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How the Other Half Continues to Live: A Rhetorical, Nuanced Redefining of the Colonia Phenomenon

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HOW THE OTHER HALF *CONTINUES* TO LIVE: A RHETORICAL,
NUANCED REDEFINING OF THE COLONIA
PHENOMENON

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James Michael Nielsen

2017

HOW THE OTHER HALF *CONTINUES* TO LIVE: A RHETORICAL,
NUANCED REDEFINING OF THE COLONIA
PHENOMENON

by

JAMES MICHAEL NIELSEN, B.A.

THESIS

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Chapter 1: Narrative Preface

We parked in the dirt road before a dilapidated house. I immediately noticed a TV heaped with some other random objects—a baby stroller, a 5-gallon water jug, tile and boards—all inside of a bathtub. The house looked like it was put together in sections, the porch perhaps the newest, yet worst looking and still unfinished, section. At the corner of the porch a pipe jutted from the ground attached to a green hose that ran around the front of the house and into the front door. A small puddle of water gathered around the pipe due to a slight leak; she would later tell us that it, her only water source, was broken at the time. This was a standard occurrence. Her property was surrounded by a large fence, at least in the front. It was hard to tell where the back section of the property ended as it just faded into the surrounding desert—not only her backyard, but also her house and this community in general. It was detached by many miles from shopping malls, grocery stores, hospitals, other houses—everything.

I followed my escort, Lutheran Pastor Rose-Mary Sanchez in my SUV initially through far-east El Paso, and finally into the desert near Hueco Tanks. We were still inside El Paso County, but we were no longer in the city proper or even on paved roads. In my SUV, we bounced around the rough terrain.

People live out here?

Conchetta, a social worker for the colonias of El Paso County, drove with me. She was Rose-Mary's connection to the people we were about to visit, three different homes. I was working as an intern, producing a promotional video for her border immersion program. This allowed me the unique opportunity to be a fly on the wall as she directed young college students to various locations along the U.S.-Mexico border. The point was to allow them to personally witness the border, border stories, and people along the border to then make their own opinions

instead of simply believing what media or someone else told them regarding the area and situation. She was now introducing us to what she called “colonias.” I’m not from El Paso. I grew up in a mostly white, small town in Southern Utah. I was still new to my minority position as a white guy in El Paso. And though I am bilingual, I do not speak Spanish. Therefore, this term puzzled me.

Colonies?

I would later tell others of my thesis research topic: “colonias.” They would react the same way. A friend working for the State Department in Juarez as a Foreign Service Officer, looked at me perplexed. He spoke Spanish, so to him, I simply said I was studying neighborhoods. Though a world traveler of 45 countries and counting, he knew nothing of this phenomenon. Likewise, when traveling back home to Utah, my family were equally nonplused. They, as I, heard the word “colony” in a Spanish accent. Explaining my research required much more than simply stating the term “colonia.” This fact would later be quite important to my research.

As I walked toward the house, Celia—the resident of this plat of land—approached us. Her leathery, wrinkled skin gave away her age. She also walked slowly but smiled warmly at us. Conchetta and Rose-Mary translated her Spanish. She described her life. She lived alone. No adequate running water, no transportation, no job. She was also undocumented. Her husband had gone back to Mexico to visit family but, for reasons I do not recall, he was not allowed back into the U.S. With the help of Rose-Mary and others Celia had food.

Rose-Mary would later describe logistically the amount of people living in such conditions: over half-a-million along the border in Texas. She went over all the facts she had: their poverty rates, health issues, physical challenges, education and work opportunities, or lack

thereof. I was dumbfounded. I'd never heard of this situation before. I sat in her small urban church in astonishment. Though I was there simply to fulfill the role as an intern videographer, I had also become a participant of this border immersion experience. This is also an important part of my thesis journey. At this point I knew I wanted to find out more about this phenomenon, the colonias.

We also visited a few other settlements.

The last we visited was even more estranged than the previous two. We pulled in to see a massive water container, something like 500-gallons large. The house didn't seem to have doors. The floor was hardened cement. This family again shared stories through tear-filled eyes of the challenges of the border, undocumented living, and coping in such meager conditions. Though they had a large water container, it wasn't drinkable. They had to purchase gallons of water for drinking. The big container was for cleaning and bathing. They paid a monthly price for trucks to come in and refill or replace the container once or twice per month. The bathroom was also simply an outhouse. Like Celia, they happily fed us, this time tamales.

The very first colonia we visited looked more like something I'd seen before, even lived in myself. Though this form of poverty was new to me, I'd experienced similar things in my own childhood: another reason why I've been so drawn to this phenomenon. I grew up in broken homes with drug abuse and living in motels. Often times we didn't have anywhere to live. During those times, we'd still find a place, a battered women's shelter—my dad was physically abusive—or a family member's house. I even lived in trailer parks before. As we drove through the colonia watching the trailers pass us on either side, it reminded me of my childhood living in a similar situation. From the statistics Rose-Mary shared, this actually didn't look as bad. It was just some kind of trailer trash area similar to what I had lived in before.

This isn't so bad.

However, even in the trailer I lived in, we had running water. We had electricity, paved roads.

This colonia, Sparks, contrary to what it looked like was very developed. Many of these trailers also had water and sewage. In fact, the community had come together to build a community center where they offered many free services including exercise classes, teaching opportunities, and medical check-ups for women, men, and children. However, legally, once a colonia is termed a “colonia,” it is always a colonia. There is no removing it from the state list, regardless of amelioration. This further confused me as to the definition of what a colonia actually is, but more on that later.

Ultimately going through these colonias, seeing the situation these people lived in, connecting it to my troubled childhood and past, talking to the actual people living in the colonias prompted something inside me. First, I felt something had to be done. We have to find a way to help these people. Second, I felt the need to tell others about such a situation. I decided I'd do research on the colonias at that time. I was taking a research methods class and used this topic to build a sample prospectus. I wanted to fix their situation. I wanted to right their issues. And I wanted to bring awareness.

Though my reasons for my initial research have evolved quite drastically through the discoveries I've made, this is how my research began.

Introduction

Jacob Riis published *How the Other Half Lives* over a century ago. His book focused on the poor living conditions of the tenement societies of New York City—the other half. His goal was to bring awareness and change by documenting these immigrants' experiences from a

previously-not-seen perspective (Riis 1). Through his research many laws were created and reformed to better the living conditions of those in the tenement societies and led to the United States' standards of housing today. This was directly related to his ability to portray the people in a nuanced, different, and action-provoking way.

The research proposed in this study is directly inspired by Riis' work; however, it will focus not on New York's tenements but on the El Paso County colonias along the U.S.-Mexico border. Ultimately, this archival research will look at what counterintuitive or opposing ideas exist on the topic of the colonias that might provide a more nuanced redefining of this phenomenon through a rhetorical lens: namely critical discourse analysis theory (CDA). The main research methodology will focus on the legal aspects of the colonias; specifically, I'll focus my analysis on how three different groups—the media, the government, and law theorists—perceived the series of bills passed regarding the colonias by the Texas Legislature from 1987-2005 with a particular focus on House Bill 1001 passed in 1995 when it officially became illegal to sell land plats without some kind of infrastructure that would allow for potable water and sewage to provide better health standards so disease would not spread and create further economic distress. Not only will I analyze the way these groups (media, government, law theorists) perceived this law, but also I'll look at how they write about the colonias and the people living there, how they frame their arguments, how they define the colonias, and commonalities and differences among the sources. Researching from three different perspectives will provide adequate triangulation of information to come to proper conclusions.

Critical discourse analysis (CDA) here is influenced by critical race theory, rhetorical situation theory, and imagination theory and will provide the proper rhetorical lens with which to see this event and phenomenon uniquely. This has not been done in any of the research on the

colonias thus far. The thesis will also detail how CDA is grounded in the rhetoric discipline. In fact, an important part of CDA involves looking at how hegemonic power might be working against those living in the colonias. For example, power structures in this situation may be working to socialize colonia settlements into something more like middle-class America through punishment and discipline, thus pushing away from their counterintuitive approaches to living. CDA will also help to discover a colonia rhetoric propagated by the powerful and privileged onto the poor living conditions of the colonias—the other half.

This thesis is divided into five sections:

- First, it will briefly detail what a colonia is, the history of the colonia phenomenon in the El Paso country area, and how it connects to informal housing practices across the world.
- Second, in the methods sections, I'll explain my theoretical frameworks, then what I did with my critical discourse analysis and how it ties to the rhetoric discipline: namely, what texts I analyzed, why I analyzed them, and where I found them.
- Third, I'll detail the results of these methods followed by implications to the research, the “so what?”
- Fourth, this will lead into discussing the colonia rhetoric found from the research and the term “colonia” and its connection to colonia rhetoric.
- Last, the thesis will end with a call-to-action and a specific need for more research.

Chapter 2:

A Brief History of the Colonias and Other Informal Housing Practices

This section will detail what the regional term “colonia” means, the history of this phenomenon, the legalities associated with these settlements, and the connected housing practice known as informal housing and how it relates. It is first important to understand these concepts before diving into the methods and methodology of this paper and the rhetorical lens used.

Colonias (Un)Defined

Nancy Simmons in “Memories and Miracles” starts by stating “the word ‘colonia’ in the Spanish of Mexico means neighborhood” (33). In the footnote she also uses the term “city district.” This term can even mean a “respectable, often upper-class subdivision of a city” in Mexico (Davies 119). In the most recent scholarly work available on colonias entitled “Las Colonias in The 21st Century,” the authors cite the current definition as given by “the Texas Office of the Secretary of State [defining] a colonia as “a residential area along the Texas-Mexico border that may lack some of the most basic living necessities such as potable water, septic or sewer systems, electricity, paved roads or safe and sanitary housing” (Barton et al. 1); therefore, “some would argue [colonia] is analogous with inner-city ghettos [though the term ghetto has also been misappropriated over time]” (Chahin 320). Definitions of the colonias differ depending upon the source and time period. Even in this most recent definition, there is still some obscurity as to what exactly qualifies as a colonia: a colonia “may lack [which implies it doesn’t necessarily have to] some of the most basic living necessities” (Barton et al. 1). This definition also provides a list with the conjunction “or” so a colonia might only be missing certain necessities but not all of them. These necessities only include infrastructure like adequate water or sewer systems, but do not include other important social programs like public transport.

This detaches colonias not only legally from the middle-class neighborhoods in their precincts, but also politically, economically, and socially (Larson 149), though these aspects are not recognized in most definitions on the colonias.

Texas law found in the House Bill 1001, which began regulation of colonia developments at the county level, defines these settlements in greater legal details over many pages. Specifically, the bill understands a colonia as an economically distressed settlement, generally within an economically distressed county. This means a place that has a “per capita income that averaged 25 percent below the state average for the most recent three consecutive years for which statistics are available and an unemployment rate that averaged 25 percent above the state average for the most recent three consecutive years for which statistics are available” (United States 3). There are many more sections and conditions as to what colonia means, like it must be near the Mexico border, and usually lacks infrastructure. In fact, there are many specific requirements that must be applied to an economically distressed settlement before it is considered a colonia.

Ultimately, “there is no typical colonia” (Larson 145). This is important information to consider moving forward with this research. For continuity, the research presented in this paper uses the definition given by Jane Larson; Larson, law professor and theorist, states: “Among the border’s ‘homemade approaches’ to this growth without prosperity has been the emergence of informal housing—unregulated settlements known in the region as ‘colonias.’ In regional usage, a ‘colonia’ is a semi-rural subdivision of substandard housing that lacks basic physical infrastructure, in particular, clean water, sanitary sewage or adequate roads” (140).

Simply from this knowledge, it is already possible to see that we’ve taken a Mexican term that simply means a standard neighborhood and modified it to fit something less than it

once was or substandard. This may already show a form of suppression or even racism. However, the use of the term colonias among policymakers may also show, at the least, ignorance of other important facts or at the most purposeful legitimization of their perception of this phenomenon. For example, a colonia must be along the U.S.-Mexico border. If there are rural settlements that lack infrastructure, but they exist more than 150 miles from the border, by definition they are not colonias. Policymakers define it as such because they believe this phenomenon is a uniquely Mexican practice, one they have brought with them to Texas but not far from the border (Larson 155). Most policymakers want this practice discontinued. Furthermore, they fail to see that such housing practices are much more common across all the world including into the United States heartland. Therefore, by calling these settlements colonias, lawmakers continue to treat them as such. What better term could we use to legitimize this perception than their own term for neighborhood? Scholars of informal housing practices know that “there is nothing either temporary or aberrational about this housing pattern” (Larson 155).

The attempt to define this phenomenon by so many different people with so many different definitions cannot be understated. All of the sources I’ve read on the subject have attempted to offer a definition of what a colonia is. These definitions are often at odds with each other, though plenty of overlap in definitions exists; however, importantly, Larson in her definition states that this term “colonia” is blanketed in the larger (and possibly more proper) term “informal housing.” Because of Larson’s astute connection of the colonias to a world-wide phenomenon known as informal housing, the research here will use hers as the primary definition of this term.

The colonias in this geographical place of interest—the US-Mexico border region of El

Paso County and Southwestern New Mexico—started outside of county power where infrastructure and public access did not exist; therefore, citing them for illegal activity because there wasn't an option to live legally in the first place is problematic. In fact, for legal theorists, this would actually be considered extra-legal, not illegal (Larson 140). However, the government generally only works through the lens of legal or illegal, nothing in between. For example, in Ellen Cushman's ethnography *The Struggle and the Tools*, she details how black men in inner city communities often work in informal economies due to their lack of education and the lack of jobs available, yet this work comes with personal risk "that often landed them somewhere in the penal system" (xi). Though these minorities had very few to zero legal options to house themselves or work, the government still punished them for looking at underground methods of survival. This is the in-between life as stated by Ralph Cintron in *Angels' Town*. Though Cintron was speaking mainly of the polarity of identity regarding Mexican versus Anglo, this term fits well with people trying to live in the U.S. outside of the legal system (12-13). This term fits just as well within an area deemed a colonia, especially for those living there of Mexican decent—and they predominately are—who know what the term originally meant, but now deal with what the terms means to them after being adopted by English speaking Americans.

Colonias are a small part of the bigger picture of informal housing; however, informal housing has not been adequately researched in that it is often not "conceptualized as 'informal housing production,' and so the links between related housing practices [such as the colonias] are not understood" (Larson 154). Carmen Gonzalez agrees with Larson that many scholars construct "informality as a uniquely Third World phenomenon, and [neglect] to address the growth of poverty, inequality, and informality in both the global North and the global South" (239). Though more research has been done since Larson, this gap in the research persists

today—one that needs filling.

A History of the Colonias

The term colonia can be found in studies on rural housing at least as far back as 1977 (Simmons 39). In the 1960's Texas was doing nothing to aid or prevent colonia growth; however, New Mexico was already passing laws regarding these settlements such as the Land Subdivision Act of 1963 (Simmons 56). The very first colonias started in Texas in the 1950s and 60s. They continued to grow through the 70s too (Larson 148). Then in the 1980s an explosion in colonia settlement growth began leading into the 1990s. In 1987 a Congressional Research Services (CRS) report stated that El Paso county had 80 colonias with 15,000 residents, then in 1990—only three years later—250 colonias with 70,000 residents in El Paso and 842 colonias with 198,000 residents along the Texas-Mexico border (Simmons 42; Larson 148). By 1993, 250,000-3000,000 residents in 1,100 settlements, by 1996, 340,000 residents in 1,400 settlements lived along the Texas-Mexico border with a larger population of those living in the El Paso county colonias (Larson 148). Because colonias by definition must be near the border, and because government officials continued to lengthen that border distance starting at only 25 miles, to 50 to now 150, the number of colonias continually grows. Oscar Munoz, Director of the Texas A&M's Colonia program, states that we don't even really know exactly how many colonias exist because the further we travel from the border the more we continue to find (Munoz). From the 1990s to the 2000s, the population of El Paso County grew 14.9% (Larson 139). Yet, as the population increased, so did poverty. The poverty rate grew at a much higher rate than the rest of the country, a "growth without prosperity" (Sharp). By the mid-2000s, 15-20% of the people living along the Texas-Mexico border lived in colonia settlements (Olmstead 136). Today, an estimated half-a-million people live in over two thousand different colonia settlements along just

the Texas-Mexico border, a large portion of which live specifically in El Paso county (Barton et al. 1).

