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Ernesto Hernández-López*

José Aguilar: *Yo no me voy a poner esto! Esto duele!* [I'm not going to wear this!
This hurts!]

Coach Buttermaker: What? What are you saying?

Ogilvie: I've been brushing up on my Spanish of late, and I think he is saying something about, you know, his being Catholic, and it's a sin.

--The Bad News Bears (1976)¹

When the Spaniards discovered this land, their leader asked the Indians how it was called; as they did not understand him, they said *uic athan*, which means, what do you say or what do you speak, that we do not understand you. And the Spaniard ordered it set down that it be called *Yucatan* . . .

--Antonio de Ciudad Real (1518)²

INTRODUCTION

Commenting on what scholars may describe as pedestrian, common, or folk, critical analysis of popular culture benefits legal scholarship because it unveils significant cross-border perspectives and popular resistance to hegemony. This article examines Colombian slang and Spanish-language radio in the United States as

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1. The Bad News Bears (Paramount Pictures 1976).

2. INGA CLENDINNEN, *AMBIVALENT CONQUESTS: MAYA AND SPANIARD IN YUCATAN: 1517-1570* viii (1993).

examples of popular culture, which offer a medium to articulate resistance and anti-subordination.³ Popular culture should attract more attention from legal scholars, because it expresses societal and popular impressions on the law. Popular culture is defined as a set of knowledge, behaviors, beliefs, and attitudes that is organic or self-created with mass appeal.⁴ Including slang or informal colloquial language, it offers a way for subaltern actors to resist hegemonic forces in a North-South relationship in the western hemisphere.⁵

This article argues that because legal scholars may not sufficiently appreciate popular culture, significant popular resistance and anti-subordination strategies may be overlooked by legal scholarship. This article attempts to provide

3. This article uses the terms resistance and anti-subordination synonymously. It focuses on James Scott's theories on resistance. See JAMES SCOTT, DOMINATION AND THE ARTS OF RESISTANCE: HIDDEN TRANSCRIPTS ix-xiii (1990) ("When examining power relations between forces of domination and subordinated actors there are public transcripts and hidden transcripts. Public transcripts refer to what the subordinated actors articulate to those in power. This public transcript does not present the whole story. Instead there is a backstage where power is resisted, mocked, coped with, and defied evident in a hidden transcript"). For descriptions of resistance and international law see Balakrishna Rajagopal, *International Law and Social Movements: Challenges of Theorizing Resistance*, 41 COLUM. J. TRANSNAT'L L. 397 (2003) (incorporating analysis of popular resistance into international law emphasizing resistance strategies, goals, and state involvement and building on theories from Michel Foucault, Frantz Fanon, Antonio Gramsci, and Partha Chattarjee).

4. See generally section II and accompanying notes 26-58 providing four definitions for popular culture.

5. For the sake of analytical clarity, this article uses particular definitions for *North* and *South*, *hegemony*, and *subaltern*. These definitions are not meant to be exclusive, but instead are used to aid this article's suggestive focus. It uses the term *North-South* to refer to the common designation of states as Third World. *North-South* and *South-North* refer to the same relationship or dynamic in this article. Because this article focuses on such relationships in the western hemisphere, i.e. between northern and southern states and populations, it uses the *North-South* nomenclature. For discussions of *North-South* analysis in terms of Latina/o critical legal theory, i.e. *LatCrit*, see Guadalupe T. Luna, *Latcrit VI: Latinas/os and the Americas: Centering North-South Frameworks in LatCrit Theory*, 54 RUTGERS L. REV. 803 (2002). See also Ediberto Román, *Latcrit VI, Outsider Jurisprudence and Looking Beyond Imagined Borders*, 55 FLA. L. REV. 583 (2003). For general descriptions of why terms such as Third World and South-North remain useful, see B.S. Chimni, *Third World Approaches to International Law: A Manifesto*, in THE THIRD WORLD AND INTERNATIONAL ORDER: LAW, POLITICS, AND GLOBALIZATION 49 (Anthony Anghie et al. eds., 2003) (highlighting how "structures and processes" from common histories of colonialism, underdevelopment, and marginalization make the terms Third World current); see also Karin Mickelson, *Rhetoric and Rage: Third World Voices in International Discourse*, 16 WIS. INT'L L.J. 356-60 (1998) (describing the terms Third World and synonyms such as South, as "historically constituted, alternative and oppositional" stances within international system, that remain analytically relevant even though their initial geographic or historic justifications have passed); Balakrishnan Rajagopal, *Locating the Third World in Cultural Geography*, THIRD WORLD LEGAL STUD. 19 (1998) (arguing that despite historic or geographic limitations, the Third World should be conceived as a reimagined "counter-hegemonic discursive tool" permitting for interrogations and contestation of how power is used). *Hegemony* is defined as domination by consent with the "power of the ruling class to convince other classes that their interests are the interests of all," permitting domination not by force but by subtle and inclusive power over the economy, education, and media. See BILL ASHCROFT ET AL., POST-COLONIAL STUDIES: THE KEY CONCEPTS 116 (2000); ANTONIO GRAMSCI, SELECTIONS FROM THE PRISON NOTEBOOKS 12 (Quintin Hoare & G. Nowell Smith eds., 1971) (providing the common two-part definition for hegemony, from Gramsci, as "historically caused" consent by the masses imposed by a dominant group benefiting from its economic and political positions and the state power to "legally enforce discipline" for those who do not consent). *Subalterns* are defined as those groups in society subject to the ruling class' hegemony. See ASHCROFT, POST-COLONIAL STUDIES at 215; Diane Otto, *Subalternity and International Law: The Problems of Global Community and Incommensurability of Difference*, 5 SOC. & LEGAL STUD. 338 (1996) (analytically linking Subaltern Studies suggestions of cultural analysis of peasant resistance with legal examination of power imbalances in international law between Europe and the First World with the Third World).

preliminary illumination regarding popular culture's scholarly appeal. Its goal is to point to potential research subjects, versus making substantive or normative claims about popular culture and the law. Instead, it suggests that hegemonic resistance appears in popular culture as part of "hidden transcripts," referring to James Scott's examination of "arts of resistance."⁶ "Hidden transcripts" are articulations by subordinated actors and occur when those in power are not present.⁷ Finally, this article argues that these transcripts remain off the radar from most formal legal analysis. Scholarly examination of popular culture potentially illuminates these transcripts.

With these objectives, this article makes two central claims, one methodological/theoretical and another substantive, about the scholarly relevance of popular culture. First, observing how popular culture reflects societal interpretations of law and politics promotes a cross-national appreciation of different perspectives. Enriching scholarly understanding of global and transnational events benefits international research. Examining popular culture provides an accessible way to appreciate cultural nuances across national borders. This appreciation helps avoid misinterpretation. Second, critically exploring popular culture illuminates how resistance and anti-subordination efforts may be represented in this culture.⁸ Importantly, this resistance is exercised by popular sectors, civil society, or less powerful states.

Expanding on these preliminary arguments and brief suggestions, this article includes four sections.⁹ Section I argues how easy it is for cross-border and cross-cultural exchanges to result in miscommunication. This is done with examples from colonial Mexican history and the movie the "Bad News Bears." Section II describes scholarly perspectives, highlighting the value of popular culture as a subject of research. The value is that elements of resistance become evident within popular culture. It describes perspectives from law and popular culture,¹⁰ James

6. SCOTT, *supra* note 3, at ix-xiii.

7. *Id.*

8. This resistance may be more significant than formal texts or public expressions reflect. Formal legal texts refer to legal statutes, court decisions, *códigos* (codes or statutes), treaties, doctrine, or government documents.

9. While generally applicable to issues of Third World resistance, this article's claims refer to Inter-American examples, since the article was first presented at the LatCrit South-North Exchange 2006 on Theory, Culture and Law, held at the Universidad de los Andes, in Santafé de Bogotá, Colombia. The LatCrit SNX focuses on Inter-American exchange and dialogue between scholars from the North and South. The SNX objectives are available on the LatCrit webpage, in the "Portfolio of Projects" and "Scholarly Community" sections. The article's organization resembles LatCrit SNX's three foci of "Theory, Culture, and Law." See *Beyond Formal Democracy: Re-conceiving Self Determination*, <http://www.law.du.edu/latcrit/portfolioofprojects/acadcom/southnorthexchange/snx2003puerto%20rico/snxpuertorico2003.pdf> (last visited Jan. 12, 2009); *Reconstituting Constitutions and Cultures: Neoliberalism, Social Justice, and the Rule of Law*, <http://www.law.du.edu/latcrit/portfolioofprojects/acadcom/southnorthexchange/snx2004puerto%20rico/snxpuertorico2004.pdf> (last visited Jan. 12, 2009); and *Free-Market Fundamentalism: A Critical Review of Dogmas and Consequences*, [http://www.law.du.edu/latcrit/portfolioofprojects/acadcom/southnorthexchange/snx2006colombia/snxcolombia\(2006\)\(r1\).pdf](http://www.law.du.edu/latcrit/portfolioofprojects/acadcom/southnorthexchange/snx2006colombia/snxcolombia(2006)(r1).pdf) (last visited Jan. 12, 2009).

10. References include cultural studies research on popular culture and legal scholars researching law and popular culture. See *infra* section I.

