint, I argue that corporate personhood emerged from Southern Pacific Railroad Co.'s networks and alliances with environmental preservationists, politicians, publics, lawyers, judges, and immigrants in the late 19th century. Contributing to literatures on rhetorical culture and agency, this study shows how Southern Pacific Railroad Co., through networks of influence and force, was a rhetorical subject that shaped a networked rhetorical culture that expanded the boundaries of the Fourteenth Amendment even though the Supreme Court of the United States had not worked out the philosophical underpinnings of corporate personhood. Corporate personhood remains theoretically restrained by legal discourses that reduce subjectivity to a singular, speaking, human subject.

**Keywords**

rhetorical culture, legal rhetoric, subjectivity, corporate personhood, *Santa Clara County v. Southern Pacific Railroad Co.* (1886)

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When Leland Stanford ceremonially drove the "golden spike" into the dusty earth on May 10, 1869 in Promotory Utah, he probably did not think of his trains as people. More likely, he was exhilarated about the completion of the United States' first transcontinental railroad, a pivotal moment in history that allowed the "coordination of systems of technology with political and economic power" (Solnit, 2003, p. 67) to create a world full of new opportunities for growth, expansion, and industrial might. And Stanford would have been correct. The locomotive, "Jupiter," that he rode on to get to Promotory was not a person, but it was part of a powerful actor-network—the Southern Pacific Railroad Co. (SP)—that changed the world by industrializing time and space to open new opportunities for economic growth, environmental protection, and social change (see Schivelbusch, 1986).

Above all other companies during this time, SP was the engine that generated a rhetorical culture of progress and development in the American West—one that eventually shaped the Supreme Court of the United States' (SCOTUS) assumption that corporations were constitutional persons protected by the Fourteenth Amendment. The force of this rhetorical culture—which for now can be understood as a set of negotiated cultural practices that shape legal rules and expectations over time—was made most manifest in *Santa Clara County v. Southern Pacific Railroad Co*. (1886) when SP presented the Court with arguments as to why it should be a legalistic person with constitutional prerogatives. While the SCOTUS did not rule on the Fourteenth Amendment in its unanimous decision favoring SP—rather, it decided only enough to dispose by ruling on non-constitutional arguments such as the non-taxability of railway fences and California's failure to deduct SP's mortgages—it nonetheless assumed that corporations were "persons" protected under the U.S. Constitution. As indicated in a headnote of the Court's proceedings written by Court Reporter Bancroft Davis, Chief Justice Waite said, "The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution . . . applies to these corporations. We are all of the opinion that it does" (Hartmann, 2002, p. 31).

This headnote was an expression of an already accepted principle, which powerfully set in motion an entire treatise of corporate rights as legal persons that Carl Mayer (1990), writing in the *Hastings Law Review*, has called the Corporate Bill of Rights. Such legal privileges include corporations' right to free speech, including political, commercial, and negative speech; the freedom of religion; the freedom from unreasonable and warrantless searches; protection against double jeopardy; protection under the takings clause; the privilege against self-incrimination; the right to due process; and the right to jury by trial in both criminal and civil cases (Mayer, 1990, pp. 664–665). Some even believe that it is only a matter of time before corporations are granted the right to bear arms (Miller, 2011).

Corporate personhood has created moralistic outrage from numerous publics and academics bemoaning what they see as the loss of the democratic ideals, especially in lieu of recent decisions that have expanded corporations' First Amendment rights such as *Citizens United v. Federal Election Commission* (2010), which protected corporate political spending as a form of constitutionally protected speech, and *Burwell v. Hobby Lobby* (2014), which ruled that corporations have certain religious freedoms. While such sentiments are understandable given corporations' assault records against democracy, human rights, and the environment (among others; see Beder, 2006; Boggs, 2001; Hartmann, 2002; Klein, 2009), it is also important to recognize how corporations function as pragmatic networks and forces. Understanding the rhetorical culture that made corporate personhood so commonsensical in 1886 might therefore help change the tenor of these debates while also opening doorways for social change.

While some such as Hartmann (2002) consider the proliferation of corporate rights—and its subsequent colonization of public life (see Deetz, 1992)—predicated on a flawed precedent in *Santa Clara*, this article traces the roots of corporate personhood back to the material networks, forces, and affects in the American West during the late 19th century that shaped the rhetorical boundaries of the law. During this time, before *Santa Clara* was even decided, SP was cultivating a rich rhetorical culture that changed the dominant links between political, economic, legal, social, mediated, and environmental practices, and at unprecedented speeds and intensities. Even though the SCOTUS had not yet worked through corporate personhood on a philosophical level during this time period, I argue that SP constructed a rhetorical culture through discursive and extradiscursive networks that made it reasonable for justices to consider corporations as constitutional persons protected by the Fourteenth Amendment.

In ways that parallel Hasian, Condit, and Lucaites's (1996) analysis of the "Separate But Equal" doctrine, this article shows how corporate personhood was a product of a synchronic rhetorical culture that shaped the rules, expectations, and interpretations of the law through various rhetorical resources available at that point in time. This article contributes to their work by offering a networked approach to rhetorical culture and agency that is more adapted to the extradiscursive forces of rhetoric.

