

Cultures of Contraband:
Contesting Illegality at the Mexico-Guatemala Border

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GLOSSARY

ACNUR- *Alto Comisionado de las Naciones Unidas para los Refugiados*, or The United Nations High Commissioner for Refugees)

Bodega- warehouse/depot

Cadena-Chain, chain-linked barrier. Local term for community toll-booths.

CAFTA-Central American Free Trade Agreement (negotiated between the U.S. and Guatemala in 2004)

COMAR- *Comisión Mexicana de Ayuda a Refugiados* (The Mexican Commission for Refugees

Comisionista- broker

CONASUPO: *Compañía Nacional de Subsistencias Populares* (National Company of Popular Basic Foods

Corte- Indigenous woven skirt

Coyote- migrant smuggler or intermediaries(brokers) who buy products from farmers to sell to purchasers (ranging from individuals to markets to transnational companies.

Ejido- communal lands given through government agrarian reforms in Mexico

Ejidatario-owner of communal lands

Extravío- clandestine border path

Finca- A large farm where land is collective

Flete- a Ride

Fletero- Trucker

FTAA- Free Trade Area of the Americas

Huipil- Woven indigenous blouse

NAFTA- North American Free Trade Agreement (ratified between U.S., Canada, and Mexico in 1994)

Negociante- Businessperson. In this case, often smugglers of basic daily goods.

OCEZ- *Organización Campesina Emiliano Zapata* (Emiliano Zapata Peasant Organization.

PAN- *Partido de Acción Nacional* (National Action Party) usually conservative, Mexico

PP- Partido Patriota (Patriotic Party) Guatemala

PPP- Plan Puebla-Panama

PRD- *Partido de la Revolución Democrática* (Party of the Democratic Revolution) usually left-wing, Mexico

PRI- *Partido Revolucionario Institucional* (Institutional Revolutionary Party) historically dominant party in Mexican politics until 2000, usually center-left

PROCAMPO- program of state subsidies to farmers for the production of basic grains

PROCEDE- *Programa de Certificación de Derechos Ejidales y Titulación de Solares*, Program for Certification of Rights to Ejido Lands. Mexican government program that enables individual titling of ejido landholdings, which can then be sold or used as loan collateral.

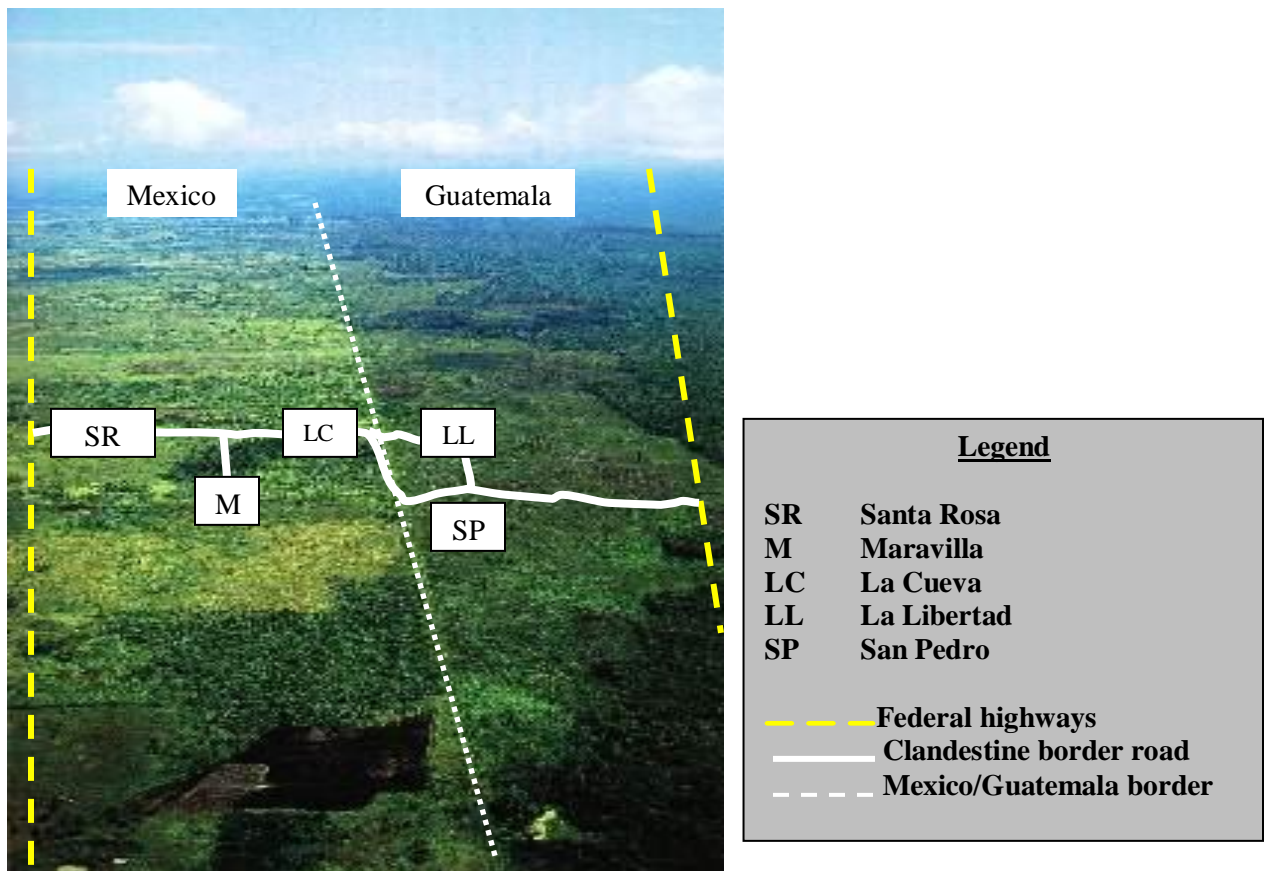
Traje- Indigenous dress

UNE- National Unity of Hope Party (generally center-left) Guatemala

MAPS AND NOTES

Notes on Currency Equivalencies: 10 *quetzales* is 14 *pesos*, which is about US\$1.30 circa 2007. Since, the dollar has gained strength against both currencies

Map A: Graphic Representation of the Border Communities, Clandestine Pathway, and the Mexico-Guatemala border (not to scale)



Map Source: <http://www.maltelewan.com/mex-guate.html>

Map B: Chiapas, Mexico-Guatemala Border

Mexico (left)/ Guatemala (right):

Note: The heavily shaded line is the Mexico-Guatemala border. The thin line outlines the state of Chiapas, Mexico. The official border crossing at Ciudad Cuauhtémoc/La Mesilla and the clandestine pathway are located on the dark border line near Frontera Comalapa in the direction of Huehuetenango. I do not give the exact location to protect the identity of the communities and border residents. The central official customs port at Ciudad Hidalgo is located at the far south of the map.



Source: www.maps-of-mexico.com/chiapas-state-mexico/chiapas-state-mexico-map-main.shtml

Note: Most of the maps I found either detail the Mexican or Guatemalan side of the border, reflecting how national borders influence research, policy, and even map-making.

Map C: Detailed Chiapas, Mexico Map

Note: Locations of Tuxtla Gutiérrez (capital), San Cristóbal de las Casas, Comitán, Trinitaria, Frontera Comalapa, Ciudad Cuauhtémoc, Tapachula, and Ciudad Hidalgo



Source: http://www.travelamap.com/mexico/chiapas_1.htm

Map D: Map of Mexico

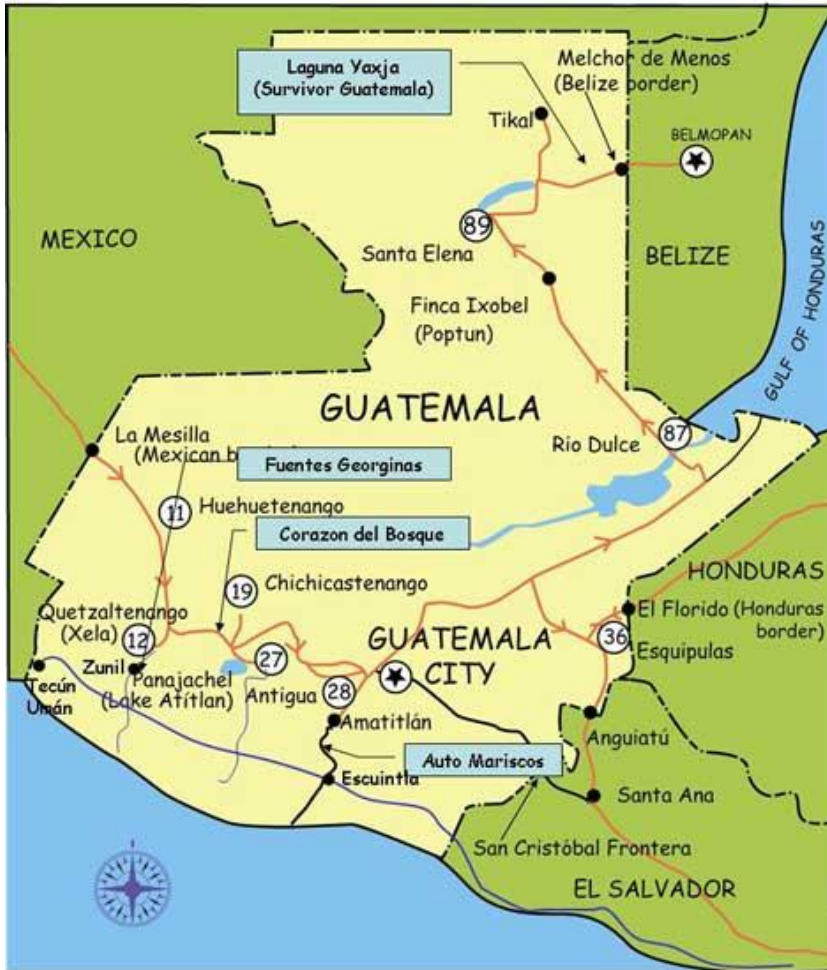
Note: Distance from U.S.-Mexico border and Mexico City to Chiapas-Guatemala border



Map source: www.99daystopanama.com/.../Camping_Places.html

Map E: Map of Guatemala

Note: Locations of Guatemala City, Antigua, Huehuetenango, La Mesilla and Tecún Umán. La Democracia is located between La Mesilla and Huehuetenango.



Map Source: www.99daystopanama.com/.../Camping_Places.html

INTRODUCTION

A PARADISE OF CONTRABAND¹

PART I

Introduction

Driving from Frontera Comalapa, Chiapas, Mexico to the communities on the Mexico-Guatemala border where I planned to live and conduct fieldwork from September 2006-September 2007, I drove through several rural farms, towns, and winding roads. Upon reaching the Pan-American Highway is a makeshift police station, a small concrete building labeled, PFP (*Policía Federal Preventiva*, or Federal Preventative Police). Outside a police car was stationed as traffic whizzed by. Shortly before entering the border communities, there is also a military base. The Mexican government installed this base in the late 1990s during the Zapatista conflict to monitor resistance, despite the fact that the Zapatistas had little presence in the Comalapa region. The military currently uses the base to erect road blockades to inspect for contraband, illegal migrants, illicit drugs, and illegal firearms. There were almost always blockades on Fridays so that soldiers could inspect vehicles returning from market day at the official border crossing at La Mesilla, Guatemala and Ciudad Cuauhtémoc, Mexico.

I had originally intended to conduct research at the Mexico-Guatemala border to study the contrasts between policies that simultaneously advocated an “open” border for free trade and a militarized border to comply with Washington’s security demands to stem the northward flow of illicit drugs, crime, and undocumented migrants (Benítez Manaut 2003; Pickard, CIEPAC

2007). Despite the increased presence of the Mexican military and police forces² in the region, border residents agreed that since the late 1990s they experienced *less* official border surveillance. Instead, residents allude to a booming industry of cross-border contraband in everyday goods, as well as undocumented migrants, arms, and drugs. I realized that my original interest in undocumented migration formed part of a larger picture of historical and cross-border flows of people, goods, and information. Studying border flows from the ground-up revealed a border region that was not just simultaneously “open” to goods and “closed” to people as I had anticipated, but full of various contingent and conflicting openings and enclosures.³

When I interviewed a Mexican customs inspector at Ciudad Cuauhtémoc, he lamented, “In this region illegality governs. It is what distinguishes this region [from other customs inspections posts].” This inspector had worked in multiple customs ports throughout Mexico, but seemed to resign and adapt himself to this aspect of “illegality,” referring to it as part of the “regional culture.” Despite stricter laws and Mexico’s modernization of the official border crossing and customs inspections in the late 1990s, he told me that most commerce in the region occurred in clandestine crossings.

This dissertation examines the multiple meanings of illegality and how notions of illegality permeate, and at times govern, social, political, and economic life at the Mexico-Guatemala border. A 2006 article in *El Financiero*, labeled the Mexico-Guatemala border “a paradise for contraband...[stating that] the problem, which is little spoken about, is that illegality dominates everything at the border.”⁴ By focusing on the residents of a clandestine border pathway on the Mexico-Guatemala border, I problematize the concept of “illegality,” arguing that the social and economic relations engendered by illegal practices often generate new forms of law, economy, and moral norms. While legal and illegal practices may blur in everyday interactions (Nordstrom 2007), I examine how residents distinguish and organize the

heterogeneity of these practices in order to situate illegality within the larger political and moral economy. By examining the daily relations between border residents, state and federal agents, farmers, formal-sector companies, and smugglers, I illustrate how illegality produces and reconstitutes gendered, ethnic, and class inflected subjectivities.

Local, and even official, designations of illegality and legality were never straightforward, but reflected shifting ideas of rights, ethics, and identity developing in a border region amidst transnational flows of commodities, ideas, and people. I examine how border residents capitalize on the ambiguities of illegality to create opportunities, while state officials draw on “a culture of illegality” to justify increasing regional militarization and the inherent “uncontrollability” of border residents and illegal activities. Border residents’ officially illegal, but locally legitimate, strategies include instituting locally-run toll-booths, called *cadenas*, to “tax” contraband for community benefit; prohibiting the entrance of state officials into *their* border route; creating associations of truck-drivers, smugglers, and cargo loaders to preserve employment for residents; negotiating bribes with state officials to engage in contraband; and utilizing friendships with state officials to illegally/informally secure birth certificates from Mexico *and* Guatemala.

I use the term (il)legality to define the practices and activities that straddle official legal and moral borders, which embody the gray zone, thereby making clear-cut distinctions difficult. The term, (il)legality, refers to the everyday blurring between the legal and illegal that characterizes the region. Nordstrom (2007: 21, n4) uses the slash in the term, il/legal, to refer to the interconnected and relational nature of the terms. She writes, “The slash is a reminder that legality and illegality, state and extra-state, take their definitions in relation to one another” (2007: 211, n4). I prefer (il)legal rather than il/legal to emphasize the embeddedness, rather than the separation, of the terms. As a mode of governance, (il)legality transforms local relations of

national and ethnic identity, citizenship, and sovereignty. Theoretically, Part I of the introduction situates the study of (il)legality in theories on neoliberalism, “moral economy,” and law and corruption. Part II introduces the reader to the border communities and details the methodology.

Organization of the Chapters

This dissertation depicts the contestation of (il)legality, moral norms, and the neoliberal economy in five chapters. The chapters examine, (1) the (il)legal practices individuals use to claim national and ethnic identities; (2) the regional and national context of (il)legality and security in the borderlands and the establishment of community-run tollbooths that interact with the official border to determine the practice of legality, development, and security; (3) the local appropriation of neoliberal discourses of “free trade,” “rights,” and “entrepreneurship” to justify a moral economy of contraband based on corn; (4) the local social and transnational market realities that inform the organization and justification of contraband; (5) the internal disputes that are developing over who determines the meanings of “legality” and “rights.” Each contributes to a theory that disassociates legality from morality. Rather than deriving conceptualizations of justice and morality from the law, I suggest that people may create moral-legal norms and notions of belonging by engaging in illegal practices. This is especially the case when individuals recognize that the state and its laws may generate more injustice and inequality than they claim to remedy (Mattei and Nader 2008).

As border residents challenge the geopolitical border through their strategic (il)legal practices, they simultaneously reinforce the official border. Their actions do not render the border irrelevant or even porous; the presence of the border is what makes their actions possible and profitable. Changes in state border policies provide the context in which the border is

experienced, but it is the daily practices of conducting business, family relations, and interpreting “the law” that shape what the border, and crossing the border, mean for different actors.

The chapters question the nature of the law, rights, and their links to strategies of domination, or what Nader (1997, 2002) calls “controlling processes.” I examine the double-edged sword of universal conceptualizations of rights and freedom in a restrictive neoliberal economy. While rights-based discourses may empower individuals, powerful actors invoke their own interpretations as “universal standards” to justify violence and inequality. Yet I unpack universal appropriations of rights language to understand how individuals use a language of “rights” to signify a range of activities from the right to land, to the right to work, to the right to refuge, to the rights of citizenship, and to the right to commercialize one’s products across the border. Not quite drawn from hegemonic notions of natural rights, human rights, indigenous rights, or national rights, residents’ conceptualizations of rights are how individuals make claims on, and seek justice in, their local moral-legal economy.

An ethnography of law highlights the tension between the particular and the universal (Goodale 2007) in order to understand how “the law [is] a process of control and a mode of discourse” embedded in specific contexts (Nader 2002: 213). The multiple interpretations and utilizations of the law provide a lens through which to examine the reproduction and/or contestation of power in society. The conclusion elaborates on the connection between violence and law, questioning definitions of violence and its relation to (il)legality.

Theoretically Situating (Il)legality

From the highway, I turned onto the border road, intermittently composed of dirt and pavement. I entered a space where, as one migration official told me matter-of-factly, “The people make the law.” Void of state presence, this space of relative autonomy extends for three

miles up to the Guatemalan federal highway. Specifically, according to local residents, each border community validates its authority to govern within its own territory. The communities devise moral and legal norms that regulate appropriate business conduct, who can engage in contraband, and what goods are considered illicit.

Five small communities claim ownership to this route and the cross-border flows that depend on its illegal and unofficial status. I refer to the Mexican communities as Santa Rosa⁵, Maravilla, and La Cueva and the Guatemalan communities as San Pedro and La Libertad (see **Map A**). The Mexican communities pertain to the municipality of Frontera Comalapa in the state of Chiapas and the Guatemalan communities belong to the municipality of La Democracia in the department of Huehuetenango (see **Maps C, E**). Most of the communities' residents identify as non-indigenous, *mestizo*, or *ladino*, Maravilla and La Libertad are composed of Mayan indigenous peoples who settled in the area during the Guatemalan counter-insurgency war in the 1980s.

The geopolitical border may seem arbitrary to many residents who have lived in the region for generations, but it is also what makes otherwise mundane trades lucrative to smugglers. The residents of this pathway play critical functions in cross-border commerce. They are truck drivers, cargo loaders, small-scale smugglers, toll collectors, and law-makers. Many are middlemen, or brokers, between long distance Mexican and Guatemalan merchants. Despite their control over an illegal economy, local smugglers, unlike racketeers, do not offer protection to their communities or threaten the use of force (see Tilly 1986), but rather, assert that maintaining a safe and efficient border crossing is beneficial to all who live and work there.