Scott's analysis of "hidden transcripts,"¹¹ and cultural studies approaches to popular culture.¹²

Section III examines how Colombian slang exemplifies popular culture's transcripts "hidden" from researchers who rely on literal translations. Slang is locally expressed terminology and informal speech that is widely accepted, but not necessarily defined in dictionaries.¹³ It contains cultural and social implications beyond the literal meanings of the terms used. It operates as a hidden transcript because its meanings are not included in dictionaries and may not function in all public settings. The examined terms are: *mamar gallo* ("to disregard authority, not implement or not obey orders, resist carrying out a promise, or fraudulently state a course of action"),¹⁴ *corbata* (literally a "neck-tie" but also meaning an "employment position that is attained through patronage instead of merit," where the holder benefits from limited utility or duties to the employer and has little functionality akin to a neck-tie),¹⁵ and *pesca milagrosa* (large-scale single-endeavor kidnappings by either paramilitary or insurgency forces).¹⁶ These terms are Spanish but are particularly used in Colombia. Section IV briefly identifies how popular culture influences lawmaking in U.S. immigration reform. Immigrant rights demonstrations reveal radio's political significance as supporting resistance. Spanish-language radio played a decisive role in motivating over 500,000 persons to march in the spring 2006 immigration demonstrations. Radio is examined as a cultural text seeking change in pending legislation¹⁷ and as a "hidden transcript" that provides a means to understand immigrant communities.

11. For a description of "hidden transcripts," see SCOTT, *supra* note 3.

12. See generally discussion of Néstor García Canclini's Latin American cultural studies research. See *infra* note 53.

13. The study of the use of specific terms in Colombian politics, and their influence in the decision-making process, has recently gained important scholastic and public appeal. Dr. Eduardo Posada-Carbó provides an elaborate and complex analysis of the term *establecimiento* (establishment) as used by public figures in Colombian politics and by academics, arguing it has played a central role in Colombian political developments in recent decades. See Eduardo Posada-Carbó, Language and Politics: On The Colombian "Establishment", Helen Kellogg Institute, Univ. of Notre Dame, Working Paper #320 Oct. 2005, <http://www.nd.edu/~kellogg/publications/workingpapers/WPS/320.pdf#search=%22Language%20and%20Politics%3A%20on%20the%20Colombian%20E%80%9CEstablishment%20%9D%20%22>. Dr. Posada-Carbó also refers to a similar public debate on language and Colombian politics regarding terms such as "retención" for kidnapping, "pesca milagrosa," and "boleteo" for extortion in Antonio Panesso Robledo, *La Guerra de las Palabras*, EL ESPECTADOR, July 13, 2001 and Héctor Abad Faciolince, *La condena del eufemismo*, CAMBIO, June 10, 2001.

14. For a definition of "mamar gallo" or "mamargallo" see *infra* note 63.

15. For a definition of "corbata" see *infra* note 64.

16. For a description of the term "pesca milagrosa" see Bill Rodgers, *Criminals and Extremists Boost Colombia Kidnapping Rate*, VOA NEWS, Oct. 30, 2001, <http://www.voanews.com/english/archive/2001-10/a-2001-10-30-6-Criminals.cfm> (last visited Jan. 12, 2009). For an explanation of kidnapping in Colombia see Larry Rohter, *Driven by Fear, Colombians Leave in Doves*, N.Y. TIMES, Mar. 5, 2000, <http://query.nytimes.com/gst/fullpage.html?res=9C06E5DB1438F936A35750C0A9669C8B63&sec=&sp on=&pagewanted=1> (last visited Jan. 12, 2009).

17. This specifically refers to the proposed U.S. immigration reform legislation, H.R. 4437, which would have criminalized many immigration law violations by foreign nationals and would have criminalized support or assistance to immigrants by US nationals. See Julia Gelatt, *Migration Policy Institute Policy Beat: House Passes Enforcement Bill Lacking Temporary Worker Program*, Jan. 1, 2006, <http://www.migrationinformation.org/USfocus/display.cfm?id=367> (last visited Sept. 23, 2008). H.R. 4437 was passed by the House of Representatives but never became law.

I. POPULAR (OVERLOOKED) PROBLEMS

Before making the theoretical and empirical arguments below, this article describes two vignettes from U.S. popular culture that shed light on misinterpretation during cross-culture contact. These are common or popular problems, which scholars may easily disregard. Not necessarily commenting on hidden transcripts or the law, these scenes suggest what international researchers should try to avoid, i.e. relying on their own misinterpretation. Presented as quotes prefacing this article, these vignettes are from “The Bad News Bears” and the initial encounter between the Spanish and Maya in the sixteenth century. These scenes show how commonplace it is for misinterpretations to ignore distinct cultural perspectives. These situations point to failures in appreciating cross-cultural perspectives in international research. Examination of popular culture may help avoid these situations. Specifically, identifying how popular culture expresses ideas of domination and resistance may prove helpful. As such, the errors in these scenes offer reference points for analysis below of Colombian slang and Spanish radio.¹⁸

In the 1976 comedy “The Bad News Bears,” a group of misfits play on a baseball team in a prestigious little league. Because they are athletically challenged children, the team struggles in the league. The movie highlights how an underdog team is comical, represents diverse sectors of society, and strives to succeed. Two players, Miguel and José, are Latinos who “just showed up and speak no English” but work hard and are good baseball players. They barely speak in the movie but are an integral part of the team.¹⁹ In the only scene when José speaks, he loudly indicates in Spanish that he does not want to wear a supporter, worn in baseball to protect a player’s groin area. As expressed in English by the rest of the team, José reasons it is too painful. José’s statements are completely misinterpreted by teammate Ogilvie. Ogilvie explains that José has a religious reason as a Catholic not to wear the supporter. Ogilvie, portrayed as the brainy assistant and liaison between manager and players, is not attempting to see José’s perspective. He assumes José’s religion explains his resistance, as opposed to the common justification of pain.²⁰ Ogilvie credits his “knowledge of Spanish” for his translations. Correctly translating or not assuming that José’s religion explains his resistance could remedy Ogilvie’s misinterpretation. With this exchange, we see how an individual from one culture interacts with another, makes an erroneous conclusion and justifies it with supposed

18. This article provides some initial suggestions and early ideas for the use of popular culture in international research, inter-American scholarly exchanges, and the LatCrit SNX project. This is intended for both the process of scholarly exchange across national borders and for the substantive findings of cross-border research. Similarly, in the spirit of identifying popular culture, this article’s methodological and citation preference is given to sources easily accessible via the internet, which may be more available and “everyday” than texts attained only in scholarly libraries or in exclusive databases. As such, many legal citations and definitions come from internet online sources to show that law has a definite and clear place in popular culture (the internet) and that law influences how the internet is used as a means of transmitting legal information, like a court reporter or specialized database, throughout society.

19. This takes place in a movie where children are the protagonists and the most vocal and “vulgar” characters, a feature that made “The Bad News Bears” stand out in late - 1970s U.S. movies.

20. Since Ogilvie is presented as the docile but brainy member of the team and quasi-assistant manager, his characterization of José is not necessarily malicious but is instead merely ignorant. An appreciation of José’s perspective and/or not making assumptions could avoid Ogilvie’s error in interpretation.

expertise but without seeking distinct perspectives.²¹ This description points to this article's claim that relevant perspectives can be lost when not affirmatively seeking cross-border perspectives. These errors may be shrouded in "scholarly expertise," like Ogilvie's command of Spanish.

The second vignette is taken from Inga Clendinnen's book *Ambivalent Conquests: Maya and Spaniard in Yucatan, 1517-1570*, detailing how the Spanish tried to eliminate Mayan religious practice as a means of establishing a colonial presence. Dr. Clendinnen emphasizes that despite violent European efforts to brutally impose Catholicism, for decades the Maya actively resisted by continuing to practice local prayer rituals. Their resistance made the Yucatan an extremely hostile place for early Spanish colonialism. Dr. Clendinnen begins by quoting Antonio de Ciudad Real, a Franciscan monk and early colonial ethnographer.²²

The quotation from Antonio de Ciudad Real remarks on the initial contact between the Spanish and Maya illustrates how hegemonic forces are easily oblivious to popular resistance. When the Spanish, in their own language, asked: "What is the name of this place," naturally, the Maya responded in their own language: "What are you saying?" (*uic athan*). This Mayan phrase formed the base for the current political and geographic name, "Yucatan," a Spanish version of "*uic athan*." The Spanish colonizer incorrectly assumed that the Mayan response referred to their inquiry. Such an assumption disregarded the fact that the Mayans were making inquiries of their own.

In these examples of two cultures in contact, one party completely disregards another's expressions or perspectives.²³ This article classifies such situations as "exchange disregarding the other party's perspective." For the analysis below, a critical reading of these vignettes serves as a point of comparison. Scholars engaged in cross-border research can use an analysis of popular culture and how it expresses impressions about the law to avoid the José-Ogilvie and Spanish-Maya situations. Misunderstanding can be avoided for both the process of scholarly exchange and for the findings made by cross-border research.²⁴ With these vignettes

21. An analogous process could easily ensue during cross-border scholarly exchanges or in the substantive findings of international research, when distinct perspectives are disregarded or never thought of as a possibility.

22. Ralph L. Roys, *Antonio de Ciudad Real, Ethnographer*, 34 AM. ANTHROPOLOGIST 118, 118 (1932). Antonio de Ciudad Real is credited with the most detailed ethnographic notes on the region and developing some of the first linguistic studies to form the basis of a Mayan dictionary for the Spanish empire.

23. These two examples are offered in order to show how everyday realities may easily result in a disregard for different perspectives across cultures and national borders. The Maya and José errors could have been avoided if the Spanish and Ogilvie exchanges were properly translated. A more important point is that even in situations where accurate language translation is not possible, a party may easily disregard or assume, instead of seeking their counterpart's perspective. This disregard is problematic, but it can be avoided by affirmatively seeking different perspectives and being cognizant of one's own perspective as a researcher.

24. Noticing how popular culture does this is important for both scholarly exchanges (conversations, collaborations, and comprehension between academics) and for research agendas. This article's perspective is very much influenced by Edward Said's "humanist approach" which was explained in EDWARD SAID, *ORIENTALISM* (Vintage Press 2003). Humanism is described as "sustained by a sense of community" between societies, those individuals interpreting between them, and seeking to widen the field of discussion. Professor Said described central objectives as to: use a humanistic critique to "introduce longer sequence of thought and analysis to replace bursts of polemical, thought-stopping fury" to benefit from humanism's "agency of human individuality and subjective intuition, rather than on

as reference, the sections below, theoretically and empirically, emphasize how popular culture points us to “hidden transcripts,” illuminating possible expressions of resistance.