As an actor-network, SP performed rhetorical subjectivity in ways that exceeded the narrow charters that had historically constrained corporations to the states. From this perspective, *Santa Clara*, and the other cases involving corporate "persons" that followed, can be viewed as a probable effect of SP's material corporate rhetoric, which has shown that legal subjectivity itself is less about singular, essentialist personhood than the multiplicity of networks. As I will show later, SP penetrated various social modalities through strategic alliances with actors/actants that fundamentally altered the rhetorical landscape in which the SCOTUS made sense of corporations' legal standing.

In what follows, I trace SP's actor-networks that shaped a rhetorical culture of corporate personhood. I begin with a theoretical discussion of what it means to study rhetorical culture, the law, and corporate personhood from a networked perspective. I then offer a networked analysis of SP's subjective assemblage of networks, forces, and spokespersons that shaped the rhetorical culture in which the SCOTUS assumed corporations are persons in *Santa Clara*. I conclude with a few reflections on corporate subjectivity and the future of legal rhetoric in the 21st century.

## A Networked Approach to Rhetorical Culture and Corporate Subjectivity

Congress ratified the Fourteenth Amendment in 1868 with the purpose of extending equal protection to former slaves in the American South. While the Thirteenth Amendment and the Emancipation Proclamation formally freed men, women, and children shackled to the bondages of slavery, more measures were needed to secure their equal rights as citizens of this postwar nation. With the intention of fulfilling these duties, the first section of the Fourteenth Amendment states that actions of states and local officials must adhere to federal standards of governance, especially when considering questions of citizenship and due process of the law.

The Reconstruction Amendments posed dramatic challenges for Southern states now forced to adhere to federal standards of equality. Particularly, the equal protection clause of this section, which declared that no state shall deny to any person within its jurisdiction the "equal protection of the laws," was an attempt to boldly confront Southern heritages of slavery and integrate these states into the Union. Cases such as *Santa Clara* exceeded this intentionality by testing the limits of the Fourteenth Amendment as a protective measure only for African American subjects. SP was not alone in this endeavor, as numerous other corporations, especially railroad companies, sought to use the Fourteenth Amendment as a shield against state and federal regulation. According to legal historian Eben Moglen, "From the moment the Fourteenth Amendment was passed in 1868, lawyers from corporations—particularly railroad companies—wanted to use that Fourteenth Amendment guarantee of equal protection to make sure that the states didn't unequally treat corporations" (quoted in Totenberg, 2014, para. 14). In fact, out of the 150 post-Civil War Supreme Court cases involving the Fourteenth Amendment prior to *Plessy v. Ferguson* (1896), 135 of them involved corporations attempting to "free" themselves from state regulations (Hammerstrom, 2002).

Even though the SCOTUS did not rule on the Fourteenth Amendment in *Santa Clara*, corporate personhood was ossified as precedent in later decisions, such as *Pembina Consolidated Silver Mining Co. v. Pennsylvania* (1888) and *First*

*National* Bank of Boston v. Bellotti (1978), and even in cases where the SCOTUS decided the Constitution did not limit state power to regulate corporations as they saw fit (e.g., *Northwestern Nat. Life Ins. Co. v. Riggs*, 1906). While some legal analysts continued to support the grant theory outlined by Justice Marshall in *Trustees of Dartmouth College v. Woodward* (1819), which restricted corporations to special privileges under state control, others believed this theory was outmoded and needed to be replaced with a natural entity theory that supported a broader interpretation of the Fourteenth Amendment to include corporations and account for how social change, culture, and politics affect interpretations of the law.

To understand how SP broadened interpretations of the Fourteenth Amendment, we must account for the wider rhetorical culture that it cultivated prior to *Santa Clara* and other test cases to determine how the SCOTUS so seamlessly extended equal protection to corporations. To do this, I draw from, and extend, the work of Hasian et al. (1996) who understand rhetorical culture as the ways in which the law is made publicly meaningful through available rhetorical tools. In their words, rhetorical culture is "the range of linguistic usages available to those who would address a historically particular audience as a public," which includes a full range of rhetorical and argumentative resources such as, "allusions, aphorisms, analogies, characterizations, ideographs, images, myths, narratives, and commonplace argumentative forms" that "demarcate the symbolic boundaries within which public advocates find themselves flexibly constrained to operate" (Hasian et al., pp. 326–327).

While the discursive aspects of rhetorical culture usefully highlight how legal interpreters make sense of the law using extant linguistic rhetorical resources, they also tend to overlook the material dimensions of rhetoric that give texture to these cultures in certain times and places. Rhetorical culture, I hold, is more than discursive talk; it is a network of material and semiotic sensibilities that create relational webs of influence and force. As an intersectional term that includes both the discursive and extra-discursive modalities of rhetorical living, networked rhetorical culture is a way of emphasizing what Pfister (2014) calls the "networked sensibilities" of public life that give form to interpretations, opinions, and meanings of the law. Given the way that corporate personhood emerged from the semblance of linguistic and extralinguistic shifts throughout the latter half of the 19th century, a networked approach to rhetorical culture is warranted as a way to trace the subjective agency of SP and the materiality of its rhetorical networks.