Border residents referred to the smuggling of basic goods as “a little bit legal, a little bit illegal,” redefining “legality” to encompass a set of cross-border practices that they believe are beneficial and moral, but officially illegal. For example, residents distinguish between the “legal”

flow of everyday goods and the “illicit” flows of drugs, arms, and migrants. “Legal” businesses include cross-border smuggling of corn, coffee, sugar, gasoline, clothing, and other everyday goods that are, according to border residents, “not harmful to anyone” and are necessary for survival. State and international laws only consider these trades illegal because they cross an unofficial border and evade taxation, inspection, and documentation. The communities usurp state functions by levying tolls on all cross-border contraband, likening their tolls to contractual taxes.⁶ In exchange for taxes, border residents declare that, “We maintain the road and ensure the merchants a safe, quick passage.” Each community, with the exception of Maravilla, erected a toll booth on their section of the road, called a *cadena*, or chain. Yet, as I show in this dissertation, control is constantly negotiated with state agents, farmers, migrants, drug cartels, smugglers, and regional and long-distance merchants that use the road and benefit from the fact that the route is well-known, but hidden, or what Coutin (2005) defines as “clandestine.”

As border residents create their own laws and notions of rights based on (il)legal practices, they challenge the sole power of the state to define legality. Simultaneously, and in similar ways to the official laws they protest, their law-making practices begin to institutionalize forms of graduated rights (Ong 1999; Holston 2007; Warren p.c. 2009) that legitimize inequalities and govern access to local citizenship and the contraband economy. Applying an ethic that associates border residence with the *right* to work in, and benefit from, the contraband economy, residents generate new forms of belonging and sovereignty, in the sense that they do not necessarily have the ability to “coerce or to rule...but...[have] the monopoly to decide” moral-legal norms (Schmitt 1987: 13, cited in Ong 2006: 5). Residents apply discourses and practices of belonging, exclusion, and exception to include and exclude populations (Ong 2006), but in practice, moral-legal authority is continuously negotiated among various actors.

Sovereignty at the border is therefore not only fragmented and graduated (Ong 2006), but contingently forged in daily interactions.

In order to understand how contingent sovereignties and legalities develop at the border, it is necessary to examine local conceptualizations of Free Trade, moral economy and law, and corruption. First, local interpretations of neoliberalism challenge homogenizing views of free-market policies, while transforming relations between residents, the law, and the market.

Neoliberalism from Below and “Free Trade”

Few border residents directly talked with me about the smuggling of weapons, illicit drugs, or migrants, which they considered dangerous and illicit. These conversations belonged to the realm of gossip and whispers. In contrast, everyday products such as corn, coffee, sugar, fruits and vegetables, and canned goods were smuggled, and talked about, openly. Many residents believed that these goods were being legally commercialized despite the fact that the merchants/smugglers evaded import duties, official inspection, and transported these products through an unofficial border crossing.

Border residents had a name for their smuggling of goods across the border: *Libre Comercio*, or Free Trade. This was not the same Free Trade that either nation-state promoted.⁷ Yet, as border residents argue, “we sell our goods to the best buyer without obstacles from either state.” Residents therefore embody the principles of neoliberalism that many of their compatriots throughout Mexico protest. In fact, they practice the entrepreneurial, free market ethics of neoliberalism more comprehensively than an official Free Trade that includes regulations and exclusions. Using a language of “rights,” they justify this commerce as “their right” as farmers. Brown (2005) argues that rights-based discourses may have emancipatory potential since they can empower individuals to challenge marginalization. Yet, she reminds scholars that rights-based

discourse may serve regulatory functions, and therefore support a neoliberal agenda that seeks to define the terms of permissible resistance.⁸ Beyond functionalist descriptions of resistance, rationalization, and regulation, I go on to examine how border residents subjectively experience *rights* and legal discourse (Aretxaga 2005). Specifically, how do their diverse notions of rights relate to their identities as “border residents” and entrepreneurs?

It is necessary to disentangle the practices and ideologies of free market individualism and entrepreneurship from the politics and power associated with the doctrines of neoliberalism⁹ espoused by the Washington Consensus. Scholars define neoliberalism as a set of technologies governing contemporary globalization that assert that “markets are efficient and that government intervention in them is almost always bad. The policy implications [are as follows:] privatization, deregulation, open markets, balanced budgets deflationary austerity, and dismantling of the welfare state” (Brecher, Costello, and Smith 2000: 3).¹⁰ Dominant interpretations of neoliberalism define free markets and market liberalization as “natural conditions” and the market as a privileged “actor.” As an “unmarked” concept, disassociated from social, economic, and political power, neoliberalism assumes a hegemonic identity for its proponents and opponents.

By levying border taxes that compete with official customs duties, and “applying our own internal laws,” residents challenge the state’s monopoly over definitions of legality. They enact principles of self-governance, but in ways that contest, rather than complement, the interest of the neoliberal state and dominant international market. Residents embrace many of the tenets of neoliberalism, but on their own terms. Since residents interpret neoliberalism and “free markets” in distinct ways from official definitions, it is critical to examine neoliberalism in its ethnographic context. Ong (2006: 13) cautions against seeing “Neoliberalism” as a unitary, homogenizing force, arguing that an ethnographic investigation reveals “neoliberalism not as a ‘culture’ or ‘structure’ but as mobile calculative techniques of governing that can be decontextualized from

their original sources and recontextualized in constellations of mutually constitutive and contingent relationships.”

Various scholars have examined the effects of free trade and neoliberal policies on local populations, but few examine the critical, and seemingly contradictory, relation between Free Trade policies and entrepreneurship and informal/illegal activities.¹¹ Furthermore, De Soto’s (1989) analysis of how state regulations stifle the entrepreneurial spirit of the poor, highlights the contradictions of “state policies” that ensure a “free market.”¹²

Scholars of neoliberal globalization have also begun to critique hegemonic, top-down descriptions of neoliberalism. For example, Slocum (2006: 32), in her study of banana growers in St. Lucia, critiques “the necessity of a specific definition and meaning of economic globalization where competition and liberalized markets are viewed as given.” Rather, she argues for an examination of the “overlapping and divergent perspectives...that form part of the discourse of neoliberal economics” that is never hegemonic, yet negotiated in specific everyday locales (Slocum 2003: 33). Drawing from the work of Polanyi (1944) and Kelly (1999) on the social and institutional structures of markets, Slocum (2003: 32) argues that, “when we pinpoint various and specific economic configurations as spanning the globe, we refer to practices that have been constructed, politically and socially, not to formations that developed ‘naturally’ or merely through market forces.” Slocum’s (2006: 197) banana growers invoke discourses of freedom that contrast with official “free trade” to legitimize their work as they interrogate dominant renderings of national citizenship, cultural politics, and economic globalization. Slocum (2006) makes a critical contribution to the analysis of neoliberal globalization by revealing the divergent interpretations of market integration that constitute the global system. I take her argument a step further by unpacking the concept of “Neoliberalism” and “neoliberalisms” to understand not

only how actors dialogue with, and dispute it, but also appropriate its logics to redefine its meanings and political implications.

In order to understand how border residents redefine the meanings of neoliberalism and “Free Trade” through their illegal practices, this dissertation examines “neoliberalisms from below.” In this analysis, I draw from scholarly studies of “globalization from below¹³,” which describes how actors and grassroots movements appropriate the tools and ideologies of globalization (or neoliberalism) in order to provide alternatives to its power politics (Brecher et al. 2000: xiii). Studying “neoliberalisms from below” illustrates how individual actors converse with, and may confront, the contradictions and inequalities generated by “globalization [or neoliberalism] from above” (Brecher et al. 2000: xiii). Yet, it is necessary to remember that “neoliberalisms from below” form part of the larger discourse of neoliberalism. I therefore examine the articulations between neoliberalisms from above and below in order to provide new ways of conceptualizing the relation between individuals and the state and market.

By studying local engagements with neoliberal technologies, I argue that “Neoliberalism” is not a unitary, hegemonic concept defined from above that infiltrates consciousness so that all become self-governing and self-regulating beings dominated by the market, but rather, represents a series of practices, tools, and ideologies that individuals use to construct diverse legalities, moralities, and hegemonies. Specifically, at the Mexico-Guatemala border, residents and smugglers appropriate the concepts of “free trade,” self-governance, and individual entrepreneurship from neoliberal political-economic discourse to legitimize officially illegal activities. For example, smugglers reinterpret the officially illegal cross-border commercialization of daily goods as “business,” rather than contraband. Simultaneously, however, regional and transnational companies, ranging from local stores to the AMSA¹⁴ coffee company to Pepsi, employ smugglers to boost their own profits and state agents benefit from networks of bribes.

These complexities illustrate how practices that inhabit the gray zone of (il)legality may contest, while also supporting the prevailing political-economic power structure.

Moral-Legal Economy

By combining neoliberal practices with local moral norms and community ethics, this dissertation shows how border residents create what I call an emergent “neoliberal moral economy.” In regards to “moral economy,” I draw on Scott’s (1976) and E.P. Thompson’s (1971) concepts, which Scott (1976: 3) defines as “notions of economic justice and...working definition[s] of exploitation.” Scott’s (1976: 6-7) analysis of peasant moral economies and social contracts between patrons and clients highlights norms of reciprocity and risk minimization, where all individuals have “the right to subsistence.” Border residents invoke a similar ethic, arguing that, “all who live here [in the border route] have the equal *right* to work here [in the contraband economy].” This moral norm reflects a contraband economy focused on subsistence goods such as corn. Individuals who seek to maximize their own profits at the expense of community benefit are viewed as “corrupt” and/or unethical. When they interact with merchants, companies, and state agents, however, residents also legitimize their work using neoliberal logics of free-market individualism and entrepreneurship. Contraband at the border straddles the divide between the exchange of subsistence goods and the transnational commercialization of market products. It is at once a strategy of survival and profit and of subsistence and business. Residents contest moral norms of reciprocity, subsistence, and profit as they create new notions of moral and economic value and rights in a society simultaneously defined as peasant and market, local and transnational, and legal and illegal.

To understand how residents conceptualize their “moral economy,” it is necessary to examine how they form and circulate notions of value. In the border region, ideas about

(il)legality are constantly transforming and contested. Not only do nation-states espouse different laws and perspectives, but so do everyday people as they engage with alternate conceptions of legality justice garnered from travelers, media, social movements, and each other. Everyday conflicts and understandings of “the law,” “rights,” “economic value,” and “moral value” reveal how power relations determine the meaning of these terms. As powerful actors at the border, such as state agents and smugglers, attempt to impose their definitions of these terms, they produce norms of inequality and belonging that govern the lives of marginal residents and border crossers.

The Political Economy of Legal Anthropology

Despite the recognition of the fluidity of the law, most legal anthropologists continue to investigate the use of law in official realms, fixed locations, disputes and debates, or in relation to the state. I argue for a mobilization, or a *borderization* that accounts for clashes and flexibility, of legal anthropology that examines the everyday productions and flows of legality in order to understand the formation and borders of power, moral norms, and value.

Theoretically, this dissertation draws from economic and legal anthropology in order to understand how people make a living under the limited conditions imposed by neoliberal globalization. Conceptualizations of (il)legality influence how local actors view economic activities: as legitimate/illegitimate, formal/informal, and/or licit/illicit. As I have argued elsewhere (Galemba 2008: 22), “notions of ‘the economy’ and legality are linked by a power politics that naturalizes relations of inclusion, exclusion, and criminalization in favor of the current system of power and profit.” I therefore examine how the formation of notions of moral and socio-economic “value,” (see Graeber 2001) intersect with the ability of specific groups to impose their influence by using the language of the law (see Comaroff and Comaroff 2006; Mattei and Nader 2008). Understanding how individuals justify their interpretations of value into

law, highlights the blurring of the (in)formal economy and the domains of the (il)licit (Galemba 2008). Nordstrom's (2000; 2007) work illustrates how the blurring of informal/formal and illegal/legal activities facilitate the functioning of the global economy. This dissertation expands on her analysis by examining how actors legitimize or criminalize certain socio-economic practices in order to create new legal and normative orders.

Conventional legal studies depict the "law" as unitary and transcendent, when, in fact, it coalesces in multiple localities. Legal anthropologists have studied changing aspects of governance and the law by examining court hearings, law suits, human rights doctrines, community and indigenous justice forums, and changing legal documents (Moore 2005; Nader 2002; Starr and Collier 1989). Lazarus-Black and Hirsch (1994) disassociate "law" from a focus on rules and norms to argue that it emerges as a series of practices and struggles mediated by history, politics, and culture. Mattei and Nader (2008: 16) highlight the need to politicize conceptualizations of "the rule of law" to understand how the law is not necessarily empowering, but is marshaled by powerful actors as an "instrument of oppression and of plunder." Yet these analyses remain largely state-centric, failing to acknowledge the fragmentation of sovereignty and the unfolding of diverse regimes that seek to legitimate inequality by invoking discourses of law and order (Comaroff and Comaroff 2006; Goldstein 2003). In particular, Nader (2002: 11) argues that "law" must be broadened from its association with the state to encompass "the concept of controlling processes."

Residents are ambivalent about the law, both locally and officially defined, which they realize is closely associated with the perpetuation of inequality. To them, the law has never represented its purported ideals of justice and equality. Rather, individuals engage with the state and its laws through its agents, often through actions officially labeled as "corruption." Differentiating discourses and practices of corruption, however, reveals how individuals access

resources and sometimes, even a sense of justice, through strategic interactions with state agents. The next section details border residents' interpretations of corruption, examining how citizens-state relations are reproduced through (il)legal practices.

The Politics of Corruption and the National Context

Border residents lamented corruption, but also strategically appropriated it. As one Mexican border resident, Néstor, told me with a tone of disillusionment, “You have to understand, Rebecca. In Mexico, the law is something that people buy.” He told me that the situation is similar, or “even worse” in Guatemala, where the locally appropriated term, *Guatepeor* (*peor* meaning worse) replaces *Guatemala* (with *mala* meaning bad in this joke). Residents and officials regularly lamented “corruption,” or what they defined as the flaunting, evasion, and “purchasing” of the law, especially by the state agents who are supposed to represent it. At the same time, however, they regularly engaged in these practices. Giving bribes to state officials to engage in contraband or acquire citizenship documents enables border residents to pursue a form of economic and political justice unavailable to them through legal means. When bribes were arbitrarily imposed by state agents, residents viewed this practice as corruption. Yet when agents negotiated with residents, “corruption” became a political strategy to help them achieve goals that they saw as legitimate, illustrating how corruption does not represent a failure of the system, but rather, illustrates how individuals relate to the justice and legal systems. A critical look at corruption sheds light on the national political context in which the border communities are situated.

My first night at the border, September 15, 2006, the “*Grito de Independencia*,” or “The Call to Independence,” was being celebrated in Mexico. I attended the celebration in Santa Rosa, where I had just moved in the previous evening. This Independence eve, the community

president invited me to attend the event, telling me it would be an opportunity for him to introduce me. Replete with the pageantry and ritual I have come to expect of Mexican national holidays from my time in Oaxaca and Tijuana, including children dancing in generic “indigenous” outfits, marches with the flag, and nationalist poems, I listened to the community president, inaugurate the event,

Viva (long live) Zapata, Viva the Nation, Viva Independence, Viva Mexico... Viva the Bad Government (el mal gobierno).

At first, silence pervaded the crowd. But soon this gave way to laughter and all resounded, “Viva Mexico.” While occurring on the first night of my fieldwork, this *grito* raised a common thread I have encountered in Mexico, as well as in the literature on Mexican nationalism (see Lomnitz-Adler 1995). I am referring to a preoccupation with corruption, nationalism, and the law; an ironic wit where people lament successive bad governments while continuing to proclaim a love of, and loyalty to, the nation. Scholars and national literary figures have considered this ambiguity to be part of Mexico’s project of nation and citizenship-building (Gledhill 2004; Lomnitz-Adler 1995; Nuijten 2003).

A sense of fraud permeated the atmosphere in Chiapas when I arrived in September of 2006. The conservative *Partido de Acción Nacional*’s (National Action Party, PAN) candidate Felipe Calderón was narrowly declared president of Mexico over the *Partido de la Revolución Democrática*’s (The Democratic Revolution Party, PRD) liberal populist, Andres Manuel López Obrador, in August of 2006. Critics cried corruption and fraud, and demanded a full recount. Within the first weeks of September 2006, the newspaper *La Jornada* ran headlines that Obrador and his supporters had declared him the “legitimate president of the Republic.”¹⁵ Obrador initiated plans to establish an alternate government in Mexico City. Graffiti peppered small towns, serving as a forum for political expression, demanding, “A recount from *frontera a frontera* (border to border)” and “electoral fraud!”

By October, however, the electoral frustration had largely subsided in most of Chiapas.¹⁶ Many people appeared to be resigned to the situation, as they told me, “This is Mexico. This is how it is.” Gutmann, (2002), in his work on democracy in Mexico City, found similar dynamics of resignation and activism. Gutmann (2002) however, reminds scholars that analyses of political apathy and inactivity ignore the multiple ways people participate in political culture. He notes the increasing disenchantment arising from the promises of democracy and its shortcomings alongside neoliberalism and economic crisis, using the term “compliant defiance,” to refer to how his informants engage with Mexican politics. Like border residents, however, recognizing the futility of elections to change their marginal positions, Gutmann’s (2002: 178) interlocutors actively shape their communities through a *de facto* self-governance and community mobilization due to the absence of the state.

Aside from the president of Santa Rosa’s brief comment, border residents were ambivalent about the election results. Some believed that there had been fraud; others thought that Calderón would bring prosperity to the country. Still others confused the two seemingly opposed conservative and liberal parties. In an election that was so fiercely contested between two parties that appeared so fundamentally opposed, it seemed strange to me that many people confused them. As one woman said, “I vote for the PAN because they support the poor.” Her sister corrected her, “No, I think that is the PRD.” Still some thought that the “party of the poor” was the PRI (*Partido Revolucionario Institucional*, Institutional Revolutionary Party). The municipality of Frontera Comalapa, to which their Mexican communities pertain, usually elects the PRI “out of tradition,” as border residents said. The PRI continues to dominate the municipality, often with the support of powerful border resident smugglers. Chapter 4 details how the local political economy of contraband contributes to the entrenchment of PRI political elite

and local smugglers, while these relations also enable smugglers' communities to receive state benefits.

Border residents expressed frustration with candidates "who make promises, but never enact them." The election of Juan Sabinas as governor of Chiapas in August of 2006 exemplifies the concurrent ironies of Mexican politics, including a focus on democracy and anti-corruption alongside the continuing entrenchment of the political elite, violence, and inequality. Sabinas' election as a PRD candidate reflected a growing national and regional disillusionment with the PRI after 2000, but a continuance of its co-optative politics and corruption. Campaigning as a PRD candidate on the slogan, "*Por el Bien de Todos*" ("For the good of all"), Sabinas was elected, even though he had formerly been a high-ranking PRI official. Many voted for him out of respect for the PRD that they believe "stands for actions and not just words," said one of my informants. The same informant continued, "I know he used to belong to the PRI, but it remains to be seen if he will change things or if things will remain the same." In fact, Sabinas is closely associated with the former PRI governor of Chiapas, Julio Cesar Ruíz Ferro, who has been widely accused of involvement in the Acteal Massacre in 1997.¹⁷ As some informants commented, "Before Sabinas was with the PRI, but now he is with the PRD. Who knows?"

