

"WHETHER YOU LIKE IT OR NOT": CALIFORNIA'S PROPOSITION 8 AND THE RHETORIC OF MONITORY DEMOCRACY

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In 2008, California voters made history when they used the electoral initiative process to pass a constitutional amendment eliminating same-sex couples' right to marry. When citizens voted Proposition 8 into law in November, it was the result of a long and hard-fought campaign by both opponents and supporters of same-sex marriage. It represented an improbable victory for the former group, who had to overcome a substantial deficit in public support and effectively change California voters' minds about the issue. In seeking to explain the unlikely success of the "Yes on 8" campaign in this regard, I will argue that its victory can be understood partially in the context of the emergence of "monitory democracy" in American political and popular culture. As articulated by theorists in communication studies and political science, monitory democracy is a new form of democratic behavior characterized by the emergence of citizen watchdog groups that aim to contest the actions of those in power. As these institutions have proliferated, they have more frequently mounted campaigns to check the power of ruling officials and have employed certain distinctive rhetorical strategies in their attempts to sway popular opinion and influence the political process. The campaign to pass Proposition 8 provided a vivid and instructive example of monitory democratic behavior, from the circumstances of its origins to the types of rhetorical appeals that its architects employed. Over the course of their campaign, backers of Proposition 8 appealed to monitory democratic ideals and took advantage of monitory institutions in constructing an ostensibly populist and ultimately effective rhetorical campaign.

Background: Gay Marriage in California and the Proposition 8 Campaign

The fight over Proposition 8 had its origins four years before the 2008 general election. In February 2004, Gavin Newsom, mayor of San Francisco, began conducting same-sex marriages on the steps of City Hall, defying existing California law and propelling the debate over same-sex marriage into the national spotlight. Within four weeks, more than 4,000 couples had traveled to the city to be wed, setting up a legal struggle over the constitutionality of California law, which defined marriage as the union of a man and a woman (Gordon). Newsom's move was bold, and public opinion was split (Darman). Over the next few years, several lawsuits worked their way through the judicial system. By 2008, they had reached the state Supreme Court, which ruled on 15 May that the existing restriction of gay marriage was unconstitutional. In June, counties throughout the state began conducting same-sex marriages. A triumphant Newsom gave the following speech at City Hall:¹

What a day in California, what a day for America, what a day for equality! Who among us was prepared for this? This is an extraordinary moment and an extraordinary time and I can't impress upon you how proud I am to be a San Franciscan. . . . This is an extraordinary day, and at the end of the day, make no mistake: This day is about real people and their lives. This day is about people being able to live their lives out loud. This day is about

people coming together and families all across the state of California and allowing themselves to be fully expressive. This is about Phyllis Lyon and Del Martin,² because that's where it started. Fifty-two years of love and devotion and constancy and faith in one and another. It's about their lives, their narrative, it's about their story, it's about their friends, it's about their families, it's about their brothers and sisters and it's about millions of people and their parents and grandparents, their friends and their families. It's about human dignity, it's about civil rights, and it's about time in California. And by the way, as California goes, so goes the rest of nation. It's inevitable; this door's wide open now. It's going to happen, whether you like it or not. This is the future and it's now. Courts across this country are waking up. (Newsom)

Just over forty years old and a rising star on the California political scene, Newsom had established himself as a key player—maybe *the* key player—in the fight for same-sex marriage in the state (Darman). But he would play a markedly different role from this point forward. Shortly before the Supreme Court's decision, a group of citizens began a campaign for Proposition 8, a ballot measure that would amend the state constitution to explicitly outlaw gay marriage. When the court announced its verdict, the group's campaign intensified and the fight was on.

