



WINDOWS INTO CIVILITY

SUBMITTED BY:

EXCITABLE SPEECH AND COUNTERCONDUCT ON THE QUAD

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A Tentative Reading of *The Illegal Immigration Capture the Flag* Performance

The most dangerous idea is the only dangerous
idea: The idea that ideas can be dangerous. GILBERT

All of civility depends on being able to contain
the rage of individuals. LEDERBERG

The pervasive images of unauthorized immigrants swimming, jumping and running through the foreboding (and forbidden) Mexico-U.S. borderlands never fail to evoke primal visceral reactions: anxiety, fascination, empathy, outrage.¹ Resorting to this ubiquitous and powerful



trope, on May 1 (May Day) of 2007, the Davis College Republicans (DCR) converted The Quad at U.C. Davis into the Mexico-U.S. borderlands for a performance in three acts. The first act consisted of a rigged game in which INS agents with hands tied pursued, apprehended and quickly released “illegal” immigrants. Secondly, the audience erupted into a carnivalesque [counter-performance](#) that included a Mexican folkloric troupe in costume circling the DCR while dancing to the crowd’s chant, “together, united, we’ll never be divided!” This irruption precipitated a police escort for the DCR’s retreat. In the dénouement, the DCR performed outrage, alleging that its “First Amendment rights were seriously violated” (Daley, “U.C. Davis Student Senate”). Meanwhile, then Chancellor Larry Vanderhoef performed a compulsory censure, calling for “courtesy and respect” and adherence to U.C. Davis’s “Principles of Community” (qtd. in “Malicious Method”).

The game was derived from other catch-the-immigrant

¹ For an illustrative compilation and discussion of this phenomenon after President Obama’s announcement in 2009 to take up immigration reform, see [“Cable news caricatures immigration issue with ubiquitous footage of border-crossers.”](#)

games similarly performed and aborted at other campuses nationwide. Despite claims of revealing “economic conditions in other countries,” and informing about “the immigrants who die while crossing our porous border,” these performances were equally reductive and ahistorical in their selective forgetting of all but the futile policing aspect of unauthorized immigration (Clumpner; Daley, “Malicious Method”). Similar claims of expressing “opinions regarding illegal immigration in a friendly, collegiate manner” were proven disingenuous by the intentional coincidence with other “leftist” May Day campus protests (Clumpner). In fact, prior and subsequent College Republican performative works reveal the same formula of staging willfully injurious speech acts that provoke predictably spirited counter-protests, and then performing outrage and reverse injury. To give but two of many examples, in October of 2003, the DCR performed its *Conservative Coming Out Day* during U.C. Davis Gay Pride Week. The local event received national attention after a parody piece aired on *The Daily Show* that included an interview with a DCR member (“[Right Out of the Closet](#)”). In September of this year, the Berkeley College Republicans performed an [Increase Diversity Bake Sale](#), during which they sold baked goods at discounted prices to non-whites and women to protest a state bill aimed at permitting ethnicity as a factor in the UC and CSU admission process.

To more effectively comprehend these deliberately excitable speech acts, and to perhaps ameliorate their cyclical reappearance, a more effectual approach is to read them as performance, which in Diana Taylor’s conceptualization, fundamentally operates “through reiterated, or what Richard Schechner has called ‘twice-behaved behavior’.”² Taylor further promotes methodic scholarly analysis of “events as performance” (3). Judith Butler advances the related, yet distinct, concept of “performativity” as “that reiterative power of discourse to produce the phenomena that it regulates and constrains” (*Bodies that Matter 2*).³ Thus, the capture-the-immigrant events nationwide should be read as mimetic speech phenomena that *reiterate* and “twice-behave” discourse borne out of a broader sociopolitical and cultural context. The first response to such events should always be aimed at (re)historicizing and (re)contextualizing their content. If, as Peter Andreas theorizes, border policing itself is “performative and audience-directed,” then any performance of it is necessarily reiterative, twice-behaved behavior. Put another way, the DCR event was a metaphorical game about a much more serious and violent metaphorical game that is squarely aimed at “symbolically reaffirming the state’s territorial authority” (xiv).

Indeed, it is this symbolic reaffirmation of the state’s territorial sovereignty, elevated to national obsession after 9/11, which constitutes the broader context of these games. Specifically, the games started in early 2006 and were inspired by four unprecedented political happenings. Firstly, in late 2005, the U.S. House of Representatives passed HR4437, “The Border Protection, Anti-terrorism, and Illegal



5,100 crosses; Día de Los Muertos, 2009 (AP)

² The full Schechner quote is illuminating: “Performance means: never for the first time. It means: for the second to the nth time” (Schechner 36). Schechner believes that “restored behavior” is “the main characteristic of performance.” In his view, the origin of restored behavior “may be unknown or concealed; elaborated; distorted by myth and tradition” (35).

³ Actually, Butler is borrowing and further elaborating the term “performative” from J.L. Austin’s *How to Do Things With Words*.

Immigration Control Act,” which discursively conflated unauthorized immigrants with terrorists and would have criminalized approximately 12 million of them. Secondly, in May of 2006, the Senate responded in kind with its own diametrically opposed “Comprehensive Immigration Reform Act,” aimed instead at providing a path to legalization for unauthorized immigrants. Thirdly, after both bills faltered, President Bush signed “The Secure Fence Act of 2006,” enacting the unprecedented militarization and fortification of the Mexico-U.S. border. Finally, the volatile confluence of these events sparked a remarkable display of “migrant counterconducts” in the form of marches and insurrectionary speech acts performed by millions of immigrants and immigrant rights supporters throughout the first half of 2006 in over 150 U.S. cities (Xavier Inda 84; Barreto et.al. 736-37). To add more heat to the already simmering discourse, the presidential primary debates had simultaneously started in the Spring of 2007. On the Republican side, unauthorized immigration was a featured issue precipitating a torrent of increasingly excitable speech by candidates competing to appease their conservative base.

Hence, taken as a whole, the string of catch-the-immigrant games nationwide, including the second-act counterconducts, were in essence mimetic allegorical performances of concomitant watershed sociopolitical moments transpiring from 2005 through 2007. Butler reminds us that the state (sovereign) plays a crucial role in sanctioning, legitimating and, through its literal “acts of law,” codifying injurious speech (*Excitable Speech* 16, 77). While never excusing the emitter of injurious speech, we should consider that “such speech is at once the deliberate and undeliberate effect of a speaker. . . . [who] is not the originator of such speech, for that subject is produced in language through a prior performative exercise of speech: interpellation” (39). In speaking of the “political promise” of insurrectionary responses to injurious speech, such as the marches of early 2006 and the irruptions of [counter-protesters](#) during these staged games, Butler proposes that “agency begins where sovereignty wanes” (16).

While much remains to be said about strategies for responding to these phenomena, as a first response, reading them as anything other than reiterative performative speech acts is to not only squander a pedagogical opportunity, but to also inadvertently inspire like events *ad nauseam*. Recycled exhortations that utilize slippery signifiers such as “community” or the easily misappropriated “civility,” which doubly denotes either citizen activism or behaving courteously and respectfully, can also create false or blurred equivalencies between injurious speech and the reactive energetic speech of the *injured*. Obfuscatory essentializing discourse that permeates the responses of campus authorities absolves not only the broader sociopolitical performativity from its role in impelling hegemonic mimesis on campus, but also the university itself from its own pedagogical and social obligations to instill critical thinking skills in our students, the same skills required by them to begin to destabilize and denaturalize tired old ideological binaries that polarize us and paralyze our progress.

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