This networked orientation to rhetorical culture resembles what Bruno Latour has called actor-network theory (ANT). To Latour, ANT is a process of assembling material-semiotic networks comprised of heterogeneous objects to understand how certain interactions succeed or fail. Latour's concept of *actors/actants* is central to the network-making process. Actors/actants refers to human and nonhuman agents that create networks within the material-semiotic

compositions of the world (see Latour, 2010). As such, Latour maintains that there is no difference in ability between technology, humans, and nonhumans to produce relations and build alliances through their actions.

To John Law (2008), ANT is a collection of "material-semiotic tools, sensibilities, and methods of analysis that treat everything in the social and natural worlds as a continuously generated effect of the webs of relations within which they are located" (p. 141). This interdisciplinary, "cosmopolitical" (Latour, 2007, p. 262) viewpoint observes no difference between nature and culture; moreover, it recognizes the ontological associations of human and nonhuman actor-networks (Latour, 1993).

SP created powerful alliances with environmental preservationists, publics, lawyers, judges, and racialized subjects to expand the boundaries of the Fourteenth Amendment to include not just postwar human subjects but also corporations, who were fighting their own battles against state "prejudices." Through these material-semiotic networks and alliances, SP showed that corporations exceeded state authority by attaining powerful agency in political, cultural, legal, and social arenas. Effectually, SP shaped a networked rhetorical culture where the idea of corporations as constitutional subjects, or "persons," was a taken-for-granted assumption for the SCOTUS.

While the term *corporate person* was not widely circulated throughout public culture as a metaphor or ideograph, it was nonetheless a felt cultural assumption—as evidenced by the headnote in *Santa Clara*—because of the nonlinguistic, cultural shifts that had occurred throughout the land.[1] To understand how the networked rhetorical culture of the time shaped the SCOTUS's opinion, critics must take into account the full range of discursive and extradiscursive networks that facilitated this interpretive transition. Doing so not only provides a fuller rhetorical context of corporate personhood, but it also equips rhetorical critics with a language for studying how corporations function subjectively as networks and forces.

Studying the law from a networked rhetorical perspective involves accounting for the material forces and rhetorical cultures that shape legal interpretations and the law itself. This understanding of legal discourse involves a process of collecting and assembling human and nonhuman elements that have helped shape legal judgments. Indeed, this requires tremendous efforts to organize and translate objects other than majority and dissenting opinions, since extralegal discourses and rhetorical cultures cannot be separated from deliberative arguments produced by adjudicators. Like science, the law is not "free of war and politics" (Latour, 1993, p. 8).

While this perspective on networked rhetorical culture is informed by ANT, it also makes a critical departure when it comes to agency. Whereas Latour attempts to build an expanded conception of agency by linking subjects and objects with networks that agency depends upon, agency, I argue, is also a product of all of these relations that produce an abstract singularity. In other

words, networks are outright rhetorical actors, and oftentimes with personae, that exceed the mere sum of their parts. SP, for instance, existed as a singular subject in the abstract through the mobilization of its profuse objects. All of the actors/actants that comprise this vast corporate network (e.g., trains, politicians, environmentalists, forests, immigrants) have agency the way that Latour discusses, but in the context of SP's network, they also serve SP's rhetorical motivations as extensions of its subjectivity.

Corporate subjectivity is a useful concept for understanding how corporations express subjective agency as networked rhetorical actors within rhetorical cultures—or more generally, what Deleuze and Guattari (1987) call assemblages—that give them force. The SCOTUS's corporate personhood thesis, for instance, gave corporations legal standing as "persons" with constitutional prerogatives, but as evident by SP well before *Santa Clara*, corporations already had agency as subjects throughout the United States. Corporate personhood just added to their subjective network by granting them constitutional prerogatives.

Rhetoric becomes the tie that binds argument assemblages, or actor-networks, to achieve particular objectives. It is a force found at the nexus of social, political, and cultural milieus that shapes material discourses and constitutes or articulates human and nonhuman subjects. Corporate personhood is a testament to rhetoric's profound possibilities. Rhetoric, after all, transmuted an abstraction once considered a special privilege granted by the state into a constitutional person with legal rights.

Altogether, this section has argued for a networked approach to rhetorical culture that accounts for the rhetorical agency of corporate subjects and their extradiscursive networks and forces to provide a fuller account of rhetorical cultures of the law. Adapting Latour to the rhetorical study of corporations' subjectivity, I conceive corporations as actor-networks that express agency through all of the heterogeneous objects, relations, and spokespersons that advance the motivations of the network in its singularity (e.g., lobbyists, politicians, or other spokespersons working on behalf of the "SP" network). This networked perspective complements Hasian et al.'s (1996) notion of rhetorical culture by considering entire actor-networks rhetorical subjects capable of shaping rhetorical cultures that affect the law. As I show later, SP was a powerful rhetorical actor with argumentative voice and agency even though it was irreducible to a singular human subject that was beyond the modern scope of the law.

In what follows, I study how SP gained a more robust alliance with the law by changing the links between legal, material, economic, and social practices that gave form to a new rhetorical culture where "trains" became "people" in the eyes of the SCOTUS. I then conclude with a discussion about the possibilities for recognizing the legal standing, and legal infringements, of other nonhumans in an age of networks.

