

Contracting Chicano Culture

Carl Gutiérrez-Jones

Like law (one of its models), culture...develops in an atmosphere of tensions and often of violence, for which it provides symbolic balances, contracts of compatibility and compromises, all more or less temporary.

The Practice of Everyday Life, xvii

This essay constitutes one step in an ongoing project devoted to analyzing the combative dialogue that exists between Chicano culture and legal discourse. The official desires of the academic institution necessarily condition this project; yet, as powerful as these desires may be, they may be transgressed through "criminal" acts of reading and writing, in art as well as criticism. Ultimately, the works I will discuss may be both legal and criminal, both compromise and combat. Inasmuch as the academic institution offers this writing about Chicano culture a "proper place" from which to speak, it enables my project.^[1] The school also compromises this project insofar as it contributes significantly to an unequal distribution of cultural capital in society, relying on methods of organization, especially scientific methods, to effectively represent materials for use by those classes with privileged access. The form of representation, in turn, establishes units and methods of exchange.^[2] Finally, this system of exchange plays out a banking concept of education, as elaborated by Paulo Freire.^[3] De Certeau notes that this system functions well as long as the scholar "is sufficiently enclosed within his judicial institution, and thus sufficiently blind" (*Practice* 60). The certain sacrifice of sight thus required is the inevitable failure implicit in all academic representations that attempt to explain and thereby gain a measure of control over the cacophonous "practices of everyday life." Academics may establish control in this sense through a double contraction: reducing inquiry to a manageable field, and appropriating everyday practices through symbolic balances or compromises. In this vein, Oscar Zeta Acosta's semi-autobiographical novel, *Revolt of the Cockroach People*, offers an excellent example of how academics authorized the recognition of Chicanos as a social group that could seek legal remedy. Defining the Chicano community by virtue of machismo, among other values, the court process described by Acosta conferred patriarchal privileges that made Chicanas and their labor items of exchange at the very moment Chicanos were winning

unprecedented legal recognition. The field of legal inquiry was thereby reduced in significant ways to the perspectives presented by Chicano males; at the same time, a great variety of everyday practices subordinating Chicanas were appropriated under the umbrella of machismo as a community-defining characteristic.

The scholastic disciplines, staked out upon guarded campus terrain, defend their systems of representation while exorcising the pollution presented by the proliferation of those everyday practices that escape incorporation into these fields, balances and compromises. However, the school requires a measure of historical adaptability if, as an institution, it is to fulfill its primary goal, self-replication. Perhaps no one has done more to further this type of discursive institutional analysis than Michel Foucault. However, while Foucault's influence has positively reinforced "the concrete analysis of particular ideological and discursive formations, and the sites of their elaboration" (Hall 71), including the school, his extreme valuation of loosely contingent institutional forces has led a chorus of cultural critics to argue that Foucault commits an under-valuation of everyday, and particularly consumer, practices.^[4] This discrepancy, as Stuart Hall notes, may have dire effects, inasmuch as it implicitly forces Foucault into a notion of historical transformation that appears naïvely symptomatic:

Foucault so resolutely suspends judgment, and adopts so thoroughgoing a skepticism about any determinancy or relationship between practices, other than the largely contingent, that we are entitled to see him, not as an agnostic on these questions, but as deeply committed to the necessary non-correspondence of all practices to one another. From such a position neither a social formation, nor the State, can be adequately thought. And indeed Foucault is constantly falling into the pit, which he has dug for himself. For when--against his well-defined epistemological positions--he stumbles across certain 'correspondences' . . . he lapses into a vulgar reductionism, which thoroughly belies the sophisticated positions he has elsewhere advanced. (71)

Absorbed into the shadows of institutional agency, everyday practices that might subvert such apparently omnipotent forces remain on a wide, but essentially unrecognized level in Foucault's accounts. As Foucault's critical narrative records the desire for change, it assumes the necessity of radical historical breaks built upon symptomatic reactions to historical forces which remain so general as to appear mythic.