Despite state and media discourses that promote ideals of democracy and anti-corruption, border residents continued to vote according to patron-client logics, typical of the traditional Mexican system that many claim was democratized since the 2000 national election of the PAN's Vicente Fox. At first, the media hailed Fox's election as ending over 70 years of PRI rule; of a corrupt oligarchy masquerading as a democracy. In the years following Fox's election however, it became clear that greater electoral democracy did not translate into actual substantive democracy (Gutmann 2002). Nor did political transition translate into economic improvements, as CIEPAC¹⁸ economist, Miguel Pickard, cites the 0% net economic growth under Fox and the increasing

marginalization in southern states like Chiapas (CIEPAC, Pickard: 2004). Furthermore, traditional political elites remain entrenched in local and state governments. This is important to note since border residents depend on local politicians for projects and resources, especially given neoliberal democracy's emphasis on decentralization. Border residents debated if Sabinas embodied the ideas of PRD, or was the same corrupt politician masquerading in new clothes. It was therefore not "confusion" that caused border residents to mix up the parties and their platforms, but a keen realization that despite democratization and formal party organizing, politics is a mix of democratic practices and personal and strategic networks. Corruption is not only part of politics, but is integral to the functioning of the state and the law (see Gupta 1995).

Scholars, citizens, politicians, and literary figures have long been fascinated by the topic of corruption, especially in Mexico. Yet notions of a "culture of corruption" or the "Mexican character" (*lo mexicano*) have been applied deterministically to explain the "failure of Mexican democracy," or the inextricability of corruption from the roots of Mexican identity.¹⁹ Rather than providing a culturalist or pathologizing explanation, this analysis follows scholars who examine the construction and contestation of norms, legalities, and corruption in empirical cases (Pardo 2004; Haller and Shore 2005; Smith 2007).²⁰ By interrogating Western notions of law, morality, and corruption, I agree with Nuijten (2003), Smith (2007), and Gupta (1995) that discourses of "corruption" highlight relations of inequality and social discontent. In fact, corruption discourse reveals the absurdity of the law itself and its ability to provide justice. As Taussig (1997; 23) states, "It completely misses the point to say that the state is corrupt, because for corruption to be systematic, there has to exist its systematic opposite, the rule of Law" (cited in Gledhill 2004: 155).

Electoral ambivalence and contingent views of corruption were similar in Guatemala. At the end of my fieldwork, I left on the eve of another contested national election, but in

Guatemala. In September of 2007, the election between the conservative Patriotic Party (referred to as “*Mano Dura*,” or Iron Fist) candidate, former army general Otto Perez Molina, and the center-left National Unity of Hope (UNE) candidate, Alvaro Colom, was declared too close to call, necessitating a November run-off. Many border residents were ambivalent; they voted for whom they saw as the lesser evil. At first, the multitude of candidates, each with their posters plastered on every small shop and home overwhelmed me, especially in a context where few seemed enthusiastic about any candidate. The contrast between presidential candidates alluded to the continuing political divide and the atmosphere of violence and impunity in post-war, democratic Guatemala.. Nobel prize-winning indigenous activist Rigoberta Menchú²¹ ran against former military generals well-known for involvement in the atrocities committed in during the counterinsurgency war such as Perez Molina. The infamous army general and leader of the Guatemalan military regime during the worst years of the violence, Efraín Ríos Montt, was even a contender in the 2003 presidential election.

In Guatemala, the political violence of the 1980s has given way to more diverse forms of violence, including street crime, gang violence, and sexual violence (Manz 2008; Snodgrass-Godoy 2006; Fischer et al. 2008; Moser and McIlwaine: 2001). Fischer et al. (2008) link contemporary violence to the legacy of state oppression, persistent inequality, and the dislocations engendered by structural adjustment policies and neoliberalism. Despite the proclamation of the Peace Accords in 1996, impunity and social and racial inequality continue. This “new” violence” is connected not only to the violence of the 1980s, but to the ethnic, political, and socio-economic violence that preceded and ran parallel to it.²² Political candidates and the media capitalize on perceptions of “out of control violence,” especially the conservative *Mano Dura* party, whose platform was to eradicate crime and instill law and order. To many, their plan seemed reasonable and desirable. Yet those who intimately remembered and/or

experienced the extreme violence of the 1980s recognized the association of “law and order” discourses with a legacy of state violence. As one Guatemalan former refugee that repatriated to La Libertad, Guatemala, worried, “If the *Mano Dura* candidate is elected, I am afraid the *patrullas* [referring to the army-mandated civil defense patrols-PACS’s²³] will return. We will have to patrol [our own communities] again.” In contrast, residents from San Pedro, who never fled Guatemala and experienced little violence in the 1980s, welcomed a tough hand to curb crime and delinquency (see Sieder 2008). Fears of crime are ironic since border residents simultaneously believe that this border region is peaceful and has little crime. The media, however, tells them that there is violence that needs to be controlled, with scant attention to the appropriateness of the means or scope to combat it.

Despite differences in opinion and the politicized violence of Guatemala’s past, most Guatemalan border residents reacted with similar ambivalence to the election as their Mexican counterparts did to their own contested election. As the media, activists, and academics worried that a fragile democracy and economy lay in the balance, border residents resigned that “this was Guatemala.”²⁴ Like their Mexican counterparts, a history of distrust of, and neglect by, state officials lead many to the conclusion that whoever is elected, “the politicians are all the same.” Sieder (2008) notes how “the law” means different things to various sectors in post-conflict Guatemala, ranging from promoting democracy to holding trials for perpetrators of human rights violations. Yet, she argues that for many people “who were not part of the vocal but relatively small sector that constituted organized civil society- the rule of law increasingly meant touch policies on law and order to provide greater security.” (Sieder 2008: 75). The following section provides an ethnographic portrait of the border communities, illustrating some of the (il)legal strategies residents employ to surmount what they view as an unjust political-economic system.

PART II: Traveling the Border Road: The *Extravío* (see Map A)

*“In contrast to the northern border of the country [Mexico], more than 572 kilometers divide the Mexico-Guatemala border and there is no concrete wall between the two nations, but only a fragile delimitation that when not marked by the Usumacinta or Suchiate Rivers, consists of...392 [monuments] ...There are many puntos ciegos [hidden places] connected by hundreds of roads and paths that cut across mountains and sinuous trails.”-- Isaín Mandujano, 12/7/2008, *Demócrata Norte de México* (translation mine).²⁵*

Driving past the Mexican military base on the highway, I followed two ten-ton trucks onto a newly paved road, which begins the clandestine border route. On the highway and across from the path’s entrance was a small church, which I learned was an official customs inspection post until the government closed it around 1991. I entered what locals called an *extravío*, or one of many clandestine crossings along the Mexico-Guatemala border where goods and people flow largely unimpeded by either state apparatus. The term *extravío*, from the Spanish verb *extraviar*, can be translated as losing one’s way, disorderly conduct, behavior deviating from the norm, and/or to take another (often considered worse) route. In contrast to this definition, *extravíos*, like this pathway, are central because they are where the majority of cross-border flows occur. Border residents use the term, *extravío*, to refer to the three mile road that connects the Pan American Highway on the Mexican side of the border to the federal Guatemalan highway.

Rather than a pre-existent entity, tracing daily interactions between residents revealed “the border pathway” as a “social field” of study with common, yet often contested moral and legal norms.²⁶ Once a donkey path carved out of farmers’ lands, in the 1980s border residents collaborated to construct the road. Mutual work building the road created the basis for a type of “border citizenship,” which identifies people who live within the pathway as “border residents.” According to local ethics, being a “border resident” entails access to the benefits generated by the contraband economy, the “right” to erect a *cadena* (toll-booth), and the right and responsibility to enact local laws.²⁷ Residents of Santa Rosa, La Cueva, and San Pedro have lived at the border for generations and identify as non-indigenous peoples. They have strong cross-border networks and

many have family straddling the border. Explaining the fluidity of the region, a resident of Santa Rosa told me, “Everyone here has family in Guatemala. Chiapas was once part of Guatemala, you know. Most of us are from Guatemala. Just ask any Mexican here where his grandparents are from. Most will tell you Guatemala.”²⁸

In contrast, the communities of Maravilla and La Libertad are relatively recent settlements of former refugees from the Guatemalan war. As indigenous Mam peasants, they were threatened during a racially motivated war that largely targeted the indigenous population as “subversive”. Many people fled the violence between the *guerillas* and the army, while others fled military persecution for suspected collaboration with the *guerillas*. Most refugees arrived in Mexico during the height of the violence in 1981 and 1982. After over a decade of living in refugee camps or in hiding among the Mexican population, many returned to Guatemala after the signing of the Peace Accords in 1996. Communities, like Maravilla are composed of former refugees that benefited from a Mexican policy initiated in 1998 that offered Mexican nationalization to those who wished to remain in Mexico (see Kauffer et al. 2002; Kauffer and Velasco 2002). The majority of Guatemalan refugees participated in return programs sponsored by the Guatemalan government, but in 1993 the current members of La Libertad negotiated their own repatriation (see Worby 1999). Unable or unwilling to return to their highland villages, they bought land at the border in order to take advantage of commercial opportunities and infrastructure unavailable in their origin villages. Since they returned before the Peace Accords, they reasoned that border residence would enable them to flee quickly to Mexico if violence resumed.

Upon entering the border route I passed a few small farms and a large field where teenagers were playing soccer. The fields looked lush in the September rainy season, although the region suffers from drought and deforestation. Few crops besides corn grow in the border

region, which is characterized by a hot rainy season from August to November and an even hotter dry season for the remainder of the year. I unexpectedly hit a *tope*, or large speed bump, which communities erect to control vehicle speed. In contrast to corruptible policemen, I quickly learned that *topes* were non-negotiable.

The first border town I entered was Santa Rosa. The land is collectively owned by all *ejidatarios*, or landowners, enforcing an ethic of mutual cooperation and rotating service for the “good of the community.”²⁹ In practice, however, the majority of the land is held by a minority of *básicos*, who I refer to as the original landowners and their descendants. The community has one Catholic Church and several Evangelical churches including Jehovah’s Witness, Pentecostal, and 7th day Adventist. There is a pre-school, elementary school, and junior high school. Students that attend high school must travel to nearby towns. Most men are corn farmers, but an increasing number are engaged in contraband, or what they call “business.” They work as merchants, truck drivers, and cargo loaders in the smuggling of corn from Mexico to Guatemala through the border route.³⁰ Most men, and increasing numbers of young women, have made at least one trip to the U.S. The most common destinations of border residents (Mexican and Guatemalan) are Georgia and Florida to work in construction, factories, restaurants, and farms.

Past the soccer field are two large open spaces, which resemble dusty parking lots. Belonging to two wealthier landowners, local truckers and *businesspeople* (or smugglers) rent this land to use as depots to exchange cargo between trucks. To disguise contraband as national commerce, goods must be transferred between trucks within the border route, which acts as a type of clandestine changing room due to the absence of state authorities. It is through this performance of exchange that contraband takes on the appearance of, and connects with, legal commerce. Witnessing these exchanges illustrates how everyday transactions and networks in

specific localities constitute transnational socioeconomic and legal relations. Let me provide a brief example of how the process works.

Each day, depending on the season, one can find cargo loaders, merchants, and truckers waiting for work in the depots. Usually middlemen from Santa Rosa and La Cueva mediate the exchanges, asserting their authority on the basis of border residence. Intimate knowledge of state vigilance and cross-border smugglers enabled border residents to increasingly restrict the participation of outside merchants. For example, arguing that large trailers damaged the road, Santa Rosa posted a sign that mandated that all trailers transfer their cargo to locally owned trucks at the depot. They did not permit outsiders to independently transport their products to Guatemalan buyers. Instead, local trucks would deliver the products. These arrangements create a local economic niche of trucking and a class of truckers that make a living out of charging *fletes*, or truck rides, for smuggled goods. A trucker can earn 300 *pesos* (roughly U.S. \$30) to transport a product three miles from the Mexican side to the Guatemalan side of the border. Juxtaposed with daily farm wages of 60 *pesos* (U.S. \$6), owning a truck has become a local marker of class distinction. Furthermore, border exchanges are connected with wider transnational processes. For example, most men are only able to acquire the necessary capital to purchase a truck from at least one successful migration to the U.S.

As I entered the depot one June day, I tried to find some shade and a rock to sit on in the dusty heat. Sometimes cargo loaders waited all day for work, so I would usually bring drinks and snacks for them. One afternoon, I met Eduardo,³¹ a truck driver from Puebla, Mexico, who had come to the depot to deliver onions to a Guatemalan merchant. As a member of a union of truck drivers, he was contracted by a large Centro de Abastos, or marketplace, in Mexico City to meet a Guatemalan buyer in Santa Rosa's depot. He informed me, "Someone from Guatemala calls the marketplace [in Mexico]; I don't know who, and they order onions..." As we were talking, two

humvees from the nearby military base drove by the depot. They didn't stop, and soon turned around to exit back to the highway. No one appeared nervous, stating that officials occasionally entered the pathway, but "do not bother the business." If uncooperative officials were to enter, one cargo loader told me, "We would all be advised. There are people here who are spies or the officials that work with the businesspeople here call to alert them. We would all stop working. There would be no movement." Notions of fluidity at the border do not depend on official policies, but rather on intimate daily knowledge and personal networks.

Eduardo had limited knowledge of the border; it was only his second trip to Santa Rosa. He acknowledged that the Guatemalan buyer would be illegally transporting the onions to Guatemala, but said, "I have no problems or responsibilities because I am not leaving my country and I have the proper certificates of inspection. There are many sanitary inspection points in Mexico, but we are only inspected on the highways. I have permits to go anywhere in Mexico as far as either border." Eduardo began to grow impatient as he waited for the Guatemalan merchant and his trucks, worrying, "I still have to pick up papayas in Comitán to bring back to Mexico City. In an economy of rising fuel prices, it was only worth the trip if he could transport cargo in both directions. The cargo loaders from Santa Rosa waited anxiously for work, as those with land were missing a day to cultivate their corn harvests.

The Guatemalan merchant, Mauricio, finally arrived with two trucks with Guatemalan license plates. He makes weekly trips from Guatemala City to Santa Rosa to purchase beans and onions, and sometimes corn for his own marketplace in Guatemala City. He explained, "I started working here [at the border] because of corn. I bought from Don Ricardo in Santa Rosa. I have been coming here for ten years. I have friends in Santa Rosa and La Cueva. Before I just bought my product in Guatemala; I never came to the border. My friend who buys corn and beans told me about this place. Before, Don Ricardo would bring his corn to San Pedro on the Guatemalan

side of the border, and I would purchase it there. The people in San Pedro were the ones that told me that I could purchase onions here [on the Mexican side of the border]. It wasn't a problem [to come to Santa Rosa directly].”

The cross-border commercialization of corn, which is the basic regional crop, has historical roots. Guatemalans have crossed the border for generations to plant in the flatter Mexican fields. Mexicans have also sold their surplus corn to Guatemalan neighbors and relatives to augment historical shortages in the Huehuetenango region. Mauricio's experience illustrates how long established cross-border corn networks facilitated the exchange of other goods and information. Not only did Mauricio's corn connections inform him about additional markets and products like onions, but they also taught him about local norms and patterns of government surveillance. Learning about *cadena* tolls and the lack of state vigilance since the late 1990s within the border pathway helped him make the informed decision to choose Santa Rosa, Mexico as the exchange site for his goods. His friendships in the pathway made him a privileged and respected merchant; he was allowed to engage in border commerce without the intervention of local middlemen. Although he purchased onions from Mexico City, he reinforced his local networks by regularly purchasing beans and corn from border residents.

I asked Mauricio how he planned to transport his onions to Guatemala. And where did the onions go next? Following the chain of exchanges and legal maneuverings placed onions in a transnational chain that depends on the blurring of the legal and illegal. Mauricio remarked,

I called the marketplace in Mexico yesterday. That is how I knew when to arrive at the border. The man who works at the marketplace is my friend. I know his house and have eaten there. I call him to check on the prices of onions, to see if it is worth buying them, and then if it is, I arrange to have them transported to the border. Onions are cheap now. To get the onions to Guatemala I have to pay a lot of authorities. There are always people to be paid and then everything is in agreement. I need to get a pass [at the official border] in La Mesilla [Guatemala] in case the authorities detain me. I also have an agreement with SAT [Guatemalan customs authorities]. Whenever I come to purchase onions, I go talk to SAT first. They give me receipts for my onions in Huehuetenango. I pay them for a receipt that certifies that the onions are from Huehuetenango so that the

police do not bother me at inspection posts. It is a little bit of corruption, but then they do not bother me. Since the receipts say [the onions are from] Huehue, I don't get inspected and I don't pay anymore. I just show the authorities the receipt [at Guatemalan inspection points] and they let me pass.

I then asked what happens once he returns to Guatemala.

He responded, “*In Guatemala, I sell the onions to Honduran merchants.*”

I asked how the Hondurans purchase the onions.

The sale to Hondurans is legal since they cross the official border and have the product inspected. The onions are transported from Mexico to Guatemala illegally, but legally to Honduras. I give the Hondurans the same receipts I get from SAT. ...Having the receipts makes a big difference. If I were to transport the onions legally at La Mesilla, I would need to pay a tax of 6000 quetzales per truck. Instead I just pay 200 quetzales per truck to some customs agents.

Still a largely rural farming community, trade networks, media access, U.S.-bound migration, and population and commercial flows complicate rural/urban dichotomies at the border. Border residents claim that the community's rural character makes it safer than urban border crossings. As rumors quietly circulate about increasing drug addiction, robberies, and violence, many residents are no longer convinced by this ecological explanation and image. Due to increases in U.S. bound migration from Central America, many members of Santa Rosa provide temporary shelter to Central American migrants passing through. As increasing numbers of migrants become disillusioned with the journey and/or find local employment, they seek to stay in the community. Residents are becoming nervous due to rumors of migrant-related violence and shortages of water, land, and employment in the community.

Pressures on water, land, and wood supplies in Santa Rosa are provoking community debate over who can purchase land in the *ejido*. Previously, anyone who could find land and pay the community's entry fee was accepted, pending approval of the community assembly. In the 1980s, the *Comisión Mexicana de Ayuda a Refugiados* (The Mexican Commission for Refugees, COMAR) established a camp for Guatemalan refugees called Santa Rosita. Refugees intermarried

with residents, established Maravilla, moved to nearby Mexican communities upon receiving Mexican permission to nationalize in 1998, or returned to Guatemala. Unlike the indigenous former refugees, members of Santa Rosa, La Cueva, and San Pedro largely identify as non-indigenous. Yet interesting intersections occur. For example, some members of Santa Rosa's Jehovah's Witness congregation are learning the Mam language in order to proselytize in Guatemala.

Next on the road I had trouble glimpsing the small community of Maravilla. Up a steep dirt road from the main path, I might have missed it if José had not specifically highlighted it. José had been part of a research team in 2000 that surveyed community members on their experiences of seeking refuge and Mexican integration. The community has 35 families, and many youth migrate to the U.S. due to lack of land and opportunities to enter the contraband economy. Most men rent land from residents of La Cueva and Santa Rosa, or work as day laborers. The community has a one-room building it uses for meetings, and since 2006, as a primary school, where there is one teacher for all of the children. Older children attend school in La Cueva or in nearby towns. The community lacks a consistent source of potable water and access to basic health programs enjoyed by the other Mexican communities. Their late arrival results in their omission from government "maps" and local border contraband networks, making them second-class border citizens.