## The Actor-Networks of SP

After merging with the Central Pacific (CP) on October 12, 1870, SP became a deeply motivated and highly efficient rhetorical actor that literally moved mountains to turn the American West into an ideal place of nature that welcomed development and tourism. Holding huge swaths of land and federal bonds from the U.S. General Land Office under the Pacific Railway Act, SP had the motivation and the resources to turn the West into an idyllic place brimming with possibilities (DeLuca, 2001; DeLuca & Demo, 2000). Signed by President Lincoln on July 1, 1862, the Pacific Railway Act financially aided the construction of the transcontinental railroad by allocating land that stretched from southern Louisiana to coastal regions of California and Oregon. This provided SP with the incentive, and the wherewithal, to sell its land and fund its proposed railroad lines from the Missouri River to the San Francisco Bay (Orsi, 2005).

Although SP has been dubbed the "Octopus" by journalists such as Frank Norris (1901) for its tentacle-like control in political, legal, public, and economic domains, such reductionisms overlook the way SP also functioned as a pragmatic rhetorical actor that spurred social change in those same arenas. As historian Richard Orsi (2005) notes in his book *Sunset Limited: Southern Pacific Railroad and the Development of the American West* (1850–1930), SP "identified its corporate interests with the public welfare and promoted more organized, efficient settlement, economic development, and more enlightened resource policies in its service area" (p. xiv). Oftentimes, SP had "little options but to promote population growth, social change, and economic development" (p. xviii).[2]

In its clarion call for Western development, SP networked with advertising firms, booster groups, and newspaper journalists that targeted farmers, homesteaders, and adventurists to promote the American West as a place not just of prosperity and wonder, but of sublime nature (DeLuca, 2001). As a rhetorical actor, SP disseminated photographs, essays, magazines, books, and poems, among other things, that articulated the corporation's identity as positive and progressive and helped the company sell its swaths of land at an inexpensive cost (Orsi, 2005).

Images, as extra-discursive forces, served as particularly powerful rhetorical resources that allowed potential colonizers to witness, and participate, in the constitution of sublime wilderness (DeLuca, 2001; DeLuca and Demo, 2000). SP built strong alliances with famous photographers such as Carleton Watkins, Eadweard Muybridge, and Ansel Adams, in addition to esteemed environmentalists such as John Muir, to create a vision of Western nature as sensual, pristine, and wild, which served the multipurpose of pressuring Congress to protect Yosemite Valley while also luring environmentalists, adventurer-seekers, and tourists to California (Solnit, 2003). SP even founded a monthly magazine called *Sunset* specifically designed to promote the work of these artists, which "fashioned a corporate rhetoric that promulgated park formation and

wilderness preservation" (DeLuca, 2001, p. 639). Visually framing California as a utopia was a key rhetorical strategy for propagating SP's networks across the United States. Associating SP with the affordances of Western development and sublime nature allowed the company to become known as a politically active, economically motivated, and rhetorically forceful network that penetrated mechanical, economic, and political assemblages.

SP also allied with land agents and immigration offices such as the Pacific Coast Land Bureau and the California Immigration Union to specifically target immigrants to purchase railroad land and settle as small-scale farmers (Parker, 1937; Orsi, 2005), which further expanded the networked rhetorical culture in which SP acquired subjective agency. With headquarters in San Francisco, the Land Bureau maintained 46 branches throughout California, and others in places such as New York, New Orleans, and even London and Hamburg. Land agents such as Benjamin Redding, Daniel Zumwalt, and William Mills—who were also fervent lovers of nature, especially Zumwalt and Mills—were key to SP's eventual success in the sale, and cultivation, of available land through promotional literature that reached domestic and international audiences.

Within California, newspapers such as the *Los Angeles Herald*, the *Spirit of the Times* (San Francisco), and the *Sacramento Record-Union* proved to be reliant media for promoting fecund Western land for the Land Bureau. These newspapers also provided SP with a platform for political and environmental advocacy. This was particularly true for Mills' edited *Sacramento Record-Union*, which often allotted space for nature proponents such as John Muir to advocate for preservationism. Mills himself wrote about public-environmental issues such as the support management of water for irrigation, continued advocacy for land preservationism, and the opposition of hydraulic mining. He even directly contributed to the moratorium of mineral waste disposal in streams in the Central Valley (Orsi, 2005, p. 360).

Perhaps the most striking example of SP's environmental politicking was its involvement in the last-minute passage retrocession Yosemite Bill, which sought to transfer control of the newly created Yosemite National Park from California to the federal government due to the state's own incompetence in managing the land. Writing again in the *Record-Union*, and alongside John Muir, Mills vociferously advocated for the bill's passage by charging the state with "ignorance, stupidity, and vandalism" of the public park (Orsi, 2005, p. 363). SP went even further in the political matter after Muir petitioned SP owner, E. H. Herriman, to help pass the bill when it seemed all hope was lost due to rampant opposition within the California legislature. Herriman mobilized one of SP's most powerful political allies for the task—William F. Herrin—who was the legal Chief Council and SP vice president. Herrin did not fail. He quickly activated the railroad's legislative supporters who saw that the bill was passed, albeit at the last minute and only by one vote. As the Secretory of Muir's Sierra Club put it, SP functioned as "the Hand of Providence" (p. 367) that "guid[ed] matters through all this

doubt" (Orsi, 2005, p. 367). In the *Sierra Club Bulletin*, Muir wrote "even the Southern Pacific R.R. Co., never counted on for anything good, helped nobly in pushing the bill for this park through Congress" (Runte, 1990, p. 33).