Conducting cross-border research without any cognizance of culture easily results in misinterpretation on two fronts. First, misinterpretation occurs because researchers often substitute their own perspectives for the often overlooked, southern, popular, or foreign views. Second, within popular culture there are often “hidden transcripts” of resistance to hegemonic forces. When scholars are not aware of these nuances in popular culture, their research neglects the insight of these contexts. Scholars engaged in cross-border or international research should be aware of popular culture’s influence on their own individual perspectives, research practices, and final findings.²⁵

II. THEORY: THE EVERYDAY AND RESISTANCE IN POPULAR CULTURE

This section highlights scholarly approaches to the study of popular culture in legal research, social sciences, and Latin American cultural studies.²⁶ Following these leads, this article argues that scholars should apply a similar approach to cross-border legal research. Doing so would enrich cross-cultural legal scholarship by: 1) seeking to avoid exchanges disregarding the other party’s perspective, 2) identifying societal impressions on the law and politics, and 3) localizing modes of resistance expressed in popular culture by civil society or by southern countries in the South-North dynamic.

a) Popular Culture: Defining the Organically Created with Mass Appeal

Definitions of popular culture are fluid, varied, and rarely exclusive, but

received ideas and approved authority,” and ultimately demonstrate humanism is “resistance against inhumanity and injustices. *Id.* at xxii and xxix. Said’s approach in *ORIENTALISM* influenced later theoretical and methodological innovations in post-colonial and subaltern studies approaches. These elaborate and sophisticated approaches generally inspire this Article’s explorations and suggestions.

25. For a detailed and sophisticated analysis of stereotyping of Latinos in popular culture (the media, film, etc.), discrimination suffered by Latinos in the U.S. legal system, and how these two processes are mutually reinforcing, see STEVEN W. BENDER, *GREASERS AND GRINGOS: LATINOS, LAW, AND THE AMERICAN IMAGINATION* (2003). For examples of legal scholars identifying popular culture and incorporating popular cultural analysis, without necessarily only focusing on the relationship between culture and law, into their research for findings, see Bruce D. Johnson et al., *Marijuana Argot as Subculture Threads*, 46 *BRIT. J. CRIMINOLOGY* 46 (2006); Donald J. Kochan, *Boyakasha, Fist to Fist: Respect and the Philosophical Link with Reciprocity in International Law and Human Rights*, 38 *GEO. WASH. INT’L. L. REV.* 349 (2006); Paul Butler, *Much Respect: Toward a Hip-Hop Theory of Punishment*, 56 *STAN. L. REV.* 983 (2004); Kevin R. Johnson, *Comparative Racialization: Culture and National Origin in the Latina/o Communities*, 78 *DENV. U. L. REV.* 633 (2001); Elvia R. Arriola, *Latcrit Theory, International Human Rights, Popular Culture, and the Faces of Despair in INS Raids*, 28 *U. MIAMI INTER-AM. L. REV.* 245 (1997); and *Faeries, Marimachas, Queens, and Lezzies: the Construction of Homosexuality Before the 1969 Stonewall Riots*, 5 *COLUM. J. GENDER & L.* 33 (1995).

26. In their extensive review of antecedents and variety of approaches in Latin American Cultural Studies, Stephen Hart and Richard Young define the field as “concerned primarily with the study of how cultural meanings and thus identities get sedimented and organized through cultural practices and relations of power.” See STEPHEN HART & RICHARD YOUNG, *INTRODUCTION TO CONTEMPORARY LATIN AMERICAN CULTURAL STUDIES* 8 (2003).

many of these definitions share important commonalities. This section refers to four definitions of popular culture, all which stress the organic (or self-created) and mass appeal of this culture. Law and popular scholars Michael Asimow and Shannon Mader define popular culture as “the entire universe of knowledge, behaviors, beliefs, and attitudes that circulate in a particular society or subgroup of that society.”²⁷ Second, the prominent popular culture theorist John Fiske explains that “[p]opular culture is made by the people, not imposed on them; it stems from within, from below, not from above. Popular culture is the art of making do with what the system provides.”²⁸ Third, in a groundbreaking analysis of popular culture and law, Lawrence M. Friedman offers two important characteristics defining popular culture: “the norms and values held by ordinary people, or at any rate, by non-intellectuals, as opposed to high culture, the culture of intellectuals and the intelligentsia” as well as “books, songs, movies, plays, television shows, and the like; but specifically to those works of imagination whose intended audience is the public as a whole.”²⁹ Fourth, as a medium representative of popular culture, the online collaborative reference source Wikipedia defines “popular culture” or “pop culture” as:

[L]iterally ‘the culture of the people’ consist[ing] of the cultural elements that prevail (at least numerically) in any given society, mainly using the more popular media and the vernacular and/or established lingua franca. It results from the daily interactions, needs and desires and cultural ‘moments’ that make up the everyday lives of the mainstream.³⁰

27. MICHAEL ASIMOW & SHANNON MADER, LAW AND POPULAR CULTURE: A COURSE BOOK 4 (2004) [hereinafter ASIMOW AND MADER]. Additional analysis of law and popular culture is found in Lawrence M. Friedman, *Law, Lawyers, and Popular Culture*, 98 YALE L. J. 1579, 1580 (1989) (arguing that popular culture is of “fundamental importance in constructing social theories of law” which “explain legal phenomena by searching for causes and causal factors ‘outside’ the legal system”); Naomi Mezey & Marc C. Niles, *Screening the Law: Ideology and Law in American Popular Culture*, 28 COLUM. J.L. & ARTS 91 (2005) [hereinafter Mezey and Niles] (arguing, with a sophisticated use of social theory from the Frankfurt School and Birmingham School, that popular culture does reflect political ideology and legal meanings as evidenced in what images and messages are included in film); and Jessica M. Silbey, *What We Do When We Do Law and Popular Culture*, 27 L. & SOC. INQUIRY 139 (reviewing Richard Sherwin’s *When Law Goes Pop* and contending cultural studies of law should employ clear examination demarcations when conducting cultural analysis and legal analysis).

28. JOHN FISKE, UNDERSTANDING POPULAR CULTURE 24-25 (1989) (citing MICHEL DE CERTEAU, *THE PRACTICE OF EVERYDAY LIFE* (1984)). He adds that “popular culture is made by the people, not produced by the culture industry,” it invariably demonstrates of oppositionality in everyday life, and requires “relevance to the immediate social situation of the people.” This definition is also used in Naomi Mezey and Mark C. Niles’s sophisticated study of film, ideology, and the law. Mezey and Niles, *supra* note 27, at 98.

29. See Friedman *supra* note 27, at 1579

30. Wikipedia, “Popular culture” http://en.wikipedia.org/wiki/Popular_culture (last visited Oct. 13, 2008). For descriptions of how law journals and judicial opinions, two texts not immediately associated with popular culture, increasingly cite Wikipedia, a source clearly representative of popular culture, see Daniel Solove, *Cass Sunstein on Wikipedia and Collaborative Technologies*, CONCURRING OPINIONS (Feb. 24, 2007), www.concurringopinions.com/archives/2007/02/cass_sunstein_o.html (last visited Oct. 13, 2008) and *When Is It Appropriate to Cite to Wikipedia?*, CONCURRING OPINIONS (Feb. 5, 2007), http://www.concurringopinions.com/archives/2007/02/when_is_it_appr.html (last visited Oct. 13, 2008); Cass Sunstein, *A Brave New Wikiworld*, WASH. POST, Feb. 24, 2007, <http://www.washingtonpost.com/wp-dyn/content/Article/2007/02/23/AR2007022301596.html> (last visited Oct. 13, 2008).

Wikipedia explains that one of the origins of popular culture lies in folklore, when before industrialization and mass media “mass culture equaled folk culture.”³¹ In this conception of popular culture, cultural exchanges spread through word of mouth. This persists today in the form of jokes or slang,³² which are diffused through the population by word of mouth and via the Internet.

This article examines two examples of oral culture as popular culture: Colombian slang commenting on law and politics and U.S. Spanish language radio’s influence in political immigration activism. Scott explains that oral culture provides a guise for those in resistance because this format is more common and accessible than any written articulation.³³ Oral transmission provides seclusion, control, and anonymity for those who articulate. For those who express themselves with informal speech, contained within popular culture, the end result is greater liberty.³⁴

There is great value in critically examining popular culture and the law.³⁵ Specifically, this may include popular culture’s impression of the law and how the law impacts popular culture and how they both mutually influence each other.³⁶ Asimow and Mader explain that popular culture is more pervasive than law, since it aims—on a mass and approachable scale—to entertain, form opinions, and spur consumption.³⁷ Embracing a “legal realism” approach, which discounts the

31. See Wikipedia “Popular Culture,” *supra* note 30.

32. *Id.*

33. SCOTT, *supra* note 3.

34. See *id.* at 160-62

35. Néstor García Canclini explains how “popular culture” (a term used instead of “popular art”) is a process of creation and representation (thereby avoiding a view of culture as static). He writes popular culture has “sociocultural representativity,” which comments on the “ways and means which certain social classes have lived cultural life in relation to their real conditions of existence as subordinated classes.” See NÉSTOR GARCÍA CANCLINI, TRANSFORMING MODERNITY: POPULAR CULTURE IN MEXICO 108 (1993) [hereinafter TRANSFORMING MODERNITY] (quoting Alberto M. Cirese ENSAYO SOBRE LAS CULTURAS SUBALTERNAS, Centro de Investigaciones Superiores del INAH, No. 24, 1979 at 56). He quotes Bertold Brecht on the dynamic influence popular culture and political participation mutually exert:

Popular is that which the vast masses understand/that which gathers and enriches their form of expression/it is that which incorporates and reaffirms their viewpoint/it is that which is so representative of the most progressive section of people that it can take over leadership and also be comprehensible to other sectors/it is what, setting out from tradition, carries it forward/what it conveys to the sector of the people which aspires to power/the gains of the sector which at present sustains it.