There are a number of factors that contribute to this growth. Many attribute this sudden growth to Mexican farmers. During the 1980s, experts surmised that economic and legal issues forced farmers to stop housing their farmworkers, which required the immigrants to find ulterior means of housing (Simmons 44). Many also believed it might have had to do with a recession in Mexico as well as encouraged immigration to the US (Simmons 43). Also, developers realized they could sell land plats with little to no infrastructure, which caused continued growth. Texas legislators in House Bill 1001 state that this problem is due to “implementations of the North American Free Trade Agreement (NAFTA), the general Agreement of Tariffs and Trade (GATT), other economic incentives, and the increasingly robust economic development along the Texas-Mexico border” (United States 1). Regardless of the reason, there was a definite need for low-income housing—which is primarily why the colonias emerged. Yet many researchers and law-makers don’t make this connection as often. Though Barton et al. do state that there was a lack of affordable housing, they—and many others—tend to blame the phenomenon on unscrupulous developers of the land “because there had been a lot of landowners who were able to sell their land by cutting it into lots—without having to account for any infrastructure” (2), particularly when they realized they could make more money doing this than continuing to plant cotton among other things. This links back to Larson’s comment that much of the research still ignores the greater phenomenon connected to the colonias as informal housing. It is still a counterintuitive idea that the colonia phenomenon is simply a result of a lack of affordable housing options for the poor, a “strategy for economic survival” and due to this lack of housing they were forced into extralegal ways of living: a way the rest of the world understands as

| Demographics in Colonias Differ From Texas and U.S. | | | | |
|---|---------------------------------------|------------------------------|--------|--------|
| | | Colonias sample [†] | Texas | U.S. |
| Basic demographics | Age (median) | 27 | 33.6 | 37.2 |
| | Hispanic or Latino (%) | 96.0 | 37.6 | 16.3 |
| | Speak English less than very well (%) | 43.3 | 14.50 | 8.71 |
| | Foreign born (%) | 34.8 | 16.2 | 12.8 |
| Citizenship status (%) | Citizenship rate under 18 | 94.1 | 95.6 | 97.0 |
| | Citizenship rate 18 and older | 60.8 | 86.6 | 91.4 |
| | Citizenship rate, all ages | 73.1 | 89.1 | 92.8 |
| Educational attainment, population 25 and older (%) | Less than high school diploma | 54.8 | 19.6 | 14.6 |
| | High school diploma | 23.4 | 25.7 | 28.6 |
| | Some college | 16.4 | 28.7 | 28.6 |
| | College degree or higher | 5.5 | 26.1 | 28.2 |
| Employment status, population 16 and older (%) | Employment-to-population ratio | 50.4 | 60.2 | 58.8 |
| | Unemployment rate | 10.8 | 7.3 | 8.7 |
| | Not in labor force | 43.2 | 34.5 | 35.2 |
| Household income (\$) | Median income | 28,928 | 50,920 | 52,762 |
| Poverty status (%) | Poverty rate | 42.0 | 17.0 | 14.3 |
| | Near-poverty rate* | 19.4 | 10.9 | 9.2 |
| Government assistance (%) | Public assistance or food stamps | 40.3 | 11.6 | 11.0 |

[†] Colonia sample is based on available census data and includes colonia residents from Cameron, El Paso, Hidalgo, Maverick, Starr and Webb counties.
^{*}“Near poverty” is defined as 100 to 150 percent of the poverty line.
 SOURCES: For population, housing and age data, 2010 census unless otherwise noted; for all other demographic data, 2011 American Community Survey 5-Year Estimates, Census Bureau.

Figure 1.1: Colonia Demographics

informal housing (Larson 142).

Colonia Residents

A great source for updated information on the colonias is the “Las Colonias in the 21st Century: Progress Along the Texas-Mexico Border” report by the Federal Reserve Bank of Dallas completed in April of 2015. This report explores the people of the colonias and their situation today.

As shown in Figure 1.1, the average person living in the colonias is 27 years old, Hispanic, likely a citizen, female, uneducated, and living in poverty (Munoz; Barten et. al.).

For the purposes of this thesis, and focusing on the legal aspects of people living without infrastructure in colonias, Figure 1.2 and Figure 1.3, show the level of infrastructure within colonias in 2006, 2010, and 2014. Notice that by 2014 the majority of colonias (within the six

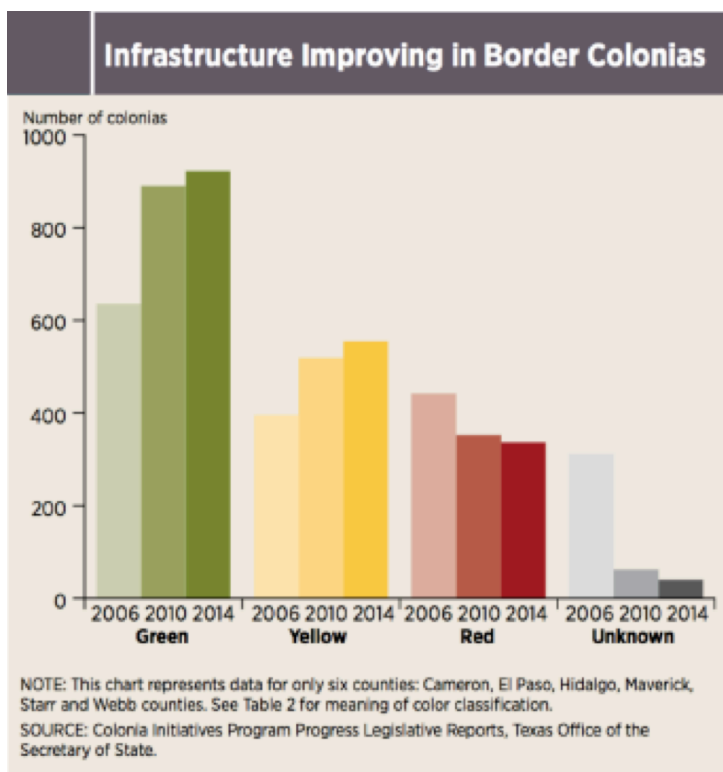


Figure 1.2: Colonia Infrastructure

| Texas Colonia Classification System | | | | |
|-------------------------------------|-------|--------|-----|---------|
| | Green | Yellow | Red | Unknown |
| Drinkable water | ✓ | ✓ | × | — |
| Wastewater disposal | ✓ | ✓ | × | — |
| Legal plats | ✓ | ✓ | × | — |
| Paved roads | ✓ | × | — | — |
| Adequate drainage | ✓ | × | — | — |
| Solid waste disposal | ✓ | × | — | — |

SOURCE: Senate Bill 99: "Tracking the Progress of State Funded Programs that Benefit Colonias." Presented by the Colonia Initiatives Program, Office of the Secretary of State, 2010.

Figure 1.3: Classification System

major colonia counties in Texas: El Paso, Cameron, Maverick, Hidalgo, Starr, and Webb counties) have drinkable water access on their land. Less available, but still a large percent also have waste disposal systems. Though many colonias are now receiving amelioration through government assistance, self-help building, and non-profit and grassroots organizations, there are still many more colonias without such infrastructure.

Colonias and Informal Housing Practices

Throughout the world, informal housing does have some common ground, specifically the following four principles: (1) those living on the land build the houses

themselves; (2) they build the houses in a nonstandard form; (3) these settlements are generally illegal, informal, or extra-legal; (4) and the financing is acquired outside of standard credit

institutions: “informality is a strategy by which people exploit themselves as a means of creating economic opportunity not otherwise available” (Larson 141-150). Informality, unfortunately, marginalizes the already marginalized, such as women, children and ethnic minorities. Furthermore, borderlands frequently experience such marginalization. Globalization generally “replicates existing patterns of power and influence” (Larson 138). Borders also deal with subcultures not completely accepted by the rest of the country. The US sees the south, and Mexico sees the north as Other, and they are treated that way. Therefore, as the colonias represent a third world experience, globalization further disparages those already disparaged. This is the cost of informal housing, particularly along a border like the U.S.-Mexico border, and perhaps a reason why it exists here more than in the heartland of the US. Most research that has been done in the US on worldwide informal housing settlements has largely ignored this phenomenon within the United States though. Most scholars, at least before the 21st century have ignored that this phenomenon does exist within the US “and more than just marginally” (Larson 155).

Informality is an important term. Informality is not illegality. Informality involves illegal means to reach a legal goal such as building a house and having land. Illegality generally involves criminal activity to reach an illegal accomplishment such as human trafficking (Larson 157). There are various schools of thought regarding how informal sectors are formed: either by over regulation of oppressive governments, or by a lack of regulation and law, and thus exploitation occurs. Either way, “informality is an indigenous response to the unproductive use of law” (Larson 158).

Texas law appears to “treat the issue of inadequate rural housing as a recent problem rising from inadequate government regulation and the violation of consumer protection laws by

disreputable developers” (Simmons 46). Informal housing is not a recent issue—nor a border issue. In “Irregular Settlement and Government Policy in North America and the Twentieth Century,” Richard Harris explains that this issue spans all of the U.S. (15). Though some Americans live in housing similar to the colonias, many actually live in tents and even “tent cities” across the country (Loftus-Farren 1039; Donovan 9). This fight goes back to the late 1800s and early 1900s when Jacob Riis fought against informal tenement housing issues in New York City (1). However, this isn’t just an issue in the United States but spans the world. Just outside of Lisbon, Portugal there are Hindu populations that have built informal housing because of the formal economy’s lack in providing adequate low-income options (Wilson 217). The same is true in Brazil (Poirier 278). Turkey used to provide for their informal housing sectors; however, due to neoliberal policies in the last four decades there has been a turn away from allowing the city’s new migrants’ informal housing (Yazici 109). Likewise, in Mexico City over 40% of the total population live in illegal subdivisions (Larson 140). The same could also be said of temporary or informal housing in refugee camps. Edesio Fernandes and Ann Varley in “Law, the City and Citizenship in Developing Countries: An Introduction” state:

If we consider land tenure, infrastructure requirements and building standards, we find that an average of 40% and in some cases as much as 70% of the population of the major cities [of the world] are living in illegal conditions. Thus, most urban housing worldwide develops outside of formal law and markets, either by means of land seizure or squatting, or by nonconforming subdivision that falls short of regulatory standards. (3)

Yet many laws continue to treat this as simply a border issue. For example, a colonia by federal law must be within 150 miles of the Mexico border for it to be under the same law and protection

of the government, which then excludes settlements further north (Barton et al. 3; Simmons 34).

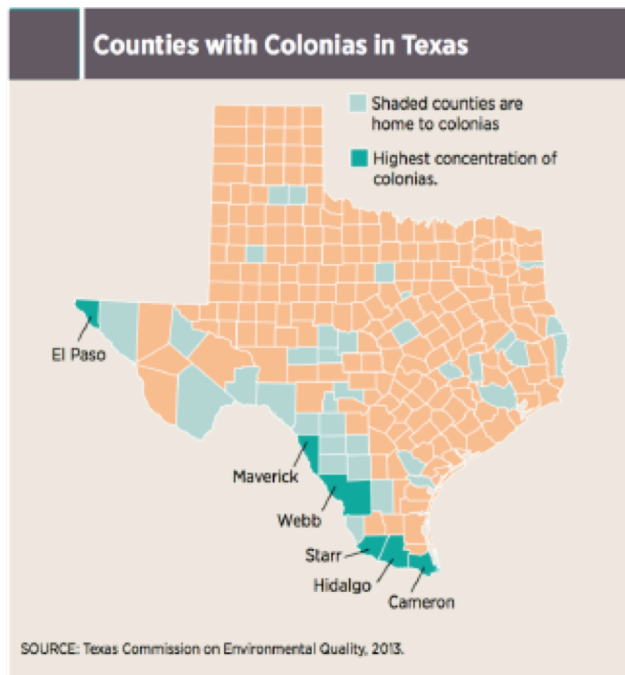


Figure 1.4: Colonia Counties

Figure 1.4 shows colonia concentrations in various Texas counties. Of course the largest populations of the colonias live along the six major counties marked. This shows that there are still populations unprotected by the same laws for being too far from the border. This is explicitly because they don't fit the standard definition of what a colonia is, though in all other ways they are colonias.

Laws and Legislation

This protection, however, is also a double-edged sword: "Depending on governmental policy, informal settlements may or may not gradually 'regularize,' shedding their illegal or nonconforming status and acquiring basic service and infrastructure" (Larson 146). Colonia legislation, laws, and codes were introduced in an attempt to cut down on their growth and socialize them into a more suburb-like America. These laws stated the need to have some amount of water- or sewerage-based infrastructure on the land once the buyer begins self-help building (the owner builds the house as money is available).

Before these laws, land plats (a quarter to half an acre) in the colonias only cost \$50-\$150/month with an eventual purchase price of \$10,000-\$12,000 (Larson 148). However, the prices went up after implemented legislation. Now those same people pay \$25,000-\$30,000 per land plat, three times the amount as before (Munoz).

Particularly in Texas, a “regulatory vacuum existed until 1995” (Larson 147). This is what allowed informal housing to flourish. The date 1995 refers to the House Bill 1001 that required developers to provide infrastructure by way of water and sewage resources that met county safety and health codes to be provided in the area when land is purchased. Lawmakers saw the massive boom in colonia growth along the Texas border and became worried over the possible ramifications economically and regarding health and the spread of third world illness; (United States 1-2) however, there was also a sudden state- and nation-wide spotlight put on the colonia issue particularly through sensational pieces regarding health issues. Texas took developers to court a few times in 1989, then later in 1993. Then “60 Minutes” aired an episode in the early 90s on the colonia phenomenon and its possible connection to prominent people like Ron Coleman. This created a public scandal at the time which likely pushed lawmakers even more to show their support for both colonia amelioration and criminal penalties for greedy land developers (Kolenc A4). Therefore, they felt the only way to halt further growth was through regulation.

So, in 1995, House Bill 1001 was easily passed. This required—among other things—land developers to provide water up to code and sewerage systems up to code to be available on each land plat sold; however, this “priced the buyer population out of the market” so growth halted (Larson 147). There did seem to be some naivety here. Sister Maribeth Larkin of the El Paso Interreligious Sponsoring Organization (EPISO) stated in an article that “developers should bear the brunt of the new rules, even if it means paying for water and sewer service to already approved subdivisions” (Negron 3B). This is a nice notion; however Ezra Rosser reminds us that “if the cost of providing greater quality housing is linear, while the value for the constructed house is convex, contractors will only be able to build where value exceeds cost” (44).

Therefore, as the cost goes up for the sellers, the cost goes up for the buyers. Now, not only does that mean the land plats cost more for the buyer, but self-help building is stunted too.