Initial results looked bad for Proposition 8 backers. A Field Poll released in September showed the measure losing by a 17-point margin, as 55 percent of likely voters opposed it while only 38 percent indicated support (Schubert and Flint). On 29 September, however, the dynamics of the race changed. The Yes on 8 camp released what would be the campaign's single most effective advertisement, using Newsom's celebratory speech and turning it to an altogether different purpose. The advertisement opens on the speech's most aggressive note, as a smirking Newsom declares almost tauntingly: "[T]his door's wide open now. It's going to happen, whether you like it or not." After this, a female narrator's voice comes in, recounting how "four judges ignored four million voters and imposed same-sex marriage on California." Finally, a law school professor explores some ostensible consequences of the ruling: first, an alleged threat to the First Amendment right to free speech, as people with moral objections to homosexuality might be punished for speaking their minds in a heightened atmosphere of state-sanctioned political correctness; second, a threat that churches who refused to condone gay marriage might lose funding or tax exemptions; and third, that children in public schools would be indoctrinated into acceptance of gay marriage as equivalent to heterosexual marriage. The spot closes on a note of indignation, as the narrator's voice returns to tell the viewer, "We don't have to accept this" before cutting again to Newsom's "whether you like it or not," then returning with its final message: "Yes on 8" ("First Yes on 8"). Effectively weaving Newsom's speech into a rhetorical framework that positioned the mayor and the courts as arrogant, elitist bullies flouting traditional values, the ad capitalized with flawless economy on Newsom's unguarded and exultant tone. It was a message that would resonate with California voters to a surprising degree.

The advertisement went into heavy television and radio rotation and received widespread Internet circulation via sites like YouTube. Bolstered by a tightly organized grassroots campaign that was able to mobilize huge numbers of volunteers, the Yes on 8 campaign quickly began to make up lost ground (Schubert and Flint; Matier and Ross, "Prop. 8 Adman"). Two weeks before the ad featuring Newsom aired, the measure was losing by 17 percent. Just over one week after the ad appeared, several polls indicated that it was winning (Schubert and Flint). The No on 8 side was never able to reopen its lead. The race remained deadlocked until Election Day, when Proposition

8 passed by a margin of 52 to 48 percent. On 8 November, California voted into law a measure whose official summary described it as “eliminating the right of same-sex couples to marry” (State of California).

How did this happen in California? Between San Francisco in the north and Hollywood in the south, the state is widely considered the heartland of American liberalism—particularly by the conservative media (see O’Reilly, for example). The easy answer is that the state is not as liberal as it might seem. Political affiliations and stances on social issues differ sharply along regional and demographic lines (Wildermuth). But the ability of the Yes on 8 campaign to effectively change people’s minds about the marriage issue suggests a deeper cause at work than the static political makeup of the state’s electorate. As evinced by the rapid and decisive change in public opinion on the issue, Proposition 8 supporters didn’t just pander to an already supportive base—rather, they actively and aggressively pursued voters on both sides of the partisan divide. They precisely targeted their message in a way that appealed to a large section of California’s moderate and even liberal voters. In short, they developed and deployed a highly effective rhetorical strategy that helped them sway public opinion and achieve a particular legislative result. In seeking to understand this strategy, I use the theory of monitory democracy as a conceptual tool to situate the Proposition 8 campaign in its political and cultural context. Emphasizing democratic representation of public will and populist tendencies of campaigns that embody it, monitory democratic ideology provides an especially resonant background to an electoral contest fraught with concerns surrounding the stakes of representation and the limits of majority rule.

Institutions and Practices of Monitory Democracy

As it is described by communication theorist Roger Hurwitz and political scientist John Keane, monitory democracy has emerged as citizens have increasingly wielded the power of information to change public policy and exert a regulatory influence on governmental officials. Government has become an increasingly unstable business, as quickly multiplying tools for monitoring governmental conduct and disseminating information have allowed citizens to exert palpable influence upon elected officials beyond the traditional input mechanism of the ballot box. Less independent than ever, popular representatives must ensure that their actions and messages coincide with the wishes of the populace they hope to represent, or risk facing criticism and the defeat of the causes they hope to champion—a lesson dramatized in stark terms in the situation faced by Gavin Newsom, who struck an unpopular note in his advocacy of gay marriage only to see his message enlisted in the service of a campaign to ban it. And as the power of the elected few has waned, the power of the many has risen. The flowering of institutions like watchdog groups and advocacy organizations has dramatically multiplied the number of potential public inputs into governmental affairs, raising the possibility that a greater number of perspectives than ever before may be considered and represented in public policy—if their advocates can successfully spread their message and win the support of public opinion.