Id., at 108-09 (internal citation omitted).

36. Christopher D. Geist and Jack Nachbar describe popular culture as part of a “two way relationship with our lives – both affecting the values we construct for ourselves and reflecting the values already constructed - that popular culture taken as a whole is the most common part of our cultural heritage and our present living environment.” THE POPULAR CULTURE READER 3 (1983). An example of how law and popular culture may be mutual influencing lies in how the U.S. - produced television program “CSI: Crime Scene Investigation” has motivated juries, criminal prosecutors, and defense counsel to incorporate forensic analysis in making legal and factual determinations. Professor Taunya Lovell Bank explains that the program educates audiences about forensic analysis and how it corresponds to litigation strategies. When members of the audience serve on juries, they question evidentiary claims raised by counsel and at times suggest that investigators conduct more forensic tests. Scholars attribute this increased public awareness to the television program. See Cynthia Di Pasquale, *Beyond the Smoking Gun*, THE DAILY RECORD, Sept. 8, 2006 (describing a symposium recently organized by Professor Banks and the University of Maryland-Baltimore Law School at *Law School Explores the CSI Effect*, UMB NEWS, Sept. 21, 2006).

37. See ASIMOW AND MADER, *supra* note 27, at 4-6.

impression that legal research should only focus on formal written legal texts, Asimow and Mader add that “to understand how law is actually applied on the ground, as well as to understand why and how law changes, it is necessary to consider factors outside the formal written law” and, as such, “the works of popular culture can be studied as legal texts.”³⁸

There are two specific benefits to cross-border research gained by examining popular culture. First, pinpointing national or local popular culture’s impression on legal issues provides scholars with different cultural perspectives on common experiences. The objective here is to see how individuals in diverse countries identify, examine, and resolve similar situations. Popular culture is created and sustained because of its appeal and utility to everyday reality. Incorporation of these cultural texts into scholarly exchanges and research inquiries helps avoid situations such as José-Ogilvie and Spanish-Maya, wherein the relevant actors disregard distinct perspectives or overlook “hidden transcripts” of resistance. This article raises the concern that, during international exchanges between scholars, participants may not identify or exchange distinct perspectives.³⁹ In doing this, they instead proceed like Ogilvie and the Spanish in the sixteenth century, satisfied with affirming their own conceptions and avoiding any appreciation of a different perspective, and often completely misunderstanding the situation.⁴⁰ Second, a scholarly identification of popular culture often reveals how popular sectors of societies or southern countries articulate modes of resistance, although this resistance is not explicitly present or written out in formal texts. Popular culture has great value evident in its authorship, since it is created organically and not necessarily imposed by a higher or more powerful actor. Often it is a voice or expression of popular sentiment.⁴¹

38. *Id.* This analysis took everyday items such as margarine, wrestling, guidebooks, food, etc. as valuable sources of cultural study and representative of societal values. See ROLAND BARTHES, MYTHOLOGIES (Hill and Wang 1972) (1957).

39. While this article provides scholarly suggestions and initial explorations of popular culture, there is also an elaborate and ornate set of investigative approaches from the Post-Colonial and Subaltern schools, which offer much more sophisticated theoretical and empirical treatments. These approaches heavily influence this article’s approach. For example, similar to my approach in this article, by urging scholars to question their perspectives as researchers and to affirmatively seek cross-border perspectives, Edgardo Lander seeks to develop a less euro-centric perspective in the social sciences by focusing on Latin America. He highlights six goals for researchers: identifying popular participation and the sense of community as a relationship; liberation through praxis and mobilization through changes in conscious; redefining the role of researchers by recognizing the possible effects of a process of “Othering” when researching and by recognizing subject-objects of research may be social actors in creating knowledge; acknowledging the influence of history in knowledge; recognizing the influence of dependency, resistance and friction between minorities and powerholders, and alternative modes of gaining knowledge, and implementing methodologies to these ends. See LA COLONIALIDAD DEL SABER: EUROCENTRISMO Y CIENCIAS SOCIALES PERSPECTIVAS LATINOAMERICANAS 27-40 (CLASCO, 2005).

40. Eduardo Posada Carbó analyzes how the international media—sources from outside of Colombia—refer to Colombia’s internal insecurity and armed struggles as a “civil war.” This mischaracterizes the conflicts and has important ramifications in how the international community participates in any Colombian peace process. See *Doing Something in Colombia* (Inter-American Dialogue Working Paper Aug. 8, 2008), available at <http://www.thedialogue.org/page.cfm?pageID=32&pubID=894> (last visited Nov. 3, 2008).

41. Fiske writes, “[p]opular culture always is part of power relations; it always bears traces of constant struggle between domination and subordination, between power and various forms of resistance to it or evasions of it.” FISKE, *supra* note 28, at 19. He states that forces of domination may exist and be obvious but that “these forces are coped with, are evaded, or are resisted” and “that popular vitality and creativity that make incorporation such a constant necessity.” *Id.* at 20. This last point is maintained

b) "Hidden Transcripts" as Examples of Popular Culture Articulating Resistance

Popular resistance to powerful institutions or actors is often not publicly visible. This article labels these articulations of resistance as "hidden transcripts," which are understood and evident to their intended audience but not openly visible. Following Scott's ideas in *Domination and the Arts of Resistance: Hidden Transcripts*, this article characterizes power negotiations as containing both "public transcripts" and "hidden transcripts."⁴² Expressed openly by those subordinated in the face of those in power, "public transcripts" only represent a fraction of how resistance is articulated.⁴³ "Public transcripts" are meanings that are immediately evident with little interpretation.⁴⁴ They often are comprised of formal expressions—including face-to-face communication or behavior in the presence of authorities—or as written expressions, which are contained in government policy, in a letter or official memoranda, legal determinations, or official histories. "Public transcripts" rarely display any defiance, since they are visible and understood by those in power.

Importantly, a great deal of resistance or efforts of anti-subordination are contained within a "hidden transcript," which is best thought of as off-stage interactions and beyond the view of power-holders.⁴⁵ A common example is a classic Spanish phrase with roots in Colonial resistance: "*obedezco pero no cumpro*" (I obey but I do not comply). This phrase continues to be expressed behind closed doors in settings away from employers and authorities. Specific actors articulate hidden transcripts in a specific site, in forms including expressions other than speech, and in a constant struggle to avoid becoming an openly visible, public transcript.⁴⁶ Examples of hidden transcripts include jokes, grumblings, rituals, mockery, names with double meanings, and slowly or negligently implementing orders.⁴⁷ These transcripts are intended for a different audience than those in power, contain double meanings, and can shield the identity of those in resistance.⁴⁸

Scott elaborates on the political disguise contained in "hidden transcripts." These transcripts may reveal political messages but provide anonymity for those who are in resistance.⁴⁹ They can be euphemisms or may be as simple as a grumble.⁵⁰ Popular culture provides a space for these views of resistance. "Hidden transcripts" are created by their audience and by those who use them. They are not imposed by those in power. Accordingly, popular culture's significance is that it can avoid

through popular culture that represents "everyday resistances and evasions" and "popular culture is the art of making do with what the system provides." *Id.* at 21, 25.

42. SCOTT, *supra* note 3, at ix-xiii.

43. *Id.* at 2-4.

44. *Id.*

45. A similar approach to this hidden transcript and public transcript perspective was presented at LatCrit SNX 2003 when examining distinctions between formal democracy and self-determination, see *Beyond Formal Democracy*, *supra* note 9.

46. SCOTT, *supra* note 3, at 4-5 and 14-15.

47. *Id.*

48. *Id.* at 19

49. *Id.* at 138-39

50. *Id.*

impropriety, circumvent direct opposition and provide a guise for its author. As such, popular culture becomes an avenue to express messages or social impressions on law or politics.⁵¹

c) A Latin American Cultural Studies Approach to Popular Culture and Resistance.

Identifying how popular culture relates to the law and civil society or to a South-North dynamic between countries, international scholars may find modes of resistance that research focused solely on official or formal texts has previously cloaked. This suggestion of seeking popular culture's hidden transcripts of resistance in a South-North dynamic gains particular Latin American relevance in light of Néstor García Canclini's Latin American cultural studies approach. García Canclini's conceptual innovations speak directly to issues of cross-border exchange, popular anti-subordination efforts, and globalization.⁵² García Canclini's cultural studies approach identifies spaces for popular political and economic participation in contemporary Latin American society.⁵³ The appeal of this research lies in its sophisticated reference to cultural hybridization across national political borders. This hybridization is brought on by mass media and liberalized economic markets, surging Latin American urbanization, and increasing economic interest in cultural industries such as television, artisan crafts, and popular literature.

García Canclini provides a refreshing, progressive alternative in response to free-market policies.⁵⁴ With ethnographic analysis, he shows how artisan craft production by popular classes provides a way to develop community identification. This identification is not immediately apparent when merely observing the political or economic aspects of craft production; rather, it appears only when appreciating popular culture. In the translator's introduction of García Canclini's *Consumers and Citizens: Globalization and Multicultural Conflicts*, George Yúdice writes that García Canclini's interest has been "to demonstrate the power of culture in political and economic projects and to analyze the effects of modernization in the periphery in order to help devise proposals for bettering the life chances for the majority who

51. Popular culture's ability to express resistance is compounded by official or more public culture, which often demeans those with less power. *Id.* at 156-60. Néstor García Canclini describes culture of the popular classes as "the product of unequal appropriation of cultural capital, their own reflections about their living conditions, and conflict-ridden interaction with hegemonic sectors." TRANSFORMING MODERNITY, *supra* note 35.