SP's alliances with environmentalists bolstered its case for equal protection against what it saw as too much state control, which many environmentalists, such as Muir, also sought in their quests for greater environmental protection from the federal government due to the negligence of state authorities to properly manage land such as Yosemite.

SP's environmental, public, and political alliances facilitated a shifting rhetorical culture where railroad companies were personified as progressive actors key to the development of the American West. Changes in links between cultural, economic, and social practices boosted SP's networked agency; yet, before SP could be legitimated as a constitutional subject, legal spokespersons still had to articulate these connections as a basis for expanding the legal rules and expectations for interpreting the Fourteenth Amendment. Thus, legal argumentation became a crucial part of solidifying these cultural relations in the SCOTUS. Railroad lawyers were particularly forceful in advancing claims that state interventionist policies—specifically those imposed by California—were placing undue burdens on SP's ability progress, growth, and public welfare.

Consider the importance of attorneys such as Hall McAllister, Silas W. Sanderson, Creed Haymond, and Alfred A. Cohen who represented SP and CP's interests in expanding the Fourteenth Amendment by navigating tensions between states, publics, and other decision makers. Referring to these railroad lawyers, Levy (1996) notes in the law review, *Western Legal History*, "all of them, to varying degrees, were 'bright legal technicians' businessmen, and applied legal theorists, capable of reflection on how they were—even if at times only tenuously—participants in social change" (p. 226). McAllister and Sanderson were particularly forceful at building alliances to gain the "official acceptance" of corporate personhood, as they were "at the vanguard of doctrinal development in the areas of corporate personality" (Levy, 1996, p. 182).

Part of the lawyers' general task was to mediate the railroad's corporate personae in both public and private sectors. Railroads had to be public enough to continue to receive governmental economic and litigious support but also private enough to continue to amass capital. This balance came at a time, too, when corporations were under pressures from state governments attempting to limit their reach within their territories to regain economic control in their territories.

Framing arguments for corporate personhood within the register of equal protection also allowed railroad lawyers to build unlikely, but crucial, alliances with certain immigrants—namely, the Chinese—who were suffering from deeply racist laws and practices from the state of California. This alliance was made manifest when McAllister presented arguments against the California Constitution of 1870, which specifically targeted the Chinese as alien "burdens

and evils" that carried "contagious infectious diseases" as "vagrants, paupers, mendicants, criminals, or invalids" (Cal. Constitution 1870, art. XIX, §1). It also included the provision that all corporations were prohibited from employing any Chinese or Mongolian. McCallister argued here, and in other cases (see McClain, 1994), that the state-sanctioned discrimination against the Chinese was a violation of the Fourteenth Amendment and warranted its expanded interpretation to include not just African Americans, but Chinese and corporations, too. Leeway was achieved when Judge Odgen Hoffman struck down the provision on the basis that "*corporations have a constitutional right* to utilize their property, by employing such laborers as they chose" (Boyle, 1880, p. 493, italics added). Even though corporations were still not yet constitutionally protected subjects, McCallister's efforts contributed to a growing shift in consciousness about the meanings and intentions of the Fourteenth Amendment that recognized corporations as constitutional "persons."

And such tactics worked when CP/SP advanced litigation against the state of California for a tax scheme against railroad companies in its new constitution in 1879 that prevented them, and other "quasi-public corporations" (Cal. Const. 1879, art. XIII, § 4), from deducting mortgages from their taxes like ordinary citizens. Refusing to pay taxes on the basis that they were unfair and discriminatory, SP forced arguments about the constitutional personhood of corporations in the pivotal case, *San Mateo v. Southern Pacific Railroad Co*. (1885), where SP's lawyers presented direct arguments as to why corporations should be considered corporate persons with equal protection. In that case, Sanderson stated,

> I believe that the clause [of the Fourteenth Amendment] in relation to equal protection means the same thing as the plain and simple yet sublime words found in our Declaration of Independence, 'all men are created equal.' Not equal in physical or mental power, not equal in fortune or social position, but equal before the law. (California State Assembly 1889, p. 138)

Extending the equal protection clause to corporations, Sanderson contended, was a logical way to protect *all* of its citizens and shareholders and corporations from undue state interference.