This revision of democratic praxis has been enabled by the spread of technologies and social mechanisms that allow information and political power to be disseminated to an increasingly broad swath of the general public. As Keane argues in his analysis of monitory democracy, technological development has prompted far-reaching structural change, ushering in a “new historical type of democracy, one that is defined by the multiplication and dispersal of many different power-testing mechanisms” (3). The new institutions whose emergence together characterizes monitory

democracy have taken many forms, and Keane offers a list that ranges from “official public enquiries, online chat rooms, auditors’ reports, online petitions and citizens’ assemblies” to “consumer testing agencies and consumer councils . . . public vigils and peaceful sieges, summits and global watchdog organizations” (11). While they differ in their specific functions, the examples Keane lists all share the basic function of informing the public and organizing potentially powerful opposition to government policies. In their project of galvanizing the electorate and transforming popular opinion, the Yes on 8 campaign made use of many of these social and technological mechanisms, assembling an extensive grassroots organization that informed voters about the controversial action of the California Supreme Court and implored them to act to stop it.

As monitory democratic practices have begun to collapse hierarchical distinctions between the few decision makers who hold public office and the many members of the public in whose name decisions are made, formerly solid power relationships have been destabilized. The political playing field has been leveled as “democracy comes to mean a way of life and a mode of governing in which nobody [i.e., no individual or group of individuals] rules” (Keane 9). The government’s decreasing power to make and enforce decisions has come hand in hand with the increasing power of the public to exert influence on public policy and determine the course of action that government will pursue. As technologies for assembling and distributing information have developed, individual citizens have become increasingly capable of monitoring the actions of their elected officials and responding to them in the public sphere. First through print journalism, then through TV news, and now through the Internet, citizens have acquired an unprecedented ability not only to see what their government is doing, but also to mobilize against the actions of those in power, sometimes with striking results.

One example from American history cited by Keane is the Watergate scandal, which began in 1972 and eventually brought down the Nixon administration in 1974 (27). The case was a relatively straightforward example of monitory democracy in action: using the technical means of print journalism, reporters from the *Washington Post* began circulating information about the Nixon camp’s involvement in burglaries of the Democratic National Committee headquarters in Washington; upon arrival in the public sphere, the information promptly ballooned into a major scandal; and the government, sensitive to public opinion, began its own investigation, after which point Nixon’s fate was effectively sealed. Functioning as a public watchdog on the lookout for governmental corruption, the free press intervened to radically curb the incumbent government’s ability to act in ways incommensurate with democratic principles and practices. Most essentially, it took the Nixon administration to task for failing to act in accordance with the desires of the populace—specifically, the desire that government conduct itself according to existing rules and regulations. But while the Watergate scandal concerned conduct that was explicitly criminal under existing laws, the proximate cause of the Proposition 8 campaign was the constitutionally valid action of the California Supreme Court. Clearly, then, even the legitimate actions of government officials must be fair game for monitory democratic interventions if monitory democracy is to be understood in a way that is applicable to Proposition 8.

Another example, I think, will help situate monitory democracy in the age of the Internet and put the discussion on ground more specifically relevant to the Proposition 8 campaign. In 1994, monitory democracy went digital when two computer programmers started a Web site protesting the U.S. Congress impeachment proceedings against President Clinton. Their Web site—entitled Moveon.org as an expression of their desire that lawmakers “move on” to other issues—proved to

be an enormous success not only in terms of attracting public attention, but also in terms of assembling the concrete resources necessary to really influence the outcome of political contests. In the wake of a congressional vote to begin impeachment proceedings, the site's founders began to solicit donations and volunteers to fight against the reelection of members of Congress who had voted to impeach Clinton. As Roger Hurwitz notes, their success was immediate and unprecedented: within the span of just a few weeks, the site had received pledges of 700,000 hours of work and \$13 million. The fund-raising potential of this new site had quickly come to rival even the powers of the elected representatives in Congress: in 1997, the previous nonelection year, all members of Congress combined had raised only \$65 million in campaign funds (109). Moveon.org had stumbled upon an extremely effective means of large-scale political mobilization and expression, and the online model would be imitated by future campaigns in the name of a variety of causes—including both sides in the battle over Proposition 8. The case of Moveon.org also illustrates the extent to which monitory democratic protest movements may be directed at governmental actions that are not illegal but are nonetheless unpopular with certain segments of the population. The members of Congress participating in the impeachment hearings were not breaking the law; rather, they were exercising their constitutional prerogative to prosecute high crimes and misdemeanors. Their actions, however, were particularly unpopular with the citizens who joined together to launch Moveon.org and the larger group who came together to support it. When these citizens turned their outrage into a considerable pool of resources capable of influencing the outcome of electoral contests, they provided an example of how monitory democratic interventions may be targeted at even legitimate government actions inconsistent with the popular will. Just as Moveon.org took aim at Congress for wielding its power in a manner inconsistent with the desires of a particular group of constituents, so supporters of Proposition 8 targeted the ruling of the California Supreme Court and sought to reverse it.