52. "Hybridization" is defined as a socio-cultural process "in which discrete structures or practices, previously existing in separate form, are combined to generate new structures, objects, and practices." NÉSTOR GARCÍA CANCLINI, HYBRID CULTURES: STRATEGIES FOR ENTERING AND LEAVING MODERNITY (2005) xxiv-xxv [hereinafter HYBRID CULTURES]. Immediate examples provided include: Spanglish (a mixture of Spanish and English developed in Latino communities in the United States) and interracial marriages, combination of African, indigenous, and catholic symbols in religion. García Canclini explains that hybridization in culture has changed how the social sciences conceptualize "tradition/modernity, north/south, local/global." *Id.* at xxiii.

53. His books include TRANSFORMING MODERNITY, *supra* note 35; HYBRID CULTURES, *supra* note 52; CONSUMERS AND CITIZENS: GLOBALIZATION AND MULTICULTURAL CONFLICT (2001) [hereinafter CONSUMERS AND CITIZENS].

54. Much of García Canclini's appeal is particularly relevant given Latin American disillusion with previous populism experiences and economic protectionism, which often provided minimal popular political voice or participation. In these contexts, political power invariably rested in political party leaders and state officials who were also economic elites.

barely survive.”⁵⁵ While he has exposed this power in sectors such as consumer, culture, and tourism industries, García Canclini’s earlier conclusions referred to the production of Mexican folk crafts which rural communities made with central state sponsorship for urban and foreign sales markets.⁵⁶ He argues that creating *artesanias* (meaning folk craft items such as baskets or earthenware) represented a collective project for a community that provided them with state funds and tourist and urban sales, while at the same time served as a method to re-negotiate their identity.⁵⁷ This production provided new economic participation, self-identification in regional, national, and international contexts, and a collective format to achieve this.⁵⁸ This did not exist in prior agrarian economies or before contemporary economic cross-border transactions.

Identifying and examining popular culture, even without the elaborate study used in such disciplines as anthropology or literature, can still be fruitful for legal scholars. Specifically, scholars benefit from identifying distinct perspectives by discovering multiple viewpoints that would have been otherwise overlooked. Popular culture, law, and the cultural studies disciplines make two central claims. First, popular sectors articulate their impressions on politics and law through culture. Second, these cultural expressions are often intimately related to anti-subordination and cross-border identity negotiation efforts. In this light, this article urges researchers to ask the following: (1) is there any representation within popular culture of the legal issues examined; and (2) may resistance or defiance to authority be evident in popular culture and distinct from formal or public articulations?

By affirmatively seeking distinct cultural perspectives, a robust cross-border exchange can be achieved and situations such as the José-Ogilvie and Spanish-Maya examples can be avoided. In seeking how popular culture relates to our research, we step away from scholastic ivory towers, edifice libraries, and specialized online sources geared toward minute audiences. We can avoid over reliance on written texts such as court decisions, regulations, statutes, treatises, and memoranda, which are often limited to public transcripts of the law and society’s impressions of the law. Instead, we move closer to an analytical reality that identifies popular culture and engages in the discussions, struggles, and expressions demonstrated in everyday realities, thereby unveiling hidden transcripts.

This article does not suggest that scholars greatly alter their research agendas or change methodological approaches. Instead it argues that current and future research projects may greatly benefit from noting how popular culture exemplifies, discounts, includes, confirms, denies, or coincides with substantive claims made on resistance and power negotiations. Such an approach would lead to more robust and nuanced cross-border and cross-discipline exchanges by affirmatively seeking distinct perspectives and voices. It would also elucidate forces of anti-subordination and resistance, which are ignored or denied in immediately apparent or public texts, such as government sources or news reports. In sum, this

55. CONSUMERS AND CITIZENS, *supra* note 53, at xiii; George Yudice’s Translator’s Introduction is titled “From Hybridity to Policy: For a Purposeful Cultural Studies” in CONSUMERS AND CITIZENS, *supra* note 53, at ix – xxxviii.

56. See generally TRANSFORMING MODERNITY, *supra* note 35.

57. *Id.* at 31.

58. *Id.*

approach capitalizes on examinations of popular culture and other critical studies to demonstrate assumptions in scholarly perspectives and the significance of the art of resistance.

III. CULTURE: COLOMBIAN SLANG'S IMPRESSION ON LAW AND POLITICS

This section presents Colombian slang, *palabras colombianas* or *dichos colombianos* (Colombian words or sayings), as popular culture reflecting societal impressions on law and politics.⁵⁹ The study of language as a subject of critical inquiry results in a sophisticated understanding of popular resistance and political action.⁶⁰ This section uses examples to suggest how Colombian terms reflect societal impressions on law and politics. It highlights how an investigation into such terms can be used to deepen the cross-border inquiry. The three terms *mamar gallo*, *corbata*, and *pesca milagrosa* are deeply ingrained within Colombian popular

59. During this article's presentation at LatCrit SNX 2006, an extremely appropriate question, given my focus on appreciating cross-border perspectives, was raised by Dr. César Rodríguez-Garavito who asked if an "analysis of these terms perhaps [r]a[n] the risk of over-painting Colombian politics and law as something folkloric and comical?" I acknowledged that there is a need to explain that my analysis could easily be applied to other countries. This article is not intended to isolate Colombian society, its laws or politics. I argue that analysis of language and popular culture could be applied to any country, illuminating societal impressions on law and politics. From my current experience living in the U.S. as a dual-citizen (U.S. and Colombia), American law and politics are by no means absent from this analysis. A U.S. example mentioned at LatCrit SNX 2006 is the U.S. public's use of the term "stratergy" (a mockery of the word "strategy") to make fun of President George W. Bush's mispronunciation of common English words. See Wikipedia, <http://en.wikipedia.org/wiki/Stratergy> (last visited Nov. 20, 2008). Popular culture in the U.S. is quite attentive to such mistakes in the President's grammar. Popular culture records these vividly and publicizes them as a comment on current politics, thus expressing doubt in the President's competence. The President's mispronunciations or misuse of English terms include "Grecians" inappropriately referring to people from Greece or Greeks; "Kosovians" instead of Kosovars; "mental losses" instead of "mental losses"; "internets" instead of internet; "Is our children learning" versus "are our children learning"; and many others. See Jacob Weisberg, *The Complete Bushisms Updated Frequently*, SLATE, May 24, 2006, <http://www.slate.com/default.aspx?id=76886> (last visited Oct. 14, 2008); see also Daniel Kurtzman, *Top Ten Bushisms*, <http://politicalhumor.about.com/cs/georgewbush/a/top10bushisms.htm> (last visited Nov. 20, 2008). A more elaborate account of English slang and its influence in U.S. politics exists in HATCHET JOBS AND HARBALL: THE OXFORD DICTIONARY OF AMERICAN POLITICAL SLANG (Grant Barret ed., 2004). Similar slang terms from other Latin American countries suggesting societal impressions on politics can be seen in Mexico's *dedazo* (literally "finger tap," but politically referring to the Partido Revolucionario Institucional (PRI) political party's internal selection process for their presidential candidate, wherein former Presidents selected the party's presidential candidate, and before 2002, the President of México) or Argentina's "noqui" (literally meaning the Italian potato pasta dish but colloquially in Argentina referring to a political appointee to a job who only appears on the 30th of each month to collect a paycheck and does not work). See Online NewsHour: El Dedazo, Nov. 8, 1999, http://www.pbs.org/newshour/bb/latin_america/july-dec99/dedazo.html; see also Jergas de Argentina, <http://www.jergasdehablahispana.org/index.php?pais=Argentina&palabra=%F1oqui&tipobusqueda=1&PHPSESSID=0f4267643e189f48e7a654d73385a3bb> (last visited Nov. 20, 2008); Paul Lukas, *Rome, Via Buenos Aires*, NEW YORK SUN, Sept. 14, 2005, available at <http://www.nysun.com/Article/19977> (last visited Oct. 14, 2008).

60. See Posada-Carbó, *supra* note 13, at 13 (examining how state and non-state actors use terminology in Colombia's domestic insecurity crisis). For analyses of language in popular culture and their influence in hegemonic discourses and anti-subordination forces see PETER IVES, LANGUAGE AND HEGEMONY IN GRAMSCI 1, 5-7 (2004) (analyzing Antonio Gramsci's focus on language and its use by popular actors and in state policies to shape notions such as hegemony, counter-hegemony, "common sense," "organic intellectuals," "subalternity," and normative grammar).

culture. They are terms readily understood in Colombian society, with little need for immediate explanation or definition, and they are diffused through word-of-mouth instead of any official or intended policy.⁶¹

Because they are used and understood so readily and their meanings refer to subjects of law and policy, these three terms reflect an important societal impression on law and politics.⁶² To *mamar gallo* literally means to “suckle the rooster,” but in Colombia it colloquially means to disregard authority or an obligation.⁶³ The term *corbata* literally means a neck-tie, but in Colombia when used in the context of describing an employment position, it refers to a sinecure or a position that requires little or no work and provides an income.⁶⁴ Lastly, *pesca milagrosa* literally means “miraculous fishing expedition,” but in Colombian everyday usage it describes situations when a paramilitary or armed insurgency group stops a large public crowd and kidnaps many individuals, usually the ones regarded as wealthy or politically important.⁶⁵

By observing these three terms’ meanings and how they are comfortably used in the everyday realities of Colombians, these terms can be studied as texts on

61. Due to concerns of space, this article only refers to three terms from Colombian slang. Other terms are ripe for analysis, but unnecessary for this discussion.

62. To make these claims, two analytical steps are needed. First, there is an identification of slang terms that are generally understood by a Colombian audience without the immediate need for elaborate definitions. Second, there is an inquiry into the meaning of these terms, their utility, and how these characteristics relate to larger societal impressions on law and politics.