In order to coax a less symptomatic, more subtle notion of the interaction between institutional forces and historical change, de Certeau responds to Foucault by setting forth an understanding of the relationship conditioned by practices not wholly controlled by, though potentially inhabiting, institutions. Responding specifically to what he conceives as Foucault's overvaluation of the "privileged development" of panoptic forms of social organization, de Certeau argues that,

a society is . . . composed of certain foregrounded practices organizing its normative institutions and of innumerable other practices that remain "minor," always there but not organizing discourses and preserving the beginnings or remains of different (institutional, scientific) hypotheses for that society or for others. (*Practice* 48).

Implicitly attempting to balance the experiential and structural approaches to cultural studies identified by Hall in his landmark essay, de Certeau would build upon the strengths of both projects: opening subtle forms of agency, while remaining sensitive to the structures which latently condition the construction of agency. Historical transformation thus becomes not a

cataclysmic event, but a subtle process of repetition and change in struggle; with this recognition comes, in de Certeau among others, a desire that social life might find "a rhythm that may, to varying degrees in different areas of society and culture, be open to the interaction of norm and transgression, rule and exception, centrality and liminality, commitment and criticism (LaCapra 181). Especially in the post-Chicano movement moment, such notions carry significant weight. The movement did not succeed in producing the social changes that most of its participants dreamed of, and this fact has led many Chicano intellectuals to rethink the mechanisms of effective political transformation.

Stuart Hall suggests that the critic might attempt to "work through" the extremes attending the field of cultural studies (the essentializing of experience, and the assumption of "an absolute primacy to the level of the formation of concepts") by recognizing the common effort made by critics to expose and think the "latent."^[5] Such a project would include seeking out the practices hidden in daily life by employing a "formation of concepts with which to cut into the complexity of the real, in order precisely to reveal and bring to light relationships and structures which cannot be visible to the naïve naked eye, and which can neither present nor authenticate themselves" (Hall 67). We might ask, however, what the cost of making the latent visible is, especially given the school's dominant contractual function within society. How, for example, might one understand the influence of institutional desires which would appropriate cultural insights, making them available as cultural capital for a privileged portion of society?

De Certeau attempts in a general manner to address these questions by making a distinction between "strategic" and "tactical" activity. The former is constituted by

the calculation (or manipulation) of power relationships that become possible as soon as a subject with will or power (a business, an army, a city, a scientific institution) can be isolated. It postulates a place that can be delimited as its own and serve as a base from which relations with an exteriority composed of targets or threats (customers or competitors, enemies, the country surrounding the city, objectives and objects of research, etc.) can be managed. (*Practice* 35-6)

In contrast, tactical actions are defined by their very lack of a "proper place." The advantage of this itinerant existence lies in a certain freedom gained; the movements of the tactic act like guerilla combat engagements. A tactic "is a maneuver 'within the enemy's field of vision,' as von Bülow put it, and within enemy territory. It does not, therefore, have the options of planning general strategy and viewing the adversary as a whole within a distinct, visible, and objectifiable space. It operates in isolated actions, blow by blow" (37). Within such a context, mobility, survival, and success, become virtually synonymous. Inasmuch as the strategic depends upon the panoptic structures analyzed by Foucault to maintain a mastery of sight over the terrain, tactics "must vigilantly make use of the cracks that particular conjunctions open in the surveillance of the proprietary powers" (37). To the extent that they expand vision, strategies "transform the uncertainties of history into readable spaces," thereby reinforcing the "power of knowledge," or in the school's case, the system of cultural capital exchange. The tactic turns this power's weakness ("power is bound by its very visibility") against itself, relying on deception, multi-voicedness, and improvisation; in the school, the tactic challenges the canon, through improvisation.^[6]

Probably one of de Certeau's clearest examples of the tactic may be found in his discussion of *la perruque*: "the worker's own work disguised as work for his employer" (25). De Certeau offers this pilfering, or what he more frequently terms "poaching," as an operational model of popular culture which might displace traditional modes of study which have emphasized "the past, the countryside, or primitive peoples" (*Practice* 25). Although de Certeau would read *la perruque* as a form of resistance in which the worker is able to "signify his [sic] own capabilities through his work and to confirm his solidarity with other workers or his family through spending time in this way" (25-6), a certain breakdown between tactic and strategy may be evident in that de Certeau notes how such improvisation may well take place with the acknowledgement of the boss who has chosen to turn a not-so-blind eye. Since the boss may continue to exercise a control over the situation by dictating the limits of the "blindness," *la perruque* may also, therefore, be read as an escape valve, an enclave in which the worker is permitted to fantasize liberty. In any case, the distinction between tactic and strategy may require more caution than de Certeau admits.