Residents of Maravilla are former Guatemalan refugees. Most adults identify as indigenous Mam, which distinguishes them in a region where most residents self-identify as non-indigenous *mestizos* and Mexican and Guatemalan nationals. Their children, however, refer to themselves simply as "Mexicans." Residents form part of a population that fled to Mexico during the violence of the 1980s and lived in refugee camps or in hiding among the local population. Resisting the Mexican government's efforts to relocate or repatriate them, (Montejo 1999;

Kauffer et al. 2002; Kauffer and Velasco 2002), they nationalized as Mexicans in 1998 and bought this land parcel from a man in La Cueva in 2000. Residents of La Cueva and Santa Rosa negated any claims that Maravilla could assert over the border road and its flows. They denied them the right to erect a *cadena*, arguing that members of Maravilla arrived after Santa Rosa and La Cueva had “done the work” constructing the road. In Maravilla, geographic exclusion, a minority indigenous identity, and their former Guatemalan nationality affect how members can make economic and political claims on the local political economy.

Next along the road is La Cueva, a community composed of the private land-holdings of about 100 families where most share kinship connections. Out of fears that Santa Rosa or other groups would confiscate their land as part of the *ejido* movement and land distribution in the 1930s and 40s, the original landowners divided and sold their land into smaller individual parcels. These residents united to form the community of La Cueva in the early 1960s. Residents, like Néstor, have lived in La Cueva for generations and/or trace their roots to Guatemala. Néstor told me that the community is largely composed of four family names, which are also common on the Guatemalan side of the border. La Cueva has a Catholic church, a pre-school, primary school, and a junior high school. Many migrate to the U.S. at critical life junctures, but those who succeed in contraband no longer feel the need to make these trips. Some men work in the corn business, but a few wealthier individuals have monopolized the lucrative cross-border smuggling of coffee. Depending on prices and demands, coffee is smuggled to and from Guatemala and Mexico. Depots for contraband are less visible in La Cueva than in Santa Rosa. Most businesspeople use their own property or patios to exchange cargo between trucks.

The first migrant smuggler in the passage, Carlos, is from La Cueva. He is now a *businessman* with a few hundred cattle and his own horse-racing track. His story illustrates how migration to the U.S. relates to population movements and economic practices at the Mexico-

Guatemala border and how transnational legal and illegal practices overlap. In the 1980s, Guatemalans began migrating to the U.S. before Mexicans. Neighboring Mexicans followed in the early 1990s. Utilizing cross-border social and kinship networks, many Mexican border residents forged Guatemalan birth certificates to acquire temporary work visas from U.S. agricultural employers. At this juncture, more temporary U.S. work visas were granted to Guatemalans than Mexicans. Carlos was one of the first men in La Cueva to migrate to the U.S., where he developed a good relationship with his patrón, or boss. Due to his experience, Carlos began to organize and recruit both Mexicans and Guatemalans, as he became a manager for a tree plantation in Alabama. As temporary work visas dwindled and migrants sought more stable employment in the U.S., he used his networks for migrant smuggling. Most men in La Cueva and Santa Rosa in their 30s and early 40s remember their first trip to the U.S. with Carlos as a “Guatemalan worker.”

Driving a mile past La Cueva’s *cadena*, the road becomes rocky and hilly, yet the path over the border is open, dotted with houses and farms belonging to members of La Cueva. A creek sits off to the side of the road, forming a waterfall the children play in during the rainy season. A series of white monuments stagger horizontally across the pathway and extend up into the hillside as far as the eye can see. These monuments are the only markers of the geopolitical border.³² In the distance, a cow was the only border crosser. Spaces between the monuments, however, mark a path wide enough for trucks to travel. Water from the creek overflows the road in the rainy season, which I waded through a few times up to my knees. But water never stops traffic. There are two routes over the border: I usually drove the wider, straight path, constructed by La Libertad in the late 1990s, but most businessmen from San Pedro, however, prefer the original, yet rockier and narrower path that veers up to the right directly to San Pedro (see **Map A**). La Libertad and San Pedro are geographically adjacent and touch the geopolitical border, as

opposed to the sequential positioning of the Mexican communities on the road, where as residents say, Santa Rosa “controls the entry and La Cueva the exit.” A few private Guatemalan farms form the end of the pathway before exiting to the federal Guatemalan highway.

The terrain becomes rockier and hillier on the Guatemalan side of the border. The brush is thicker and homes are tucked away. As opposed to the open and cleared land on the Mexican side, where September’s tall corn stalks are the only obstacle to finding homes, it took me three to four attempts maneuvering my car through the mud to locate some residents of San Pedro. Historically one man, Sr. Castillo Recinos, owned the land that is currently San Pedro and La Libertad. He divided the land between his three sons. As violence engulfed the region in the early 1980s, the owners fled to the city of Huehuetenango and began to sell their land. Former tenants bought the small land parcels and formed the community of San Pedro in the early 1980s. San Pedro is composed of about 80 families, and homes are dispersed along the border road and up into the hillsides. My car got stuck in the mud many times, as paths were cleared on a case by case basis. Members of San Pedro are private landowners and most have lived at or near the border for generations. Many have family in Mexico. Others migrated to the border from Huehuetenango in search of the opportunities of living near Mexico, such as better land access, without the legal difficulties of entering Mexico. Watanabe’s forthcoming work details how families from Huehuetenango moved to the border region of La Democracia during the coffee booms of the 19th century. Some people have indigenous roots and a few elderly people speak Mam, but the majority identify as non-indigenous.

During the Guatemalan war, residents told me that the Guatemalan army established a presence in their community. All men participated in the military-mandated civil patrols to search for *guerillas*, but the *guerillas* the army had told them to fear never arrived in San Pedro. Many residents believe, therefore, that the military kept them safe and minimized violence. Despite

claiming they never encountered violence, many remember a climate of fear. One woman told me, “We could not go out at night of the army would accuse us of feeding the *guerillas*.”

The majority of San Pedro’s residents’ small land plots are not suitable for farming. They either rent land from, or work for Mexicans in Santa Rosa and La Cueva. Some work on coffee plantations in La Democracia and wealthier members have succeeded in the contraband arena, capitalizing on generations of cross-border connections. In San Pedro, as compared to the Mexican border towns, the poor are poorer and the wealthy appear wealthier. Most homes in Santa Rosa and La Cueva are now composed of cement and plaster, but the majority of people in San Pedro still live in adobe and cinder-block homes. Some wealthier members in Mexico have built two-story homes and one even constructed a swimming pool. Yet the two-story mini mansions of San Pedro, mostly belonging to sugar businesspeople (smugglers) are built in the California style with tile roofing, patios, and pillars. Most build garages to store sugar. To locals, these homes seem to have appeared much more quickly, and in greater contrast with their neighbors, than the larger homes on the Mexican side.

La Libertad is a *finca* of about 80 families. Almost all families live in wood, adobe, and/or composite structures of cement block and tin. The *finca* is similar to a Mexican *ejido*; the land is collectively owned and partitioned among members. Most residents of La Libertad identify as indigenous Mam peasants. In the early 1980s, they fled the violence in their Guatemalan highland villages in Ixtahuacan and Santa Ana Huixta, Huehuetenango. Continuing violence and insecurity caused them to remain in Mexico as refugees for over a decade. Some told me that they supported the *guerillas*, but most said that they fled out of fear, or because family members were killed by the army. Many have family members that remained in Mexico or that returned to their villages of origin, but members of La Libertad proudly distinguish themselves as an organized voluntary movement that negotiated their repatriation to Guatemala.

Mam peoples from different Mexican refugee camps united to purchase the parcel that became La Libertad in 1993. They bought the land from the last of the remaining original land-owning brothers with a loan from the Guatemalan government. They therefore did not experience the land conflicts with San Pedro that many returning refugees faced in other regions of Guatemala (Manz 2004).

Arriving prior to the Peace Accords of 1996, they originally experienced tensions with San Pedro, whose members were still engaging in civil patrols. Seen by the other as belonging to opposing sides in an intense and intimate conflict, they viewed one another with suspicion. Yet when a Swedish non-governmental organization arrived to establish a school, the communities began to collaborate. They currently share a primary school and attend the same churches, including Catholic, 7th Day Adventist, the Central American Evangelical Church, and Pentecostal. Fears subsided over time, but intermarriage is still rare between the communities.

Like the residents of Maravilla, the members of La Libertad largely identify as Mam. However, most do not know one other. Members of La Libertad tend to have closer relations with their business partners or patrons in Santa Rosa and La Cueva than with residents of Maravilla. In fact, men from La Libertad and Maravilla often compete to rent land and work as day laborers for Mexicans. Since residents of Maravilla and La Libertad are usually the poorest at the border due to their recent arrival, minority ethnic identities, and marginal political identities (as former refugees), they are the least likely to own cars, which restricts their mobility in a border economy dependent on cross-border flows.

Members of La Libertad have better access to farmable land than those in San Pedro, but lack the same economic resources and networks to engage in contraband and migrate to the U.S. Both La Libertad and San Pedro have depots where they sell smuggled Mexican corn to Guatemalan merchants from the interior. They unite with business partners in La Cueva and

Santa Rosa in this exchange process. They work as middlemen so that border residents, rather than outsiders, profit from the corn business. Locals refer to the Mexican corn businessmen as *coyotes* and their Guatemalan associates as *comisionistas*, or corn brokers. For example, Mexican border residents purchase corn from Mexican producers, which they deliver their Guatemalan brokers in San Pedro or La Libertad. The brokers arrange sales with Guatemalan merchants from the interior, employing Guatemalan border residents to load the cargo into the arriving trucks.

Engaged Methods

I arrived at the Mexico-Guatemala border from the Mexican side. My academic and activist connections centered on San Cristóbal de las Casas, Chiapas due to the fact that since 1994, the volunteer and scholarly community has become vibrant. As the more powerful nation enforcing the border, scholarship and policy are dominated by a Mexican perspective. Despite scholarly contributions that recognize that cross-border flows construct the concept and identity of “the border,” the category of “the southern border” has received little critical attention. When I conducted an internet search for a map of the Mexico-Guatemala border, the majority of searches either detailed the Mexican side or the Guatemalan side, leaving the other blank (see **Maps B-E**). Few “border scholars” in San Cristóbal conduct research at the border and most university offices are located in the highlands of San Cristobal. El Colegio de la Frontera Sur (ECOSUR), the major research institute for border studies has offices in San Cristóbal and Tapachula. Some scholars have attempted bi-national studies, but funding constraints, university norms, national research agendas, and visa requirements often make this difficult.³³I encountered similar constraints and despite the goal of creating a cross-border analysis, I recognize a Mexico-bias.³⁴Moreover I had difficulty accessing research institutes in Guatemala since the large research centers were located far from the border in Guatemala City and Antigua.

I was introduced to the border by a research assistant of Edith Kauffer's from ECOSUR in San Cristóbal. In 2005, the summer prior to my fieldwork, the assistant, Juan Carlos, took me on a tour of several communities of integrated former Guatemalan refugees living near the border. He was familiar with these communities due to a large-scale study he helped conduct on refugee integration in Chiapas with Edith Kauffer (see Kauffer and Velasco 2002). Yet he was only familiar with Santa Rosa and Maravilla in this border route because the research project only dealt with national integration (see Kauffer and Velasco 2002). He himself was surprised that he had never crossed the border since it was not part of the study.³⁵ He told me that he never realized that Guatemala was so nearby! Had they realized that La Libertad was just a mile down the road, it would have provided insightful comparative data for their study on post-war return and integration strategies. Not realizing that Juan Carlos actually knew so few people due to the short duration he spent in each community in order to survey nearly 200 communities, I was surprised how we first arrived at the border. In Frontera Comalapa one June day in 2005, he simply asked for the location of the *combi* (mini-bus transport) that traveled to Santa Rosa, and struck up a conversation with a man, Luis, on the *combi* who happened to be from La Cueva. Luis gave us a tour of the border, introducing us to people on both sides. Luis was actually born in San Pedro, and so he had many cross-border connections. When I returned in September of 2006, Luis introduced me to the community authorities.

Before I arrived in 2006, Juan Carlos had visited Santa Rosa to arrange for me to rent a house.³⁶ When I arrived, he introduced me to the community president. I soon found that an introduction to the community president and assembly was critical to gaining entry. As one resident told me, as she compared my entry strategy to Honduran migrants she saw as "hiding" in the community, "You did the right thing. You arrived and presented yourself to the community assembly. You explained who you were and what your purpose was." In addition to conducting

research on cross-border life, I offered to teach English classes to children in each of the communities once a week. At first I only did this in Santa Rosa, Maravilla, La Cueva, and La Libertad. Traveling between the communities and teaching four days a week was a lot and I did not know many people in San Pedro. Within a few months, however, by following social and economic networks, I had fully integrated San Pedro into my research and teaching schedule. At first, I concentrated on interviewing neighbors and community leaders, who also introduced me to people. I then spent a day in each community going house-to-house to get to know more people. I conducted life-history interviews, intensive interviews, and participant observation. Attending community events with neighbors such as wedding and soccer games also introduced me to wider networks. As I learned about cross-border kinship and economic networks, I began to follow them as an ethnographic strategy that combined snow-ball sampling with an informal social network approach (Bernard 2000, 2005). For example, families who I ate dinner with after teaching English introduced me to their family and business contacts across the border. Ethnography became both issue and network-based. I also followed political networks, as residents introduced me to political candidates.

Seeing the pathway as a nexus for relations, I also spent about two days a week, depending on the *business* traffic, at the depots conversing with cargo loaders, merchants, and truckers. I did not, however, pursue this method until a few months into my fieldwork, when I had developed sufficient networks to introduce me to people. Even so, at times it was difficult to be a female in an atmosphere where men predominated, often joking about their sexual exploits and multiple girlfriends in a display of masculinity. As people got to know me this subsided, but I mainly went to depots when I knew friends would be there or went to depots that were adjacent to their homes. In order to understand the daily flows and obligations of being a community member, I also patrolled the *cadena* for twelve hours in Santa Rosa.

Upon learning how border flows contributed to municipal development and politics, I also began to interview regional political figures including activists, police officers, the mayor of La Democracia, and the governor of Huehuetenango. I tried to get names and dates from officials to use alongside information from border residents in an effort to piece together a jigsaw-like border history. For example, upon hearing that I was interested in social movements surrounding the commercialization of corn, a local politician in Frontera Comalapa gave me the name of his cousin, who was the head of the corn producers union that led these movements. Interviews with Guatemalan and Mexican police and immigration and customs officials allowed me to compare official discourses with local interpretations in order to understand the interdependent, yet contingent relationship between state agents and border residents (see Andreas 2000). The military declined a formal interview, but I did converse casually with soldiers when they were in the border route. In conducting ethnography, I constantly balanced an intensive ethnography with a mobile one that followed issues and peoples (Marcus 1998). I attempted to approach mobility from a local perspective by following border residents in their daily activities.

I also supplemented ethnographic data with quantitative data on cross-border corn flows from 1999-present and Santa Rosa's toll records since 1998. While the applications of this data are currently limited, I hope to use them in further research to assess regional trends in commerce, vigilance, and development. At this point, the data challenge studies that claim that data on illicit flows are impossible or insignificant³⁷ as well as the official policies that benefit from rendering them invisible. I also conducted a short survey, which included a request to draw a picture of "the border," on nationality, citizenship, and ethnicity with all 5th and 6th graders in the communities who agreed to participate in the study.³⁸ This enabled me to understand how nationality, ethnicity, and citizenship overlapped at the border and how younger generations identified in a context where many have lived on both sides of the border and possess multiple citizenship documents.

Before the survey, I did not realize that so many people had multiple national documents.

Confusions in the survey, in fact, were what alerted me to the (il)legal nature of dual nationality.

Of course when studying “illegality,” there are certain topics one cannot talk about, or can only talk about tangentially with the most trusted of friends. The candor with which residents spoke about their activities as if they were legitimate and normal led me to reframe my preconceived notions about legality and illegality accordingly. Writing about (il)legality proved difficult. Disguising the region and my informants as much as possible to protect them (from my own ethical standards and obligations to them as friends) was difficult to balance with the critical point that illegality may actually be normative. I presented myself to each community assembly and clearly explained my research interests, often repeatedly, which helped garner trust. Showing my university documents and letters ironically legitimized my research in a setting where forged documents are commonplace. Since increasing numbers of youth now attend university and write theses, university documents help residents place me and my project within their own conceptualizations of education and research.

My female *gringa* identity affected what information I could access and what people shared with me. Sometimes I was included or trusted more. Since most women are not involved in *business* or government, I was not considered suspicious or a competitive threat to their businesses. Yet it was difficult to enter what many perceived as “a man’s world.” I therefore could engage in daily discussions about smuggling and “corruption,” but would feel uncomfortable when the conversation switched back to the men boasting of their multiple girlfriends.³⁹

Many scholars working in Chiapas and Guatemala conduct activist or engaged research (Speed 2008; Stephen 2002) by allying themselves with the peoples they study in order to contribute to the struggle for social justice. I, however, found this impossible while studying

illegality, but not for the reasons I anticipated. At first, I thought research on illegality might be dangerous, that I would be drawn into illegal businesses, or that I would romanticize the plight of my informants and lose perspective. Yet I was never afraid of being arrested or threatened. I was never asked to transport anything illegal aside from a joke that some men made when they suggested that my husband should add to his “fair trade” business, which sought fair prices for indigenous women’s textiles in the U.S., by transporting the clothing that they smuggle from Guatemala to Mexico to the U.S. Rather, the nature of studying (il)legality revealed the ethical issues of taking sides at the border. I could never choose one group to support. Even when I agreed with a cause, residents were always on different sides of the issue. A study of (il)legality and moral norms illustrated that in order to support any struggle, one must pick sides, which inevitably excludes others. Being an engaged ethnographer, in fact, meant critically listening to various sides of the issues, rather than casting my support with one cause.

Of course objectivity is impossible and I applaud the efforts of activist scholars who help redress human rights issues, but in my own case, choosing a side would have been an ethical, personal, and logistical nightmare. There are not just two sides, state and local, powerful and marginal, but a myriad of conflicting borders, interests, and relationships. Instead, I tried to maintain an open dialogue. I debated (il)legality with border residents and officials as Scheper-Hughes (1992) suggests, by interrogating my own perspectives with those of residents. By engaging our different perspectives, we realized how perceptions of (il)legality were about power relations and identity. Being an engaged researcher and friend did not lead to activism per se, but together, by transferring the issue of (il)legality from its naturalized state into the realm of contestation, we came to realize how (il)legality is not pre-determined or stable, but constructed in everyday, yet unequal, debates and interactions.

ENDNOTES

¹ Frontera Sur, Paraíso del Contrabando. *El Financiero*. 9/7/2006. Mexico.
<http://www.caaarem.com.mx/COM/SPRENSA.NSF/404a7d57034b383806256c6700691180/c4e289a329bbe924862571e200633e85?OpenDocument&Click=>

² Mexican police and surveillance forces stationed in the region included the military, the Preventative State Police (PEP: *Policía Estatal Preventiva*), the Preventive Federal Police (PFP: *Policía Federal Preventiva*), Customs inspectors, migration officials, sanitation inspectors, *judiciales*, and the *federal de caminos* (the federal police in charge of monitoring the highways). In January of 2007, Mexican president Calderón, created a new police force, the State Border Police (*Policía Estatal Fronteriza*) to patrol the border as part of his tough stance on border control. The municipal police centered largely in the town of Comalapa. Each Mexican community has a rotating volunteer community police force in charge of local matters, which reports to the municipality. In contrast to the layers of Mexican surveillance, there were few officials on the Guatemalan side of the border aside from the equivalent community patrollers. The Guatemalan National Civil Police (PNC: *Policía Nacional Civil*) has a station in La Mesilla. The local municipality of La Democracia has its own municipal police, but they do not go to the communities. When police need to be dispatched to local communities, orders come from the department (equivalent to state) of Huehuetenango. Customs and immigration agents do not have the jurisdiction to leave their official posts in La Mesilla. During the Guatemalan war, soldiers monitored the border, but were removed after the Peace Accords in 1996. Like their Guatemalan counterparts, immigration and customs officials in Ciudad Cuauhtémoc, Mexico also must remain in their offices, but customs and immigration have mobile inspectors under their jurisdiction in charge of monitoring the highways, who at times enter local communities.