When most colonia residents purchased land plats before this 1995 bill, they would slowly begin work to build a house; this is self-help building. Because they only had to pay \$50-\$150 per month for the land, they could put the rest of their extra money monthly into supplies to build adequate homes. This could take a number of years, but it would eventually lead to regularization of their land wherein they become homeowners. In fact, home ownership among people in the colonias is greater than those living outside colonia settlements, especially in comparison to the poor in other parts of the country (Simmons 66). With this new bill, buyers are better protected because of “regulation of subdivisions [colonias] in economically distressed areas and the delivery of water and sewer services to economically distressed subdivisions; providing civil and criminal penalties” (United States 1). But the land developers pushed that cost on the buyers of the land, raising the monthly costs of the land. Now, after this law, most colonia settlers struggle to self-help build because they no longer have as much money to slowly build their houses. And those that do have the money require a lot more time to reach the same goal others could accomplish much quicker. This creates a tough situation wherein “housing quality is declining further, with more trailers and fewer houses evident...Colonias may exist because they create housing opportunity, but they do so by avoiding regulation and all its protections” (Larson 147-8). So, they are either protected and unable to build homes, or much less protected, yet are able to progressively build homes.

Solutions

The supposed resolutions to the colonia phenomenon vary widely. The government is mostly interested in stopping the colonia growth through wide-sweeping regulation laws. Nancy

Simmons, lawyer, social activist, and founder of Grass Roots Justice Center disagrees, stating that “any analytical framework for addressing these issues, insofar as it might lead to inflexibility in policies, regulations, or assistance...may be counterproductive” (38). She is strictly against laws passed to stifle colonia growth. She first interacted with the colonias as a law student. She soon began working with individual colonias on various projects such as clearing house titles or working to remove the flood-planes’ designation: “Most enjoyably for me, I spend more and more time on front porches in El Milagro [a colonia in Southern New Mexico], talking to individual residents” (36). She sees each colonia as individualistic, needing specific things that perhaps the other colonia close by might not need. This is why she sees wide-sweeping laws as potentially damaging.

Yet if less stringent laws are enacted preferentially for dwellers within informal housing settlements there is a much greater risk for discrimination because it “reinforces traditional stereotypes or perpetuates their position of exclusion or inferiority” (Simmons 162). However, informal housing can actually be a solution, not just a symptom of inequality (Larson 170; Gonzalez 239). In fact, building codes “far exceed what is required for health and safety” today (171). These codes require expensive material with high-skilled labor that enforces privileged, middle-class values of amenity and appearance (Larson 171). Therefore, Larson advocates for progressive realization of law. This would put the colonias and Beverly Hills on the same legal plane, while giving the colonias time to “catch up.” However, if those particular persons in the colonias through self-help building never attain the money or material to bring their houses into current legal building code laws, that would be perfectly okay—and legal—under progressive realization.

Still others believe affordable housing subsidized by the government is a right that should

be guaranteed. The Chicago Rehab Network believes that “we are better off with all people being better off—and having basic rights of food, clothing, and shelter. We believe it is in valuing affordability that we return to the core principle of democratic practice for our neighborhoods and city” (Rai 47). However, Simmons states that many families that find themselves part of colonia communities don’t want affordable inner city housing. They want home ownership. In these colonias there is often a sense of community that would feel differently if they were simply renting in an inner city affordable housing complex (66-68).

Most scholars on the subject do continue to advocate for grass-roots, non-profit, and government assistance for ameliorating within individual colonia settlements.

A Rhetorical Approach

Though the colonia phenomenon has been analyzed in many different ways, it has not until now been analyzed through a rhetorical lens. This analysis is necessary because of the legal, social, economic, and political issues that have been brought to light, all rooted in discourse. This discourse has created realities for the colonia people and must be analyzed further. Myriad projects within the rhetoric discipline have used primary research to analyze discourse regarding a wide variety of topics (Huckin et. al., 2012). One such discursive lens used among many rhetoricians has been the use of critical discourse analysis. The following sections will continue to focus on how discourse has shaped the colonias as well as why a rhetorical lens is so necessary to this topic.

Chapter 3: Methodology

Frameworks

The frameworks presented explore how power structures might work to suppress the people of the colonias—an important part of CDA—as well as what rhetorical theoretical frameworks work best in my research.

Michel Foucault details the imposition of rules and regulations by the powerful in *Discipline and Punish*. He first compares it to the panopticon prison system: a circular prison with a single tower in the middle. Each prison is perfectly alight and visible from the tower; however, the guard at the tower is blocked from view (200). This produces in the inmate “a state of conscious and permanent visibility that assures the automatic functioning of power” (201). The panopticon is meant for good, at least originally. Its goal is to increase production, education, morality and develop a healthier economy, though coercively. But this system can actually affect ones identity: “It is not that the beautiful totality of the individual is amputated, repressed, altered by our social order, it is rather that the individual is carefully fabricated in it” (217). The individual becomes part of the system that controls it. And because this system is not a dungeon in the dark, but an intricate prison system where light is vital for total transparency, “the exercise of power may be supervised by society as a whole” (207). This could allow for not only the legitimization and suppression of the colonia settlements through legislation but also through news articles and other online pieces by various members of society.

Economic informality, whether with housing practices or obtaining a job, goes directly against this visibility that power institutions need to enforce discipline. Furthermore, by forcing regulation of building codes and infrastructure of land plats, this panopticon is being created though “there were no more bars, no more chains, no more heavy locks” (202). It creates a

system wherein they feel continually unable to practice informality due to the subtle coercion of legislation that creates this metaphorical tower visible in their minds yet unverifiable (201). By enforcing these legislations, the colonia phenomenon is legitimized and an ideology takes shape, which “naturalizes certain authority regimes—those of class, race, and gender, for example—and renders alternatives all but unthinkable. In this way, it determines who can act and what can be accomplished” (Berlin 84). This purely hegemonic way of thinking, driven by the powerful, excludes many opportunities for alternative ways of living.

Maxine Greene in *Releasing the Imagination*, argues the need for imagination and invention not only as a writing tool but also in the public sphere. Furthermore, this could counter the one-dimensional thinking discussed above because situations like the colonia phenomenon demand “imaginative action many times for [those in power] to realize that [those not in power] see different (who have been reared in poverty or come from distant places) have something to say about the way things might be if they were otherwise” (34). If Bitzer’s rhetorical situation allows us to see a phenomenon as it is, then imagination allows us to foresee other possibilities, having suspended our disbelief. This is important to further understanding hegemony and why imagination is important. This is also what I mean when I mention the need to look at counterintuitive approaches to the colonia phenomenon. Imagination theory calls for an alternative perspective, which works well in looking at the way three different groups perceive the same situation.

Hegemony, or “total social authority,” allows coercion between specific classes and those in power and goes directly against the opportunity imagination theory provides (Hall, “Race, Articulation” 51). This alliance penetrates multiple levels: “at the economic level, but also at the level of political and ideological leadership, in civil, intellectual, and moral life as well as at the

material level” (Hall, “Race, Articulation” 51). Therefore, the class that takes precedence, the one in collusion with those in power, can dominate other classes. Not in an obvious assault, but in more subtle ways all in the guise of development, modernity, and attaining new levels of civilization:

Its aim is always that of creating new and higher types of civilization; of adapting the ‘civilization’ and the morality of the broadest popular masses to the necessities of the continuous development of the economic apparatus of production’—the formation of a ‘national-popular will,’ based on a particular relationship between the dominant and dominated classes. (Hall, “Race, Articulation” 52)

Invention and imagination rhetoric are not simply fun pass-times employed to think outside the box. They are directly related to disrupting the hegemonic collusions that are forcing minorities and non-dominant classes into this national popular will that erase their agency. By using CDA to analyze the way various groups perceive, understand, and legitimize the colonia phenomenon, I can uncover counterintuitive and differing views of the same issue.

Before adequately employing the use of imagination and invention to foresee other possibilities, it’s important to look at the situation as it currently stands. Why is it happening? Why on the border? Why so fast? How can it be explained and defined? These questions and others can and must be answered first before looking at alternatives to their lifestyles now. This can be done by looking at rhetorical situation theory for the colonias in El Paso county today. However, it can also be done through CDA because it requires one to look at the social context in which the words were used. This is why imagination theory and rhetorical situation theory blend so well with CDA. By analyzing colonia legislation from various perspectives using

critical discourse analysis theory, we'll gain an understanding of the rhetorical situation and we'll see both mainstream perspectives and counterintuitive ones.

If the issue is in trying to figure out what this thing is—which I postulate is true—then using CDA can go far to help understanding the colonias. This theory is used as a way to understand how this phenomenon is being perceived as well as how it could otherwise be perceived. Only then will it be beneficial to, using imagination theory, jump into solutions and other possibilities of seeing the colonias. These frameworks and methods of the rhetoric discipline will help answer the questions being asked in this thesis.

Archival Research

The methodology and methods of this thesis are strictly archival and do not include physical subjects/participants. There will be great opportunities to take the vital theories and ideas produced in this archival research to launch a qualitative project; but for now, my participants and subjects are texts (Creswell 83). In fact, it is crucial that an archival research be done preliminarily in order to come to an understanding of the colonia rhetoric being used in legislation, public texts, and law theory articles.

Archival researchers work to “engage in historical debate, to position narratives in relation to each other so as to gain critical perspective, to draw conclusions on and consider implications of opposing historical projects, and to create constructive tension that moves us forward in our inquiry” (qtd. in Gaillet 28). This archival research positions narratives between legislation, media, and law theory to gain that critical perspective based around the 1995 colonia law. Other than providing a more nuanced understanding of this phenomenon, this also produces themes and theories used to create a rhetoric of the colonias.

Critical Discourse Analysis Theory

An integral part of my archival research is the use of critical discourse analysis theory (CDA). This theoretical framework is both a method and methodology aiming to “investigate critically social inequality as it is expressed, constituted, and legitimized by language use” (qtd. in Huckin, et al. 108). Furthermore, this theory aids in conceptualizing how discourse is used in power relations between parties of communication (Janks 329). This doesn’t simply mean reading a text for signs of discrimination regarding certain people or groups. Though these signs are important, it was also vital to find other codes or themes that weren’t as easy to see such as naturalization: “The operation of naturalized codes reveal not the transparency and ‘naturalness’ of language but the depth, the habituation and the near-universality of the codes in use...this has the (ideological) effect of concealing the practices of coding which are present” (Hall, “Encoding/Decoding” 167). A great example of naturalization is our use of the Mexican term “colonia” improperly. This has forced me to look deeper than a superficial one-time reading of discourse.

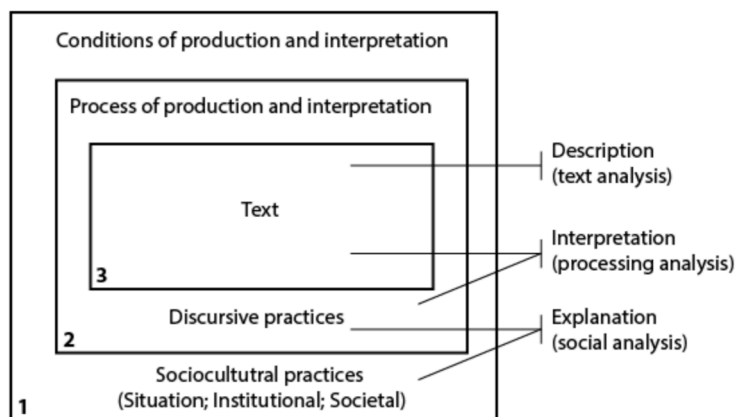


Figure 2.1: Fairclough’s Dimension of Discourse and Discourse Analysis

Norman Fairclough, a scholar on CDA in *Critical Discourse Analysis: The Critical Study of Language*, breaks down the process of CDA into three different, but interrelated parts—as shown in figure 2.1 (98; Janks 329). In fact, it doesn’t matter in what order these are done, so long as they are done. Namely, these parts include a *textual*

analysis: looking purely at the text, how it's written from a language perspective such as nouns, verbs, and tense, as well as standard punctuation or grammar conventions of various discourse communities respectively (Fairclough, *Critical Discourse* 188; Janks 329); the researcher *interprets the text*: this includes looking at how the text was produced, how it was received, and by whom—the discourse practices involved in the communication of the words; the researcher will offer an *explanation*: this is a look at the socio-historical state in which the discourse occurred, how it altered that state, and if it was perpetrated by those in social power of that state (Janks 329).

This theoretical framework has allowed me to look through legal and public texts to discover the ideologies being “expressed, constituted, and legitimized” (qtd. in Huckin, et al. 108). This has also revealed a power struggle between the hegemonic classes and races propagated both by the government and the general population. In fact, this is the purpose of CDA. There is an interconnected relationship between language and society. Language “connects with the social through being the primary domain of ideology, and through being both a site of, and a stake in, struggles for power” (Fairclough, *Language and Power* 15). The power struggles between the colonias and government and public were found through a critical discourse analysis.

With this methodology, I have built theories from the rhetoric found within laws, media, and law articles to generate a colonia rhetoric backed by CDA. This has led to a deeper, nuanced redefining of the issues, and it provided theories that can be used for future qualitative research. CDA was essential in looking at what opposing views and counterintuitive positions on the colonia phenomenon exist, my primary research question.

Critical Discourse Analysis, A Rhetorical lens

Critical discourse analysis theory started out in the critical linguistics (CL) discipline, but is now a multidisciplinary approach to analysis specifically geared toward illuminating abusive power dynamics through textual interpretation (Huckin et al. 109). “Rhetoric and composition has always been concerned with the power of spoken and written discourse, in particular the ways in which language can be used to persuade audiences about important public issues” (Huckin et al. 109). With the connections CDA has with rhetoric and writing studies, it’s surprising they have only recently been used together. The rhetoric and composition discipline has always been one to use interdisciplinary approaches of study. In fact, many foundational methods of study to rhet/comp were originally “multidisciplinary not only in their theoretical bases but also in their modes of inquiry” (Lauer 21).

Methods

The method to my research involved using CDA to analyze how the media, the government, and law theorists wrote about the series of bills passed regarding the colonias by the Texas Legislature from 1987-2005 with a particular focus on 1995 when it officially became illegal to sell land plats without some kind of infrastructure.

Subjects/Participants

For this research project, the archives are my subjects. These archives include two news articles, House Bill 1001, and two scholarly peer-reviewed journal articles by law theorists. The purpose of reviewing multiple texts from various perspectives was for triangulation. This is done when “researchers make use of multiple and different sources, methods, investigators and theories to provide corroborating evidence. Typically, this process involves corroborating evidence from different sources to shed light on a theme or perspective” (Creswell 251). This provides validity to my findings. I analyzed the following:

1. News Articles:

“Senate committee passes plan to regulate colonias” written by Sito Negron of the *El Paso Times* on May 18, 1995

“American Dream or Third World Nightmare” written by Vic Kolenc of the *El Paso Herald-Post* on January 27, 1996.

2. Laws and Legislation:

Texas House Bill 1001 from 1995.

3. Law Theory Scholarly Articles:

“Memories and Miracles: Housing The Rural Poor Along The United States-Mexico Border: A Comparative Discussion of Colonia Formation and Remediation in El Paso County, Texas, and Dona Ana County, New Mexico” by Nancy Simmons from *New Mexico Law Review* in 1997

“Informality, Illegality, and Inequality” by Jane Larson from *Yale Law & Policy* in 2002.

Together, analyzing these texts allowed for better triangulation of data to further authenticate the results I found.