Such questions have subtle implications for the Chicano critic who, by virtue of participation in the academy, is involved in the "representation" of culture. Although de Certeau's distinction between strategy and tactic may yet appear rough, the study contributes greatly to inquiries about rhetorical force and hegemony in general. Works like Chela Sandoval's *Methodology of the Oppressed*, with its theory of oppositional consciousness, attempt to do just this, to develop a theory of tactical rhetoric, or rhetoric of practice. Suggesting that the rhetorical turns they engage successfully manipulate politically complex forces and structures, such projects appear to benefit from the sort of tactical/strategic differentiation that de Certeau articulates in response to Foucault.^[7] Without such a distinction, notions of historical transformation like those offered by Foucault threaten to become self-parodies. Worse yet, they threaten to feed into a liberal sentimentalism that suggests change will occur in some indefinite future regardless of non-hegemonic agency.

Contributing to the post-movement effort to rethink the dynamics of resistance, many notable moments in Chicano culture suggest that effective action may not be served by attempting to move beyond the terms of a hierarchical binary relation, but rather by reversing the hierarchy; in other words, cultural contexts may exist in which reversal fills a crucial tactical function. Specifically, I think we can gain a greater critical understanding of the tactical in this regard by examining how Chicano texts have appropriated the panoptic power of their oppressors in order to conceive of a retaking of literacy, a dynamic that undercuts the hegemonic notion of literacy as a transparent exchange of information. In exploring this concern we will turn to the rich critique of legal discourse to be found in Chicano texts. In the process, we will focus on instances of both uncritical repetition, and tactical appropriation, of legal discourse.

Critical Legal Studies scholar Mark Kelman has recently argued that people tend to be cognitively afflicted with legal thinking, inasmuch as the rhetorical presuppositions of legal discourse effectively block "counter-hegemonic thoughts," making them simply "harder to think" (269). Of the presuppositions Kelman outlines, I will pursue two in relation to Chicano literature: 1) synthetic individualism (including the limitation or displacement of specific forms of agency), and 2) "the conflation of the potential legal solubility of a problem with the

existence of a problem" (269). In both cases the crucial rhetorical operation may be considered in terms of the mechanics of sight; in both cases panoptic control is at stake. Successful tactical appropriation in this context signals a certain acquisition of power regarding the literacies that might be brought to bear on social and cultural conflicts.

As a concrete way of spelling out what is involved in these two modes, I will turn to one of the most widely published examples of their uncritical repetition by a Chicano writer: Richard Rodriguez' autobiography, *Hunger for Memory: The Education of Richard Rodriguez*. The first mode I have noted, "synthetic individualism," describes a particular construction of agency derived from U. S. legal-philosophical origins in a liberalism most frequently identified with the writings of John Locke. Through this construction of agency, legal discourse conveys a presumption that "social relations can be understood only as the sum of readily comprehensible individual relations" (Kelman 269). Liberalism is, in this regard, committed both epistemologically and politically "to the notion that groups are artificial, that they can be understood or analyzed only by reference to the individuals who compose them" (Kelman 279). Such a presupposition has very significant consequences for potentially transformative legal arguments that recognize the interests of specific social groups, as for instance is the case with issues of Affirmative Action/ institutional racism. The liberal orientation of U. S. legal discourse resists claims to recognize such group approaches, and instead reasserts these claims as antagonisms between particular individuals. Hence the Supreme Court, in its recent Birmingham decision, may assert that recourse pertaining to institutional racism will only be granted if individual intention perpetrates a racist action. In cases like this one, a certain form of contractual protocol takes over in which legal actors are understood solely as transparent individuals working in a limited time frame. Such limitations effectively delegitimize considerations of long-term historical discrimination by one group against another (discrimination founded upon identification with a group); thus, present social inequalities appear to be "natural." The maintenance of social inequality through these limitations ends up being a way of guarding the status quo.