Although the court rendered the corporate personhood arguments moot in *San Mateo*, Sanderson's arguments buttressed future arguments in *Santa Clara*, which dealt with the same questions of California's right to tax corporations differently than citizens, by giving credence to the prospective opinion that corporations were constitutional persons (Levy, 1996, p. 215).[3]

Another one of SP's vocal, even stalwart, spokespersons for personhood within the SCOTUS itself was Justice Stephen Field, who also happened to be one of the judges who served on California's Ninth Circuit Court that heard *San Mateo*. Motivated by personal ambitions to serve as SCOTUS Chief Justice, and potentially President of the United States with the support of railroad money,

Field worked tirelessly to expand the Fourteenth Amendment to include the rights of corporations. In his famous dissent in the *Slaughterhouse Cases* (1873), which restricted the Fourteenth Amendment to privileges and immunities from state laws years prior to *Santa Clara*, he suggested the Court was rendering the Fourteenth Amendment "a vain and idle enactment, which accomplished nothing, and most unnecessarily excited Congress and the people on its passage" (*Slaughter House Cases*, 1873/2018, p. 8). To Hartmann (2002), "It was often [Field's] 'corporations are a person' decisions in California cases that led them to reappear before the U.S. Supreme Court," which, due to his endorsement of corporate personhood, "was no accident on Field's part" (p. 114).

When the SCOTUS decided only enough to dispose in *Santa Clara*, rather than ruling on the Fourteenth Amendment, for instance, Field was outraged. In his concurring opinion written in *Santa Clara*'s companion case *County of San Bernardino v. Southern Pacific Railroad Co*. (1886), he claimed that the Court was:

> [failing] its duty to decide the important constitution questions involved, and particularly the one which was so fully considered in the Circuit Court, and elaborately argued here, that in the assessment, upon which the taxes claimed were levied, an unlawful and unjust discrimination was made . . . and to that extent depriving it of the equal protection of the laws. (*San Bernardino*, 1886, pp. 422–423)

While the SCOTUS did not decide *Santa Clara* the way Field wanted, it nonetheless established legal precedent that corporations were legal persons protected under the Fourteenth Amendment. This was made explicitly clear almost a century later in *Bellotti* (1978) when the SCOTUS cited *Santa Clara* when deciding corporations have First Amendment rights for political spending. Justice Powell wrote, "it has been settled for almost a century that corporations are persons within the meaning of the Fourteenth Amendment" (in Schiller, 1989, p. 52).

SP exerted agency by building pragmatic alliances with actors and actants that shifted the links between legal, material, economic, and social practices (see Figure 1). Effectually, this networking shaped a rhetorical culture where it was sensible for the SCOTUS to assume corporations were legal persons protected under the Fourteenth Amendment. In other words, SP forcefully created a rhetorical culture where corporate artificiality no longer mattered. SP paved the way for future corporate equalities by demonstrating the possibilities of corporate rhetoric via networks in political, economic, and legal assemblages that allowed it to bolster its case for constitutional recognition.

Although the Reconstruction Amendments may have been designed to unify a war-torn nation and protect freed slaves from social and economic inequalities in the American South, SP became a corporate person by mobilizing networks and alliances that forcefully changed the legal opinion of corporations' subjective role in America by leading the constitutional fight against states for their

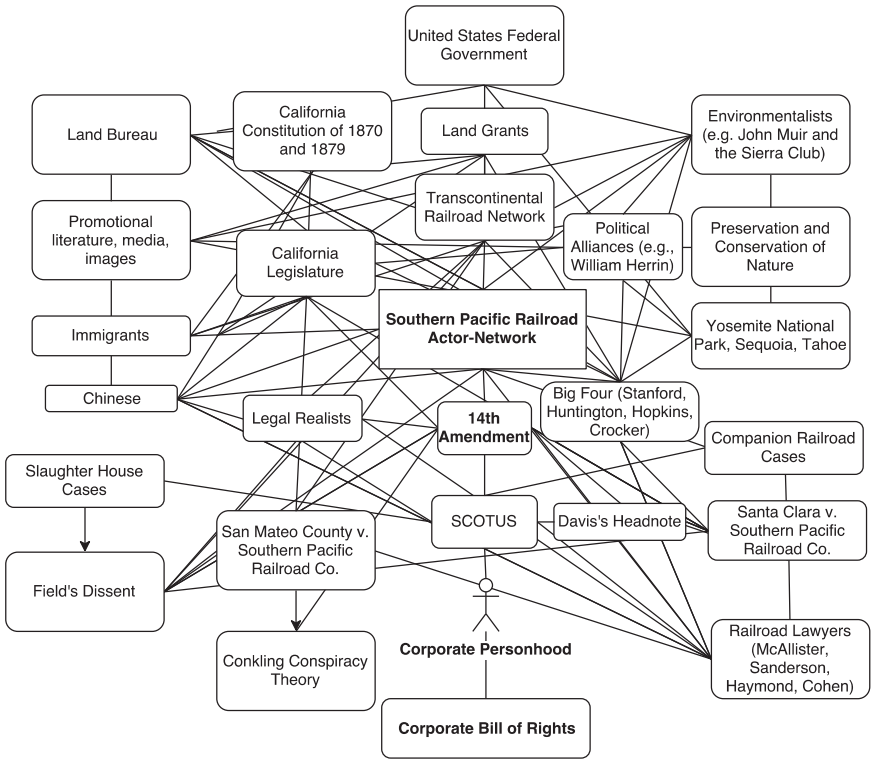


**Figure 1.** Southern Pacific's actor-network.

attempts to regulate corporate practices. SP generated the articulation of equal protection as freedom from state intervention through networks in cultural, technological, political, and legal arenas that made railroad corporations real to American populations even if the Court had not yet worked through the philosophy of corporate subjectivity in deciding what counts as a legal "person." SP changed links between legal, material, economic, and social practices by allying with actants/actors such as visual media, forests, environmentalists, politicians, lawyers, judges, and others searching for equal protection such as immigrants to expand the interpretation of the Fourteenth Amendment by ushering in a rhetorical culture where constitutional personhood was about networks, force, and agency.