A Rhetoric of Protest?

Is there a common thread to the rhetorical strategies employed by these monitory democratic campaigns in their efforts to alter the course of government? From this rough theoretical overview and set of examples, it seems possible to extract a few features of monitory democracy and consider the types of rhetorical appeals that appear to be inherent—or at least well suited—to it. First, monitory democracy is geared specifically towards protest. Monitory democratic institutions are by and large regulatory devices—"watchdogs" in one variant or another—aiming to expose unpopular elements of official conduct and rectify them by concerted public action. Because of this orientation towards thwarting unpopular action rather than necessarily formulating positive policy, the rhetorical strategies employed by such groups might be expected to be confrontational in nature, setting themselves against governmental misconduct and championing a return to commonly held ideals. To use Gary Woodward's terms, the rhetoric of monitory democracy will most likely be "advisory" rather than "adaptory," emphasizing the differences between two clearly defined sides of a given debate rather than searching for common ground (qtd. in Bacon 55).

Second, monitory democracy depends crucially upon the presence—or impending arrival—of a crisis in order to mobilize support for a given cause. As Hurwitz argues: "In the monitorial model, the citizen is called to action by volunteers who foresee some national or local crisis (e.g., a presidential impeachment, a neighborhood-destroying highway plan) and believe that some action must be taken in response" (109). The logic of monitory democratic campaigns, then, is not

premised simply upon contestation for contestation's sake. Rather, the protest element derives its urgency and ethical imperative from the perception of a threat to a common good that may be defined as narrowly or broadly as is necessary to motivate action. This critical reliance upon crisis as the motivating cause of monitorial democratic campaigns, coupled with an emphasis on the crisis in question as threatening the self-interest of the subjects addressed by the campaign, would seem to amplify the necessarily advisory tendencies of monitorial democratic rhetoric. In insisting upon the urgency of a crisis and restricting the terms of address to the desires and interests of a self-selected group, the monitorial democratic rhetor would appear bound to a mode of rhetorical exchange that is combative and agonistic rather than cooperative.

Finally, monitorial democratic rhetoric would appear to depend on the production of a populist-democratic ethos. The protest and crisis-response elements of monitorial democracy must necessarily be backed up by a normative standard against which the flawed actions of a given government may be set. But because the institutions and mechanisms of monitorial democracy have proliferated and spread so widely across social and political lines, identifying a doctrinal element common to the platforms of all monitorial groups is obviously impossible. It does seem possible, however, to isolate a common element of monitorial democratic institutions by looking at the form of the action that they practice. At root, these institutions exist so that they may monitor the actions of government and act to check them when they become incompatible with a given set of political priorities. Inherent in this act of protest—contesting the smooth functioning of governmental power—lies the fundamental assumption that government *should* be accountable to members of the public for the actions it undertakes and the consequences that result. In other words, monitorial democracy operates on the premise that government should be representative of and responsive to the will of the people. In the spirit of populism, it demands an increasingly close alignment between public opinion and public policy, and as part of this endeavor insists that government be open, transparent, and, above all, accountable.

This populist sentiment may go some distance towards explaining and underwriting the climactic and advisory tendencies of monitorial democratic rhetoric. If populism takes the common good to be roughly synonymous with the common will, then advisory rhetoric is in some sense all that is necessary. A cause that is truly popular will by definition enjoy a majority of public support, rendering the kind of gap-bridging characteristic of adaptorial rhetoric superfluous and a waste of intellectual labor, since neither persuasion nor concession will be necessary to achieve victory. The effective monitorial democratic campaign will thus combine three elements—a tone of protest, the depiction/prediction of a crisis, and an appeal to representative democratic ideals—into a rhetorical package characterized by uncompromising and idealistic self-assurance. As I will argue, these elements formed the essential core of the Proposition 8 campaign, which used them to mobilize voters against the government in the name of populism.