Data Collection

I gathered information from the *El Paso Times* and the *Herald Post* through the El Paso Public Library archival records, which held archives from both papers. I looked through all the texts regarding the legal issues of the colonias from 1990-1998 from both papers. I narrowed those articles down to about 10 simply cutting out texts that weren't as relevant to the 1995 law passed. From there I randomly picked one article and began an analysis. Hilary Janks, in “Critical Discourse Analysis as a Research Tool,” also uses Fairclough's model of CDA with an initial text. Once she finds this text, she establishes hypotheses and notices a few themes. Only

then does she branch out to other texts (331). I implemented this same method of data collection. As I gathered data from this first text, I randomly picked another text from the other news organization that helped me understand the public's perception of the colonia phenomenon as it directly relates to the 1995 Texas Legislation. I focused my public-written research only on these two news organizations.

For the government perception I analyzed House Bill 1001. I was able to access this through the Texas government website via a Word document. I looked at the way the Texas legislation was worded and how they defined the colonias but also what the law was attempting to do. I used the same methods of data gathering for government documents as presented by Janks and mentioned in the previous paragraph.

I focused on online sources while looking at scholarly peer-reviewed law theory articles regarding the colonias. I randomly chose the two articles mentioned in the previous section mainly because they both focus on the legal aspects of the colonias and are from credible scholarly journals.

Analysis

An important part of my own analysis process is intuitive analysis. Before I did the actual physical coding of the data—but after I studied CDA—I spent time reading through each text at least a couple times intuitively highlighting, marking, notating parts of the text I found revealing and places I thought I'd need to remember as I went through it again for the physical coding. Most of the conclusions I have come to I discovered through this first intuitive process of research, looking at the text through a CDA lens without the actual physical coding; however, coding is an important step in providing evidence to the readers of the analyses I make in later sections of this thesis. As mentioned before, I used Fairclough's three-part analysis to discourse:

description (text analysis), interpretation (processing analysis), and explanation (social analysis) (*Critical Discourse* 98). This section will detail each of these three parts to analysis. The coding is available in the results section.

Description, or a textual analysis, includes analyzing the text from three perspectives: vocabulary, grammar, and textual structures. Fairclough provides ten very broad questions for this section of the analysis (*Language and Power* 110-111). It's important to note that these questions are not absolutely necessary for a critical discourse analysis. Fairclough himself states that "the procedure should not be treated as holy writ—it is a guide and not a blueprint. In some cases, readers using it may find that some parts are overly detailed or even irrelevant for their purposes" (110); Janks also states the importance of seeing limitations in textual analysis alone. This is why Fairclough's figure 1 (shown previously) is so helpful (Janks 333). Likewise these methods of analysis don't need to be done in any order and are inter-important. Each situation might provide different methods for CDA, and this project is the same. Therefore, these are the questions that I asked:

- How does the author define the colonias?
- Does the author use synonyms of the word colonia? If so, which words are used?
- Are there ideologically contested words used?
- What overly informal words are used?
- What overly formal words are used?
- Are the pronouns *we* and *you* used, and if so, how?
- Are nominalizations used?
- Are sentences active or passive?
- Are sentences positive or negative?

The research conducted looked specifically at the textual aspects of the documents based on the original research question: what counter intuitive or seemingly opposing ideas exist regarding the colonia phenomenon? I also discovered how the various groups perceive the colonia law passed in 1995, based on this textual analysis. Specially, I looked at how the word “colonia”—or other defining terms—were used.

Because of my own research interests and the uniqueness of each project, I tailored new questions in each of these sections to fit an analysis focused on the colonias. These questions are a mixture of the questions found in CDA literature as well as questions of my own that needed answering.

Interpretation, or processing analysis, is all about the situation and intertextual contexts of the discourse. This is important both in understanding the interpreter’s bias as well as the situation that gave rise to the text. There was an exigence or need for this discourse and so it becomes important to understand that need through interpretation. In figure 2.2 from *Language and Power*, Fairclough details some important questions to ask regarding the situation. So, for example in answering the question of who is

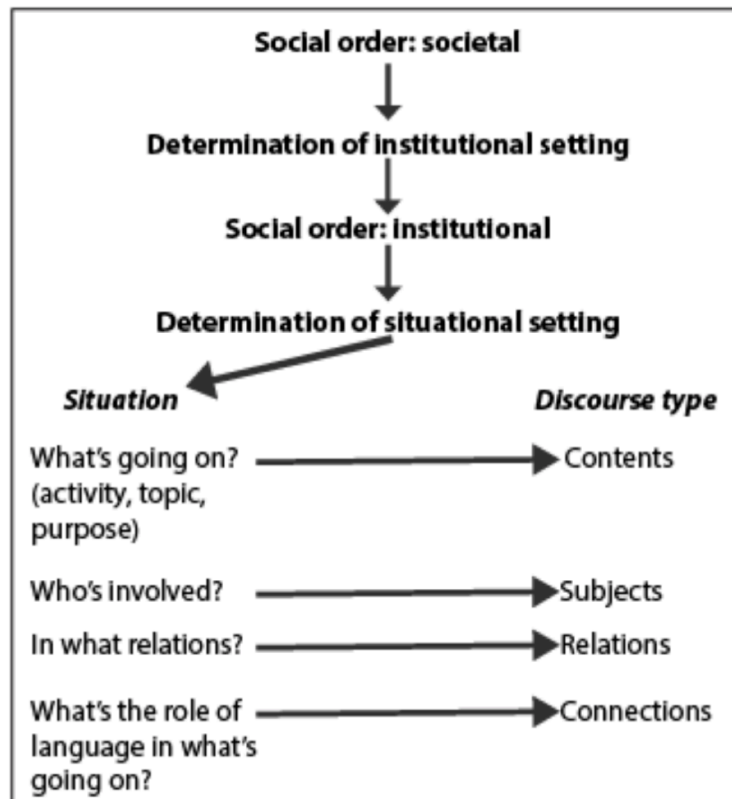


Figure 2.2: Situational Context and Discourse Type

involved in the discourse, I was able to better understand the discourse type because I learned about the subjects. This includes those speaking, the audience, and those the text is about.

Fairclough sums up the interpretive analysis with three parts:

1. *Context*: what interpretation(s) are participants giving to the situational and intertextual contexts?
2. *Discourse type(s)*: what discourse type(s) are being drawn upon (hence what rules, systems or principles of phonology, grammar, sentence cohesion, vocabulary, semantics and pragmatics; and what schemata, frames and scripts)?
3. *Difference and change*: are answers to questions 1 and 2 different for different participants? And do they change during the course of the interaction? (Fairclough, *Language and power* 162)

Essentially interpretation is looking at “the processes by which the object is produced and received (writing/speaking/designing and reading/listening/viewing) by human subjects” looking at both my subjectivity as a researcher and the subjectivity of those that produced the discourse (Janks 229).

The questions in this section of the spreadsheet helped provide the counter intuitive or seemingly opposing ideas that exist regarding the colonia phenomenon, and how these groups of people perceived the colonia law passed in 1995, based on this interpretive analysis. Specifically, I asked these questions :

- Who is the author?
- What situation is the author writing in?
- Who is the author’s audience?
- What is the exigence for writing?

- Is the author clearly biased?
- What genre of text is the author writing?
- How does the genre affect the author's position?
- What types of sources does the author use?
- How many sources does the author use?
- Does the author plainly agree or disagree with the 1995 law?
- Does the author present a dichotomous argument regarding the colonias? Explain.
- What does the subtext tell about the author's position regarding the 1995 law?
- What does the author say is the reasoning behind the 1995 legislation ?????
- According to the author, what will the 1995 law do?
- Does the author provide nuanced understanding of the rhetorical situation here? Explain.
- How does the text represent the people living in the colonias?
- Do the people of the colonias have a voice in the text?
- How does the text represent the land developers of the colonias?
- Do the land developers have a voice?
- How does the text represent the government and lawmakers? Do the government/lawmakers have a voice in the text?
- Are there counterintuitive ideas brought forward in this text?

These questions helped to answer my research question and find out how the various groups perceived the law; however, these questions also led me to finding the colonia rhetoric detailed in a later section.

Explanation and social analysis involved looking at the social cultural practices, including the situation, which all influenced and even gave rise to this discourse. The ultimate

purpose of this third part then is “to portray a discourse as part of a social process, as a social practice, showing how it is determined by social structures, and what reproductive effects discourses can cumulatively have on those structures, sustaining them or changing them” (Fairclough, *Language and Power* 163). There are a few ways to look at the socio-historical

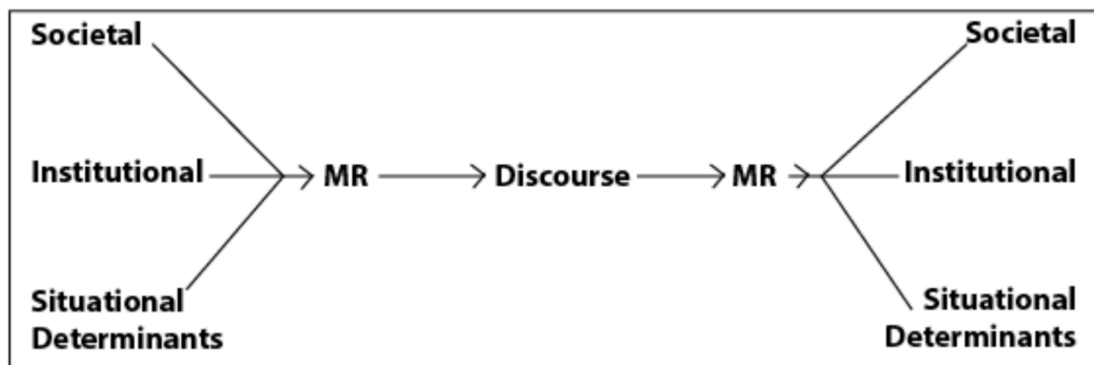


Figure 2.3 Explanation and Social Analysis

setting of discourse. It’s also important to see the interrelatedness of this section as shown in figure 2.3. Though the arrows on the figure only go one way, they can also be going in the other direction as well (Janks 340-341; Fairclough, *Language and Power* 164). Fairclough also breaks this section down into three prominent parts:

1. *Social determinants*: what power relations at situational, institutional and societal levels help shape this discourse?
2. *Ideologies*: what elements of MR [members’ resources or interpretative procedures] which are drawn upon have an ideological character?
3. *Effects*: how is this discourse positioned in relation to struggles at the situational, institutional and societal levels? Are these struggles overt or covert? Is the discourse normative with respect to MR or creative? Does it contribute to sustaining existing power relations, or transforming them? (Fairclough, *Language and Power* 166)

Like the previous sections, this section was also geared toward answering the original research question. Therefore, these extra questions were answered:

- What situation caused the need for this text to be written?
- What is the social situation of the text at the time of it being written?
- What situation power levels are helping shape this discourse?
- What institutional power levels are helping shape this discourse?
- What societal power levels are helping shape this discourse?
- What ideologies exist within the text?
- What ideology is the text conveying?
- Does the text sustain existing power dynamics or transform them? Explain.
- How is the discourse positioned in relation to struggles at the situation level?
- How is the discourse positioned in relation to struggles at the institutional level?
- How is the discourse positioned in relation to struggles at the societal level?
- Does the text legitimize and perpetuate colonias misunderstandings?
- Do the people of the colonias have voice and agency in this text?
- Do the developers have voice and agency in this text?
- Do the lawmakers have voice and agency in this text?

These questions also led to finding a colonia rhetoric and answering the important research questions asked.

Together these three methods of analysis (textual, discursive, and sociocultural) facilitated in finding themes and codes that helped uncover (seemingly) opposing and counterintuitive ways of looking at the colonia's phenomenon and clearly pointed to a colonia rhetoric. Critical discourse analysis has allowed me to break from a dominant mode of

historiography and ideology:

In the ordinary conditions of life, the contradiction embedded in every ideological sign cannot emerge fully because the ideological sign in an established, dominant ideology is always somewhat reactionary and tries, as it were, to stabilize the preceding factor in the dialectical flux of the social generative process, so accentuating yesterday's truth as to make it appear today's. (Volosinov 24)

A conscious look at colonia discourse helped to break this chain of ideologically charged and imbedded meaning which has likely, consciously and subconsciously, legitimized and perpetuated a privileged and even artificial worldview and stifled the agency of those being affected.

Results

The follow sections detail the answers to the CDA questions from each of the three sections with all five of the texts analyzed. I felt this was important to include to both show how I came to the conclusions I came to, as well as to provide the raw analysis data for possible future needs. This section will be divided by text analyzed. After each category there will also be a brief summary of the analysis.

Media Article Analyses

I read the two articles, "Senate committee passes plan to regulate colonias" of the *El Paso Times* written by Sito Negrón on May 18, 1995, and "American Dream or Third World Nightmare" of the *El Paso Herald-Post* written by Vic Kolenc on January 27, 1996. I did have some bias in approaching these texts. I assumed I'd quickly find blatant racism or classism. However, I found the news articles to be much more nuanced than expected. Both articles do a

fairly good job at showing multiple sides of the 1995-96 situation. Negron interestingly focuses a lot of thought on the possible unconstitutional aspects of regulating colonia growth, for example (3B). Through the methodical use of CDA though, I still found ways both Negron and Kolenc perpetuated and legitimized the current constitution of what a colonia is. For example, though Negron does provide some nuance, he creates a very false dichotomy between two parties: those that do not agree with the 1995 bill because it's unconstitutional and those that want the bill because it will provide water and sewage resources. This is also an argument that is not founded in stasis; therefore, it cannot come to a logical conclusion. Likewise, an absence of actual people living in the colonias was obvious in both articles. Both articles focused more on other topics and failed to include the voices of those that were being discussed. Each article helped in the formation of a colonia rhetoric that will be detailed in a later section. The critical discourse analysis of these texts is presented below.