From a legal formalistic standpoint, which assumes the law is a science that requires expert opinion to interpret its true meaning, *Santa Clara* appears as a historical accident that was a sort of rhetorical "trick of the mind," given that

the Waite Court did not rule on the Fourteenth Amendment and that headnotes from Court reporters are not considered precedential. And this is the perspective that many individuals, such as Hartmann (2002), have adopted. From a networked standpoint, however, S*anta Clara* can be considered as a probable, even predictable, outcome of SP's colossal network of trains, railroads, and spokespersons that aligned its interests with the progress of Western development and shaped the commonsensical opinion of the Waite Court that corporations were constitutional persons.

The failure of formalistic thinking explains why it was only in hindsight that justices confirmed corporations as real entities as opposed to imaginary inventions of the state (Horwitz, 1985, p. 173). In turn, social, economic, and legal actors had to reset basic constitutional assumptions about the individual, property, and privacy to create space that accounted for corporations' constitutional equality. As corporations grew more forceful, legalists began to leap into the mercurial rhetorical situation to forge new alliances with the railroad by advancing pragmatic arguments that enabled an evolution of corporate equalities under the law. Said otherwise, the legal protections that expanded corporate equalities during this time occurred not from the sheer authority of the SCOTUS's expertise, or from some dominant ideology, but from a set of set of alliances and cultural forces that created a rhetorical culture wherein corporations were seen as natural, rather than artificial, persons.

This point demonstrates that corporate personhood was not a historical necessity shaped by premeditated critical-rational debate or formalistic interpretations of the law; it occurred by force, without metaphysical origin, or even disputation. Even though drafters of the Reconstruction Amendments may have intended the equal protection clause to protect freed slaves from racist state practices, railroad companies struggling for subjective parity with humans seized it using vast networks that forcefully changed the nature of discourses about equality. Equal protection, then, began to function as an egalitarian relation, or correspondence, with objects and assemblages rather than a transcendental concept with essential meaning.

The force of SP's rhetorical networks thus demonstrates that the law is always already influenced by the outside since its conceptualization of equal protection was not an atomistic container of meaning; it was influenced by outside networks such as rhetorical cultures, socioeconomic hybrids, and technological assemblages that permeated the SCOTUS as early as 1886, in *Santa Clara*. Consistent with arguments made by numerous critical legal and rhetorical scholars, *Santa Clara* thus demonstrates that the mythical boundaries that are supposed to separate law from rhetoric is a liminal space that must be scrutinized, deconstructed, and reconstructed in order to better understand how legal epistemes influence the politics of everyday life.

## Reflections on Networks, Corporate Subjectivity, and the Law

This essay has offered a networked orientation to rhetorical culture to account for how corporations, as networked subjects, cultivated a rhetorical culture that shaped the SCOTUS's assumption that corporations are constitutional persons. I have argued that SP networked with environmentalists, publics, politicians, legal spokespersons, and even other legally subjugated persons such as immigrants to build alliances against the states, specifically the state of California for attempting to encroach corporate territoriality. The effect of these alliances was a shift in the connections between legal, material, economic, and social practices that shaped a rhetorical culture where it was commonsensical for the SCOTUS to assume corporations are persons protected under the Fourteenth Amendment to protect them from unequal protection of the laws.

This article has contributed specifically to Hasian et al. (1996) by proffering a networked orientation to rhetorical culture. Networked rhetorical culture emphasizes rhetoric's intersectionality with discursive and extra-discursive appeals that give form to legal interpretations, opinions, and meanings throughout time. As a web of material and semiotic forces, networked rhetorical culture shapes the boundaries of reasonability within legal, political, and social contexts and gives texture to the sense-making capacities of their rhetorical communities. One of the important aspects of this approach is that it shows how subjectivity is irreducible to human, speaking subjects. SP's subjectivity was networked, revealing that networks have agency that can be mapped to configure networks' singular, abstract subject. This advances studies on corporate advocacy because it enables rhetoricians to study corporations as rhetorical actors using extant tools for criticism while also accounting for the objects and relations that give them material force. In other words, it provides a route for studying what I have called corporate subjectivity as a dimension of rhetorical agency.

Even though corporations are nonhuman, disembodied actors without souls or consciousnesses, they are nonetheless rhetorically subjectivized through networked rhetorical cultures. Studying corporate rhetoric and subjectivity is an important area of research because it tests the constitutive, articulatory, and immanent capacity of rhetoric to produce and stabilize corporations as rhetorical subjects. It also extends research on nonhuman rhetorics to the realms of the abstract and the virtual (e.g. Bennett, 2010; Davis 2011; Kennedy 1992; Rickert, 2013).