Monitorial Democratic Rhetoric and the Proposition 8 Campaign

From its very outset, the campaign to pass Proposition 8 in California provided an example of precisely the sort of monitorial democratic rhetoric discussed above. It was a protest movement, conceived and presented as an effort to overturn a specific governmental action on the basis that it conflicted with the common good and the popular will. Early on, the chief strategists behind the campaign attempted to position themselves as conscientious objectors against a government that had overturned the will of the people. As the campaign's strategic directors, Frank Schubert and

Jeff Flint, would later describe it, they decided to “apply the principles of running a ‘No’ campaign—raising doubts and pointing to potential problems—in seeking a ‘Yes’ vote.” In other words, the campaign sought to convince voters to enact a positive measure amending the state constitution by casting that measure as a rejection of an unpopular action on the part of the government. This acrobatic and somewhat paradoxical self-positioning on the part of the Yes on 8 campaign constituted a crucial component of its overall strategy, enabling it to mobilize a monitory rhetoric of protest even after the governmental action at hand was a *fait accompli* with considerable public support.³ The title of the campaign’s Web site, *ProtectMarriage.com*, perfectly encapsulated this rhetorical maneuver, positioning proponents of the amendment as protectors of traditional marriage against the impending threat of government interference. Obscuring the actual legislative function of the proposition—“eliminating the right” of a segment of the population to wed, according to the State Attorney General’s office (State of California)—the title and the strategy behind it helped the Yes campaign to establish their movement as a monitory protest against governmental policy.

Like the historical monitory democratic interventions discussed above, the Yes on 8 campaign also depended on the presence of a crisis in order to mobilize support and dramatize the need for public intervention. But while crises like the Watergate break-ins and Clinton impeachment proceedings were stamped indelibly upon the national consciousness by virtue of their massive political import, the supporters of Proposition 8 initially found it difficult to convince most voters that the Supreme Court’s decision to allow gay marriage would have any effect upon their personal lives. In Schubert and Flint’s words, they “needed to convince voters that gay marriage was not simply ‘live and let live’—that there would be consequences if gay marriage were permanently legalized.” As a part of this project, they began to employ “consequence messages” that purported to show how same-sex marriage would negatively impact the lives of heterosexual couples and their families if it were made legal, portraying the court decision and subsequent campaign as a moment of crisis that could be overcome only by concerted action on the part of those who preferred to live according to “traditional values.” Specifically, the Yes campaign argued that the Supreme Court had set up a conflict between the rights of homosexual and heterosexual couples by establishing gay and lesbian individuals as a “protected class” under the Equal Protection Clause. This special measure of legal protection, they argued, would ensure that “whenever a conflict occurred between the rights of a gay couple and other rights, the rights of the gay couple would prevail.” Proceeding from this premise, they went on to identify three key areas in which the rights of same-sex couples would prove to impose upon the rights of others: “religious freedom,” “individual freedom of expression,” and the freedom of parents to determine the content of their children’s education, as acceptance of gay marriage would be “inculcated in young children through the public schools” (Schubert and Flint). In their advertisement featuring Newsom—the first and most influential of the campaign—the proposition’s supporters neatly summarized these key points of their platform. In doing so, they effectively presented the government’s decision to permit same-sex marriage as a full-fledged crisis in moral and political terms, casting their effort as a last-ditch effort to avert the ostensibly dire consequences of state-sanctioned same-sex marriage. Striking a defiant stance towards ruling elites in San Francisco and Sacramento, the architects of the campaign cultivated and capitalized on the image of a protest movement motivated by impending disaster.

Finally, the Yes on 8 campaign at once promulgated and benefited from a populist ethos of governmental responsibility to the dictates of the public will. They argued that by overturning existing bans on same-sex marriage, the California Supreme Court had subverted the democratic

process, taking power into the hands of a small, independent body rather than distributing it throughout the electorate: in the “Whether you like it or not” advertisement, this claim took the form of the simple declaration that “four judges ignored the will of four million voters.” Importantly, this part of their argument was not explicitly about the issue of marriage. It was about the principle that the government should reflect the will of the majority—and in this context, it cast supporters as populist crusaders looking to take back government. This appeal to democratic ideals, positioning the proposition as a measure designed to ensure governmental accountability, allowed the advertisement and campaign to appeal to middle-of-the-road voters perhaps not overly concerned with same-sex marriage but averse to the prospect of unaccountable or corrupt government. Thus the Yes on 8 campaign incorporated into its message an appeal to the populist democratic ideals crucial to the formation of monitory democracy as a web of institutions and its practice as a form of behavior.