³ See Cunningham and Heyman (2004) on mobility and enclosure at international borders.

⁴ Frontera Sur, Paraíso del Contrabando. *El Financiero*. 9/7/2006. Mexico.
<http://www.caaarem.com.mx/COM/SPRENSA.NSF/404a7d57034b383806256c6700691180/c4e289a329bbe924862571e200633e85?OpenDocument&Click=>

⁵ All community names are pseudonyms to protect identities.

⁶ For an interesting comparison see Flynn's (1997) study of the Nigeria-Bénin border where residents also levy taxes on passing contraband, asserting their "right" to control cross-border movements. Flynn (1997: 320) cites parallels in small independent African communities where members levy tolls and control traffic, but notes that her case is unique since it spans two nation-states. In Chiapas, historically, towns also levied taxes upon entry.

⁷ See discussion in Chapter 3.

⁸ Also see Hale (2002) on this perspective.

⁹ There are diverse definitions of neoliberalism, ranging from a specific political philosophy to a series of economic and political measures that privilege the "freedom" of the market since the 1970s including decentralization, tax reforms, liberalization, privatization, and deregulation of the state (Steger 2003). Often left undefined, it appears to take on a life and force of its own. Harvey's (2005) critique of neoliberalism describes it as a global political-economic system, disguised in a language of freedoms that reinforces global class distinctions and power relations through "accumulation by dispossession." Most critics argue

that neoliberalism has increased global inequalities, and especially hurt the welfare of the middle and lower sectors.

¹⁰ The current financial crisis is causing many analysts to reassess these so-called natural truths of the market.

¹¹ Slocum (2006) also refers to how banana growers in St Lucia disassociate notions of “freedom” from “Free Trade” as a critique on neoliberal market policies.

¹² De Soto’s (1989) analysis, however, did not account for how the state may benefit from, or contribute to illegal and informal practices, or to how the state and informal sector are intertwined. Nevertheless, his analysis helps highlight some of the ironies of state-led neoliberalism and a “free trade” that is not actually “free.”

¹³ See Brecher et al. (2000); della Porta et al. (2006)

¹⁴ AMSA: Agroindustrias Unidad de México S.A. de C.V.

¹⁵ See for example,

<http://www.jornada.unam.mx/2006/11/05/index.php?section=politica&article=010n1pol>

November 5, 2006. Propone López Obrador romper cerco informativo de medios de comunicación. By Silvia Chávez and René Ramon Corresponsales. November 5, 2006

Also see: <http://www.jornada.unam.mx/2006/12/06/index.php?section=politica&article=021n1pol> Inicia López Obrador Tercera Gira de Trabajo como “Presidente Legítimos. By Juan Balboa. La Jornada December 6, 2006

¹⁶ The Zapatistas have opted out of electoral politics, continuing to practice local autonomy through their “good governance” councils (see Speed 2008). They campaigned during the election year 2005-2006 throughout the nation, but on the slogan, La Otra Campaña (The Other Campaign), which argued for a different system of politics generated by the organization of all marginalized members of society. This marked the transition from a militarized strategy to a peaceful one, as well as from a largely indigenous movement to one that would focus on all marginalized and oppressed peoples (for a good source see La Otra Campaña, Colectivo Miradas. June 30, 2007: CIEPAC.

¹⁷ La Jornada. Investigarán nuevamente la matanza de Acteal; citarán a Ruíz Ferro. By Angeles Mariscal Corresponsal December 28, 2006.

<http://www.jornada.unam.mx/2006/12/28/index.php?section=politica&article=012n1pol>

¹⁸ Centro de Investigaciones Económicas y Políticas de Acción Comunitaria (CIEPAC), San Cristobal de las Casas, Chiapas, Mexico is a civil, non-profit association founded in 1998 that engages in research, education, and analysis to help inform, and empower the decisions of various NGOs, communities, civil and religious organizations, and social movements. They offer education sessions, lectures, and mental health workshops as a form of empowerment amidst an atmosphere of low-intensity warfare. (see <http://www.ciepac.org/index.php>) for information.

¹⁹ See critique in Lomnitz Adler (1995).

²⁰ Also see Gutmann (2002) on corruption and the “romance of democracy”

²¹ To my surprise, many former *guerilla* supporters in Dos Cielos felt that Rigoberta Menchú had abandoned her people and her cause, telling me that she had married a soldier. I could not find evidence to support their suspicions, but what was important, and telling of their views of Guatemalan politics, was that they no longer trusted her, claiming that even she has “been corrupted.”

²² See Zilberg (2007) for similar El Salvador case.

²³ Civil Defense Patrols (PACs) were rural paramilitary organizations mandated by the military. All adult males were required to serve and inform on their fellow community members, creating a militarization of everyday life and a climate of fear and distrust (Manz 2008).

²⁴ Manz (2008) discusses how lingering effects of violence and fear contribute to an atmosphere of resignation in Guatemala. She contrasts this dynamic with the activism and collectivism of the 1960s and 1970s. Manz (2008: 155) notes that for trust and cohesion to be established, the root causes of violence and impunity must be addressed. At the border, however, Mexicans had similar ironic views of the future and change. Not necessarily hopeless, Mexican and Guatemalan border residents strategically found ways (often illegal and informal) to manipulate a system fraught with internal contradictions and inequality. The comments of resignation did not seem to relate directly to Guatemalan violence, but rather reflect how border residents view, and engage in, politics.

²⁵ <http://democratanortedemexico.blogspot.com/2008/12/manda-el-narco-en-la-otra-frontera.html> Manda el Narco en la Otra Frontera.

²⁶ See Levitt and Glick-Schiller (2004) and elaboration in chapters 4 and 5. Following Levitt and Glick-Schiller (2004: 9) define the term “social field,” as a set of multiple interlocking networks of social relationships through which ideas, practices, and resources are unequally exchanged, organized, and transformed.”

²⁷ See parallel in Flynn (1997). I elaborate on these connections in Chapter 2.

²⁸ Cruz Burguete (1998), Castillo et al. (2006), and de Vos (2002, 2005) remind scholars that the border was never quite clear except when Mexico sought to emphasize it for “national security” reasons. In practice, one could only begin to speak of a border in the early 1980s when Mexico began to control the border in the face of the large exodus of Guatemalan refugees. In a national security era post 2000, the border has been further militarized. Even though Chiapas became part of Mexico in 1822, there were parts of the Soconusco that held out for years and preferred to join Guatemala. Only in 1882 was the Treaty of Limits signed between the Mexico and Guatemala to demarcate the border (Castillo et al. 2006). Further disputes arose and were resolved in a treaty in 1895.

²⁹ See Nuijten 2003 on *ejidos* and land.

³⁰ This flow is officially illegal since corn crosses an unmonitored international border and avoids taxation, documentation, and inspection. In the eyes of state officials, the status of being an “unmonitored border crossing” makes all commerce flowing through this route illegal contraband. It is commerce “out of place.”

³¹ All names are pseudonyms to protect individual and community identities.

³² A double-sided sign, which reads “Entering Mexican Territory” on one side and “Entering Guatemalan Territory” on the other, was erected at the border in the summer of 2007 by a binational commission in charge of maintaining the border.

³³ ECOSUR is now beginning to conduct comparative research on both sides of the border, as Edith Kauffer is now working on cross-border water management, but has found this difficult to the lack of cross-border political collaboration on this issue.

³⁴ I was not registered as a researcher in Guatemala. Had I needed to pass through immigration every day to conduct my research, I believe I would have encountered official suspicions and obstacles. In addition, in order to acquire my research visa in Mexico, I was told by universities to only affiliate with one institution since the government did not like researchers to be working with multiple institutions (even in the same country!) Chiapas, in particular, is a sensitive place to acquire permits due to the continuity of low-intensity warfare. Many volunteer and human rights NGOs do not register with the government to avoid harassment.

³⁵ This reflects methodological nationalism in research funding, see Glick-Schiller (2003).

³⁶ In March, I moved in with a family in La Cueva, which enabled me to see border relations from a different community perspective.

³⁷ See a helpful critique in Andreas (2004).

³⁸ Survey and permission form attached in **Appendix A**.

³⁹ Men were often drinking when discussing these issues, which I sought to avoid. Since the men all knew my husband, I capitalized on a normative conception of women, saying “My husband will not like it” to avoid uncomfortable situations. I recognize that I was privileged to play both roles that local women often cannot. In future research, I plan to discuss this issue more with women.

CHAPTER 1

“WE ARE CROSSED”: NATIONALITY, ETHNICITY, AND CITIZENSHIP

Introduction

If you do not have papeles (documents), you have no guarantee to life.” --Woman from La Cueva, Mexico referring to the dangers of undocumented migration.

Rosa¹ and Fani are best friends. Both are 19 and preparing to take exams to become teachers. They live across the road in neighboring communities on the Guatemalan side of the border crossing. Rosa lives in La Libertad, a community formed in 1993 of Mam indigenous families that returned to Guatemala after living in refuge in Mexico. Fani and her family have lived in adjacent San Pedro for generations. The girls stand out amongst their peers for their desire to pursue a university education. Both laugh at the prospect of getting married, preferring to play basketball and continue their studies. Rosa’s mother often wears her traditional *corte* (indigenous skirt characteristic of her origin village in Ixtahuacan, Guatemala), weaves, and is the president of the women’s committee in La Libertad. Rosa owns *traje* (indigenous skirt and blouse called a *huipil*), but does not wear it. She and her mother speak Mam together and her father is a migrant in the U.S. Fani is tall, slim, and her eyes have a tint of green. Her father, a corn *comisionista*, was born in Mexico, but raised in Guatemala by his aunts. Rosa’s uncle was murdered in the early 1980s by the Guatemalan army during the war in La Democracia, which motivated her mother to flee. In contrast, Fani’s father, served in the army mandated civil patrols², believing he was helping maintain his community’s safety. Both girls know their tense family histories, but they view the war as part of the past; a tragedy that happened before they were born. It does not influence their friendship.

Rosa was born in a refugee camp in Mexico and Fani in San Pedro, Guatemala. Rosa's mother brought her back to Guatemala as a small child. Both girls, however, have Mexican and Guatemalan birth certificates. They tell me that they identify as hybrid, "a bit Mexican and a bit Guatemalan." They only vote in Guatemala, but have debated obtaining citizenship in Mexico as well. Both Rosa and Fani's brothers activated their Mexican citizenship to more easily migrate through Mexico to the U.S.

National identity is complicated at the border. Many border residents espouse strong nationalist sentiments, but others portray a fluid feeling of "being crossed." Néstor, from La Cueva, physically demonstrated "being crossed" by linking his fingers together when I asked if he identified as Mexican or Guatemalan. Another border resident added, "I have a Guatemalan flag on the right side of my forehead and a Mexican one on the other side." His friend added, "And a U.S. one," referring to the amount of time many residents spend as migrants in the U.S. This chapter contextualizes the national and ethnic subjectivities of border residents, illustrating the diverse nature of citizenship and terms of belonging.

Feeling at Home on Both Sides: Knowing the Border

Border residents identify with both countries because, "they feel at home on both sides of the border." Children say they "use *pesos* and *quetzales*" and shop and visit family on both sides of the border. Currencies usage transcends, and complicates, the geopolitical border. Guatemalan corn brokers sell corn for Mexican *pesos* and stores on both sides accept both currencies. Since only Guatemalan cell phones work on both sides of the passageway (Mexican cells do not have reception on the Mexican side!), women sell Guatemalan phone cards in *quetzales* on both sides. Television, cable, and radio stations cross the border in often contradictory ways. Residents receive regular television service from Mexico, cable from

Guatemala, and radio stations from both nations. National documents and cross-border networks and knowledge provide security for individuals to navigate the border. Multiple documents enable individuals to “enter Mexico as a Mexican and Guatemala as a Guatemalan.” Even individuals that lack dual nationality documents like Fani and Rosa feel that their cross-border networks, families, and social relations enable them to move freely.

Although both immigration posts at the official border crossing issue free day passes to border residents, officially defined as people who live between Huehuetenango, Guatemala and Comitán, Chiapas, to travel as far as Comitán or Huehuetenango, respectively, most border residents do not acquire these passes since the official post is out of the way, and many “know people and the area.” Many accuse immigration officials of corruption, of charging for border passes even though they should not. I, myself, experienced this sporadic enforcement. Sometimes I was charged to officially enter Guatemala, and other times I was not. Also, border inspectors charge a fee to cross the border in a personal vehicle. Foreign vehicles are easier to detect than individual border crossers, even though some people have bought license plates from Mexico and Guatemala. Therefore, for example, Guatemalan border residents seek a “ride” in a Mexican vehicle beyond the passage to avoid detection by authorities. A stricter and more militarized Mexican border now presents itself at Comitán, Mexico, displacing the official border from the geopolitical line to select locations in the interior. Most Guatemalan border residents will go out of their way to acquire an official pass when they go to Comitán. Border Guatemalans use cross-border connections to freely navigate the border region, but experience the Mexican state and border at select militarized inspection points.

In the gap between the geopolitical and the enforced border (for example in Comitán, Mexico) the knowledge conferred by border citizenship affects whether one can manipulate inconsistent border regulations to one’s own socioeconomic advantage, or if one finds oneself in

the interstices of increasing danger and vulnerability. Knowledge of the border allows individuals to maneuver on both sides within this gap even when they lack official documents. Clearly, the same flexibility does not apply to Central American migrants or Guatemalans from further in the interior that lack such networks and border knowledge. Local Mexicans treat Guatemalans “from the border” differently than those from the interior who Mexicans say, “look different, talk differently, and have unfamiliar customs.” The notion of danger and “strangerhood” intensifies the further the migrant originates, as locals increasingly suspect illegal migrants from Central America who some say “speak differently and come from conflictive countries.” Residents with multiple documents (national citizenships) and the social, political, and economic resources of the border (border citizenship) can flexibly navigate the gaps of a porous border region and inconsistent border patrol to their advantage. Those without such capital, however, like migrants, are increasingly vulnerable to inconsistent authorities, selective militarization, local smugglers, and transnational criminals and gangs. Knowledge and connections at the border are increasingly valuable, yet potentially dangerous commodities in a region increasingly governed by corrupt officials, local power holders, and community networks.

Nationality and Citizenship: Documenting National Life

While discussing how individuals identify themselves and others provides an understanding of ethnic and national identification, it is by examining how these identities become actualized and recognized that determines how citizenship and nationalism are experienced by individuals at the border. This chapter illustrates how individuals define the process of acquiring nationality and citizenship to themselves, as well as how citizens view this procedure, since by definition the state encourages citizens to define themselves in opposition to

“non-citizens.” In a climate of heightened anti-immigrant sentiment, states and citizens criminalize non-citizens as illegals that pose moral, economic and physical threats.³

Despite acknowledging a difference and division at the geopolitical border, residents recognize the arbitrariness and historical construction of the border. Many cite their history books that taught them that Chiapas was once Guatemala. As Néstor refers to the Mexico-Guatemala border, “It was not always like this” He took out a history book, flipping to a page and reading, “Iturbide signed on the 16th of January, 1822, that Chiapas was to be declared part of Mexico.” He continued, “But until the 1960s there was a lot of confusion at the border. Many people were unaware where the actual line was.” Most people on both sides of the border in this passage trace their roots to Guatemala and have family on both sides. In fact, as Alonso from the Mexican border community of Santa Rosa adds, “Ask almost anyone [referring to border residents in their 30s and 40s] here on either side of the border where their grandparents are from; and almost all of them will tell you Guatemala.”

Official Mexican and Guatemalan attitudes towards national identity, however, embody anything but fluidity. Mexico did not officially permit dual nationality until 1998. Although Mexico currently allows dual nationality, this change to the Constitution was made to enable Mexicans living abroad to invest at home, rather than for people living on the Mexico-Guatemala border who live their daily lives between two nations. Smith and Bakker (2008) and Fitzgerald (2000) further note the ambiguity of enacting and realizing the vague concept of dual citizenship in Mexico. Meanwhile, Guatemala allows dual nationality, but the process to legally actualize these dual identities is unknown to most border residents. In fact, migration officials informed me that one would first need to acquire a passport, a complex bureaucratic process involving fees most border residents cannot afford, in addition to multiple trips to Guatemala City, a 7-8 hour bus ride from the border. Removed politically and geographically from the national centers of

power, Mexican and Guatemalan border residents lack access to exercising, and acquiring knowledge about, dual citizenship.

Nationality does not only refer to sentiment, but when coupled with citizenship, implies rights, access to resources, obligations, and duties. At the border, it is not only desirable to have dual nationality and citizenship, but often necessary in order to fulfill daily social, economic, and familial obligations. Whether acquired legally or informally, national documents enable individuals to make claims on the nation's resources, as well to assert an identity, or belonging. Foucault's (1990) concept of bio-power illustrates how nation-states arrange basic life events and identity around the concept of citizenship which becomes internalized in aspects of everyday life. According to the laws of a nation-state, one cannot die, marry, or be born without citizenship. National identity orders one's place in the world, fixes where one is from, who one is, and where one will die. Despite the rise of transnational identities and the practices of flexible citizenship depicted by Ong (1999), most nations continue to associate identity with national territory. This chapter illustrates how terms of belonging emanate from multiple localities, state and otherwise. Many residents internalize the state-centric view, asking "How can someone be from two places?" Their daily practices, however, reveal the inadequacy of state-centric concepts of bio-power for accounting for the fluid mobility of people and identities in the borderlands.

The legal process to acquire dual nationality, or to become a citizen of Guatemala or Mexico, is ambiguous and complex in both countries. In many respects, the difficulty of acquiring documents reinforces the vulnerability of a population living in both, but neither, nation-state, who reside within that ever-untenable and ironic hyphen of nation-state (Aretxaga 2005). Das (2007: 168) elaborates on the concepts of state power, documentary mimesis, and illegibility,

It is this illegibility of the state, the unreadability of its rules and regulations, as well as the location of the legitimacy of customary institutions...in their ability to replicate the

documentary practices of the state that makes it possible for the oscillation between the rational and the magical to become the defining feature of the state in such margins.

Border residents capitalize on this illegibility to perform state functions to question the legitimacy of the state. Where the law is seen as illegible, contradictory, or unjust (Rus and Vigil 2007; Goldstein 2003; Mattei and Nader 2008), border residents mimetically copy state practices of legibility and legality by informally/ illegally acquiring birth certificates, and citizenship documents called a *cédula* in Guatemala and a *credencial* in Mexico, in both nations. Some do this in a third country: the U.S. By using unofficial procedures to acquire legitimate official documents, border residents challenge state efforts to distinguish the formal from the informal and their connection to the legal and the illegal.