63. *Mamar gallo* is a complex term with varied meanings that change with the context in which the term is used. Its three basic meanings are a) to bother or joke around, b) to disregard an obligation, and c) to waste time. This article’s examination of slang as a societal impression on law and politics uses *mamar gallo*’s second definition, meaning to disregard duties and obligations or to be disinterested. Dictionaries of Colombian Spanish terms define *mamar gallo* as “To joke. Not work. To speak instead of act or work” (author’s translation of “*Bromear Vacilar. Tomar del pelo. No trabajar. Trabajar pero con la lengua.*”). See FRANCISCO CELIS ALBÁN, *DICCIONARIO DE COLOMBIANO ACTUAL* 114 (2005); see also RAMIRO MONTOYA, *DICCIONARIO COMENTANDO DEL ESPAÑOL ACTUAL EN COLOMBIA* 157 (2d ed. 2006). The online guide CaribeNet, whose mission is to educate foreigners about slang used in the Colombian city of Cartagena, defines the local meaning of *mamar gallo* as “to do nonsense,” “doing something worthless,” or “fooling around,” <http://www.caribenet.com/cartagena/index.php?name=News&file=article&sid=85> (Jan. 12, 2009). A particularly accurate and nuanced impression of this term is posted online by Carlos Vidales, Professor of Spanish at the University of Stockholm in Sweden: “‘*tomar el pelo*’, *pasar el tiempo sin hacer lo que se debe hacer, hacer burlas, prometer pero no cumplir, hacerse el gracioso, hacerse el desentendido, etc.*” (to ‘pull someone’s hair’ [joke], spend time not doing what one should do, to joke around, to promise but fail to carry-out or implement, to act arrogant, and to be disinterested). Professor Vidales explains that the term has many different meanings that depend on the situation and the audience that uses the term. He also elaborates on how the term’s etymology lies in Caribbean Colombian popular descriptions of a sexual act. See Posting of Mamando Gallo, Que Es to <http://www.mail-archive.com/colect@talklist.com/msg02048.html> (Jan. 18, 1999) (last visited Oct. 14, 2008).

64. Dictionaries of Colombian Spanish terms define *corbata* as “employment in the public sector received in exchange for a vote or political favor, in which there is little actual work or no work to do at all.” (Author’s translation of “[*p*]uesto público recibido a cambio de voto o favor político, en el que se trabaja más bien poco o definitivamente no se trabaja.”). See CELIS ALBÁN, *supra* note 63, at 57. See also MONTOYA, *supra* note 63, at 106 (focusing on the bureaucratic aspect and little duties of the position).

65. See Larry Rohter, *Driven by Fear, Colombians Leave in Drove*s, N.Y. TIMES, Mar. 5, 2000, available at <http://query.nytimes.com/gst/fullpage.html?res=9C06E5DB1438F936A35750C0A9669C8B63&sec=&sp on=&pagewanted=1>.

societal impressions of law and policy. An introductory examination of the terms illuminates fruitful social texts on issues such as the obligations created by contract or public duty, meritocracy and civil insecurity. For instance, the prevalence of the act of *mamando gallo* comments on the relationship between the individual and obligations, whether contractual or public. This is evident in the fact that to *mamar gallo* is to disregard a duty an individual may have. For the action of *mamar gallo* to occur, at least two individuals are needed. One individual expects something and the other individual disregards her obligation or promise. The subject, the individual who acts to *mamar gallo*, neglects a duty that can be either public or private.⁶⁶

In its historic and popular connotation, *corbata* refers to an employment position attained by way of personal or political influence. The position is described as being like a “neck-tie,” because it has little or no function regarding work duties, and serves little purpose beyond decoration. The term’s meaning, current relevance, and applicability to Colombian reality indicate that there is societal doubt that employment positions are attained because of the employee’s merits. This doubt is historical and points to popular impressions of corruption and favoritism in Colombia.⁶⁷ Since the 1990s, there has been much scholarly and public attention to identifying how pervasive corruption is in Colombian society and developing methods to combat its influence in both the political and private sectors.⁶⁸

Next, the term *pesca milagrosa* gives a snippet view of how prevalent violence and insecurity is in Colombian society. *Pesca milagrosa* is a large scale (in the size of the population subjected to inspection) but short-term (limited to just a few hours) search to quickly find and kidnap victims, conducted by insurgents at a public location. Such locales could be a makeshift roadblock, rural roadway, or public bridge crossing. The term explicitly comments on the economic gains insurgents make when conducting kidnappings. In recent times, Colombia has been the country with the most kidnappings in the world.⁶⁹ The frequency of the act is

66. Perhaps a more serious and germane example of *mamando gallo* is when the fifty-year insurgency group known as the Fuerzas Armadas Revolucionarias Colombianas (FARC) was provided a demilitarized-zone (*zona de distención*) to have a safe-haven during peace negotiations with the government, and neither the government nor the FARC carried out all promises included in the zone agreement. Mauricio Vargas paints a similar vision of the FARC *mamando gallo* regarding the Colombian peace process. See Revista Cambio, *La conejera de las Farc*, http://www.revistacambio.com/html/columnistas/mauricio_vargas/articulos/3800/ (Aug. 28, 2006).

67. In describing how the concept of corruption has been historically viewed in Colombia, Anthony P. Maingot refers to T. Lynn Smith and James L. Payne’s examinations of “*la corbata*” in 1960s Colombia. See Anthony P. Maingot, *Crisis? What Crisis?: Security Issues in Colombia Studying Corruption in Colombia* (1999), <http://www.ndu.edu/inss/books/books%20%201999/Crisis%20What%20Crisis%20Eng%20Oct%2099/cris7.html> (last visited Sept. 23, 2008).

68. The non-profit organization Transparency International conducts and reports on periodic corruption index studies worldwide. For its latest online survey on Colombia, it reports that “high risk” corruption persists in national public institutions. See Transparency International, *Indice de Integridad de las Entidades Públicas Nacionales (2003-2004)* (2004), http://www.transparency.org/content/download/3519/23254/file/colombia_indice_integridad_2004.pdf. FRANCISCO THOUMI, *POLITICAL ECONOMY AND ILLEGAL DRUGS IN COLOMBIA* (1995); and FERNANDO CEPEDA ULLOA, *LA CORRUPCIÓN ADMINISTRATIVA EN COLOMBIA* (1994).

69. BBC News, Article on Columbia’s Kidnap Culture, <http://news.bbc.co.uk/2/hi/americas/2452909.stm> (last visited Nov. 21, 2008) (reporting more than 3,000 persons are kidnapped in Colombia every year); see Mauricio Rubio, *Kidnapping and Armed Conflict in Colombia*, <http://uniset.ca/terr/art/colombiakidnapping.pdf> (paper presented at the PRIO Workshop on “techniques of violence in civil war” Aug. 2004) (arguing kidnapping in Colombia is a product of the armed conflict between the insurgents, paramilitaries, and the state and it is mostly linked to

fueled by the attractive prospect of procuring ransom payments from the victim's family. The literal translation of the term *milagrosa*, or "miraculous," implies that the kidnapers reap great rewards. *Pesca* literally means fishing expedition, and suggests how random or unpredictable the chances are of becoming subject to such a terrifying experience. When starting a *pesca milagrosa*, armed insurgents are not immediately aware of who they will kidnap or assault. Instead they discover or "fish" for potential victims. A key social impression of these kidnappings is that the subjects, whether kidnapped or not, experience enormous levels of fear and anxiety as the assailants decide who will be taken. *Pesca* vividly transmits this emotion, since when actually fishing for fish, the fisherman/woman rarely knows what he or she will find, if anything. *Pesca milagrosa* is frequently used by individuals to describe personally horrifying experiences, by the news media to alert the public as to what regions of the country are insecure, and by the government to describe how armed insurgents threaten civilian populations.

The above three terms suggest that Colombian society, by developing and frequently using certain terminology, expresses its impression on law and politics through slang. This article does not pretend to contain a thorough or detailed analysis of this language and society's impression of it. Instead, it offers descriptions of *mamar gallo*, *corbata*, and *pesca milagrosa* as examples to illustrate the value of integrating aspects of popular culture, such as slang, into cross-border research.

These terms, examined in the context of Colombian socio-economic history, hint at civil society's hidden transcript regarding obligations and duties, meritocracy, and civil insecurity that is contained in slang. These terms are potential hidden transcripts because they are not understood by non-Colombian Spanish speakers. With an investigative approach affirmatively seeking popular culture's impressions, these terms point to meanings absent in the public transcript or in literal translations. Slang represents not only everyday vernacular but it also illustrates popular culture's influence on societal impressions of the law. For slang to have popular appeal, for it to be alive or commonly used, it must be relevant to those who use it. The key to this is the specialized and context-specific meaning of the terms within slang. To foreign researchers this meaning is often within a hidden transcript. It is only revealed due to investigations into the use of slang and popular culture. For the terms *mamar gallo*, *corbata*, and *pesca milagrosa*, a law and popular culture foci elucidate important perspectives on duties, meritocracy, and insecurity.

IV. LAW: SPANISH RADIO MOTIVATES IMMIGRATION DEMONSTRATIONS

Moving along an Inter-American path, this article next analyzes how popular culture influences lawmaking in the U.S. Specifically, it will look at the example of Spanish language radio, which helped mobilize enormous immigrant rights demonstrations in 2006. Common in everyday settings yet likely ignored by government agencies and legal scholars, Spanish language radio is extremely popular in migrant communities throughout the U.S. The political demonstrations in 2006

suggest that this media format serves as a dialogue space on law and politics for Spanish speaking civil society. This space suggests a transcript hidden from, or at least ignored by, the English-speaking media,⁷⁰ which had been unaware of these political organizations and was later shocked when these groups conducted public demonstrations. Key to this activity being “hidden” is how English-speaking news is unaware of the Spanish language media’s mass appeal in immigrant communities. In this example we see how immigrant culture contains perspectives and power struggles not mentioned or discussed in English-speaking media or government sources. For these reasons, this media outlet served as a hidden transcript.