Significantly, the Yes campaign also capitalized on the openness of government encouraged and demanded by the monitory democratic institutions that have emerged in force in contemporary society. The video of Newsom that the Proposition 8 campaign used in its now-notorious advertisement came directly from the city’s Web site, where it had been posted by a member of the mayor’s staff (Matier and Ross, “Marriage Foes”). As Keane has noted, the flow of information within monitory democracy is a double-edged sword, as voters demand more access, and greater access in turn leads to a greater possibility of scandal or embarrassment (31). In this case, what was a triumphant moment in San Francisco became a disastrous one when it was pulled out of its immediate context and rebroadcast throughout the state and nation. As he accepted an award from the American Association of Political Consultants for his work on the campaign, Schubert remarked that his group had been able to turn the tide and win because of discipline, support from religious groups, and “a gift from god: Gavin Newsom” (Matier and Ross, “Prop. 8 Adman”).

Newsom’s brief appearance was helpful to the Yes campaign and debilitating to the No side precisely because it played directly into the monitory democratic rhetorical strategy employed consistently and effectively by the former, which was characterized by a tone of protest, the presentation of a crisis, and an appeal to the democratic ideal of representative government. In declaring that a moment of definitive change had come and positioning the government and courts, rather than the people, as the key agents of that change, Newsom inadvertently played into the idea that California faced a historic crisis necessitating a populist call to arms. Empowered by social and technological mechanisms that allowed his speech to be captured, edited, and redistributed in an entirely different context, supporters of Proposition 8 were able to turn one of the measure’s most ardent opponents into its single most effective spokesman. These same technological and political innovations, of course, facilitated the spread of the group’s message as well as its translation into direct pressure upon the government, allowing opponents of same-sex marriage to craft a campaign that embodied both the practices and ideals of monitory democracy. Its improbable success provides a powerful example—and an equally powerful warning—about the power of new democratic institutions that embolden the populace to check the power of government and take the reins in dictating public policy.

A New California: Populism, Representation, and Proposition 8

Was the campaign to pass Proposition 8 a victory for the citizens of California? Did the Yes campaign succeed in prying major policy decisions from the hands of a few elite judges and hand-

ing them instead to the people at large? If one takes the claims of the measure's supporters on their own terms, the answer would have to be yes. Early on and throughout, the campaign to pass Proposition 8 attempted to position itself as a populist measure aimed at holding the government to account. The appeal to a populist-democratic ethos that lies at the heart of monitory democratic rhetoric may be suspect, however, insofar as political rhetoric in general may be understood as working to shape and re-create—rather than to simply represent—the desires of the populace.

Crucial to the monitory democratic campaign's appeal to the ideal of representation are twin assertions: (a) that the government's given course of action is inconsistent with the public will; and (b) that the course of action advocated by the campaign in question is better aligned with that will than the current program. For the campaign to lay claim to any sort of populist standing, it must therefore assert the presence of a disjunction between popular desire and public policy and present its particular goal as a corrective measure designed to bring the two into accord. Critically, this claim is premised upon the assumption that something called the "public will" exists within society, and that legitimate governance is a matter of identifying these wants and pursuing policies that correspond to them. As John Street argues, this populist view of government assumes a Darwinian political arena in which politicians and their projects must necessarily be representative in order to survive: "The only good policies, the only successful parties or politicians, are those that give the people what they want" (16). In this view, the fact that the campaign to pass Proposition 8 was successful is itself a guarantee of the measure's politico-ethical rectitude: because it was successful at the ballot box, it must have been representative of the popular will and must, therefore, have been legitimate policy.