Table 1.1: Textual Analysis, El Paso Times Article

| Questions | | Answers |
|------------------|--|--|
| 1 | How does the author define the colonias? | Unregulated developments that lack basic utility service, especially water and sewerage occurring primarily on the border. |
| 2 | In what ways is the definition inadequate? | They are not unregulated anymore. They don't have to be "developments" strictly. Does water from an outside source count as lacking water? Primarily on the border? So, sometimes it doesn't have to be on the border? What does on the border mean? There isn't much specificity. |
| 3 | Does the author use synonyms of the word colonia? If so, which words are used? | Developments, platted land, property |
| 4 | Are there ideologically contested words used? | Colonias |
| 5 | What overly informal words are used? | Colonias "bear the brunt" |
| 6 | What overly formal words are used? | There is some formality due to the legal jargon, but not overly so. |

| | | |
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| 7 | Are the pronouns <i>we</i> and <i>you</i> used, and if so, how? | Only in direct quotes from sources used in the text |
| 8 | Are sentences active or passive? | Mostly active |
| 9 | Are sentences positive or negative? | Equally both |
| 10 | What classification schemes are drawn upon? | Democrats, Texas Senate, opponents, supporters, senate bill, Texas House, House Bill 1001, members of various organizations, colonias, legislature, Chamber of Commerce, State Representative, Attorney General, land plats |
| 11 | Is there rewording or overwording? | In defining the colonias, land plats, over wording with unconstitutional section, |
| 12 | Is there evidence that the author has bias in the words used? What expressive values do words have? | Though the article creates an unfair dichotomy, it is mostly unbiased in reporting. |
| 13 | What metaphors are used? | The article does not contain metaphors. |

Table 1.2: Discursive Analysis, El Paso Times Article

| Questions | | Answers |
|-----------|--|--|
| 1 | Who's the author? | Sito Negrón |
| 2 | Date: | May 1995 |
| 3 | Word count | 480 |
| 4 | What situation is the author writing in? | Negrón is writing a story for the <i>El Paso Times</i> regarding the 1995 law slowly being put into legislation |
| 5 | Who is the author's audience? | The readers of the <i>El Paso Times</i> . So, English speakers of El Paso that read the newspaper in 1995. |
| 6 | What is the exigence for writing? | There is a law being passed regarding the colonias, a large population in El Paso County at the time, so the newspaper is writing about it. (It's news!) |
| 7 | Is the author clearly biased? | No, the author isn't clearly biased. |
| 8 | What genre of text is the author writing? | Print only newspaper. Not a featured story either. In the border issues section. |
| 9 | How does the genre affect the author's position? | Newspaper articles are generally seen as informational. So there is a detachment from opinion. It's written to appeal to an El Paso audience. |
| 10 | What types of sources does the author use? | The author mostly uses political sources as well as other prominent members of society. |
| 11 | How many sources does the author use? | 4 sources are used |
| 12 | Does the author plainly agree or disagree with the 1995 law? | The author appears to be unbiased. |

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| 13 | Does the author present a dichotomous argument regarding the colonias? Explain. | Yes. She does use modifiers such as partly or generally. But the picture is still painted in a dichotomy. On the one side, you have people trying to get developers to pay more so that people living in colonias will have basic infrastructure, and on the other hand, you have a much smaller group of people that are worried about the constitution. This is a false dichotomy. |
| 14 | What does the subtext tell you about the author's position regarding the 1995 law? | Because of the false dichotomy presented, I would guess Negron is on the side of those in favor of the 1995 bill. |
| 15 | What does the author say is the reasoning behind the 1995? | People are being taken advantage of. They are lacking water and sewerage. |
| 16 | According to the author, what will the 1995 law do? | The law is being enacted to get the developers to pay for infrastructure for those living in the colonias. |
| 17 | Does the author provide nuanced understanding of the rhetorical situation here? Explain. | Yes. I wasn't aware of the situation regarding the bill possibly being unconstitutional. |
| 18 | How does the text represent the people living in the colonias? | At least one of the people she interviews states that they want the bill to pass so that the people will get water and sewage resources. |
| 19 | Do the people of the colonias have a voice in this text? | No |
| 20 | How does the text represent the land developers of the colonias? | Unscrupulous is the common term used. The bill is being enacted to get them to provide infrastructure with the "hope" that they will bear the brunt of the new costs. |
| 21 | Do the land developers have a voice? | No. |
| 22 | How does the text represent the government/lawmakers? | As possibly being unconstitutional, but overall the article seems to support the bill. |
| 23 | Do the government/lawmakers have a voice? | To an extent, yes. |

Table 1.3: Sociocultural Analysis, *El Paso Times* Article

| Question | | Answer |
|----------|--|---|
| 1 | What situation caused the need for this text to be written? | The author is writing to inform his El Paso audience of the changes being made in legislation that has a large impact on El Paso County. It's news based and informational. |
| 2 | What is the social situation of the text at the time of it been written? | Due to the growth in the colonia population, lawmakers felt the need to implement legislation to control the situation. At this time (May 18th 1995), the law was just passed by the Senate to regulate the colonias. |

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| 3 | What institutional power levels are helping shape this discourse? | The institutional power that is helping to shape this discourse: the newspaper, the voices of those included. Mostly those in power are the ones added to the sources. |
| 4 | What societal power levels are helping shape this discourse? | There is a societal power struggle between the powerful to either oppose or enforce this new law. It appears that the text is more in favor of the law due to the overwhelming majority in favor; thus, the text is being shaped by that majority. |
| 5 | What ideologies exist within the text? | There are two main ideologies: One that opposes regulation due to its unconstitutional nature. The other that favors regulation as a means to provide for those that are in need. |
| 6 | What ideology is the text conveying? | The text seems to slightly favor the bill and regulation. |
| 7 | Does the text sustain existing power dynamics or transform them? Explain. | The text mostly sustains existing power. There is a hope that transformation will happen wherein developers will pay for infrastructure, but it doesn't sound hopeful. |
| 8 | How is the discourse positioned in relation to struggles at the institutional/situational/societal level? | The article positions itself as a informative text that explains that a bill is being passed to regulate the colonias, while also stating that there are smaller factions against it due to its unconstitutional nature. |
| 9 | Does the text legitimize and perpetuate colonia misunderstandings? | Yes. The text blames the developers for this situation. It also sees the phenomenon as a border issue. The text also paints a false dichotomy. |
| 10 | Do the people of the colonias have voice and agency in this text? | No. |
| 11 | Do the developers have voice and agency in this text? | No. |
| 12 | Do the lawmakers have voice and agency in this text? | Yes. |

Table 2.1: Textual Analysis, *Herald-Post* Article

| Questions | | Answers |
|-----------|--|--|
| 1 | How does the author define the colonias? | The entire article considers differing opinions on the definition of the term colonia. So, though the author doesn't give his own label, he does spend the whole article going over definitions. |
| 2 | In what ways is the definition inadequate? | The author does a good job at looking at many perspectives as well as pointing, through sources, to the inadequacy of defining the term. |
| 3 | Does the author use synonyms of the word colonia? If so, which words are | Colonias, developments, subdivisions, homesteads, settlements, middle-class-like, poorer housing, low- |

| | | |
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| | used? | income housing, waterless development, acreage, living ugly |
| 4 | Colonia Settlement Developers: | Jose Kennard, Lyman Bagge, Joe Hanson, Johnny Stubbs, Judy Stubbs, Robert Skov, William Ivey, Gary Ivey, Tedd Richardson, Ron Coleman, Norman Salome, Older Ronnie (O.R.), Fred Kastrin, Deborah Kastrin, Veronica Callaghan, Syliva Rodsky, Bruce Rodsky. |
| 5 | Specific colonia settlement names: | Bosque Bonito, Morning Glory Manor, Brinkmann Addition, Mission Trail Estates, Colonia de las Azaleas, Colonia de las Dalias, Gloria Elena, Mesa Verde, Cotton Valley Estates, Bauman, Haciendas del Valle, Homestead Meadows, Las Casitas, Vista Del Este, Montana Land Estates, Colonias Del Paso, Agua Dulce, Villa Espana, El Campestre, East Clint, Ascencion Park Estates, College Park Addition, |
| 6 | Are there ideologically contested words used? | Colonias , American Dream, Third World, |
| 7 | What overly informal words are used? | hogwash, “a fair shake” |
| 8 | What overly formal words are used? | There is some legal jargon |
| 9 | Are the pronouns we and you used, and if so, how? | Just in direct quotes |
| 10 | Are sentences active or passive? | Mixed |
| 11 | Are sentences positive or negative? | Mixed |
| 12 | What classification schemes are drawn upon? | Texas Water Development board, colonia developers, Alzheimer’s Association, Lower Valley, Public Service Board, City-County Health and Environmental District, East Montana, Horizon City, Clint, |
| 13 | Is there rewording or overwording? | Lots of rewording on the definition of the colonias. Also lots of focus on developers of the lands |
| 14 | Is there evidence that the author has bias in the words used? What expressive values do words have? | Due to the nature of the text (news) it appears unbiased. |
| 15 | What metaphors are used? | developing a colonias as a scarlet letter |

Table 2.2: Discursive Analysis, *Herald-Post* Article

| Questions | | Answers |
|-----------|--|--|
| 1 | Who’s the author? | Vic Kolenc |
| 2 | When was it written? | January 27th, 1996 |
| 3 | How many words? | 2,529 words |
| 4 | What situation is the author writing in? | It is January, 1996, the first year after House Bill 1001 was passed. The author is commenting on the developers |

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| | | of the colonias because they are generally seen as unscrupulous. |
| 5 | Who is the author's audience? | The author is writing to a non-digital El Paso audience. |
| 6 | What is the exigence for writing? | Many are calling out unscrupulous developers, and other scandals are happening for noteworthy people like Ron Coleman. Also, the phenomenon was featured on <i>60 Minutes</i> . However, the biggest reason is the new law that was being passed. |
| 7 | Is the author clearly biased? | The author does a good job and seems unbiased. |
| 8 | What genre of text is the author writing? | Newspaper for the <i>El Paso Herald-Post</i> |
| 9 | How does the genre affect the author's position? | As a news story, it should be mostly unbiased and informative. Also, the audience is El Paso. |
| 10 | What types of sources does the author use? | All sources come from prominent El Paso citizens that are also developers of colonias except one which is a person who lives in a colonia settlement (Angel Martinez). |
| 11 | How many sources does the author use? | Easily over 10 sources |
| 12 | Does the author plainly agree or disagree with the 1995 law? | It's ambiguous |
| 13 | Does the author present a dichotomous argument regarding the colonias? Explain. | No. The author does a decent job and detailing the complexity of the situation. |
| 14 | What does the subtext tell you about the author's position regarding the 1995 law? | The author shares a lot of quotes from different developers showing their inconsistency in colonia definitions. However, he also shares examples of the Texas Water Board's inconsistency too. So it's fairly ambiguous. If I had to guess, I'd state that he is for the law, but it's hard to say. |
| 15 | What does the author say is the reasoning behind the 1995? | Though this article was written during the height of the discourse surrounding the 1995, he doesn't write directly about the law. Therefore, he doesn't offer his opinion. |
| 16 | According to the author, what will the 1995 law do? | N/A |
| 17 | Does the author provide nuanced understanding of the rhetorical situation here? Explain. | Yes. The author shows the complexity surrounding the challenging of a settlement being labeled a colonia for those living there, the developers, and the government. |
| 18 | How does the text represent the people living in the colonias? | Varied. He states some colonia citizens were in favor of the bill, and others were okay with there living conditions. |
| 19 | Do the people of the colonias have a | One colonia citizen is quoted. |

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| | voice in this text? | |
| 20 | How does the text represent the land developers of the colonias? | The text does a great job and representing and trying to understand the land developers |
| 21 | Do the land developers have a voice? | Yes |
| 22 | How does the text represent the government/lawmakers? | Often the government and lawmakers are seen as the enemy in this text from the perspective of the developers. However, Kolenc does a good job at providing complexity to the situation. |
| 23 | Do the government/lawmakers have a voice? | Not really. |

Table 2.3: Sociocultural Analysis, *Herald-Post* Article

| Question | | Answer |
|----------|--|---|
| 1 | What situation caused the need for this text to be written? | The author is writing to inform his El Paso audience due to the popularity of colonia news during this time when bills are being passed and developers are being blamed for everything |
| 2 | What is the social situation of the text at the time of it been written? | Due to the growth in the colonia population and perhaps more importantly the “unscrupulous” land developers, lawmakers felt the need to implement legislation. The house passed the bill just months before this article. |
| 3 | What institutional power levels are helping shape this discourse? | The institutional power that is helping to shape this discourse: the newspaper. |
| 4 | What societal power levels are helping shape this discourse? | The societal power struggles that are shaping this discourse are between the land developers and the government. With the added scrutiny and laws being passed, the developers are receiving the brunt of the blame and this article shows the complexity to that situation as well as their pushback. |
| 5 | What ideologies exist within the text? | The two main ideologies shown in the text are the ones that see the colonia developers as money hungry people willing to make money and take advantage of those living in poverty. The other ideology is that the laws and definitions are perhaps not what we thought they were and perhaps the developers aren’t as bad as they’ve been made out to be. |
| 6 | What ideology is the text conveying? | It’s difficult to say. The article provides a great complexity to the situation. However, it does end on a developer stating “If people want to live ugly, what can you do about it?” So in the end, there is a negative light shed on the developers, albeit a complex one. |

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| 7 | Does the text sustain existing power dynamics or transform them? Explain. | The text transforms existing power dynamics by revealing that not all developers are money hungry powerful people who simply want to profit by taking advantage of the poor. |
| 8 | How is the discourse positioned in relation to struggles at the institutional/situational/societal level? | The article positions itself as a revelatory and informative text that provides nuance to the developers El Pasoans have heard so much about. |
| 9 | Does the text legitimize and perpetuate colonia misunderstandings? | Not really. The text provides nuance as well as complexity to the situation. It did not, however, include the voices of those living in the colonias. |
| 10 | Do the people of the colonias have voice and agency in this text? | There is one colonia citizen quoted, Angel Martinez. He states that he is okay with his living condition. Though it's good that Kolenc quoted him, it feels out of place with so many quotes be developers. Perhaps a few more quotes from those living in the colonias would help. |
| 11 | Do the developers have voice and agency in this text? | Yes, as much as they are willing to state. Many refused to comment due to the negative connotation of owning a colonia. However, many did quote and there is a variety of quotes and opinions. |
| 12 | Do the lawmakers have voice and agency in this text? | No. |

Government Text Analysis

The research in this thesis set out to look at how the government, media, and law theorists perceived the 1995 House Bill 1001 specifically in order to find ways in which the colonia phenomenon experienced suppression, persecution, and legitimization through racism and classism by the powerful and privileged as well as look for counterintuitive and seemingly opposing ideas regarding the colonia phenomenon. If the colonias are simply economically distressed settlements as HB 1001 states, then the goal of the bill was likely to create production, education, morality and development of a healthier suburban American economy coercively, which is exactly what Michel Foucault warned against (217). CDA here has uncovered the colonias being “expressed, constituted, and legitimized” in a way that the powerful want it to be perceived (qtd. in Huckin, et al. 108). This is the result instead of allowing the marginalized to

create *and keep* their own solutions to the problems they discovered in living on low incomes (Green 34). The government has the power to create laws, making things legal and illegal. This bill made informal housing practices illegal. This is clear suppression. There is plenty of evidence of the government doing this in other times and places whether in Utah with drinking and driving limits or in the 1970s regarding the war on drugs and making marijuana and heroine illegal (Wing; Chappell). This bill makes it illegal to live informally, which is suppressing. The definition of the colonias they create is also quite challenging to understand, and legitimizes their situation. That definition will be analyzed systematically in the colonia rhetoric section of this thesis. The following tables display the raw critical discourse analysis data found.