Since the differences between national identity and citizenship become blurred, I refer to nationalism as the ideas and sentiments surrounding belonging to a nation, and citizenship as the flexibly-constructed rights, benefits, and duties one may possess by actualizing claims to national identity. While this distinction is somewhat restrictive, especially of the fluid concept of citizenship (Levitt 2001), it helps clarify how border residents define and experience the real, and often separate, effects of these concepts. Holston (2008: 6) identifies the entanglements of nationality and citizenship in the production of inequality whereby “the historical norm of citizenship fosters exclusion, inequality, illegality, violence, and the social logics of privilege and deference as the ground of national belonging.” Holston’s (2008) concept of differentiated citizenship illustrates how state practices simultaneously create inclusive national citizenship while they justify the unequal distributions of rights and resources through the use of social differences such as race, ethnicity, gender, and class. By legalizing differences, the state neutralizes and cements inequalities, however, Holston (2008: 8) points to an insurgent citizenship that develops out of inequality, illegality, and marginality, whereby the excluded demand a full citizenship that challenges state power over the regulation of citizens and identities.

Border residents practice both insurgent and differentiated citizenship to assert their claims to national identity, land, and resources. Hernández-Castillo (1992), Fábregas Puig (1996), and Cruz Burguete (1998) note that Mexicans in the borderlands, who previously embodied fluid identities, began to strongly assert their Mexican identities after the massive flows of Guatemalan refugees in the 1980s converted the border region into a national security arena. Guatemalan and Mexican border residents also invoke the politics of insurgency to delegitimize the political rights of former refugees who they believe “acted against the nation.” By invoking ethnic, class, and political difference, they produce a form of political knowledge used to assert control and exclude newcomers. They, however, challenge state power to label, categorize, and restrict their citizenships by acquiring documents (through formal and informal means) and using experiences in the illegal and informal sector to assert rights and resources to which neoliberal policies and geographic marginalization otherwise exclude them (see Villafuerte Solís 2005; Castillo 2003). Residents often blur notions of nationalism and citizenship; how and when they distinguish between national sentiment and the rights of citizenship reveals the tensions between nation and state experienced by individuals in the border region.

Until the exodus of Guatemalan refugees into Mexico in the early 1980s, Cruz Burguete (1998) and Basail Rodríguez (2005) argue that Mexico’s immigration policy toward its southern border was characterized by porous flows, intermittent law enforcement, and strong cross-border ties rather than securitization and militarization. Hernández-Castillo (1992) and Castillo (1999) illustrate the multiple and interdependent flows between Mexico and Guatemala throughout history, whereby both nations provided necessary aid and refuge to the other in times of crisis. Cruz Burguete (1998) adds that it was nearly impossible to speak of a national, enforced border until the early 1980s and need to address “national security” concerns in the face of refugee flows and a neighboring counter-insurgency war. The security lens was amplified after the Zapatista

rebellion in 1994, when Mexican policy makers feared the cross-border fertilization of “subversion” (Kauffer et al. 2002).

Since the late 1990s, citizenship, nationality, and the border have become “securitized” according to a U.S. agenda that constructs an image of “*the southern border*” as unified and homogeneous despite the realities of bi-national interdependence and fluidity (Fábregas Puig 1996). Beginning with the “war on drugs” in the 1990s to stemming northward migration flows, border security policy currently mirrors the U.S. anti-terrorism agenda. Scholars like Benítez-Manaut (2003) and Villafuerte Solís (2004) debate the actual effects of Mexican allegiance to a U.S. migration agenda that “securitizes” migration on the Mexico-Guatemala border. Villafuerte Solís (2005) notes how internal borders in the borderlands, such as ethnicity, class, and gender impede local organizing and identification. Under militarized border policies, Mexican border residents and officials further mobilize social difference to justify detention and violence. Despite scholarly, media, and activist understandings of the incongruity between U.S.-led security policies and fluidity at the Mexico-Guatemala border, few have critiqued the politically charged concept of “the southern border.” Alternately referred to as Mexico’s southern border, “*the southern border*,” and even Hernández-Castillo’s poignant book on “the *other border*” (in contrast to Mexico’s northern border) these depictions obscure inequalities between Mexico and Guatemala, the agency of Guatemalans and the Guatemalan state, and the bi-national, relational aspect of nationality and power. Research mirrored the centralism and power of the nation-state.

The lack of comparative bi-national studies on research claiming to be “border studies” exhibits the dangers of what Glick-Schiller (2003: 127) has termed “methodological nationalism,” whereby the hegemony of the nation-state causes researchers and individuals to internalize notions of national and ethnic boundaries, as well as research boundaries. Without a bi-national focus and a lens on power and inequality, nationalist rhetoric will continue to dictate policy,

marginalize and define migrants as “other,” and repeat the experience that Mexicans experience at the U.S.-Mexico border.

This chapter pursues a bi-national approach to understand how the notions of nationality, ethnicity, and “marginal other” are constructed at the borderlands. Rather than pre-existent, the border and the nation are remade, felt, and transformed through everyday interactions as individuals contest and perform their conceptualizations of national identity, ethnicity, and citizenship. The chapter further argues that border residents, removed from the national centers of power, experience and enact national identity and citizenship through informal and illegal practices. Understanding identity and rights from the practice of illegality illustrates how hegemonic state and legal discourses seek to define the terms of citizenship and exclusion. Individuals do not evaluate claims to nationality and citizenship using official legal criteria, but rather validate the unequal distribution of rights and benefits through the use of social differences including political views, race, gender, and class (see Holston 2008). Since opinions change according to time, gender, age, class, ethnicity, and personal situation, it becomes necessary to consider the multiple legal and moral worlds to which people orient their identities.

Citizenship is complicated in the border passage due to a conceptualization of “border citizenship,” which asserts that anyone who lives in the crossing has the right to work in the local contraband economy. National identity, however, overlaps with, and transforms this system of micro-sovereignty as termed by Humphrey (2007). The individuals who are most capable of capitalizing on multiple citizenships usually have the most economic, social, and political capital. Long-term border residence and ideas about politics, nationality, and ethnicity (independent of possessing official documents) determine who can access certain rights, privileges, and resources.

For example, the residents of Maravilla, former Guatemalan refugees living in Mexico, recently received their Mexican citizenship documents with the aid of the Mexican government

and organizations like COMAR.⁴ In spite of their legal citizenship, long-term Mexican border residents exclude them from “border citizenship.” Specifically, they prohibit them from erecting a *cadena*. They justify this exclusion by arguing that because the residents of Maravilla arrived later, they did not contribute to building the border road. Some Mexicans believe that members of Maravilla “unfairly” received government aid such as food and housing materials, from which they were excluded, therefore negating their economic claims. Yet international and government aid was withdrawn soon after integration in 2000 (and was minimal even in the camps), and the residents in Maravilla remain the poorest border residents. Kauffer and Velasco’s (2002) comparative study of communities of former Guatemalan refugees that naturalized as Mexicans and their Mexican neighbors exposed the myth of “national integration” as a political process unaccompanied by socioeconomic incorporation. “Integrated communities,” like Maravilla, are the most likely to lack latrines, water, land, wood, and health services.

Some Mexican neighbors, based on political sentiments stemming from the Guatemalan war in the 1980s, doubted the moral integrity and political intentions of the former refugees. One Mexican claimed that they did not deserve rights since they fled to Mexico as “subversives” and “*guerilleros*.” The Mexican government expressed similar distrust of the former refugees, fearing they would spread *guerilla* tactics to a tense Chiapas following the Zapatista rebellion in 1994 (Hernández-Castillo 2001; Kauffer et al. 2002; Manz 2004). The Mexican government instituted a relocation program to Campeche and Quintana Roo, offering more aid, land and services to those who moved (Kauffer et al. 2002). According to Esteban Garaiz, (1992), however, since 1984 more than half of the 45,000 remaining refugees refused to relocate because they wanted to remain close to Guatemala in case of the possibility of return. Furthermore, Chiapas was ecologically and culturally more similar to their homelands. Garaiz (1992) argues that those who remained in Chiapas lived in more precarious economic and political conditions, especially due to

land scarcity in Chiapas. Marginalization continued after integration. War politics and land scarcity, coupled with recent settlement, render residents of Maravilla local second-class citizens.

Ironically, since many long-term border residents are originally from Guatemala, many “Mexicans” lack the Mexican citizenship documents that the integrated refugees in Maravilla possess. Their long-term residence and socioeconomic and political connections however, enable “Mexicans” not only to access rights and resources, but to assert to be “more Mexican” than the former refugees who some (although fewer than previous to acquiring citizenship) continue to refer to as “Guatemalans” or “refugees” (see Montejo 1999). National and border systems of citizenship clash, fostering a dynamic where official documents enable individuals to claim national identity and citizenship rights, but local hierarchies of politics, ethnicity, and class determine how these rights and benefits can be realized.

From Refugees to Citizens

National identity, already fluid at the border, became more complex due to the settlement of the two communities of former Guatemalan refugees. The community of La Libertad on the Guatemalan side was established in 1993 by a group of former Guatemalan refugees. In the mid 1990s, after living in refugee camps or in hiding without refugee status in Chiapas, refugees in Mexico began to debate returning home. The residents of La Libertad represent a group of former refugees who returned to Guatemala, whereas those in Maravilla, Mexico, decided to nationalize as Mexicans.

Rather than participating in the government-sponsored “return” programs, remain and nationalize in Mexico, or return to their origin villages, the former refugees that founded La Libertad organized collectively to “voluntarily repatriate” and buy land on the Guatemalan side of the border path.⁵ In addition to their desire to return to Guatemala, they wanted to choose their

own land. They knew that many of their friends and family that participated in the return movement ended up on marginal lands or in conflicts with residents that remained during the war as depicted by Manz (2004), Nolin Hanlon (1999) and Rousseau et al. (2001). Contesting passive representations of migration, exile, and repatriation, the residents of La Libertad affirmed that “returning was an individual choice,” and not something the government could do to them. This explanation echoes Turton’s (2003) analysis, which problematizes the distinction between forced and voluntary migration since both categories deny individual agency (Turton 2003: 11).⁶ Migration is something people do, not that is “done to us”, Turton (2003: 10-11) writes as he urges scholars to account for, and remedy “the dehumanizing effect of the language of...migration [which] is carried through into the practice of states and international organizations in the way they respond to, and try to control and manage... migration.”

Many former refugees were unable, or unwilling to return to their villages of origin, either because they were re-occupied by others friendly to the military and/or due to fear of violence and reprisals. Others simply saw the advantage of border residence. They would be back in their country, Guatemala, but have access to the nearby resources of Mexico and border life, including better access to roads, fields, markets, and the contraband economy. Furthermore, the land they purchased was more fertile than the land they had owned previously. Recognizing the advantages to living in La Libertad, even family and friends who remained in Guatemala during the war left their villages to join the new border residents to establish La Libertad.

In Mexico, a group of former refugees settled the community of Maravilla in 2000 after deciding to remain in Mexico and await naturalization as Mexican citizens. They bought a small land parcel from a landowner in La Cueva and each family purchased a house plot. Since they do not own farmland, most rent land from and/or work for their Mexican neighbors. They chose to

stay in Mexico mostly “*por los hijos*” (for our children), residents say, believing that Mexico offered better economic, educational, and peaceful prospects for them and their children.

Despite the national line dividing them, members of both communities identify as Mam indigenous peoples. Castillo (1999), Cruz Burguete (1998), and Hernández-Castillo (2001) document the long history of population movements in the border region, but distinguish the refuge and return movement of the 1980s and 1990s as the largest. It was also composed of largely indigenous peoples. Furthermore, whereas previous flows were seasonal, many refugees ended up staying for more than a decade.⁷ Hernández-Castillo (1992; 2001) argues that previous migration flows were seasonal, temporary, and largely destined for coffee plantations. Many refugees were familiar with the border and local ranchers from previous seasonal labor migration (Montejo 1999). Furthermore, the regions share kinship, economic, and social connections; Montejo (1999: 107) notes that trade and smuggling have been routine between Huehuetenango and Comalapa since the colonial era when customs and the border were in nearby Trinitaria. The flows of refugees in the 1980s, however, remained closer to the border. At first Mexicans welcomed the refugees, but problems manifested when they realized that the newcomers were competing for scarce land and resources as their stays became prolonged and they began to have Mexican children (Freyermuth et al. 1992; Kauffer et al. 2002). The ethnic border was most acute in this region of Comalapa, which is largely *mestizo*, in contrast to border municipalities whose populations shared indigenous identities with refugees (Hernández-Castillo 1992). In this border crossing, the new indigenous residents therefore stood out in a largely *mestizo* region, where many individuals associate “being indigenous” with Guatemalan nationality.

Becoming Mexican

“We are now more Mexican than many Mexicans that live here.”-- Eduardo, Maravilla, Mexico.

Eduardo fled Guatemala with his family in 1981 to Mexico to escape the violence engulfing his community. He recounted the difficulties he experienced entering Mexico. “We moved from plantation to plantation looking for work. But the owner did not want to pay us. Many people took advantage of us because we were foreigners and did not have rights.” Another former refugee in Maravilla, Faustino, added, “We went to the camp [refugee camp] since we did not have any other choice. We needed to acquire documents as refugees and could only get them if we were in a camp. Previously in the early 1980s, immigration deported many people back to Guatemala. If we lived in the camp, Mexico would accept us, and if not, they would not help us. We had to accept how things were because of the Mexican law.” Many relate stories of how they hid their indigenous identity and were afraid to travel out of fear that Mexican immigration officials would send them home “to their death” (Montejo 1999; Nolin Hanlon 1999; Manz 2004).

Despite a history of offering asylum, Mexico had no legal mechanisms to deal with the prolonged refugee issue (Freyermuth et al. 1992). When international pressure mounted, Mexico legally resolved the issue by providing these individuals with refugee identity cards in 1983, rather than treating them as illegal migrants. They were included in Mexico’s graduated citizenship schema as limited, yet recognized persons (Ong 2006). Or they were included in order to determine their degree of exclusion in society. For example, they could not travel outside the immediate region and could not purchase land. As Montejo (1999) maintains, these documents restricted refugees’ abilities to work and limited them to residing in official refugee camps. Refugees outside the camps were denied the same benefits, and viewed by Mexicans and immigration as illegal migrants (Montejo 1999). Refugee cards defined who was acceptable to the government, who was not, and their rights and position in society (Malkki 1995; Turton 2003). After a series of official document changes corresponding with fluctuating political attitudes in

Mexico towards the refugees and their legal status and rights, in 1998 Mexico decided to grant the refugees in Chiapas, who did not return to Guatemala, a path towards naturalization as Mexican citizens. Many former refugees refer to this period as one where they were told to go home or naturalize; with the Mexican government expressing a clear preference for the former. The solution arose relatively late when Mexico realized how many former refugees did not want to leave and had already had families in Mexico. The situation was especially controversial in Chiapas due to the continued association of the refugees with subversion. Only reluctantly in 1998, two years after it legislated the same policies in Campeche and Quintano Roo, the Mexican government offered citizenship to those who wished to remain in Chiapas (Kauffer et al. 2002). Individuals who became Mexicans were officially supposed to turn in their Guatemalan identity cards, but many did not, seeing their utility, since many people still owned land and had family in Guatemala. As one resident of Maravilla said, “No one told us to give them back or came collecting them.”

Decisions to stay in Mexico or return to Guatemala depended on perceptions of the law and layers of reasoning that balanced local notions of citizenship, nationality, land, and opportunity. Also influential was the type of experience the individuals had in Mexico. Some stressed the greater stability and safety in Mexico, “Yes Mexico is corrupt, but Guatemala is even more... In Mexico your rights are respected. In Guatemala, no.” Many believed that although the war was over, violence and impunity still reigned in Guatemala. Others included the benefits of access to better education, infrastructure, and employment in Mexico as compared to Guatemala. Many cited the fact that their children were born in Mexico and did not want to go home. “They cried when we suggested going back to Guatemala,” said some. One parent said, “They did not like the food in Guatemala. The children complained that it was too cold in Guatemala.” Many parents believed that their children would have more opportunities in Mexico, including easier

access to migration to the U.S. in a Mexican climate increasingly hostile to Central American migrants.

Like the residents of Maravilla the individuals that established La Libertad also cited rights, land, and more freedom and opportunities as reasons for their post-war settlement decision, but in their case, for returning to Guatemala, “There we have rights. In Mexico we can only rent land, or people have to purchase land in the name of their children since they have no rights. Here [in Guatemala] we know we can buy land and no one can take it from us.” These residents were referring long process of naturalization. Despite promising naturalization in 1998, most residents did not receive their official documents until 2004-2005. Lack of documents left many people in economic and political limbo for years. Without documents, they could not fully participate as citizens and most importantly, buy land. Instead, parents bought land in the names of their Mexican-born children. In addition, the withdrawal of aid from national refugee aid organizations such as COMAR and international organizations like ACNUR (Alto Comisionado de las Naciones Unidas para los Refugiados, or the United Nations High Commissioner for Refugees) after acquiring their Mexican national documents made many “new Mexicans” second-class citizens. They were denied the basic services their neighbors enjoyed due to marginality, continued vulnerability, and lack (until recently) of full rights and documents despite living many years in Mexico and raising Mexican children.

Currently, nearly all⁸ members of Maravilla have official Mexican national documents, which provide the semblance of rights and freedoms. They believed that they could not obtain the same opportunities in a repressive Guatemala. They soon realized, however, that there were no guarantees to ensure their economic, cultural, and social citizenship in Mexico. Meanwhile, groups that returned to Guatemala received humanitarian and economic aid, courses on culture and human rights, and were under the scrutiny of human rights organizations (at least at first). In

contrast, once receiving national citizenship documents, those who naturalized as Mexicans were left to themselves. They still lack adequate access to water, drainage, and most importantly, farmable land. Furthermore, their children attend schools that only teach Mexican culture and history (Ludy 1998). There are few opportunities to teach the younger generations about Guatemala, the war and hardships endured, and their Mam culture and language, since until recently, Mexico did not officially recognize the Mam as a Mexican ethnic group (see Hernandez- Castillo 2001).

Despite having national documents, residents of Maravilla encounter difficulties exercising their rights, even those to basic life events and necessities such as death, birth, marriage, land, and health care. As the community grows, many worry that there will not be enough land for their children to build houses. As Mariana, from Maravilla, said, “We don’t have land. That is our biggest problem. Now we are looking for a place to bury our dead. We used to bury them in Santa Rosa, but now they tell us that they have no more room.” I asked, “So now what happens when people die here? We throw them away,” she laughed ironically.

Many in Maravilla are unable to marry due to the economic costs of a legal and formal Church wedding, creating a situation where these “New Mexicans” (as many call them) become dependent on wealthier Mexican neighbors to sponsor their children as godparents in the church, since the church requires godparents to be “married.” Access to the Mexican government aid program, *Oportunidades*, is another citizenship right that those in Maravilla lack. The program provides health care, health education and training, and subsidies to families to help pay for their children’s schooling. When one woman in Maravilla finally figured out where to go to talk to the director of the corresponding government institution in Tuxtla (maneuvering a complex and amorphous bureaucratic landscape), she lamented the official’s response as to why women in Maravilla were not included in the program, “We were not even on their map!” In terms of access

to basic rights and services, they did not exist to the government. When I left, Maravilla had begun the process of entering the program, but had yet to see any benefits.