However, Street questions the assumption that the outcomes of elections simply represent the desires of the voters who participate in them, since voters' decisions in these contests are inevitably influenced by the rhetoric employed in campaigns. Instead of an ideal of strict representation, he argues instead for an understanding of political rhetoric and the political process within which the public will is as much constructed as represented by the campaigns that claim to embody it. Of course, elected officials (and, in the case of California, those seeking to enact policy directly through the initiative process) make claims to authority based on the idea that they represent the people, but "in acknowledging this legitimating rhetoric, we cannot afford to forget that the people are as much a rhetorical as a political fact." The rhetorical use of the people hinges fundamentally upon the question of identity. Working on the basis of a comparison of politics and popular culture, Street draws a parallel between the way popular culture shapes the identities of its consumers and the way in which political campaigns look to shape the identities and allegiances of the audiences they address. Just as popular culture works to create a common sense of identity by holding out representations of social life with which individuals may identify or against which they may compare themselves, electoral campaigns offer the public another means of self-identification by presenting them with competing visions of the "popular will," which they either accept or reject in making their choice at the ballot box. In this context, political rhetoric is seen to be more a matter of constructing an appealing vision of the popular interest than of representing it, "an attempt to secure pre-eminence for one version of the people over another" (17). Political campaigns, in order to be successful, must concern themselves chiefly with showing the electorate an appealing picture of itself. Even when a campaign is outwardly concerned with altering the makeup or conduct of government—as in the case of monitory democratic interventions—the primary selling point is not the legislative program itself, but the version of the public will that the program implies.

Considered in this light, the construction of the public interest in which political campaigns engage may hardly be called representation—and the populist rhetoric of monitory democratic campaigns, which holds that representation is not only possible but also absolutely necessary to the legitimacy of public policy, becomes highly suspect. Instead, we might expect to find these campaigns engaged in an effort to alter and reconstruct the interests of the public at the same time as they profess to be offering a maximally faithful representation of them. Such an effort, precisely, was at the core of the campaign to pass Proposition 8 in California. As evinced by the dramatic swing in the public's attitude towards the proposition—a full 20 percent change over the course of just three weeks—the campaign was wildly successful in selling the public a picture of its best interests that included opposition to same-sex marriage despite the fact that the same public, when prompted to self-identify before the influence of an organized campaign, had not been significantly opposed to it. Clearly, Proposition 8's supporters struck upon an image of California that was at once favorable to their own interests and highly appealing to Californians, then capitalized on the appeal of that image in order to reshape public opinion and policy surrounding marriage along the lines they desired. The monitory democratic rhetoric of the campaign would imply that by going to the polls to vote for Proposition 8, California voters were ensuring the accurate representation of their interests in government. But if we consider these interests as in flux rather than fixed—since California voters reversed themselves on the marriage issue in a matter of weeks—then the question of representation becomes more complicated. Consumption suggests itself as a better metaphor: whether or not a unified public interest actually existed, and whether or not Proposition 8 actually represented it, the version of that interest presented by the campaign sold well in November 2008. When Californians went to the polls, not only were they voting to change state government, they were purchasing a subscription—at the price of a vote—to a particular image of themselves.

The new California marketed by the backers of Proposition 8 was one poised between the ideals of tolerance and tradition, and the power of the image derived from its ability to offer an accommodation between the two. Schubert and Flint's hypothesis about the feelings of the state's voters was that they would support gay marriage if it was cast as a "live and let live" proposition, but not if it was presented as imposing upon their predominantly heterosexual private lives. Accordingly, they turned the message of tolerance so central to the marriage equality movement on its head, arguing instead that liberal officials in San Francisco and the justices of the state Supreme Court were in fact intolerantly imposing their own views regarding marriage on the rest of the state. In this manner, they were able to hold fast to an image of Californians as tolerant and willing to fight against intrusive government action even as they used the political process to reimpose previous limitations on the extent of the right to marry. California, the campaign asserted, could be at once tolerant and traditional—and the appeal of this prospect was confirmed on Election Day. When Proposition 8 was voted into law, it codified the version of the public interest that its architects had worked throughout the campaign to construct and sell to California voters. Moving beyond mere representation, the campaign to pass Proposition 8 sought to reconstitute the popular will by offering Californians an appealing (re)vision of themselves. Its success in doing so demonstrates not only the power but also the potentially problematic nature of the populist assumptions built into monitory democratic rhetoric. While outwardly striving for an ideal of total representation of the public's interests, monitory democratic campaigns may in fact be engaging in the reconstruction of those interests along lines favorable to the campaign's supporters, employing populism

more as a rhetorical device than as a regulative goal. Monitory democracy may appear to ensure a greater degree of responsiveness on the part of government, but it does not necessarily cut out mediating forces capable of shaping popular opinion and may in fact work to obscure their function. The fight over Proposition 8 illustrates the extent to which the ideal of broad democratic representation—crucially important to monitory democratic rhetoric—may itself be turned into a means of manipulating public opinion with a view to realizing specific political goals, on either end of the political spectrum.