For Kelman, such rhetorical constructions play an essentially anesthetizing role; they cover over unresolved issues and contradictions in the law that, if engaged, would open radical ways of reading the law. Duncan Kennedy goes even further, suggesting that the notion of "natural rights" itself defers a socio-existential conflict.

What is too painful to face is that we both need and abhor others, for they both form and destroy us; give us all meaningful power and subject us to their domination What "rights consciousness," allows is for us to believe that we have solved this problem. We will fuse with people as long as they respect our rights That rights are in some deep sense so indeterminate as to be illusory -- that the problems of fusion and separateness inevitably recur in defining rights, which may demand in an oscillating contradictory fashion more or less concern for others, more or less capacity to call on others to be concerned for us -- never fully negates their fundamental mediating role. (Kennedy cited by Kelman 289).

Rights, or more properly, battles over interpretations of rights, feed into the creation of yet another form of cultural capital, one that again relies upon a critical blindness. As a Chicano text caught up in exactly this sort of anesthetizing self-mutilation, *Hunger for Memory* marks the quintessential example of an argument traversing cultural capital in the two senses

(educational, legal) that I have emphasized. By situating a legal polemic in an educational context, Rodriguez symptomatically combines parallel rhetorical drives aimed at reinforcing the limitations of agency inherent in U. S. liberalism. Asserting his, and everyone's, right to assimilate, to become a "public individual" (26), Rodriguez plays the discourses in such a manner as to make himself the ultimate receptor, a virtual *tabula de la raza*. By accepting this role, and promoting it as a model, Rodriguez legitimates the great variety of institutional panoptic functions that would make us prisoners of anonymity. Ultimately, his scenario of the private, ethnic self being sacrificed to inevitable public acculturation dominates his purview.

To those who would assert their difference through alternative, community-based notions of subjectivity, the seemingly inevitable response to the world Rodriguez describes is paranoia. As one might expect, the young Rodriguez, the child still somehow organically connected with his culture, conveys the experience of everyday paranoia through concrete, if unanalyzed, reactions to his parents' marks of social difference. In particular, Rodriguez' reaction to his father's difficulties in communication reveals an extreme sensitivity to the public's gaze, and its (dis)approval. The problem is compounded by the anger Rodriguez exhibits towards his parents, anger provoked when they immerse him in English, thereby initiating a supposedly inevitable sacrifice of culture and family ties for the sake of educational success. In the beginning, Rodriguez expresses this anger by attempting to make his parents feel intellectually inferior (a motivation supposedly overcome in Rodriguez' mature state, when he realizes that they are in fact intelligent, albeit in a "native" sense). Soon he recognizes a subtler means of hurting his parents; instead of seeking direct confrontation, he cuts them off from his school life and successes (successes which mean so much to them) by imposing silence.

After announcing, in the confessional mode that permeates the text, his intention to hurt his parents, Rodriguez describes a conversation with his mother:

'Tell me all about your new courses.' I would barely respond, 'Just the usual things, nothing special.' (A half smile, then silence. Her head moving back in the silence. Silence! Instead of the flood of intimate sounds that had once flowed smoothly between us, there was this silence.) (51)

Although the master narrative of Rodriguez' text would explain this episode as part of an inevitable social change, what becomes more and more clear in the text is that Rodriguez' resentment is fueled not by a "typical" process of assimilation, but rather by an uncritical reaction to immersion in the educational system; Rodriguez "overlooks" the fact that he lived in an Anglo community, attended a predominantly Anglo school, and therefore had little or no notion of what many Chicanos experience: Spanish as a public language and ethnicity as a social bond. Consequently, he becomes convinced of the inevitability of either/or (immersion) choices at the expense of tactical maneuverings. Reacting to the seeming rejection by his parents symbolized in their early blanket refusal to speak Spanish, and identifying with society's dominant rhetoric of synthetic individualism, Rodriguez attempts to carve out a new identity for himself, an identity which he achieves by symbolically sacrificing his parents who represent ties to a group situated beyond the individual/public, liberal binary.⁷