During the spring of 2006, Spanish radio in the U.S. demonstrated its powerful societal appeal as a popular culture medium in the immigration reform debate. These events in U.S. immigration legislation suggest that the hidden texts within popular culture can be a powerful tool for political activism.⁷¹ This section offers a short glimpse into these events as indications of where “hidden transcripts” may possibly influence resistance amongst immigrants in the U.S. who face economic and legal discrimination.⁷²

These demonstrations were enormous and unprecedented in their size and diversity. They took place across the U.S. and inspired the U.S. Senate to act on a comprehensive immigration reform bill⁷³ proposing a guest worker program and earned legalization, in opposition to the House’s version of the immigration bill, House Bill 4437.⁷⁴ The House of Representatives passed the Republican-sponsored bill on December 17, 2005, with barely any public debate or testimony before the

70. For this article, mainstream and English news or media refer to the same thing.

71. For more analysis of the significance of the 2006 immigration demonstration see generally Kevin R. Johnson and Bill Ong Hing, *The Immigrant Rights Marches of 2006 and the Prospects for a New Civil Rights Movement*, 42 HARV. C.R.-C.L. L. REV. 99 (2007) (explaining that the popular political activism in the marches would require a broad-based and multi-racial agenda to entail a “new civil rights movement” and the current judicial and political climate poses larger challenges when compared to the 1960s civil rights movement); Sylvia R. Lazos Vargas, *The Immigrant Rights Marches (Las Marchas): did the “Gigante” (giant) wake up or does it still sleep tonight?*, 10 NEV. L.J. 685 (2007) (describing the genesis and inspiration for the marches, correlating local and national migrant activist perspectives, and highlighting the marches “human rights” and the “migrants-are-Americans-too” counter-narratives).

72. See Kevin R. Johnson, *Symposium: Immigration and Civil Rights After September 11: The Impact on California: An Introduction*, 38 U.C. DAVIS L. REV. 599 (2005) (providing a summary of legal research examining how the US legal system, historically and presently, discriminates against migrants). For descriptions of how migrants are currently victims of economic discrimination see Francine J. Lipman, *The Taxation of Undocumented Immigrants: Separate, Unequal, and Without Representation*, 9 HARV. LATINO L. REV. 1 (2006); Howard F. Chang, *Symposium: Beyond Belonging: Challenging the Boundaries of Nationality: The Immigration Paradox: Poverty, Distributive Justice, and Liberal Egalitarianism*, 52 DEPAUL L. REV. 759 (2003).

73. The House bill that spurred the initial demonstrations was the Border Protection, Antiterrorism, and Immigration Control Act of 2005, H.R. 4437, 109th Cong. (2005). The Senate’s immigration bill, Senate Bill 2611, was titled the Comprehensive Immigration Reform Act of 2006. It included provisions for a guest worker program, earned legalization, backlog reduction, and increases in family-based and employment-based immigrant visa numbers. This bill was passed with significant amendments by the Senate on May 25, 2006 with a Yea-Nay Vote of 62-36; see 2611 Comprehensive Immigration Reform Act of 2006, S. 2611, 109th Cong. (2006), available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:SN2611> (last visited Aug. 28, 2006).

74. This bill is also referred to as the Sensenbrenner Bill, after its architect House Judiciary Committee Chair Representative Jim Sensenbrenner, or by its title the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. The bill was passed by the House by a vote of 239-182 on Dec. 16, 2005 and referred to the Senate Judiciary Committee on Jan. 27, 2006; see 2005 FD H.R. 4437.

House Committees.⁷⁵ Its key provisions elevated the criminal status of a person's unauthorized presence in the U.S. to a felony instead of its current status as a civil crime, would require employer verification that all employees are eligible to work in the United States by using an electronic database, provided non-federal (state and local) authorities training to enforce federal immigration laws, criminalized assistance by anyone for foreigners without authorization, and provided more than \$2.2 billion for fencing along the border with Mexico.⁷⁶

With protestor participants estimated at over 500,000 and even up to 1,000,000, the March 25th demonstrations in Los Angeles caught national and global attention for their enormous size, being on such a topical issue as immigration reform and for having such diverse make-up.⁷⁷ Importantly, the demonstrations showed the potential size of the Latino voice in U.S. politics. The protests' objectives were to stop the Senate from passing a Senate version of H.R. 4437 and to instead draft a pro-immigrant reform bill. While not the first during that year, the March 25th Los Angeles demonstrations were the largest and sparked similar large protests throughout the nation for the rest of March, in April, and culminating in the May 1st "*Gran Marcha*."⁷⁸ Demonstrations took place in Denver, Detroit, Nashville, Houston, Las Vegas, San Diego, Oklahoma, New York City, St. Paul and many other cities around the country. The protests demonstrated that immigration reform was a politically powerful issue for immigrants and U.S. citizens, and divergent partisan perspectives.⁷⁹ Because the English language media was caught by surprise and unprepared for such huge and extensive demonstrations, an immediate question was "how did so many participants find out about the demonstrations?"

In the weeks that followed, the English-language and mainstream news sources learned that by directly speaking to a Latino audience, Spanish-radio and Spanish media were vital to spreading the word and motivation to a large sector of U.S. society.⁸⁰ Before the demonstrations, English-language media sources had paid no attention to Spanish-language media, which for weeks dedicated significant attention to drumming support for the demonstration.⁸¹ When the demonstrations did occur and proved to be much larger than expected, mainstream and traditional

75. For a good summary of H.R. 4337's key provisions and how it was passed by the House see Julia Gelatt, *Migration Policy Institute Policy Beat: House Passes Enforcement Bill Lacking Temporary Worker Program* (Jan. 1, 2006), <http://www.migrationinformation.org/USfocus/display.cfm?id=367> (last visited Aug. 28, 2006).

76. *Id.*

77. See Randal C. Archibold, *Live, From Burbank, Calif., Hispanic Indignation*, N.Y. TIMES, Apr. 1, 2006; Roger Lindo, *Un Abanico de etnias, Etnias*, LA OPINIÓN DIGITAL, May 6, 2006.

78. See *Gran Marcha 2006 Los Angeles March to Defeat HR 4437*, <http://www.granmarcha.org/>.

79. Recent immigration studies research shows migrants are settling in many more regions of the US, areas beyond the traditional receiving regions of California, Florida, Illinois, New York, and Texas. An example of this research is NEW DESTINATIONS: MEXICAN IMMIGRATION IN THE UNITED STATES (V́ctor Zúñiga and Rubén Hernández-León eds., 2005).

80. Although not treated extensively in this article, Spanish-language print and television media also went to great strides to spur interest in the demonstrations. For instance the newspaper *La Opinión* ran many articles and ads promoting activism; see Eduardo Stanley, *To the Street! Hispanic Media at the Forefront of Protest March*, LA OPINION, Mar. 27, 2006.

81. See Paul Harris, *Spanish DJs Pump Up the Volume in America: Illegal Immigration has Boosted Hispanic Stations and Shaken the Mainstream Media*, FINANCIAL TIMES, Apr. 9, 2006.

sources, such as cable TV news channels and TV broadcasts, were shocked.⁸² This suggests not only that mainstream and English-language media focus is limited, but also that Spanish-language media had spurred protest support in a transcript hidden from the foci of other media sources.

Mainstream sources and political analysts referred to the Latino population and pro-immigrant political forces as a “sleeping giant,” since previous immigration reforms in 1986 and 1996 failed to attract popular political activism on this year’s scale. This was vivid when demonstrators articulated “[t]oday we march, tomorrow we vote!”⁸³ Los Angeles’ largest Spanish newspaper *La Opinión* offered this analogy: “*El gigante no estaba dormiendo, estaba trabajando*” (The giant was not sleeping, it was working).⁸⁴ This affirmed several notions regarding why many immigrants and voters urge political leaders for a guest worker program, earned legalization for those without status, and the elimination of the provision which criminalizes assistance to immigrants. Importantly, they do so because they regard migrants as working, living, and contributing to U.S. society. While pro-immigrant activists and immigrants have diverse positions on these calls for reform, in terms of a Spanish or non-English voice, mass media “got it wrong.” Mainstream media’s perspective on this political activism mis-analyzed the engagement and views of pro-immigrant and migrant sectors of U.S. society. This misunderstanding missed the potential engagement of over one million persons throughout the country.

These media misinterpretations resemble similar errors described earlier in the José-Ogilvie and the Spanish-Maya examples. It wasn’t that “the giant was sleeping,” but that mainstream America simply was not aware of it. The media limited its predication to a popular transcript, which excluded engagement and voices other than those in English. The media assumed that there could be no activism, much like Ogilvie assuming José’s perspective on the supporter or the Spanish discounting the Maya question.

Seeking to push lawmakers to develop pro-immigrant measures, this position is often built from a consciousness of shared, prior, current, or repeatedly observed experiences of immigrant disenfranchisement. The one million plus who protested this year undoubtedly were not all illegally present or even foreign nationals. From a shared consciousness built on personal experiences and/or observation, their regard and identification with immigrant disenfranchisement is real. Their position exists and is expressed, but perhaps is not noticed by the mainstream news or politicians. Similar to José and the Mayan perspectives mentioned earlier, a way to avoid disregarding this distinct perspective is by affirmatively trying to identify it. In popular culture these influential perspectives may be articulated. One such example exists in Spanish-language radio, as it is a medium that relays and provides information off-the-stage and at times hidden from mainstream or English-language news sources.

Spanish-language radio’s influence is extensive with a target audience of 30

82. *See id.*

83. *See* Tyche Hendricks, *Popular DJ Takes Registration Drive to Latino voters*, SAN FRANCISCO CHRON., Aug. 1, 2006; Sandra Hughes, *Today We March, Tomorrow We Vote’ Poll Finds Latinos Energized To Vote — But For Which Party?*, July 15, 2006, <http://www.cbsnews.com/stories/2006/07/15/eveningnews/main1807172.shtml>; Jewelle Taylor Gibbs, *The Sleeping Giant of Latino Political Activism Awakes*, SAN FRANCISCO CHRON., Apr. 12, 2001.