Despite their marginal position, the residents of Maravilla do have official Mexican citizenship documents, which they proudly display. When I asked most residents if they identified as Mexican or Guatemalan, they showed me their documents. Documents enable them to assert a type of legal and moral superiority over neighboring Mexicans, who previously questioned their nationality and resented the assistance they received during refuge. As one man in Maravilla said, “They (neighboring Mexicans) now respect us as Mexican as well.” Referring to the difficulty of acquiring documents and the mixed nationality of many long term border residents, both “New Mexicans” and their neighbors agree that many of the “New Mexicans are more Mexican than the Mexicans.” “We have papers, whereas many of their wives don’t!” exclaimed one “New Mexican.”

The ambiguities of nationality and citizenship, however, not only apply for former refugees, but for many lifelong border residents. To understand the intersection of documents, nationality, and citizenship, it is necessary to take a longer historical view of migration in the border region (Castillo 1999). Cross-border family, social, and economic connections have historically rendered cross-border romantic relationships common, further reproducing the fluid concept of cross-border citizenship and dual nationality. Individuals adept at negotiating the divides can reap the benefits of both nations. They may also be able to avoid the surveillance of both nations. Many people, however, are left in the gaps.

Rights to Birth: Pedro's Lack of Nationality

“Do you feel Mexican or Guatemalan?” I asked 73-year old Pedro, after I learned that he was born in La Democracia, Guatemala, but currently lives in Santa Rosa on the Mexican side of the border. His answer surprised me.

Neither. I do not feel like I belong to either country. My papers died. I don't have a birth certificate from either country. But I identify more as Mexican than Guatemalan since I live here and when my papers come, I will be recognized as Mexican by the government.

After meeting many individuals with two and three birth certificates, I was surprised to hear that Pedro had been living in Mexico for 59 years with no birth certificate, which left him feeling as if he did not belong in either Mexico or Guatemala. His case illustrates how a culture of documentation influences, yet does not determine sentiments of national identity or the acquisition of citizenship rights. In his daily activities, he identified as a Mexican with Guatemalan roots and family, but his lack of documents shaped his feelings of exclusion, therefore highlighting the continued importance of official documents at the border. Not only do documents help individuals acquire rights and benefits; they also contribute to sentiments of membership and inclusion. While many individuals capitalize on border residence and cross-border familial, social, and political networks to acquire multiple documents in order to strategically assert their different identities, I learned that in the fluctuating interstices of the border, it was just as possible to have no documents, as it was to have multiple ones. Pedro explained his situation:

I was born in 1934 in La Democracia. But my mother brought me to Santa Rosa as a child. We came to live here because my step-father was from here and wanted us to live with him. My mother naturalized in Mexico because my step-father helped her. But he didn't get papers for me, although he could have. He never helped me. My siblings all have papers, though, since they were born in Mexico. My mother and step-father are now dead so they can no longer help me get my Mexican documents (papeles). In those days, it was easier to get documents, but not now. I don't have a birth certificate from Guatemala either, because after we left La Democracia, the municipality burned down

during the war in the 1980s, and many documents were destroyed. I have not renounced Guatemala though. I have a Guatemalan voting card (cédula), but I do not use it since I am hoping to get Mexican papers. I could probably use it if I wanted to in Guatemala and apply for a new birth certificate, but I don't want to be there (in Guatemala) anymore. I was able to get a credencial (voting card) in Mexico since, before this was easier. Now you need a birth certificate to get a voting card. I can vote and buy land, but you really need a birth certificate for many things, like if I want to travel further in Mexico. I am still applying for my Mexican documents in Tapachula. I have been 2-3 times. It takes a long time, and no one helps. Before local authorities would give out credentials in the municipality in Comalapa; now you need a lot more papers.

Pedro's case illustrates how conceptualizations of heritage and blood are used to legitimate claims to nationality. Individuals like Pedro call on their genealogies to make claims on the nation, but in practice, local networks enable one to access the benefits of citizenship.

Pedro's distinction between a voting card (*cédula* in Guatemala and *credencial* in Mexico) and naturalization documents and birth certificate (referred to as an *acta*) is important. An *acta*, in the form of a birth certificate, proof of citizenship, or a naturalization document is required to apply for a voting card when one turns 18, thereby providing another layer of citizenship duties and rights. An *acta* symbolizes claims to nationality, but a *credencial* or *cédula*, is how individuals can actualize their citizenship by voting and accessing state benefits. Most formal-sector employers require both documents from potential employees. An *acta* is a useful document to those seeking to travel further than Comitán. Comalapa, as a border city, where as Néstor told me, "you can get any documents you want," has therefore developed a thriving business in forging *actas* for Central American migrants. In Mexico and Guatemala, the line between nationality and citizenship blurs, but nationality is usually the prerequisite for citizenship. Strangely, Pedro has the opposite, illustrating the blurring of nationality and citizenship in practice.

Many residents, like Fani's parents, circumvent Pedro's arduous bureaucratic journey by paying bribes to state officials for documents. Some claim moral argument for not engaging in

“corruption,” but this pronouncement depends on individual circumstances. For example, since he has land, a *credencial*, no longer works, and has Mexican children, an *acta* would ease life for Pedro, especially if he wishes to travel in Mexico, but it is not a necessity like it is for other residents who lack land and a *credencial*.

Ramón: Naming Nationality and Right to Marriage

Ramón was born, and grew up on the Guatemalan side of the passage in San Pedro. He also has family on the Mexican side, and frequently went there for work and parties. At one party, he met a woman, Laura, from Santa Rosa, Mexico. Recognizing the greater economic opportunities and potential for land ownership in Mexico, he decided to move there with her. At first, however he could not buy land due to lack of citizenship. Luckily a friend of his was the current community vice-president in Santa Rosa, and “authorized” and “witnessed” that he had been born there in Mexico so that he could acquire a birth certificate in the municipality. Community authorities are the brokers who link individuals to the state by providing documents of land and livestock sales, births, deaths, and marriages to the municipality. Informally acquiring documents for fabricated births depends on small bribes, friendship, and the disposition of the community authority. In contrast, the new community vice-president claims that such actions constitute “illegal corruption.” He fears that potential new residents with illegal documents will threaten the scarce resources in his expanding community. Accusations of corruption against people who acquire documents legally, as well as informally/illegally, reflect ambivalent attitudes towards the law, including law’s simultaneous “overwhelming power...[and usefulness as] a resource for seeking justice... [that runs alongside its detachment] from what it is supposed to represent [and law’s association with violence], uncertainty, and danger” (Das 2007: 162-163).⁹ Ambivalence reflects tensions about nationality, politics, and ethnicity in the region, which is

further evident in border residents' attitudes towards the Mexican nationalization of indigenous Guatemalan refugees.

Yet the birth certificate Ramón acquired is real (not false or forged), and he is listed in the municipal register. He can vote in Mexico without problems, even though the process to obtain the documents (witnessing where the person was born) was false. When he and his wife had their three children, they registered them as being born both in Guatemala and Mexico, in order to give them "the most opportunities."¹⁰ Ramón retained his national documents from both countries. Some Mexican people complain when people like Ramón vote in elections on both sides of the border, but he and others like him "appear legally" in both registers with all of the supporting documents.

Ramón now identifies as Mexican, but how Mexicans and Guatemalans in the passage talk about him reflects how he is able to enact his dual citizenship. For example, one afternoon as I sat talking to a group of men in La Cueva, we saw Ramón drive by. I waved, yelling out "Hola Ramón." One of the men laughed, "You mean Chelito? He prefers that name. It is his real name. But he changed his name when he moved to Mexico. He is Guatemalan and is from Guatemala. He lives here (in Mexico) now, but he is from *there* (es de *allá*)." A corn broker from Ramón's natal town of San Pedro, where his parents and much of his family still live, later commented, "Chelito and I grew up together and that was his nickname in Guatemala. But now he rejects this name when he is in Mexico and gets angry when people call him that." Others dispute the method by which Ramón obtained his documents. Some delegitimize his claims to have both documents because he acquired Mexican documents through illegal means. Others, however, justify his claim to dual nationality based on his parents' nationalities; his father was born in Mexico, although taken to Guatemala as a child, and his mother was born in Guatemala.

Cross-border marriage amongst those like Ramón and his wife has become common as official surveillance within the passage has declined, and road improvements and the spread of vehicle ownership have facilitated the cross-border interactions. In order to marry a Mexican, a foreigner must first have Mexican citizenship, and not the other way around, which requires a series of bureaucratic acrobatics. Without these documents, these individuals cannot legally marry, which has significance for benefits and claims to children and property. According to both national laws, someone may claim to be Mexican/Guatemalan if one is born in the country, if at least one parent was born in that country, or through naturalization. Most in Ramón's position, though, prefer to certify that they were "born in the country," which is a simpler and cheaper bureaucratic process than to claim nationality as a "child of a Mexican/Guatemalan." Individuals therefore capitalize on official procedures in Mexico that enable individuals who have lost, or never acquired, birth certificates, but were born in Mexico, to acquire such documents. All that is needed to certify this is a *constancia*, or documentation of one's origin by the community vice-president and the municipal authorities in Frontera Comalapa. Many who marry and move to Mexico, male or female, attempt to establish nationality by birth in Mexico.

The act of changing his name when he moved from Guatemala to Mexico, to Ramón/Chelito and his new and former neighbors, symbolized his attempt to assert his "Mexicanness" and separation from Guatemala. Ramón, however, needed more than official documents to assert his right to dual nationality in the eyes of border residents, who often doubt the procedures by which foreigners acquire documents. Ramón therefore invokes his family connections and lineage to assert belonging in both nations. Yet changing his name enables him to claim a Mexican identity that he can separate from his Guatemalan one.

Local attitudes towards those who "become Mexican" are harsher than the other way around, since Mexicans believe that "becoming Mexican" is more desirable and difficult due to

perceived better economic and educational opportunities in Mexico. In Guatemala, most border residents think that it is easier to register in the municipality since many records were destroyed during the violence of the 1980s. Many Mexicans assert that “more corruption” in Guatemala makes it easier to acquire documents. On the other hand, Guatemalans stress that this is the case because Guatemala is more understanding, whereas Mexico “does not respect people” and is stricter. There are times, however, when it is more desirable to “become Guatemalan.” For example, since more “legal” work visas to the U.S. were available for Guatemalans than for Mexicans in the 1990s, many Mexican border residents have acquired Guatemalan documents in order to “legally” enter the U.S. and acquire respectable work.¹¹ Border residents’ strategies for acquiring nationality, citizenship, and documentation reveal the complex intertwining of the legal and the illegal in navigating limited transnational economic opportunities.

Right to Education: Daniela’s Three Nationalities

Children ran around in costumes from clowns to cowboys on La Cueva’s basketball court in preparation for the Mother’s Day school dances. I was surprised to see 12-year old Daniela posing with the fifth grade clowns for my pictures. Daniela lived in San Pedro on the Guatemalan side of the border. “What are you doing here?” I asked her after the photos. “I go to school here,” she said. She elaborated, “I am also Mexican. I have papers here so I can attend school here.” So then you were born here in Mexico?” I asked. She giggled, “Well actually, no. I was born in the United States. But my parents brought me back here as a baby. So I am all three.” She explained how her parents had gotten her birth certificates from all three countries even though they currently lived in Guatemala. At one point, her parents had also lived in Santa Rosa. Her parents lived straddling three borders, illustrating the complexities of defining citizenship and nationality.

At first, Daniela's story confused me; three nationalities? Living in one country and attending school in another? Trying to sort out her family's migratory history was a bit of a mess. Moreover, she was not the only one. There were a handful of kids who lived in La Libertad and San Pedro, who walked a mile each day past the white border monuments to attend school in La Cueva in Mexico. I reasoned that this situation might apply to the children in La Libertad, many of who were born in Mexico when their parents were refugees. Or maybe this condition also applied to the children of "New Mexicans" in Maravilla who never relinquished their Guatemalan documents upon receiving Mexican nationality. I was surprised, however to find this condition of multiple nationalities not only amongst families with histories of exile, refuge, return, and integration, but also amongst individuals who had lived at the border for generations like Fani in the introduction and Ramón's children.

Many border residents desire dual nationality for their children, as Ramón admits to "give them the most opportunities," referring to the ability to work, live, or marry in either country. Dual nationality gives youth more options if they want to migrate to the U.S. Yet in order to enter the formal employment sector in either country, one must show one's education records. In Mexico, military service is a prerequisite for many jobs. Education in Guatemala does not translate into the Mexican labor market, especially since the structure and scheduling of schooling differ. For example, "summer" in Guatemala is "winter" in Mexico according to school schedules, so that Guatemalan children start the school year in January and end in November, whereas Mexicans begin in September and end in July. Mexican secondary school requires more years, and one can become a teacher in Guatemala with the equivalent of a high school diploma, whereas Mexicans must attend university. While some Guatemalans believe their system to be advantageous since it requires fewer years, many want to take advantage of a Mexican education system they see as "preparing" individuals better for employment.

Mexican immigration officials informed me that the Mexican Constitution allows border residents to attend school in either country regardless of national documents. In practice, however, only Guatemalan border residents with Mexican documents do this so that they can have access to Mexican residence and employment. Schools largely exercise the discretion of whether they accept Guatemalan border children. To register them, they generally require proof of Mexican residence or a Mexican birth certificate. The later a Guatemalan child attempts to transfer to a Mexican school the more hesitant the school is to accept them due to a perceived incommensurability between the systems. Therefore, most Guatemalan children who attend Mexican schools begin doing so in primary school. Attending a Mexican school signifies a desire to eventually live or work in Mexico, but others simply do so for more personal reasons like conflicts in their old school.

Although border residents have intermarried and pursued dual nationality for themselves and their children for generations, the refugee situation intensified and complicated this process. The Mexican-born children in La Libertad who were resettled in Guatemala by their parents made the common strategy of registering border children in both nations visible. The heightened visibility of the refugee situations to the national and international community demanded recognition. Mexico had to find a way to manage a population that wanted to naturalize, but that still lived close to and maintained strong ties to their country of origin. The Guatemalan government further struggled to integrate and re-integrate a population that had rejected it, as well their children, under the watch of human rights and international organizations. For the first time, despite its long informal history, both former refugee populations represented a legal and nationalist problem for defining Mexican and Guatemalan nationalities. In Guatemala, since many records were destroyed during the war, registering Mexican-born children as Guatemalan was relatively unproblematic. Various bureaucracies and programs had been established to re-

document those who had left, or lost, their *cédulas*. In Mexico, the creation and involvement of state bureaucracies like COMAR to legally nationalize the former Guatemalans as Mexicans introduced a legal element into a historically informal and invisible process. Since it is notoriously difficult for foreigners to become Mexican citizens, many living in Mexico seeking to naturalize (like many border spouses) resented the assistance the refugees received in this process. An additional element of confusion arose when Mexico changed the Constitution to permit dual nationality in the midst of these processes.

Despite the introduction of legal mechanisms, border residents continue processes of informal, or illegal, registration. While the process is illegal (the means), the end product is a legal document. In Guatemala, many people continued to distrust the government, choosing to register their children through informal means. Capitalizing on the fact that documents were destroyed during the violence, most parents in La Libertad registered their Mexican-born children as Guatemalan-born. To legally register them as foreign born, yet of Guatemalan parents, is more difficult and expensive. They therefore are officially born in both countries, like Ramón's children. Many of these youth say that they will have to choose which country to reside in, and thus exercise citizenship in, when they turn 18, but others do not see a contradiction in keeping both. Most border youth do not see a contradiction in dual citizenship since they live across borders without the infusion of war politics their Mexican and Guatemalan parents experienced. The children of former refugees, like Rosa, weigh decisions differently than their parents, who retain close associations of nation, ethnicity, and violence due to the war. While youth like Rosa highlight a new legal situation, many of their Guatemalan border peers like Fani experience the same duality since their parents were from different sides of the border, or they had family members in Mexico that helped them acquire Mexican citizenship.

100% Chapin? Guatemalan/Mexican children of former refugees in La Libertad

Roberto, 19, entered the small store where his sister, 17-year old Alma, and I were chatting that day in La Libertad. His shirt read, “100% Chapin,” which is slang for 100% Guatemalan. We started talking about where he was born and grew up. Roberto was born in Mexico, but brought to Guatemala by his parents as a small child when La Libertad was formed. He said he recently received his *cédula* in Guatemala, but has not acquired a Mexican *credencial*. He asserts that he could if he wanted to. “You can have both. If I want to live there (in Mexico) I will also get my *credencial*. I asked him the question I asked many at the border, “Does he feel Mexican or Guatemalan?” He responded, “Both.” His sister and I laughed, pointing to his shirt, “So is that true? 100% Chapin?” He laughed, “Well I suppose not. Maybe it should just say 50%. When I am in Guatemala I feel Chapin, but when I am in Mexico, I also feel Mexican.” “But no,” he laughed, “I don’t have another shirt that says 100% Chiapaneco.”

Alma, Roberto, and their eldest sibling, Emilio, provide an interesting comparison for understanding how young adults currently view their identities, nationality, ethnicity, and citizenship. They are three of five siblings; two were born in Guatemala and the youngest three were born in Mexico. Alma currently debates which citizenships she will activate when she turns 18. She says tells me that some youth in La Libertad [who were born in Mexico] got their Mexican *credencial* when they turned 18. A Mexican *credencial* provides security to individuals passing through Mexico en route to the U.S. in an increasingly tense anti-immigrant climate in Mexico. “I have birth certificates from both countries because I was born in Mexico. But we were little when my parents came back to Guatemala, so they also got us birth certificates here. Many documents were destroyed during the war anyway.” “You can have both documents,” she asserts. “You can respect two countries. Neither one gets mad. I don’t have to renounce Mexico. There is no conflict.” Alma feels both Mexican and Guatemalan, “a little bit of each,” she says.

Their eldest brother, Emilio, a bilingual Mam-Spanish teacher, then joined the conversation. He is 27 and was born in Guatemala, but taken to Mexico as a baby with his fleeing parents. He returned to La Libertad with the rest of the family. According to Emilio, “You can have both nationalities and vote in both Mexico and Guatemala. I have some friends who do. Many get their Mexican *credencial* to make it easier to go the U.S.” Emilio, however, in contrast to his siblings, feels “100% Guatemalan. “I do not feel Mexican at all. Pure Chapin like the shirt my brother has on. I do not feel Mexican even though I spent most of my childhood there. I lived there for eleven years and did not like it. There was a lot of discrimination in Mexico... Since we live on a border many people feel Mexican as well as Guatemalan, but not me... One knows one is Guatemalan. I always grew up knowing this. I have Guatemalan blood, not Mexican.” He continued,

I went to school with Mexicans and they discriminated against us (Guatemalans) a lot. The Mexican students would say we were worthless. They said we were different, they called us Guatemalans. I never felt Mexican, because we were always told and reminded that we were Guatemalans. The Mexicans almost never helped us... We had never forgotten Guatemala.

The differing sentiments of Roberto, Alma, and Emilio illustrate how experience in Mexico affects national sentiments and strategies for acquiring dual citizenship. Yet all three agree that it is legal, and without contradictions, to have dual nationality and citizenship. Other young adults like Emilio, who grew up in Mexico, but who had more positive experiences, say that they miss Mexico, and have increasingly chosen to move there for work opportunities. Residents of Maravilla are an example; many remained in Mexico because of bad memories of Guatemala, fears of return, and/or because their kids “cried when they suggested moving to Guatemala.” Interestingly, Emilio has a positive impression of relations between La Libertad and San Pedro, despite the fact that San Pedro collaborated with the military, and at first, both communities viewed one another with suspicion. Many in Maravilla remained in Mexico to avoid

such potential conflicts. Yet Emilio held more resentment for Mexicans, who he depicted as “racist.” Ethnicity, therefore, infuses politics, nationality, and citizenship strategies on both sides of the border, but in distinct ways. Strategies do not map clearly onto ethnic or political lines, but emerged in conjunction with personal experiences and histories. Since both communities’ residents identify ethnically as Mam, the following section compares how they have reproduced, transformed, and/or assimilated their ethnic identities in different national settings.