This technique of imposing an aggressive silence finds a parallel in Rodriguez' larger argument about affirmative action when he criticizes the program for not being sufficiently radical; while the evaluation is conditioned by Rodriguez' failure to conceive of group

interests, it is also conditioned by his tendency to conflate the existence of a problem with its ability to find remedy within the assumed set of viable social interactions. Ramón Saldívar has noted that *Hunger of Memory's* response to affirmative action is conditioned by Rodriguez' failure to "conceive of a form of subjectivity that would draw upon existing social practice, the life of the collective folk (of la raza)" (33). Saldívar appropriately concludes that the text significantly misconstrues the socio-political contexts it would engage by giving meaning to social events only insofar as they are connected to Rodriguez' private life and outlook. In repeated epiphanic instances, Rodriguez does in fact hope to build pathos, as well as justification, for the acculturation that accompanies his education. Each of the instances is constructed around Rodriguez' failure to discover a means of reading beyond silence; in his repeated fatalistic confrontations with his own people, he takes his failure to speak, to engage his Other, as a sign of a determinant social force outside of his control. Failing to find remedy in speech, Rodriguez ignores the problem of creating meaningful dialogue between different segments of his community, instead ascribing the problem the status of an impossibility and ultimately an invisibility. As Saldívar notes, the issue is Rodriguez' failure to imagine a more critical manner of engaging his socio-historical context; rather than developing more subtle interactions between his private self, his public self, la raza and the dominant Anglo society, Rodriguez has created a portrayal of himself which acts out a symptomatic response to his legal context, uncritically reproducing its dominant ideological strategies.

Duncan Kennedy's discussion of William Blackstone highlights this particular aspect of occidental legal ideology, giving a historical perspective to the conflation of recognition and remedy.^[8] According to Kennedy, an evolution has taken place in legal thinking, an evolution in which Blackstone's original, essentially descriptive, defense of a legal system of writs was reconceived by legal positivists in tautological terms. In order to assert the value of the writ system, Blackstone argued that each "preexisting right" incorporated into the system found a remedy there as well. The consolidation of the legal positivist movement was then supported by a misreading that took Blackstone's understanding of the relation between rights and remedies to be totalizing. Thus the recognition of a problem came to depend upon the preexistence of a remedy. The power of such a reformulation lies in its ability to negate competing literacies and voices from outside the legal establishment, forces that might challenge the tautological approach, thereby opening the interpretation of both rights and remedies. Inasmuch as synthetic individualism dominates legal thinking, notions of rights and remedies are effectively limited to undercutting claims by groups, including those who suffer discrimination. Focusing on the protection of individual rights at the expense of group action, the courts have indeed chosen to ignore long histories of racism because, in terms of legitimate remedies, the injuries of reverse-racism are simply more easily corrected, and apparently consistent, within U.S. legal thinking.^[9]

Rodriguez' uncritical repetition of legal ideology, despite his claims to representativeness, does not typify Chicano cultural texts; such texts traditionally manifest much more resistant approaches to the discourses of institutions controlled by and for the white society. This critical demeanor extends to the very basis of hegemonic notions about the function of the law. For instance, mainstream U. S. legal thinking supposes that the public's consent to "the rule of law" is essential if the system is to function successfully, if it is to

achieve justice; such legal thinking assumes foremost that a choice exists between force and the solicitation of consent.^[10] Since the history of Chicanos is the history of territorial occupation through legal manipulation working in concert with violence, it comes as little surprise that consent, as framed in the mainstream manner, is significantly challenged by Chicano texts; consent cannot be the cornerstone of justice where choice has not played a significant role. The law exists, from the non-legitimate victim's perspective, as a tool promoting disenfranchisement, at the very least, discrimination.