Table 3.1: Textual Analysis, House Bill 1001

| Questions | | Answers |
|------------------|--|---|
| 1 | How does the author define the colonias? | Economically distressed settlements. Because this is a large bill, the full definition will not fit here. |
| 2 | In what ways is the definition inadequate? | The definition uses terms such as “the majority,” which creates difficulty. For example, the vast majority of housing units that are called colonias lack water and sewerage. Does that mean, so can a development lack that and still not be a colonia? This creates a real challenge. |
| 3 | Does the author use synonyms of the word colonia? If so, which words are used? | Economically distressed counties, economically distressed subdivisions, developments, land plat, |
| 4 | Are there ideologically contested words used? | Economically distressed settlement, colonias |
| 5 | What overly informal words are used? | Colonias |
| 6 | What overly formal words are used? | There are a lot of overly formal words used because this is a legal bill, legal jargon is rampant. |
| 7 | Are the pronouns we and you used, and if so, how? | The term “you” is used. It is used in the section that details when “you” should or should not buy a colonia. That section reads much like a lease for an apartment/house. |
| 8 | Are sentences active or passive? | Passive |
| 9 | Are sentences positive or negative? | Both |

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| 10 | Is there rewording or overwording? | There is a lot of rewording and overwording. This is a standard legal phenomenon in bills so as to make sure all bases are covered. |
| 11 | Is there evidence that the author has bias in the words used? What expressive values do words have? | There is a bias in the text. An example of this is through the expressive value of the phrase “economically distressed settlements.” |
| 12 | What metaphors are used? | None |

Table 3.2: Discursive Analysis, House Bill 1001

| Questions | | Answers |
|------------------|--|---|
| 1 | Who’s the author? | Texas legislature |
| 2 | When was it written? | 1995 |
| 3 | How many words? | 10,705 |
| 4 | What situation is the author writing in? | There is a seemingly new challenge called “colonias” that may be threatening various economies and causing health issues and the state needs to act. A few scandals have happened which have given national light to the issue as well. In response, the legislator is creating wide-sweeping laws that will provide infrastructure to the colonia settlements. |
| 5 | Who is the author’s audience? | Texas Citizens |
| 6 | What is the exigence for writing? | There is a growing need to “fix” economically distressed settlements |
| 7 | Is the author clearly biased? | Not overtly, no. There is some hidden bias discussed in the textual analysis. |
| 8 | What genre of text is the author writing? | Legislation |
| 9 | How does the genre affect the author’s position? | This genre is written very abstractly and unappealingly. It isn’t something that is easy to read. It must also be airtight. They are trying to create a document wherein land developers cannot sell plats of land without infrastructure, so it’s over worded and technically written. |
| 10 | What types of sources does the author use? | There are connections in the text to water and sewage codes |
| 11 | How many sources does the author use? | N/A |
| 12 | Does the author plainly agree or disagree with the 1995 law? | This is the law. They are therefore in favor of the law. |
| 13 | Does the author present a dichotomous argument regarding the | N/A |

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|----|--|---|
| | colonias? Explain. | |
| 14 | What does the subtext tell you about the author's position regarding the 1995 law? | This is the law. They are therefore in favor of the law. |
| 15 | What does the author say is the reasoning behind the 1995? | "An ACT relating to the regulation of subdivisions in economically distressed areas and the delivery of water and sewer services to economically distressed subdivisions; providing civil and criminal penalties" |
| 16 | According to the author, what will the 1995 law do? | See the question above. It is supposed to stop colonia growth and provide amelioration to current colonias. |
| 17 | Does the author provide nuanced understanding of the rhetorical situation here? Explain. | There isn't really nuance in regards to the existing perceived understanding of the situation. |
| 18 | How does the text represent the people living in the colonias? | As health challenged, poverty stricken, third-world living economically distressed individuals. |
| 19 | Do the people of the colonias have a voice in this text? | No. |
| 20 | How does the text represent the land developers of the colonias? | They are unscrupulous and are not taking care of the people they are selling the land to. |
| 21 | Do the land developers have a voice? | No. |
| 22 | How does the text represent the government/lawmakers? | This is their voice. |
| 23 | Do the government/lawmakers have a voice? | Yes. |

Table 3.3: Sociocultural Analysis, House Bill 1001

| Question | | Answer |
|----------|--|---|
| 1 | What situation caused the need for this text to be written? | According to the text, land developers were taking advantage of economically distressed counties to create settlements without infrastructure. The government needed to enact legislation against that. |
| 2 | What is the social situation of the text at the time of it been written? | Due to the growth in the colonia population and perhaps more importantly the "unscrupulous" land developers, lawmakers felt the need to implement legislation. The house, therefore, wrote house bill 1001. |
| 3 | What institutional power levels are helping shape this discourse? | The main institutional power level that has control here is the government. They wish to suburbanize the colonias through wide-sweeping legislation. They do not want to deal with the challenges |

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|----|---|---|
| | | informal housing has to offer, so they can simply make it against the law. By making it against the law, they are stating outright that informal housing is wrong, that this way of life is wrong and not allowed. They are taking the power from the people. |
| 4 | What societal power levels are helping shape this discourse? | Societally, this situation was getting national spotlight and therefore, Texas likely felt they needed to do something to show they were in control. |
| 5 | What ideologies exist within the text? | That colonias are just a third-world economically distressed, Mexican border issue. |
| 6 | What ideology is the text conveying? | That colonias are just a third-world economically distressed, Mexican border issue. |
| 7 | Does the text sustain existing power dynamics or transform them? Explain. | This bill furthers existing power dynamics. |
| 8 | How is the discourse positioned in relation to struggles at the institutional/situational/societal level? | This discourse is in a position of power and force. This is now the law of the land and must be obeyed or else penalties will be enacted. |
| 9 | Does the text legitimize and perpetuate colonia misunderstandings? | Yes. It perpetuates and false denotation and connotation of the colonia phenomenon among other things. |
| 10 | Do the people of the colonias have voice and agency in this text? | No. |
| 11 | Do the developers have voice and agency in this text? | No. |
| 12 | Do the lawmakers have voice and agency in this text? | Yes. It is written by them. |

Law Theory Text Analyses

The two law theorist texts—“Memories and Miracles: Housing The Rural Poor Along The United States-Mexico Border: A Comparative Discussion of Colonia Formation and Remediation in El Paso County, Texas, and Dona Ana County, New Mexico” by Nancy Simmons in 1997, and “Informality, Illegality, and Inequality” by Jane Larson in 2002—provided nuance in the ways they understood the colonia phenomenon through a CDA reading.

Simmons spends most of her article detailing the history behind the colonia phenomenon, but also advocates for grassroots help for colonias and states that wide sweeping legislation will

not help the colonias. This article was published just a couple years after the colonia settlement regulation, but intuitively the author knew of the negative impacts large laws would have on the situation, such as higher prices for land plats. Simmons also writes often about personal encounters within colonias with the people.

Larson's greatest nuance from the other texts specifically on the colonias is her connection to informal housing practices. Her text, above the rest, gives the most nuanced and counter intuitive understanding of the situation. Below the critical discourse analyses of both texts are provided.

Table 4.1: Textual Analysis, Jane Larson, Law Theory Text

| Questions | | Answers |
|-----------|--|---|
| 1 | How does the author define the colonias? | "Among the border's 'homemade approaches' to this growth without prosperity has been the emergence of informal housing—unregulated settlements known in the region as 'colonias.' In regional usage, a 'colonia' is a semi-rural subdivision of substandard housing that lacks basic physical infrastructure, in particular, clean water, sanitary sewage or adequate roads" (140). |
| 2 | In what ways is the definition inadequate? | I use this definition in my text as the best one I've found. This could be biased of me, but I do not find much of anything wrong with this definition. However, it could be more specific. For a concise definition, it works well. |
| 3 | Does the author use synonyms of the word colonia? If so, which words are used? | settlement, land plats, developments, subdivisions, substandard housing, rural settlements, homemade approach to living, informal housing |
| 4 | Are there ideologically contested words used? | colonias, informal housing, regularization |
| 5 | What overly informal words are used? | N/A |
| 6 | What overly formal words are used? | N/A |
| 7 | Are the pronouns we and you used, and if so, how? | No |
| 8 | Are sentences active or passive? | Mixed |
| 9 | Are sentences positive or negative? | Mixed |
| 10 | Is there rewording or over wording? | There is a lot of rewording and over wording to do with |

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| | | definitions surrounding the colonias. |
| 11 | Is there evidence that the author has bias in the words used? What expressive values do words have? | The author does seem biased toward allowing informal housing to be unregulated and regularized |

Table 4.2: Discursive Analysis, Law Theory Text

| Questions | | Answers |
|-----------|--|---|
| 1 | Who's the author? | Jane E. Larson |
| 2 | When was it written? | It was published in 2002 |
| 3 | How many pages? | 47 |
| 4 | Which Journal? | Yale Law & Policy Review |
| 5 | Volume and Number: | 20.1 |
| 6 | What situation is the author writing in? | With the 1995 law that made informal housing known as colonias illegal and continued legislation through 2001, this article is relevant to this law journal |
| 7 | Who is the author's audience? | Readers of the <i>Yale Law & Policy Review</i> . Those interested in law and scholarly research. |
| 8 | What is the exigence for writing? | The need to inform audiences of informal housing and the misunderstanding regarding it in the Global North |
| 9 | Is the author clearly biased? | The author does a good job at providing a nuanced understanding, though she has a rhetorical position. |
| 10 | What genre of text is the author writing? | This is a scholarly article in a peer-reviewed journal. |
| 11 | How does the genre affect the author's position? | The genre actually allows for an in-depth law-based discussion on informal housing practices. It was a rhetorically, good choice. |
| 12 | What types of sources does the author use? | She uses a lot of historical sources based on the colonias and this area. She also uses a lot of sources on law theories and informal housing practices across the world. |
| 13 | How many sources does the author use? | 221 footnotes |
| 14 | Does the author plainly agree or disagree with the 1995 law? | She plainly disagrees with the law. |
| 15 | Does the author present a dichotomous argument regarding the colonias? Explain. | No, the author provides a complex understanding of the situation. |
| 16 | What does the subtext tell you about the author's position regarding the 1995 law? | She is against it, no subtext needed. |
| 17 | What does the author say is the | That it was enacted to better protect the people. |

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| | reasoning behind the 1995? | |
| 18 | According to the author, what will the 1995 law do? | It will actually hurt the people because land plat prices have since sky rocked which does not allow the landowners to do self-help building. This makes their lives harder. So, regulation protects them from being taken advantage of, but at the cost of being able to build homes quickly if at all. |
| 19 | Does the author provide nuanced understanding of the rhetorical situation here? Explain. | She does. Much of what she states I use in my first sections of my thesis to provide nuanced background to the phenomenon. See the answer above. |
| 20 | How does the text represent the people living in the colonias? | It presents them as poverty stricken people who are using informal housing as a means to be homeowners and live on their terms. It represents them well. Though their voices aren't often used in the text. |
| 21 | Do the people of the colonias have a voice in this text? | They do not have much of a voice in this text. It could be beneficial to include their voices more. |
| 22 | How does the text represent the land developers of the colonias? | This text does not show them in a bad light. They are not the focus of the text. Though the author does admit that informal housing practices tend to cause people to be taken advantage of. So, they aren't seen in a great way. But again, that isn't the focus. |
| 23 | Do the land developers have a voice? | No. |
| 24 | How does the text represent the government/lawmakers? | As people who want to protect the people in the colonias, but they are ultimately hindering the situation by passing wide-sweeping legislations. |
| 25 | Do the government/lawmakers have a voice? | No. |

Table 4.3: Sociocultural Analysis, Jane Larson, Law Theory Text

| Question | | Answer |
|----------|--|---|
| 1 | What situation caused the need for this text to be written? | The continued illegalization of informal housing practices. The misunderstanding of this umbrella term "informal housing" and its connected practices such as Las Colonias. Also, the 1995 and subsequent Texas house bills passed regarding the colonias. |
| 2 | What is the social situation of the text at the time of it been written? | Texas had just passed another law in 2001 to fund roadway projects for colonias in Texas. This is the 8th legislation regarding the colonias up until this point in Texas alone. As a law theorist, Larson likely felt compelled to help others understand the colonias as informal housing and connect it to other practices instead |

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| | | of allowing it to continue to be understood in wrong ways. |
| 3 | What institutional power levels are helping shape this discourse? | The <i>Yale Law & Policy Review</i> has strict guidelines as it is very competitive to get into. Likely this is affecting the text. Because the text is transformative it may have helped getting it in. Larson likely wrote the text with thought of publication in mind. |
| 4 | What societal power levels are helping shape this discourse? | Due to Texas, New Mexico, and Arizona legislation, the need to explain informal housing was created. This was likely not the first time this need happened. There are many other informal housing practices within the US, which also created this societal power/need. |
| 5 | What ideologies exist within the text? | One geared toward regularization of law, of amelioration and allowance of continued colonia growth. |
| 6 | What ideology is the text conveying? | One geared toward regularization of law, of amelioration and allowance of continued colonia growth. |
| 7 | Does the text sustain existing power dynamics or transform them? Explain. | It transforms them. The text throws out the old definitions of the term colonia and introduces the position that colonias might be a solution not just a problem of poverty. |
| 8 | How is the discourse positioned in relation to struggles at the institutional/situational/societal level? | The article positions itself as a needed implementation, a discovery, and a nuanced way of looking at a situation we might not have fully understood up to this point. |
| 9 | Does the text legitimize and perpetuate colonia misunderstandings? | No, it does not. |
| 10 | Do the people of the colonias have voice and agency in this text? | Not much, no. |
| 11 | Do the developers have voice and agency in this text? | No. |
| 12 | Do the lawmakers have voice and agency in this text? | No. |

Table 5.1: Textual Analysis, Nancy Simmons, Law Theory Text

| Questions | | Answers |
|-----------|--|--|
| 1 | How does the author define the colonias? | Rural housing, which dots the border region and is inhabited by Mexican immigrants and their children but each colonia has its own characteristics. She also shares a few other definitions: “Illegal subdivisions without roads or water or sanitation, sold mostly to new immigrants.” |

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| 2 | In what ways is the definition inadequate? | I'll share her own words: "In contrast to this black letter definition, my own work in trying to understand the real nature and implications of the colonias along the border is reminiscent of the story of the blind men who cannot see the elephant who stands before them. Each man guesses at other animals on the basis of what is immediately in front of him: the feel of an ear, the touch of a tusk. So I have learned that each colonia has its own characteristics." |
| 3 | Does the author use synonyms of the word colonia? If so, which words are used? | Rural housing, neighborhood, city district, border housing crisis, unincorporated community, villages, substandard housing, |
| 4 | Are there ideologically contested words used? | colonias |
| 5 | What overly informal words are used? | No |
| 6 | What overly formal words are used? | There are a fair amount of legal words used |
| 7 | Are the pronouns we and you used, and if so, how? | Rarely |
| 8 | Are sentences active or passive? | Active mostly |
| 9 | Are sentences positive or negative? | Both |
| 10 | Is there rewording or overwording? | Lots of rewording and over wording regarding definition the colonias |
| 11 | Is there evidence that the author has bias in the words used? What expressive values do words have? | The author is biased in her ideas on keeping all solutions local rather than wide-sweeping |
| 12 | What metaphors are used? | "The cart sometimes pulls the horse" and the blind men and the elephant |

Table 5.2: Discursive Analysis, Nancy Simmons, Law Theory Text

| Questions | | Answers |
|-----------|--|---|
| 1 | Who's the author? | Nancy L. Simmons |
| 2 | When was it written? | It was published in winter of 1997 |
| 3 | How many pages? | 43 |
| 4 | Which Journal? | <i>New Mexico Law Review</i> |
| 5 | Volume: | 27 |
| 6 | What situation is the author writing in? | With the 1995 law that made informal housing known as colonias illegal and continued legislation through 1997, this article is relevant to this law journal |