Considering the contemporary corporate subject within the context of the law, readers may have a better idea of how corporations became "persons." It was not through critical rational discourse about the true scope of the law, apolitical interpretations of timeless principles, or even a dominant ideology that that the SCOTUS accepted the argument that corporations are constitutional "persons." It was through a networked rhetorical culture that SP itself created

that altered how the SCOTUS made sense of the Fourteenth Amendment during a time of unfettered capitalistic expansion. Corporations, in many ways, were already "persons," or subjects, before the intriguing case of *Santa Clara*.

Nearly 150 years since the "golden spike," corporations have more rights than they ever have before under the current "Corporate Bill of Rights." One of the questions that the SCOTUS will have to address as these rights inevitably expand with time is how to adapt the law, and apply its humanist standards of ethics and morality, to corporate subjects when corporations escape the law's assumption that the individual, human, rational subject is the paradigm case of subjectivity. Confined to its own modernistic rhetoric, the law is caught in a perpetual state of incongruity—a vicious cycle—that claims to build from historical precedents, such as *Santa Clara*, to evolve and get closer to a perfectly just society even though the corporate subject can never be *known* or essentialized from a gods-eye-view (Latour & Hermant, 2006).

The law is necessary "equipment for living" (Hasian, 1994, p. 51), but its assumptions about rhetorical subjectivity are also plainly incompatible with how corporations exist as networks. However, since the crafting of the law—and its rhetorical means for interpreting matters that affect networked publics—is informed by the networked rhetorical culture that surrounds it, the future of corporate subjectivity, at least in part, continues to exist with those who have the agency to participate in the shaping of the law through social change, which in some ways is made more possible in an era literally and figuratively defined by networks (Benkler, 2007; Castells, 2011; Pfister, 2014). Likewise, as our rhetorical culture evolves by becoming more networked in the digital age, perhaps the SCOTUS will one day adopt another "commonsensical" assumption that subjectivity itself is networked.

The SCOTUS, however, still cannot escape *stare decisis*, which assumes the law evolves over time. To jettison this doctrine by overturning *Santa Clara*, for instance, would be to negate the SCOTUS's "mythical foundations" for existing as a sovereign power capable of enforcing decisions that are true, just, and rational (Derrida, 2010, p. 239). The stakes, for Latour (2014b), are with humanity itself. As he mentions at the end of *The Making of the Law*, "without [the law], we wouldn't be human; without it*, we would have lost the trace of what we had said*. Statements would float around without ever being able to find their enunciators" (p. 277, italics original).

At a critical juncture of humanity (see Latour, 2014b), it is incumbent upon rhetorical critics to do our part by beginning a reconceptualization of what it means to be "human" within the context that it is perhaps most cherished, and stabilized: the law (see Latour, 2014a). Also given the gravity of corporate personhood for publics, critics, and policy decision makers charged with muddying through the social, political, and environmental effects of corporate actions and consequences in the 21st century, we must look further than modernistic

epistemologies and begin again by not only interrogating the idea of human but also rebuilding the law to meet the demands for social change in a networked world.

As the 21st century advances, and corporations continue to propagate as networked rhetorical actors that have arguably eclipsed nation-states (Hardt & Negri, 2001), we must find new ways to grapple with corporate subjectivity. Corporations teach rhetoricians that subjectivity is a networked accomplishment that is multiple, irreducible, and postdialectical. In more ways than some, corporations become the timeless and immortal exemplars, or the realized ideals, of rhetorical subjects, for they exist in perpetuity through networks and forces that are not restricted to biology. More than that, though, corporate personhood necessarily challenges the concept of humanity itself.

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## Notes

1. A reservation to this was a range of disagreements as to whether corporations were "natural" or "artificial" (also known as "juridical") persons as parts of the "personality" debates (e.g., see Machen, 1911; Maitland, 1900); thus, research is available to support a diachronic analysis of corporate <personhood> from the 19th to 21st centuries. Nonetheless, such discourses were predominately technical in kind and thus tend to be less supportive of the rhetorical culture viewpoint advanced by Hasian et al. (1996). As Gregory Mark (1987) explains in the *University of Chicago Law*

*Review*, most of these highly jurisprudential debates happened behind closed doors between and among scholars, jurists, and policymakers regarding whether corporations were private or public actors or whether or not they had "personality" as "autonomous, creative, self-directed being(s)" (p. 1443; Machen, 1911).

2. It is important to keep in mind that while this article tends to draw out some of the more pragmatic effects of SP's railroad networks, this is not by any means meant to overlook railroad companies' heinous acts of violence against Native Americans and environments. The point of this cartography, rather, is to show how SP functioned as a networked rhetorical actor that built many alliances and coalitions to expand its network and bolster its case for constitutional protection. For more on the violences committed by railroad companies during this time, and the effects of these actions, see DiLorenzo (2010) and Gordillo (2014).
3. Another effect of this particular case was the circulation of what is known as the Conkling Conspiracy Theory which suggests that drafters of the Constitution secretly intended the Fourteenth Amendment to apply to corporations (see Graham, 1938).

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