In terms of a tactical appropriation of legal discourse which elaborates such a broad critique as well as an appropriation of the specific rhetorical turns I have been describing, Luis Valdez' dramatic version of *Zoot Suit* offers one rich, although problematic, example. The play focuses on a variety of "crimes," most of which are perpetrated against the Chicano community by a rabidly xenophobic Anglo society caught up in wartime paranoia. Although the traditional focus of courtroom drama regards the identification of the guilty party, the recognition of Rudy Reyna's murder of José Sanchez is crucially displaced in the play by Valdez' interrogation of the multitude of panoptic strategies exercised by the press and the courts, strategies which distort the Pachuco image, purposefully misrepresenting it in order to exacerbate existing racial tensions. Henry Reyna, a central character among the accused, never deliberates about his brother's guilt because the option would alter nothing in terms of the community; Henry knows that, whatever the moral implications of Rudy's act, the legal process desires a scapegoat foremost.

In the play, the public's gaze takes on an explicit role in response to Henry's refusal to accept the part of scapegoat. In turn, the courts and newspapers act as the principal conduits by which the panoptic eye directs its gaze; manipulating this power, the judge forces the defendants to present themselves in a slovenly, unkempt manner, far from the image of sartorial care described by Pachuco. The gang thus develops a growing sense of paranoia. The revision represents a manifold strategy by the institution. While the mandatory filth carries a moral message contributing to the gang's "criminality," the revision also penalizes the Pachucos for expressing solidarity in cultural difference itself. The rewriting of the zoot suit marks a systematic colonization of, in a broad sense, a community rhetoric.

Conveyed by the apparently all-powerful court and press, the attacks on Pachuco solidarity hope to destabilize through paranoia, the sort of paranoia that Rudy must relive as he remembers being stripped in public by the gangs of roving soldiers during the servicemen's riots. Paranoia is of course not paranoia if "they" really are out to get you. However, Valdez goes beyond the representation of the historical efforts of the institutions, portraying machinations of a fantastic order in which single characters literally take on alternative identities. This collapse of identities exacerbates the sense of a totally connected system. One of the only hopes for differentiation in this system, at least in the first act of the play, exists in the contrast between Edwards and Smith, the two officers who initially interrogate Henry about the murder. An anomaly, Edwards would appear to be willing to entertain Henry's perspective; yet, shortly after his initial appearance, one finds that Edwards has become Henry's official persecutor by assuming the role of the judge. The change bears out Pachuco's seemingly paranoid reading of Henry's interrogation scene, in which he advises Henry not to trust Edwards but rather look to the latent significance of his rhetoric. Although

apparently omniscient, Pachuco's role as a paranoid reader has its limits as well; the existential isolationism advocated by Pachuco as a means of survival becomes a central source of conflict between he and Henry. It is telling, however, that Pachuco circumvents the height of this conflict by asserting his ability to manipulate not only the action of the play, but also the interpretive lens through which the audience is engaging it.

In addition to his complex role as a paranoid reader, then, Pachuco acts as an all-powerful paranoia-inspiring panoptic force in his own right. The play in fact begins with his transgression of the theater's traditional visual flow; he literally turns the gaze back upon the audience, making them the object of his amusement. The control suggested by this change in the dramatic gaze is then exercised by Pachuco through various extra-diegetic manipulations of scenes, including his introduction of the intermission, complete with its implicit extension of Pachuco's gaze into the theater's bathrooms.

This reversal of the gaze acts as an intervention, constituting a corrective framing for the paranoia that threatens to isolate Henry from his community in any sense other than the fantastic. Denied the ability directly to affect the panoptic institutions of the Anglo society, Valdez' ethic of social transformation relies on the uncanny ability of panoptic structures to be turned back upon the internalized desires engendered by those who control the strategies of the institutions, thus effecting a reversal. With this intervention come new possibilities. A representation of official panoptics that functions as a strategy on the diegetic plane and as a tactic on the performative plane, *Zoot Suit* affords a precarious site for what remains a significantly patriarchal Chicano activism.