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| 7 | Who is the author's audience? | Readers of the <i>New Mexico Law Review</i> . Those interested in law and scholarly research. |
| 8 | What is the exigence for writing? | Simmons is concerned regarding amelioration that some colonias are not getting and the wide sweeping laws being passed that she believes will not fix the issue. |
| 9 | Is the author clearly biased? | The author has a position, so yes. |
| 10 | What genre of text is the author writing? | This is a scholarly article in a peer-reviewed journal. |
| 11 | How does the genre affect the author's position? | The genre actually allows for an in-depth law-based discussion on the colonia phenomenon. It was a rhetorically, good choice. |
| 12 | What types of sources does the author use? | She uses a lot of historical sources based on the colonias and this area. She also uses a lot of sources on law theories and she has a surprising amount of primary research from her experience actually working in the colonias. |
| 13 | How many sources does the author use? | 274 footnotes |
| 14 | Does the author plainly agree or disagree with the 1995 law? | She disagrees. She does not accept that any wide-sweeping law will help with the phenomenon and that each colonia should be treated individually. |
| 15 | Does the author present a dichotomous argument regarding the colonias? Explain. | No. She provides complexity. |
| 16 | What does the subtext tell you about the author's position regarding the 1995 law? | She is clearly against it. |
| 17 | What does the author say is the reasoning behind the 1995? | To prevent further colonia growth |
| 18 | According to the author, what will the 1995 law do? | Damage self-help building, might hinder what it's actually trying to accomplish with water and sewerage |
| 19 | Does the author provide nuanced understanding of the rhetorical situation here? Explain. | Yes. It is very nuanced and not dichotomous. And nuance should be the way the situation should be happening according to Simmons. We should be working with individual colonias and not wide-sweeping legislation. |
| 20 | How does the text represent the people living in the colonias? | She does a good job at involving the voices and experiences of the colonia people better than any of the other sources in my research. |
| 21 | Do the people of the colonias have a voice in this text? | Yes, they do have voice in this text. |
| 22 | How does the text represent the land developers of the colonias? | Complexly |

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| 23 | Do the land developers have a voice? | No |
| 24 | How does the text represent the government/lawmakers? | A bit narrow-minded. But also needed with remediation and funding |
| 25 | Do the government/lawmakers have a voice? | Not much, no. |

Table 5.3: Sociocultural Analysis, Nancy Simmons, Law Theory Text

| Question | | Answer |
|----------|---|--|
| 1 | What situation caused the need for this text to be written? | Simmons' personal experiences with the colonias and the laws being passed regarding the phenomenon, especially when she saw that she was at odds with a lot of the laws. |
| 2 | What is the social situation of the text at the time of it been written? | The 1995 Texas colonia law was passed 2 years before this, and 2 more laws were passed during the year that this text was published. |
| 3 | What institutional power levels are helping shape this discourse? | The genre is shaping the text, <i>New Mexico Law Review</i> . Simmons also worked for many non-profits and in conjunction with many other grass roots organizations. |
| 4 | What societal power levels are helping shape this discourse? | Societally, this is sort of a response article. It does provide some history, but it also details Simmons' own experiences (mixed with law theory of course) as a counter argument to what society has produced in the media and government. |
| 5 | What ideologies exist within the text? | The main ideology is the need for individual treatment and understanding of the colonias. |
| 6 | What ideology is the text conveying? | The main ideology is the need for individual treatment and understanding of the colonias. |
| 7 | Does the text sustain existing power dynamics or transform them? Explain. | The text transforms them. She pushes away from "media weekend specials" on health issues and common misunderstandings regarding the colonias. |
| 8 | How is the discourse positioned in relation to struggles at the institutional/situational/societal level? | The article positions itself as a counter argument to what is being reported in media and government, a discovery, and a nuanced way of looking at a situation we might not have fully understood up to this point, an individual approach. |
| 9 | Does the text legitimize and perpetuate colonia misunderstandings? | No. |
| 10 | Do the people of the colonias have voice and agency in this text? | Yes. Nancy Simmons mentions and quotes many of the colonias by name and location. |
| 11 | Do the developers have voice and | Not really. |

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| | agency in this text? | |
| 12 | Do the lawmakers have voice and agency in this text? | Not really. |

Chapter 4: A Colonia Rhetoric

Through researching the colonias over the last 14 months, meeting with people who live in the colonias, talking with those who are directly assisting in amelioration of the colonias, discussing issues regarding this phenomenon with scholars, and doing this critical discourse analysis on how people perceived the 1995 colonia Texas legislation, I have come to a colonia rhetoric.

Before explaining the colonia rhetoric found, it's first important to detail the definition of rhetoric this thesis follows, what "rhetoric of" something actually means, and its importance in the rhetoric discipline and beyond.

There are many different definitions of rhetoric among rhetoricians and scholars. It's easy to side with someone like John Locke who negatively stated, "[Rhetoric] that powerful instrument of deceit and error" (Eidenmuller). Rhetoric isn't only used for deceit; however, it often has inherent motive to change. This makes Lloyd Bitzer's definition a bit more fitting: "...rhetoric is a mode of altering reality, not by the direct application of energy to objects, but by the creation of discourse which changes reality through the mediation of thought and action" (Eidenmuller). And finally in a broader sense rhetoric—as stated by Andrea Lunsford—is simply "the art, practice, and study of human communication" (Eidenmuller). Therefore, this thesis will rely upon both Bitzer and Lunsford in that rhetoric is the study of human communication, but also often attempts to alter reality through discursive practices.

This then leads to the common phrase of a "rhetoric of" something. For example, in the rhetoric discipline we have immigration rhetoric, political rhetoric, rhetoric of racism, etc. This term "rhetoric of" something, is simply pointing out the ways in which people—according to the definition decided upon in the pervious paragraph—communicate about and attempt to modify

reality regarding a specific subject through discourse. A “rhetoric of” something looks at the ways in which we are communicating on this subject as well as how this communication is being used to actually alter the reality, for better or worse, of this thing.

This vital rhetorical lens provides unique insight into the ways that the media, government, scholars, and others have created realities and legitimized the colonias through discourse. This is exactly why the rhetoric discipline is so important here, especially since this type of research hasn’t been done with the colonia phenomenon yet.

A rhetoric of colonias or colonia rhetoric would then presume to detail the ways in which people communicate about and attempt to create realities of this phenomenon through discourse. This rhetoric has been found in literally each and every text on the colonias I’ve read thus far. This rhetoric has been—and continues to be—present in each conversation I have with others regarding the colonias. This rhetoric can be broken down into various parts, but it all revolves around the actual term, colonia, and its definition.

There is an easy assumption that the term would need to be defined in various non-local, scholarly texts. For example, Jane Larson’s text “Informality, Illegality, and Inequality” was published in *Yale Law and Policy Review*. Therefore, it makes sense that within the first few pages (specifically 4 pages in) Larson would define the colonias (140). Likewise, the other law theorist I focused on, Nancy Simmons in her scholarly article defines the colonias within the first page of her text (33). Simmons published in the *New Mexico Law Review*. Now, New Mexico law theorists likely were more aware of the colonia phenomenon, especially in Southern New Mexico; however, it’s also important for scholars to define their own terms, when a multiplicity of definitions exist. What was interesting for me was finding that authors of the newspaper articles were also defining the term, and not only that, but arguing the definition of the term with

others.

According to many philosophers like Mikhail Bakhtin and Jacques Derrida words are simply signs, signals, and metaphors for what they represent (Bakhtin 1210; Derrida 1475). Words often hold different connotations or denotations to different individuals or groups of people, but the better the metaphor the easier it is to properly use in communication with others. That being said, it appears the term *colonia* is an ineffective metaphor at best, and at worst actually racist—it's likely both.

This term should be understood by the population that uses it. This is why I was confused that a newspaper article from *The El Paso Times* would feel the need to tell its El Paso readers that “Colonias are unregulated developments that lack basic utility service, especially water and sewerage” (3B). A local paper shouldn't need to explain this to an audience that understands the situation. It's much like explaining what Bible means to preachers or what Mormon means to Salt Lake City citizens or Marijuana to the people of Denver. I also found this moment serendipitous because all the other texts I'd read on the colonias thus far had also defined the phenomenon. The more texts I read though, the less serendipitous it seemed, because I wasn't picking texts purposefully that were questioning the definition; they simply all struggled to understand what *colonia* really meant. The second news article, this time from the *El Paso Herald-Post*, had an even more interesting perspective, still focused on the term. This article deals with perceptions of this term simply in its title: “American Dream or Third World Nightmare.” This longer-form article essentially details interview after interview from lawmakers, to *colonia* citizens, to predominately developers of the colonias in talks of what exactly a *colonia* is:

I don't think colonias has been defined at all. They've (the state has) taken a

condition that exists along the border and tried to wrap it into a neat little package and the nasty developers are responsible—it's hogwash...Mission Trail Estates is a properly done subdivision and not a colonia...I don't consider it a colonia...My idea of a colonia is (a development) with no water...those are not on the state colonias list...I don't develop (land), I just sell acreage...If people want to live ugly, what can you do about it? (A1-A4)

These are just a few of the issues developers have with other developers or the state and their definitions of colonias. This can easily be seen as developers trying to wiggle their way out of the precarious situation they fell into in 1995; however, it's important to see the challenges of this term.

In the article it states that there is a "state colonia list." There also seemed to be a separate colonia list the Texas Water Board had. This list sometimes included colonias without water, yet others weren't included. Some developers worked hard to make their colonia settlements look nice, and therefore didn't believe they should be on the list. Others, though they didn't look good argued that they had decent water, even if it didn't quite meet Texas water codes, and therefore should be considered a full subdivision and not a colonia. There is a clear motivation among most developers to push away from the term. This implies a negative connotation and even denotation. In fact, the article itself stated that "Because the term colonias has such negative connotations, many people with ties to them wouldn't talk to the Herald-Post" and "those who did talk emphasized that their subdivisions were given the required approvals by the county government when the subdivisions were developed" (A1). Even Sylvia Rodsky, a colonia developer who admitted to developing these substandard places of housing said "If people want to live ugly, what can you do about it?" (A4). Whether developers want to admit it or not,

colonias is a negative term, an “ugly” term.

An easy way to look through the developers’ rhetoric regarding their desire to push away from the negative term colonia, one should be able to just look at the state definition of the term. In the 1995 bill used to regulate colonia land plats, the state defines the colonias in 14 points:

1. “Economically distressed subdivisions commonly called "colonias" are found throughout the affected counties” (United States, Land and Resource Management 1).

Note that even the government uses the term “affected” as if by a disease or plague of some kind.

2. “In recent years, the number of people living in these economically distressed subdivisions in the affected counties has increased;
3. “Due to the implementation of the North American Free Trade Agreement (NAFTA), the General Agreement on Tariffs and Trade (GATT), other economic incentives, and the increasingly robust economic development along the Texas-Mexico border, the population in economically distressed subdivisions in the affected counties will continue to increase” (United States, Land and Resource Management 1).

Here an important part of the definition and understanding behind the colonias is seen: it must be near the border, and the cause has to be based on local conditions and nothing bigger than that. However there are plenty of places where colonias exist that are not near the border, namely the following: Stony Point (Bastrop County) University Park, Estates (Lubbock), Shallowwater (Lubbock), Hillside Terrace (Hays County) (Ward 208). Those are just examples of colonias away from the border in Texas. Others exist in New Mexico and Arizona. So, if the border isn’t an indicator of what this phenomenon is, then why is it so prevalent along the border? Jane Larson quotes Boaventura de Sousa Santos in her article stating that this is a natural affect of globalization (138). Informal housing practices favor the marginalized, such as ethnic minorities,

women, and children: “globalization replicates existing patterns of power and influence” (Larson 138); therefore, as the colonias represent a third world experience, globalization further discriminates against those already discriminated. This is the cost of informal housing and likely why it exists in greater number along the U.S.-Mexico border than in the U.S. proper.

4. “The residents of the economically distressed subdivisions in the affected counties constitute an unusually mobile population, moving to all parts of the state and beyond the state to seek employment;
5. “These conditions allow unscrupulous individuals, through the use of executory contracts, to take advantage of the residents of economically distressed subdivisions by charging usurious rates of interest as well as allowing unbridled discretion to evict; (United States, Land and Resource Management 1).

Much like the developers blaming the government for causing issues with the colonias, here so too the lawmakers point to the “unscrupulous” land developers. These types do exist, but that isn’t the root of the problem.

6. “The vast majority of housing units in these economically distressed subdivisions lack an adequate potable water supply and concomitant wastewater or sewer services; (United States, Land and Resource Management 1).

Here I found much confusion. It makes sense that certain issues aren’t easily defined. Like the colonias phenomenon, it’s hard to state exactly what it is. However, modifiers like “the vast majority” automatically cause confusion. This means that a colonia might be economically distressed due to potable water and sewer service issues; however, it also might not. This provides the government with the power to decide what the “vast majority” means, when it applies, and when it does not. For example, Kastrin companies, a large developer of colonia

settlements, had many waterless subdivisions in 1995, yet three of those settlements were not found on the colonia list (Kolenc A4). That could have been a mistake made by the government, but this begs the question of what exactly does it mean by vast majority?

7. “The lack of an adequate potable water supply and concomitant wastewater or sewer services creates a serious and unacceptable health hazard from third world illnesses for the residents of the economically distressed subdivisions in the affected counties; (United States, Land and Resource Management 1-2).

This section may provide a bit more light on vast majority. So, it is only a colonia if being waterless and sewerless causes “third world illnesses.” But that also brings up more questions. What is a third world illness? This is also interesting and possibly a classist or racist way of stating the issue. Do third world illnesses only affect colonias? What about small outbreaks in suburban America? Does there have to be a certain amount of cases for it to be deemed a colonia? It seems the complexity of this issue only grows with the further definitions of this phenomenon.

8. “Many of the housing units in these economically distressed subdivisions are located in isolated rural segments in the affected counties where the land is inexpensive, located in floodplains, and subject to flooding after rains, leading to the overflow of pit privies and thus to the spreading of bacteria onto the land and into the water table;
9. “The location, proliferation, and conditions in these economically distressed subdivisions pose a clear and substantial threat to the environment of the border region, as well as to all Texas;
10. “The lack of an adequate potable water supply and concomitant wastewater or sewer services, coupled with the location of these subdivisions, erodes the economic stability of the

affected counties, which are dependent upon a healthy public and a safe environment;

11. “The lack of an adequate potable water supply and concomitant wastewater or sewer services erodes the economic stability of the affected counties, which is required for the mutual development of trade, transportation, and commerce, affecting not only the border region, but all regions of the state where the trade, transportation, and commerce reach;
12. “The health risk created along the border in the affected counties, the expected increase in population during the next decade, and the mobility of the residents of these economically distressed subdivisions, coupled with the fact that the trade, transportation, and commerce along the border is the most intense in the United States, create the very substantial risk of third world epidemics spreading to the residents of this state and beyond;
13. “Unless adequate remedial steps are taken immediately to alleviate the health risks to all Texans that are caused by the lack of basic services in the affected counties, the costs of containing an epidemic will be astronomical; and
14. “The need to address this public health and safety hazard is a compelling crisis that must be addressed through this legislation. (United States, Land and Resource Management 1-2).

These sub-definitions of the colonia phenomenon provide a very bleak outlook unless otherwise remediated. It is true that many health issues existed and continue to exist in the colonias; however, it’s also interesting to see that lawmakers considered wide-sweeping legislation as the only real way to fix this issue.

The strongest result of my CDA analysis in connection with a colonia rhetoric was regarding the term “colonia” itself; the *complexity of the dynamic term “colonia” with its various definitions will always be discussed among the media, government officials, and (law) scholars*. Regardless of who is right in their definitions, definitions will abound and differ

greatly. But it's important to see that this is one of the most pivotal parts of colonia rhetoric. People are still trying to figure out what the term means, or how to manipulate the term to fit their understand or ideology or political party. This term across the border simply means neighborhood (and sometimes means colony depending on usage). Much like the word ghetto, which also simply meant neighborhood but was then turned to mean an economically distressed or impoverished neighborhood so too the term colonia once simply meant neighborhood. Even if those living in the colonias brought the term from Mexico, we've modified it to be specifically attached to this phenomenon only when it lacks water and may cause "third world illnesses" to enter the US. This is racism.