84. *See* Eileen Truax, *Recuento de un movimiento*, LA OPINIÓN DIGITAL, May 4, 2006.

million Latinos, but those who do not regularly partake in Latino culture can overlook its appeal. As Professor Felix Gutierrez explains, the non-Spanish language media would not have been surprised if “[they] had been paying better attention.”⁸⁵ The numerical size of the protests and Spanish-language media’s influence in this suggests in Los Angeles two cities exist and operate: a Spanish speaking and non-Spanish speaking one.⁸⁶ Furthermore, the English one functions oblivious to the other.

Spanish-language radio is a prime example of popular culture because of its central location in the everyday life of so many migrants. The radio audience listens in a wide range of everyday contexts, such as at home or in the workplace, through entertainment, shopping, and restaurants, locally and during travel. Driven by market-forces, this medium necessarily has popular appeal, or else it could not continue to exist. A demand-market takes place for listeners and commercial-support. With this the radio can function. If there is a failure in popular appeal or in being relevant to the audience’s reality, the radio loses listeners. As such, Spanish-language radio’s content reflects what will inspire its audience to listen to them. Traditionally, Spanish-language radio has had a close relationship with Latino communities, as it can often be one of the main conduits for community, regional, national, and international news.⁸⁷

This article argues that the size and message of these demonstrations show how popular culture can influence the formation and expressions of societal impressions on the law. Here the impression is the severity of H.R. 4437 provisions and the wide-desire for comprehensive immigration reform.

Spanish-language DJs’ emphasis on the demonstration during March of 2006 has been seen as a key ingredient in spreading the word to unite 500,000 marchers for that Saturday.⁸⁸ Demonstration organizers expected around 20,000 marchers.⁸⁹ The organizers approached the DJs in early March. Convinced of the issue’s importance, the DJs devoted consistent announcements and legislative analysis during radio airplay leading up to the demonstrations and continuing through May 1st’s *Gran Marcha*. News and commentary sources paint three DJs as central to this effort “*El Piolín*” (Tweety Bird) Eddie Sotelo, “*El Cucuy*” (Boogeyman) Renán Almadarez Coello, and “*El Mandril*” (baboon), Ricardo Sanchez.⁹⁰ The DJs publicized the event, described H.R. 4437’s provisions, explained why demonstrations were needed, and encouraged marchers to follow a set of rules.⁹¹

Spanish-language radio DJs expressed a shared concern for the plight of immigrants, their daily struggles, and a consequential need for comprehensive

85. See *Spanish-Language Media Organized Protests*, AP, May 28, 2006.

86. See Daniel Hernandez, *Stirring the Other L.A.*, LA WKLY., March 30, 2006.

87. See Ernesto Portillo Jr., “*Radio’s Impact on Latinos Has Roots Going Back Decades*,” ARIZ. DAILY STAR, Apr. 19, 2006.

88. See Teresa Watanabe and Hector Becerra, *How DJ’s, Ethnic Media Put 500,000 Marchers in Motion*, L. A. TIMES, March 28, 2006.

89. See *id.*

90. *Id.*

91. This included being peaceful, carrying any trash or litter produced while marching, and suggestions of waiving US flags and bringing their children. See *id.*

immigration reform. *El Cucuy* explained that he entered the U.S. without authorization from the U.S. government in 1984 and *El Piolín* explains that he did the same two years later.⁹² Moreover, the DJs and the Spanish-language media explained in a direct fashion how, if implemented, the proposed legislation would impact listeners' lives, their employment, and their families; thereby accurately identifying the concerns of listeners.⁹³ As part of a transcript ignored by the English-language, Spanish-language radio has enjoyed great market appeal and economic success. This radio format has a capacity to reach the interested audience. The *Washington Post* reports that *El Piolín's* radio show is "America's top-rated morning radio show" with Arbitron ratings beating Howard Stern, Rush Limbaugh, and Tom Joyner.⁹⁴ *El Mandril's* show attracts over 1 million listeners a day.⁹⁵ Importantly, the airtime was extensive and directed at high traffic audiences reaching a large workforce base. For instance, *El Piolín's* show starts at 4:00 a.m. and runs until 11:00 a.m., capturing nighttime, early morning, and commuting worker-listening airtimes.⁹⁶ His show airs in twenty U.S. cities.⁹⁷ Inspired by these events two years earlier and serving as a public symbol for the private struggle many migrants face, *El Piolín* became a U.S. citizen in May of 2008.⁹⁸

Spanish-language radio is deeply rooted within popular culture, as its appeal and content fits neatly within the everyday reality of millions of listeners. Initial observations of massive immigration protest, by some proclaimed to be the largest civil demonstrations in U.S. history, illuminate how Spanish-language radio was a potent force in creating demonstrations of such a large size. Likewise before the marches, the mainstream media was unaware of this popular force and its enormous activism effort, even though it happened on the nation's most popular radio shows. This suggests that Spanish-language radio may be part of a hidden-transcript, wherein the impressions of migrants, Latinos, and other pro-immigrant forces remain off-radar from English-language media.

CONCLUSION

This article's central suggestion of identifying popular culture in scholarly exchanges and in international research findings is applied to the situations of José-Ogilvie and sixteenth-century Spanish-Maya. These examples, as well as the article's objective, have been used to shed light on Inter-American and transnational legal issues with a cultural analysis. There are many instances of cultural nuances and anti-hegemonic resistance in the Americas that may escape scholarly review. Legal theory approaches that embrace popular culture analysis are better suited to avoid common scholarly misinterpretations.

92. See Martin Kasindorf, *Spanish DJs Take Lead Role in Politics*, USA TODAY, July 12 2006; Watanabe, *supra* note 88.

93. See Watanabe, *supra* note 88 (quoting University of Southern California Journalism Professor Felix Gutierrez).

94. Darryl Fears, *An Immigrant DJ's Morning in America: Eduardo Sotelo Crosses Over, Again*, WASH. POST, Apr. 30, 2006.

95. See Harris, *supra* note 81.

96. See *DJ Piolín, Stars de Ondes et de Movement*, LE MONDE, Apr. 21, 2006.

97. See Harris, *supra* note 81.

98. See Amy Taxin, *Piolín Becomes a U.S. Citizen*, ORANGE COUNTY REG., May 22, 2008.

As detailed above, the value of identifying popular culture is two-fold. First, it affirmatively seeks an appreciation for different perspectives between scholars. This avoids immediate misinterpretations, assumptions, or self-satisfying claims as Ogilvie and the Spanish did. Second, it may unveil “hidden transcripts” of resistance and anti-subordination. This resistance eventually became obvious to colonial forces in the Yucatan when local religious practices defied violent Catholic imposition. Similarly, “hidden transcripts” in Spanish radio became apparent to mainstream English media when faced with colossal demonstrations in 2006.

Scenarios such as José-Ogilvie and the Spanish-Maya are not too far removed from present-day research projects and scholarly exchanges. Sadly, it is often easy for a scholar to travel to a foreign country or examine events abroad and incorrectly analyze situations, use her own preconceptions to describe what is observed, or categorize what is foreign as inferior, lacking progress, or in need of enlightenment. Consequently, this leads to a “miss-reasoning trap” like Ogilvie; he replaces justifications of ‘José being a Catholic’ with a laundry-list of conclusions much like when scholars classify insufficient market liberalization or privatization, or not enough elections as necessarily lacking democracy or as religious fundamentalism, etc. Likewise, a situation similar to the Spanish-Maya in the sixteenth century remains very probable, when scholars disregard local perspectives and use what is observed abroad as justifications for concepts they transport. The local sixteenth century response of “*uic athan*” being misinterpreted as a direct response parallels current day realities of researchers asking locals about elections, tariff rates, partisan politics, government procurement programs, and privatizations but the responses may speak to local impressions on politics, health, hunger, culture, history, or the desire to learn more about the questioner.

As brief demonstrations of popular culture’s influence, this article has referred to Colombian slang within an analysis of ‘Culture’ and U.S. Spanish-language radio as a popular political force within an examination of ‘Law.’ These descriptions elucidate how critically examining popular culture provides fertile ground for appreciating different perspectives and how this may unveil “hidden transcripts” of resistance. A discussion about the terms *mamar gallo*, *corbata*, and *pesca milagrosa* illuminates Colombian perspectives on issue such as obligations, meritocracy, and civil insecurity. Poetically within our everyday reality when this article was first presented in Santafé de Bogotá, Colombia, at the LatCrit SNX2006 seminar convened at the Universidad de Los Andes, a large portion of the city lacked natural gas required for hot-water and cooking. This was due to a rupture in a central underground gas pipe. Perhaps popular culture analysis paints this annoyance (for those who like cooked food or hot water) as problems with infrastructure maintenance and government-contract procurement as just a *mamada de gallo* or that negligent maintenance or engineering is due to a *corbata* appointment. Similarly, the terms *mamar gallo*, *corbata*, and *pesca milagrosa*, and their common usage and applicability compared to Colombian political context, suggest civil society uses a “hidden transcript” in slang to express its impressions on obligations, meritocracy, and civil insecurity.

Spanish-language radio in the U.S. is another form of popular culture that when observed critically points to articulations of resistance and anti-subordination in a hidden transcript. During March, April, and May of 2006, enormous pro-

immigrant demonstrations took place throughout the United States. For those who listened to this media, the demonstrations were no surprise; mainstream media, on the other hand, was caught off guard. Following this article's suggestion of identifying popular culture, we notice radio was a key player in ensuring the demonstrations were of such an enormous size and encompassing such diverse perspectives.

In sum, this article's theoretical suggestions and brief evidentiary examinations illuminate why popular culture can be so valuable for scholars seeking an exchange of international perspectives and for scholars looking across national borders for their research. The paragraphs above have suggested this from an Inter-American, south-north, and transnational lens. Stepping away from edifice libraries, exclusionary formal texts, expensive databases, and ivory-tower gatherings and instead analytically entering the everyday reality of popular culture will help the trade of scholarly analysis and illuminate popular perspectives.