With the rereading of social practices offered by de Certeau, we may claim that a radical revision of Foucault's understanding of social power has taken place in which a seemingly new ontological space opens, one latent with potential resistance in the form of everyday practices and tactical maneuvers. To give his notion of tactics an aspect of resistance, and thereby respond to this problem, de Certeau poses them as "calculated actions" (37). Yet, rather than exploring the nature of this tactical intention, de Certeau defends a stance of non-development, commenting instead upon the more abstract reflections cast by tactics, including their temporal orientation (38-9) and their supernatural quality. Of the latter, de Certeau notes that tactical practices "circulate without being seen, discernible only through the objects that they move about and erode." They "are the ghosts of the society that carries their name. Like the spirits of former times, they constitute the multiform and occult postulate of productive activity" (35). This theoretical displacement ultimately throws the rhetorical affect of de Certeau's argument onto itself, rather than an object of elucidation:

The imaginary landscape of an inquiry is not without value, even if it is without rigor. It restores what was earlier called "popular culture," but it does so in order to transform what was represented as a matrix-force of history into a mobile infinity of tactics. It thus keeps before our eyes the structure of the social imagination in which the problem constantly takes different forms and begins anew. (41)

Countering Foucault's emphasis on institutional power, de Certeau claims that his "imaginary landscape of inquiry" takes on "an overall corrective and therapeutic value in resisting . . . reduction" of the phenomena studied (41). Finally the approach "at least assures their presence as ghosts" (41).

That de Certeau should turn to describing his tactical study in spatial terms, i.e. the terms associated with the strategic, signals his implicit location of power in the project. The

source of this power, or "corrective" force, is an imaginary panoptic intervention in which the (ghostly) practices de Certeau would describe take on an omniscience. Like the Rain God at the close of Arturo Islas' novel, the cockroaches that infiltrate the pages of Alejandro Morales' and Acosta's works, and the Pachuco character in *Zoot Suit*, these ghosts play upon the rhetorical organization of the dominant institutional apparatuses (especially the legal) in order to gain at least the potential for control of a landscape.^[11]

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^[1] De Certeau argues in *The Practice of Everyday Life* that institutional settings grant legitimacy to rhetorical strategies, and thereby offer such strategies a "proper place" (xix).

^[2] The film *Stand and Deliver* (1988) offers an exploration of the controversy which follows upon the successful use of an alternative system of exchange; this controversy is one indicator of the stakes behind such systems.

^[3] See *Pedagogy of the Oppressed*, especially 57-104.

^[4] See de Certeau's *Practice* (xiv), LaCapra's *Soundings in Critical Theory* (20-21), and Hall's "Cultural Studies: Two Paradigms" (71).

^[5] With the term "working through," I suggest a process of actively engaging emotionally charged historical material which has been occluded through denial, or otherwise significantly displaced by various cognitive-rhetorical mechanisms. For a full development of the term in this context, see Dominick LaCapra's *Soundings in Critical Theory*, especially 30-66.

^[6] In *Rethinking the Borderlands: Between Chicano Culture and Legal Discourse*, I note that canonicity is an assumed relation among texts (rather than some essential element found in texts), a relation which emphasizes the ahistorical repetition of values/ideas. See especially 9-49.

^[7] The dedication to his parents, and their final silencing in the text, reinforce the suggestion that this sacrifice is a continuation of his active resentment, rather than a form of existential reconciliation occurring after he has lost contact with them.

^[8] For an insightful summary of Kennedy's argument, "The Structure of Blackstone's Commentaries," see Kelman 275.

^[9] For an extended discussion of these legal manipulations, see Alan Freeman's essay, "Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine."

^[10] For an example of the mainstream approach emphasizing the consent model, see Archibald Cox's *The Court and The Constitution*.

^[11] De Certeau's *Heterologies: Discourse on the Other* continues in this vein, rethinking the critique of Foucault presented in *The Practice of Everyday Life* by exploring the way that Foucault's writing in *Discipline and Punish* develops a "panoptical discourse as a mask for tactical interventions" (*Heterologies* 191).