Because this is the term being used by all, this thesis continues to use the term with the knowledge that I must use this term to provide understanding; however, we should possibly look for alternative ways to define and name this phenomenon. This requires much more than simply changing the name, but the definition also. Because lawmakers have the power to create state definitions, they also have the power to manipulate that definition based on their hegemonic ideology: namely that it is a uniquely Mexican caused phenomenon, that it only happens near the border, and that it will bring less structure and more third world illnesses into the US if we don't immediately stop it. If we had a more nuanced, scholarly definition connected to informal housing hegemonic power structures might not hold as much agency over the colonia people.

Alternative Colonia Terms

Many other terms were used in the texts on the colonias: settlements, rural settlements, self-help housing, land plats, informal housing, illegal housing, squatted housing, extra-legal housing, substandard housing, homesteads, subdivisions, middle-class-like houses, poor housing, living ugly, low-income housing, waterless developments, acreage, economically distressed

subdivisions, economically distressed counties, community living, unincorporated territory, unincorporated community, border housing, crisis housing, villages, etc.

Informal Housing as a Viable Term and Definition

For some, the term economically distressed settlements might seem like the best term to use instead of colonias—after all it is the most prominently used legal term in the 1995 House Bill 1001; however, within such a term exists contradiction to what the colonias actually are: informal housing production. Calling it an economically distressed settlement or county will only further it from what it really is. Informal housing means housing that is built by the people themselves in a nonstandard form—which is often illegal, informal or extra-legal—with financing acquired outside of standard method: “informality is a strategy by which people exploit themselves as a means of creating economic opportunity” (Larson 141-150). Therefore, calling it an economically distressed settlement is problematic. First, this term implies needed regularization and amelioration. But even deeper it discredits the very foundation of informal housing as a viable means of living. Furthermore, economic distress is relative; therefore, who is being compared here? Likely middle-class suburban Americans. Though the colonias do have problems that do need the attention of certain people willing to help, and though informal housing practices are generally used when adequate low-income housing is not available, this method of housing should not be defined by its inadequacies and comparison to American middle-class standards but by what it can afford those living in such situations: a viable means of living used by hundreds of millions if not billions of people across the globe.

Perhaps the greatest thing labeling colonias as informal housing could do is detach it from a perception and legitimization forced upon it by those in power as something it's not: “almost exclusively [the colonia phenomenon] is construed primarily as a rural border-housing

phenomenon for Mexican-origin populations” (Ward 205). It is also important to connect the colonias with other informal housing practices “so the links between related housing practices are not [mis]understood” (Larson 154). In fact, there is a gap in the research here. By connecting the colonias to informal housing, we can close that gap, and help others understand what the colonia phenomenon really is.

For the time being, I would continue to side with Jane Larson’s definition of the phenomenon, again: “Among the border’s ‘homemade approaches’ to this growth without prosperity has been the emergence of informal housing—unregulated settlements known in the region as ‘colonias.’ In regional usage, a ‘colonia’ is a semi-rural subdivision of substandard housing that lacks basic physical infrastructure, in particular, clean water, sanitary sewage or adequate roads” (140). Though I would likely modify it thusly:

Along the U.S.-Mexico border—though not exclusively—is found an approach to population growth without prosperity that has been the emergence of standard informal housing practices—(un)regulated settlements known in this specific region as “colonias.” In regional usage, a “colonia” is a semi-rural subdivision of substandard housing that lacks basic physical infrastructure, in particular, clean water, sanitary sewage or adequate roads, though the use of the term is inefficient and racist.

Regardless, this definition is the closest to a nuanced redefining of the term, which is why I picked Larson’s definition to begin with. I have used the term “colonia” in this thesis to provide understanding, but I’m not sure what other term would work at this point. I would prefer it to be called informal housing, but it isn’t likely that people will accept such a change, particularly those in hegemonic power.

Chapter 5: Conclusion

Just as a doctor diagnosing a disease must label the issue correctly to enact the proper method of action and level of seriousness, so too the colonias must be labeled correctly to understand the phenomenon—though this is not to say that the colonias are a disease that needs curing. The reaction to the colonia phenomenon by the government, media, and many others is often specific to its name, and therefore description. Colonias is a Mexican term we've appropriated and degraded to mean a third-world-like, rural settlement used by economically distressed Mexicans as a method of low-cost housing, which isn't true. This is largely because of the actual term colonias, as well as the legitimization of the phenomenon over time; therefore, by referring to the situation as informal housing along the border, though more wordy, would provide a more nuanced, correct redefining of the phenomenon. However, it's not likely that such a widely used term can be changed, especially one used and permanently printed into legalese and the media. This should not stop us from working to find ways to provide better terms and definitions of the phenomenon.

Perhaps a more fitting metaphor, and used by Nancy Simmons in her article, is the one with the blind men and the elephant. Each man feels the elephant, some the ears, some the long snout, the tusks, the body, the large feet and each defines the animal in a different way, but based on seemingly proper evidence. This is exactly what is happening with the colonia phenomenon. Simmons even states "I found that every time I backed away for a better perspective, the animal's features moved out of focus, to the point that I even began to question the usefulness of the word colonia beyond its power to generate attention and funds" (37). Even when researchers like Simmons work with the colonias, talk with individuals living in the colonias, understand the legal issues they face, work with non-profits and government

organizations for amelioration, they often still have trouble defining the situation. They still struggle to connect them in any particular way into a cohesive definition under the term “colonia.” Furthermore, many researchers, once working with the colonias soon forget the importance of simply the term used to describe them because of the more pressing matters of health and water and electricity—understandably so. (Simmons 37).

The research and results presented in this thesis are complete, but further research is needed. Most specifically there is a need for more qualitative research involving those that actually live in the colonias. Though it was important to find a colonia rhetoric through texts that write about the colonia phenomenon, it’s important to involve the voices of those living in the colonias so as not to speak over them or discredit what they might have to say regarding what has been written about here. As Maxine Greene stated, we must allow those living in the colonias a chance to realize their own methods of housing (34). If we are to let them freely choose their method of living, we must also freely hear what they may have to say regarding their situation. Heuristically, there is a lot that can still be uncovered through a rhetorical lens. The colonia rhetoric can continue to be built upon and added to. It is anyone’s best guess what they would think regarding what has been written here, whether they are in favor of government regulation or against.

My initial model in regards to writing about the colonias was Jacob Riis. He used a unique method of documentation to bring awareness of the situation in the tenements of New York City, specifically through the new method of photographs. This provoked people into action. With this thesis, I hoped to find a nuanced way to look at the colonias, and though it was only through text, I have accomplished looking at the colonias in such a unique way as to possibly provoke thought and possible action; however, a more pathetic medium would likely

draw more attention. A video documentary could go a long way, built off of the vital theories grounded in this thesis, to detail the colonia situation. Again, in such a documentary it would be vital to include the voices of those living within the colonias, and should be grounded in a rhetorical lens. As far as my research has led me, I have not found other scholarly sources that look at the colonia phenomenon from a rhetorical lens. Therefore, further research on the colonias could also involve other rhetorical lenses of the discipline or focusing on other aspects of the colonias.

Works Cited

- Bakhtin, Mikhail. "From *Marxism and the Philosophy of Language*." *The Rhetorical Tradition*, edited by Patricia Bizzell and Bruce Herzberg, Bedford/St. Martin's, 2001, pp. 1210-1226.
- Berlin, James. *Rhetorics, Poetics, and Cultures: Refiguring College English Studies*. Parlor Press, 2003.
- Bitzer, Lloyd. "The Rhetorical Situation." *Philosophy & Rhetoric* 25 (1992): 1-14.
- Chahin, Jaime. "The Forgotten Americans: A Voice for Colonia Residents." *Children, Youth and Environments*. 15.1 (2005): 319-331.
- Chappell, Bill. "Utah Cuts DUI Alcohol Limit To Lowest Level In U.S.; Law Also Affects Gun Owners." *NPR*. <https://goo.gl/3Jkv4m>. Accessed 2 April 2017.
- Cintron, Ralph. *Angels' Town: Hero Ways, Gang Life, and Rhetorics of the Everyday*. Beacon Press, 1997.
- Creswell, John W. *Qualitative Inquiry & Research Design*. Sage, 2013.
- Cushman, Ellen. *The Struggle and the Tools: Oral and Literate Strategies in an Inner City Community*. State University of New York Press, 1998.
- Davies, Christofer. Holz, Robert. "Settlement Evolution of 'Colonias' along the US-Mexico Border: The Case of the Lower Rio Grande Valley of Texas." *Habitat International*. 16.4 (1992): 119-142.
- Derrida, Jacques. "Signature Event Context" *The Rhetorical Tradition*, edited by Patricia Bizzell and Bruce Herzberg, Bedford/St. Martin's, 2001, pp. 1475-1490.
- Donovan, Neil. *Tent Cities in America: A Pacific Coast Report*. Washington DC: National Coalition for the Homeless, 2010.

- Eidenmuller, Michael. "Scholarly Definitions of Rhetoric." *American Rhetoric*, <http://www.americanrhetoric.com/rhetoricdefinitions.htm>. Accessed 25 April 2017.
- Fairclough, Norman. *Critical Discourse Analysis: The Critical Study of Language*. Longman Group Limited, 1995.
- Fairclough, Norman. *Language and Power*. Addison Wesley Longman Limited, 1989.
- Fernandez, Edesio. Varley, Ann. "Law, the City and Citizenship in Developing Countries: An Introduction." *Illegal Cities: Law and Urban Change in Developing Countries*. London: Zed books, 1998. 3-17.
- Foucault, Michel. *Discipline and Punish*. Pantheon Books, 1977.
- Gaillet, Lynne L. "Archival Survival: Navigating Historical Research." *Working in the Archives: Practical Research methods for Rhetoric and Composition*. Eds. Alexis Ramsey, Wendy Sharer, Barbara L'eplattenier, and Lisa Mastrangelo. Southern Illinois University Press, 2010. 28-39.
- Gonzalez, Carmen G. "Squatters, Pirates, and Entrepreneurs: Is Informality the Solution to the Urban Housing Crisis?" *The University of Miami Inter-American Law Review* 40.2 (2009): 239-259.
- Greene, Maxine. *Releasing the Imagination: Essays on Education, the Arts, and Social Change*. Jossey-Bass, 1995.
- Hall, Stuart. "Encoding/Decoding." *Media and Cultural Studies*. Eds. Meenakshi Gigi Durham and Douglas M. Kellner. Blackwell Publishers Inc, 2006. 163-173.
- Hall, Stuart. "Race, Articulation, and Societies Structured in Dominance." *Race Critical Theories*. Eds. Philomena Essed and David Their Goldberg. Blackwell Publishers Inc, 2002. 38-68.

- Harris, Richard. "Irregular Settlement and Government Policy in North America and the Twentieth Century." *Irregular Settlement and Self-Help Housing in the United States*. Ed. Angela C. Stuesse and Peter M. Ward. Cambridge: The Lincoln Institute of Land Policy, 2000. 13-16.
- Huckin, Thomas. Andrus, Jennifer. Clary-Lemon, Jennifer. "Critical Discourse Analysis and Rhetoric and Composition" *College Composition and Communication* 64.1 (2012): 107-129.
- Janks, Hilary. "Critical Discourse Analysis as a Research Tool." *Discourse: Studies in the Cultural Politics of Education* 18.3 (1997): 329-342.
- Kolenc, Vic. "American Dream or Third World Nightmare." *El Paso Herald-Post*, 27 January 1996, p. A1
- Larson, Jane E. "Informality, Illegality, and Inequality." *Yale Law & Policy Review*. 20.1 (2002): 137-182.
- Lauer, Janice. "Composition Studies: Dappled Discipline." *Rhetoric Review* 3.1 (1984): 20-39.
- Loftus-Farren, Zoe. "Tent Cities: An Interim Solution to Homelessness and Affordable Housing Shortages in the United States." *California Law Review*. 99.4 (2011): 1037-1081.
- Munoz, Oscar. "Myths, stereotypes, urban legends of Texas Colonias." *YouTube*, uploaded by TEDx Talks, 10 November 2014, <https://www.youtube.com/watch?v=SIOFKqpttuw>
- Negron, Sito. "Senate Committee Passes Plan to Regulate Colonias." *El Paso Times*, 18 May 1995, p. 3B.
- Olmstead, Sheila. "Thirsty Colonias: Rate Regulation and the Provision of Water Service." *Land Economics*. 80.1 (2004): 136-150.
- Sharp, John. "Bordering the future." *Office of the Texas Comptroller of Public Accounts*.

- window.state.tx.us/border/borderpdf.html. Accessed 28 Feb 2017.
- Simmons, Nancy L. "Memories and Miracles—Housing The Rural Poor Along The United States-Mexico Border: A Comparative Discussion of Colonia Formation and Remediation in El Paso County, Texas, and Dona Ana County, New Mexico." *New Mexico Law Review*. 27 (1997): 33-75.
- Poirier, Marc R. "Brazilian Regularization of Title in Light of 'Moradia', Compared to the United States Understandings of Homeownership and Homelessness." *The University of Miami Inter-American Law Review*. 22.2 (2013): 259-312.
- Rai, Candice. "Power, Publics, and the Rhetorical Uses of Democracy." *The Public Work of Rhetoric: Citizen-Scholars and Civic Engagement*, edited by Ackerman Coogan, The University of South Carolina Press, 2010, pp. 39-55.
- Riis, Jacob A. *How the Other Half Lives*. New York: Charles Scribner's Sons, 1890.
- Rosser, Ezra. "Rural Housing and Code Enforcement: Navigating Between Values and Housing Types." *Georgetown Journal on Poverty Law & Policy* (2006): 33-93
- United States, Land and Resource Management. *House Bill 1001*. Texas Legislation House Committee. Session 74(R), 1995.
- Volosinov, V. N. *Marxism and The Philosophy of Language*. Seminar Press Inc. 1973.
- Ward, Peter. Peters, Paul. "Self-help housing and informal homesteading in peri-urban America: Settlement identification using digital imagery and GIS." *Habitat International* 31.2 (2007): 205-218.
- Wilson, Tamar D. "Introduction: Approaches To The Informal Economy." *Urban Anthropology and Studies of Cultural Systems and World Economic Development* 40.3/4 (2011): 205-221.

Wing, Nick. "Marijuana Prohibition Was Racist From The Start. Not Much Has Changed."

Huffington Post. <https://goo.gl/mRMkz5>. Accessed 2 April 2017.

Yazici, Berna "The Return to the Family: Welfare, State, and Politics of the Family in Turkey."

Anthropological Quarterly 85.1 (2012): 103-140.

Vita

J. Michael Nielsen graduated from Dixie State University (DSU) in 2014 through the English department with an emphasis in creative writing. In 2013, he interned for *St. George News* and in 2014, *The Spectrum and Daily News* as a writer/videographer, publishing professionally over twenty pieces. Through academic service Michael has worked a DSU's *Route 7 Review*—an online scholarly journal—as a digital copy editor as well as a service learning intern videographer for a local El Paso Border Immersion Program. He tutored for The University of Texas at El Paso's (UTEP) University Writing Center; Furthermore, he worked as a copy editor on an anthology being published by Cambridge University Press entitled *Shakespeare and Social Justice*. Conference papers presented include “Playing God: The Art of Crafting Characters Using Archetypes and The Hero's Journey” at the Utah Conference on Undergraduate Research, (February 2014) and the DSU Undergraduate Research Day (April 2014) and “Crying on Fabricated Shoulders: The Effect of Fiction on Emotion” through DSU's University Writing Center. Michael is a member of Sigma Ta Delta, the National English Honors Program. He is a recent Masters of Arts in Rhetoric and Writing Students graduate of UTEP where he also received accreditation through a technical writing certificate program.

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