Notes

¹ I quote at length here in order to provide proper context for Newsom's closing remarks. As will be shown later, the planners of the Yes on 8 campaign would turn the content of this speech to their own rhetorical purposes by decontextualizing and reappropriating certain key segments.

² Pioneering lesbian rights activists whose (later invalidated) marriage was the first performed in San Francisco in 2004—and the first reperformed there in 2008 (Gordon).

³ According to the September Field Poll referenced above.

Works Consulted

- Audi, Tamara, Justin Scheck, and Christopher Lawton. "California Votes for Prop 8." *Wall Street Journal*. Wall Street Journal, 5 Nov. 2008. Web. Apr. 2009.
- Bacon, Jacqueline. "'Do You Understand Your Own Language?' Revolutionary Topoi in the Rhetoric of African-American Abolitionists." *Rhetoric Society Quarterly* 28 (Spring 1998): 55–75. Print.
- Darman, Jonathan. "Hoping That Left Is Right." *Newsweek*. Newsweek, 26 Jan. 2009. Web. Apr. 2009.
- "First Yes on 8 TV Ad." Online video clip. *ProtectMarriage.com*. Yes on 8, 27 Sept. 2008. Web. Apr. 2009.
- Ginsberg, Benjamin. "The Political Uses of Political Issues." *Language, Symbolism, and Politics*. Ed. Richard Merelman. Boulder: Westview, 1992. 51–66. Print.
- Gordon, Rachel. "Lesbian Pioneer Activists See Wish Fulfilled." *San Francisco Chronicle*. San Francisco Chronicle, 16 June 2008. Web. Apr. 2009.
- Hurwitz, Roger. "Who Needs Politics? Who Needs People? The Ironies of Democracy in Cyberspace." *Democracy and New Media*. Ed. Henry Jenkins and David Thorburn. Cambridge: MIT P, 2003. 101–12. Print.
- Keane, John. "Monitory Democracy?" *Emergent Publics Seminar Series*. The Open University, Milton Keynes, UK, 13 Mar. 2008. Web. Apr. 2009.
- Marinucci, Carla. "Newsom Declares for Governor in High-Tech Style." *San Francisco Chronicle*. San Francisco Chronicle, 22 Apr. 2009. Web. Apr. 2009.
- Matier, Phillip, and Andrew Ross. "Prop. 8 Adman Wins, 'Whether You Like It or Not.'" *San Francisco Chronicle*. San Francisco Chronicle, 6 Apr. 2009. Web. Apr. 2009.
- . "Same-Sex Marriage Foes Feature Newsom Video." *San Francisco Chronicle*. San Francisco Chronicle, 1 Oct. 2008. Web. Apr. 2009.
- Newsom, Gavin. "California Supreme Court Legalizes Gay Marriage." City Hall, San Francisco, CA. *YouTube.com*. YouTube, 15 May 2008. Web. Apr. 2009.
- O'Reilly, Bill. "Another Unbelievable Outrage in San Francisco." *Fox News*. Fox Entertainment Group, 15 Oct. 2007. Web. Apr. 2009.
- Schubert, Frank, and Jeff Flint. "Passing Prop 8." *Politics Magazine*. Political World Communications, Feb. 2009. Web. Apr. 2009.
- State of California. Secretary of State. *Voter Information Guide, 2008*. State of California, 2008. Web. Apr. 2009.
- Street, John. *Politics and Popular Culture*. Philadelphia: Temple UP, 1997. Print.
- Wildermuth, John. "Voters Backing Same-Sex Marriage Ban." *San Francisco Chronicle*. San Francisco Chronicle, 5 Nov. 2008. Web. Apr. 2009.