The Meaning of Opportunities and National and Ethnic Experiences

Residents of both La Libertad and Maravilla cite “better opportunities” for themselves and their children as reasons for settling in Guatemala and Mexico, respectively. It is therefore critical to assess how people differentially interpret “opportunities.” The meaning of opportunities, whether seen in the form of physical safety, ethnic and cultural rights, political rights, or economic opportunities, is inflected by individuals’ personal experiences and histories. How individuals interpret opportunity shaped, and further shapes, their settlement decisions, ethnic and national identities, and citizenship strategies. Due to their experiences, in addition to the nationalist histories of Mexico and Guatemala, residents attach ideas about culture and ethnicity to their notions of Mexico and Guatemala.

“Ya no Guatemala (No longer Guatemala),” Alejandro, Maravilla, Mexico

One night as I ate dinner with Alejandro, a widower in his 60s, in Maravilla, he explained why he did not want go back to Guatemala, despite the fact that some of his children and relatives returned.

I left Guatemala for Mexico because of the fear and the violence. Later I decided that I did not want to return. I was afraid the war would happen again. I liked Mexico... it is more peaceful... Guatemala is more screwed (jodido). In Mexico the government respects your rights, in Guatemala no. In Mexico I eat simply, as you see: tortilla, beans, and

eggs. We do not have money for meat. But we eat. In Guatemala, there is often no food; it is poorer. But I feel Mexican and Guatemalan. I have both papers. But now I feel more Mexican since that is where I am accustomed to living. It is my home now.

Mexican government agencies like COMAR helped residents of Maravilla receive Mexican documents. Since the nationalization process occurred between 1998 and 2005, in the wake of Mexico's acceptance of dual nationality, many people, including former government employees, were uncertain if the former refugees could keep both nationalities once they became Mexicans. One former COMAR worker thought that they *probably* should have renounced their Guatemalan citizenship, but then again, no one forced the former Guatemalans to return their old documents. For most residents of Maravilla, this was not an issue since they had lost their Guatemalan documents during the war and refuge periods. Others, echoing Alejandro's renunciation of all things Guatemalan, believed that they could acquire new Guatemalan papers, but did not want to since "we are now Mexican, and *ya no Guatemala.*" Yet this ideological refusal of Guatemala did not always translate into actual practices. Ironically, even as Alejandro rejected Guatemala, he retained his Guatemalan documents. He told me that this was because he still owned land in Guatemala and wanted to be able to sell it, rather than abandon it.¹² With Guatemalan documents, he can also more easily visit his family that returned to Guatemala. Although many reject Guatemala ideologically, they see practical worth in retaining their Guatemalan documents, which were situationally advantageous, and therefore, key resources.

La Libertad: The Right to Choose Our Own Future

"We chose this sacred place... There are more possibilities here at the border...But I always thought of returning to my country." --Timo, La Libertad, Guatemala

Like those who settled Maravilla, the residents of La Libertad also cite "more rights" and "freedoms" as the reasons for their post-war settlement decisions. The members of La Libertad, however, interpreted rights and opportunities differently, believing that they would be better

provided by Guatemala. For example, residents of La Libertad believed that their rights were secure in Guatemala than in Mexico, interpreting rights in terms of land ownership. They were more certain that they could acquire national documents in Guatemala to vote, receive government services, and most importantly, buy and cultivate land. Many in La Libertad are unaware whether those who stayed in Mexico acquired national documents, and for those who did, if there was a real opportunity to buy land in Mexico. Although those who stayed in Mexico eventually received Mexican documents, residents of La Libertad still doubt the legal situation of these “New Mexicans.” They suspect that Mexicans could still take their land away. In fact, there is a basis for this fear as residents of La Gloria (a community of “New Mexicans” in Chiapas) reportedly bought their land three different times! They see that despite acquiring documents, those in communities like Maravilla remain marginalized in terms of access to land and government services. According to Timo, “Some people chose to stay in Mexico. But they have very little land and many don’t even have their documents yet... Settlement was the voluntary decision of each individual. I thought it was better to be in my own country... In Guatemala we knew we could get documents.”

Rights to Culture, Dress, and Language in the Making of National Identity

“The children do not want to speak Mam anymore. People in Guatemala speak it more. Maybe more speak it in Guatemala since Mam is more recognized in Guatemala than it is in Mexico. But it is changing there too for those in La Libertad since they live at the border and at the border, people speak almost purely Spanish.”-- Alejandro, Maravilla, Mexico.

“There are no Mam in Mexico. People who are Mam in Mexico; it is because they are really from Guatemala.” --Border resident, La Cueva, Mexico

The counterinsurgency violence in Guatemala, especially its intensification in the 1980s, targeted indigenous peoples and expressions of indigeneity as indicators of subversion. When they fled to Mexico, refugees hid their indigenous identity in a region of Mexico that

predominantly identifies itself as *mestizo* (mixed heritage), meaning non-indigenous. Chiapas has one of the highest percentages of indigenous peoples in Mexico, but the border region has the lowest percentage of indigenous peoples in the state. Hernández-Castillo (2001) illustrates how the early 20th century Mexican state conducted nationalist hispanicization campaigns to distinguish the border from Guatemala. She documents how *traje* were burned and border residents were forced to abandon their languages. Consequently, most Mexicans at the border view the indigenous groups in the highlands of Chiapas as distinctly Mexican, whereas they consider indigenous peoples at the border, like the Mam, to be Guatemalan. Years of seasonal migration of Guatemalans to Chiapan coffee plantations, the incorporation of Chiapas into Mexico, and cross-border social networks and family connections blur this ethnic border fluid in practice. Nevertheless national¹³ and local discourses consider Mam and other Mayans at the border to be “from Guatemala.”

Many Guatemalan refugees hid as illegal migrants until Mexico regularized their status as refugees in the mid-late 1980s. Their indigenous dress made them vulnerable to persecution and deportation by Mexican migration authorities (Montejo 1999). Even after their regularization as refugees, they suffered discrimination. Many therefore sought to hide their indigenous identities. Due to the different indigenous languages spoken in the refugee camps, many refugees learned other languages, and/or abandoned their indigenous languages for Spanish. Some continued to speak their language in the camps, especially if there was a majority of speakers, but outside the camp they spoke Spanish.

As Timo told me, “We had to remove our indigenous clothing so immigration would not deport us. People stopped wearing *traje* so that they would not be recognized as Guatemalans.” After the war, opinions about bringing back the traditional dress were mixed, literally. For example, Timo’s wife, Natalia, wears the *corte*, or skirt, but now with a cotton blouse instead of

the traditional *huipil*. (see **Figure 1.1**) The hotter climate at the border than in their origin highland villages fostered this mix, or abandonment of indigenous dress. Women became accustomed to cotton dresses and skirts and retained the *mestizo* dress on both sides of the border after the war. They would also have to travel further in the interior to acquire the materials to make *traje*, since particular patterns are associated with villages of origin. Women also related the financial burden of purchasing *traje*. In fact, identity in La Libertad is marked by this mix. Any time I saw a woman in full indigenous dress, I realized that this woman was not from the border, but rather, was visiting from further in the interior. To some, keeping some of the traditional dress is part of asserting Mam and Guatemalan identity. According to Natalia, “The *traje* is from Guatemala...Before it was dangerous to wear it. But it is our culture. It is part of us...Some are losing this tradition. But some of us are fighting to keep it and wear the skirt.” Many women say they do not wear it anymore because “it is too hot here,” (the outfits are made of heavy woven materials), but others say that “it embarrasses them” since most border residents do not wear them. Most of the women who now wear the traditional skirts belong to the older generation that left Guatemala as adults, whereas those born in Mexico or who grew up there as children do not tend to have or wear them. Many who wear them are those who never fled to Mexico, but came to La Libertad directly from villages in Huehuetenango, like Ixtahuacan, to settle with their friends and relatives returning from Mexico. Some children and teenagers have *traje*, but purely as an heirloom. One woman showed me a *traje* she made for her eight year old grand-daughter. She ordered the girl to bathe, combed her hair, and had her pose in her *traje* so that I could take her photograph. This was the first time she had worn it (see **Figure 1.2**)



**Figure 1.1 Woman in blouse and *corte*
La Libertad, Guatemala**



**1.2 Girl “posing” in *traje*
La Libertad, Guatemala**

Living at the border, as well as local associations between Mam and Guatemalan identity, influence the use of traditional indigenous dress. Some women related that if they visit family in Ixtahuacan, where everyone wears the *traje*, then they will wear it. One woman laughed, “When we cross the border into Mexico, we change our clothes. A woman in La Libertad in her late 20s explained, “I have *traje*, but I don’t like to wear it. It embarrasses me I am not sure how good they are here since it so hot. When I go to Ixtahuacan though, for the festivals in January, I usually bring it. It’s colder there so it makes sense. Also everyone there wears it (as opposed to at the border). People in Ixtahuacan who don’t know us don’t mind though if we wear jeans there. They just think we are not from there and they know that those kinds of clothes are what the people here [at the border] like to wear. But there are also people in Ixtahuacan who make fun of us for not wearing it.” It is telling that this young woman desires to return to Mexico, “I was young when my parents took me to Guatemala. I had no say. It was my parents’ decision,” she says. The same applies to residents in Maravilla, none of whom currently wear the traditional dress although a few women said that they occasionally wear it if they visit family in Guatemala. Similarly, Natalia wears her *huipil* with her *corte* when she visits family in Ixtahuacan. According

to one man in Maravilla, “When we came to Mexico my wife removed her indigenous clothing. There is none here anymore.”

Many former refugees and border residents associate wearing indigenous dress and Mam identity with a Guatemalan nationality. The same connection applies to speaking the Mam language. The distinction, however, is not clear-cut as individuals weigh the relation between language and culture. Whereas national governments and everyday people often identify indigenous peoples by dress and language, this association has changed in an era of identity politics and pluralism where local people are refashioning what it means to be indigenous (Hernández-Castillo 2001; Nash 2004). However, few of these discourses reach the border.

Members of La Libertad attended workshops on indigenous rights upon repatriation, but they did not last long and other residents had little knowledge of these talks. Some residents speak about their mixed heritage, incorporating a *mestizo* discourse emanating from the Mexican educational establishment. On both sides of the border, however, ethnicity is not necessarily associated with dress and language, but with notions of blood and genealogy (*raíces*). Individuals selectively “perform” and embody aspects commonly associated with an indigenous identity, and many still conceptualize ethnicity in primordial terms. Simultaneously, however, individuals balance between contingent national and ethnic sentiments and primordial assessments of national and ethnic identity. A genealogical reasoning mediates this divide. As a former Guatemalan refugee in Maravilla told me, “I feel a bit Mexican and a bit Guatemalan, but my children feel 100% Mexican since they were born here...I feel indigenous and so do my children, because of our blood.” A man from La Cueva articulated a similar response, “I feel just Mexican since I was born here. But maybe not 100% since my family was originally from Guatemala. But now my children are 100% Mexican.”

Some children in La Libertad are learning Mam, but few children in Maravilla speak Mam. Many say they do not speak, but have a passive understanding. Some children no longer identify as Mam, or do not know that they were Guatemalan or indigenous. Again invoking a blood-line argument, many children and their parents maintain that even though they no longer speak Mam or wear indigenous clothing, “they know their roots” and know they have “indigenous and Guatemalan blood.” As one father in Maravilla related of his efforts to teach his children Mam, “I speak to them in Mam, but they do not respond. They may know it, but when you ask them, they will deny it because they are embarrassed” since they live in Mexico. He thinks that more children in La Libertad speak Mam “since it is more common in Guatemala to speak Mam.” In contrast to those in Maravilla, who live amongst non-indigenous Mexicans, residents in La Libertad live close to other Mam speakers. The relatives from Ixtahuacan settled in La Libertad with the former refugees also unintentionally helped revive the language since they spoke little or no Spanish. In addition, workshops on indigenous identity and human rights following the war redefined speaking Mam in La Libertad as an element of pride. Yet there are many in La Libertad who are losing the language due both to the time they lived in Mexico and the prevalence of Spanish language and clothing in the border region.

In La Libertad, many refer to Timo as a cultural promoter. As part of the Mayanist movement, he attends occasional workshops on indigenous rights and culture in Huehuetenango. When he was younger, he taught local classes on Mam language and customs, but says that he stopped since there was no longer much interest. He continues, however, to perform shamanistic healing rituals. Even in La Libertad, however, where many border residents believe traditions are more likely to continue than in Maravilla since “they are closer to more Mam and Guatemala,” Timo laments how people “are losing their traditions.” For example, when La Libertad finished construction on a new community hall, Timo wanted to perform a Mayan ceremony to bless the

building. The current community authorities denied his request and planned a Catholic ceremony with a local band. Timo performed the ceremony in his house instead, in a somewhat clandestine manner, inviting me and my husband to attend.

Even youth from La Libertad who seek to reassert their indigenous and Guatemalan identities are met by resistance by other Mam and Guatemalans who “say we are Mexicans,” says Rosa. According to Rosa, “At school (in La Democracia) we ask for a *refresco* (soft-drink) since we live near Mexico and that is what they say in Mexico. But the people in La Democracia laugh at us and say that we are Mexican because in Guatemala they call a *refresco* an *agua*.”

Regionalismos (words used in the region) at times cross the border, and often do not, defining even people who speak the same language as distinct.

What is the law?

Can a person have dual citizenship and nationality in Mexico and Guatemala? I spent months researching this legal technicality to little avail, providing yet another indication of a border atmosphere that was “a little bit legal, a little bit illegal,” embodying the clandestinity of the hidden, but known (Coutin 2005). The Mexican Constitution permits dual nationality and citizenship, but its specifics and applications are ambiguous, even to officials. For instance, an immigration delegate in Chiapas told me,

No. Mexico does not allow dual nationality with Guatemala. With some countries we accept dual, but not with Guatemala. The refugees who came here from Guatemala nationalized, but they should renounce their Guatemalan citizenship. Some kept their old documents; they [the refugees] were hard to keep track of since there were thousands of them. Those who still use them are participating in corruption. It is illegal to have both; there is no legal document that says you can legally have both like this. The moment you renounce one nation, you swear allegiance to Mexico. Often they are still in the registers of their country. In reality they belong there. They go around quiet and when they are in Guatemala, they say ‘I am Guatemalan,’ and when in Mexico say, ‘I am Mexican’ and many register their kids as being born in both places. It is convenient to have both citizenships, but they shouldn’t. People who returned to Guatemala, but were born

Mexico can decide where they want to live, but they need to choose. They can't have both. They need to declare their intentions with the government.

She continued to inform me of the long, complex procedure to marry a Mexican;

You have to go through all the migratory processes first and have all the paperwork. Many don't do this and for a small fee they buy false documents. But since we work for immigration we know these things and know how to detect false papers.

I asked, “*But what about people who acquire legal papers through informal or illegal means?*”

She responded:

You can sometimes catch them later. We have experience and we know. They will eventually encounter problems like when they want to get married or register a child. But we never catch most. We can tell by characteristics; we check people. People are often unaware of the process and will encounter problems with immigration if have documents they shouldn't. We can tell from experience, how they talk, dress. They still have their own characteristics even when they live close to Mexico. We can often detect by the smell. However, if everything appears in order, we are legally required to give them the benefit of the doubt.

The delegate knew the informal process well, as border residents echo the strategic benefit of “being Guatemalan” in Guatemala and “Mexican” in Mexico in order to have more opportunities and rights. She supported her arguments with official and legalistic terms as she read documents from the Mexican Constitution on her computer. Her interpretation and application of the law, however was inflected with a racist, nationalistic, and classist undertone that can “detect by smell those who do not belong.” Later in the interview she complained that so many people want to come to Mexico and pretend to be from Mexico to have more opportunities, but this is a problem because “There are so many unemployed Mexican youth already!” Interestingly, when I called the Mexican consulate a few weeks later, they informed me that Mexico *does* permit dual nationality with Guatemala.

In a setting where rules towards nationality are changing, ambiguous, and illegible and unjust (Das 2007; Aretxaga 2005), it becomes evident that ideas about “legality,” nationality, and citizenship are inflected by relations of class, race, gender, particular experience, and historically

constructed ideas of the nation. The ideals and histories of nationalism in Mexico and Guatemala intersect with daily fluidity and creative strategies. These contradictions are omnipresent at the border. For example, since Mexican and Guatemalan Independence Days are one day apart, each side hosts elaborate parades and dances, yet residents from both sides cross to watch the festivities, talk with friends, sell food, and participate in soccer games and dances.

Furthermore, due to the ambiguity of the legal situation, individuals use their own evaluations as local policing. Residents often link nationality with larger ideas of class, gender, and authority. Personal experiences, however, complicate such associations. One male Mexican border resident asserted, “It is illegal to have two nationalities. It would be like having two fathers or two bosses. You can’t respect two fathers or bosses; how can you respect two nations?” Yet when he refers to the fact that his son cannot legally marry his “wife” since she is from “the other side” and has been waiting for documents for seven years, he argued that, “Love knows no borders.”

Although Néstor says that he feels both Mexican and Guatemalan, or “crossed,” he separates dual nationality from dual citizenship. ¹⁴He asserted that dual nationality was legal, but that an individual could only have rights and residence, or exercise citizenship, in one nation. He reasoned,

You can only vote in one country. Many people vote in both, but they shouldn't. If you live in Mexico, you can't say you also live in Guatemala. But no one is really asking. Mexicans in the U.S. can now vote here in Mexico, but that has been arranged. But with Guatemala you need to choose one. You can move back and forth, but then how are you going to get job recommendations? You can have two nationalities, but only one residence that you exercise. You can change, but you can't have both at once.

Although dual nationality or sentiment is unproblematic for Néstor who feels both “Guatemalan and Mexican” due to his mixed roots, he believes that citizenship is exclusive. He equates citizenship with the unitary actualization of national rights. Nationality does not necessarily entail the rights and benefits of citizenship. His distinction highlights, and seeks to legitimate, systems

of graduated citizenship and exclusion within the national polity (Holston 2008). While dual nationality allows individuals to identify multiple allegiances, unitary citizenship renders people identifiable and governable. For example, anthropological demographers note how state categorizations of populations are inherently political since they provide some individuals with certain rights, privileges, and recognition while excluding others by “nurturing particular norms of behavior and particular conceptions of what is appropriate, desirable, or inevitable” (Kertzer 1995: 50).¹⁵ After all, most nation-states need to “locate” their citizens in order to “impose [their] categories of identity upon persons who are members of such a community” (Kearney 1996: 123, cited in Gutmann 2002: 106).¹⁶

Attempts by local community authorities, border residents, and low-level bureaucrats to provide documentation to “in-between border citizens” reinforces forms of governmentality that rely on documents to determine who has specific rights and who the state recognizes as persons that can be born marry, die, work, and so on.¹⁷ By circumventing the legal system and generating multiple discourses of legality around dual nationality, citizenship, and identity, border residents’ strategies enable some to selectively assert transnational citizenship and rights as they hide from the gaze of a single state (see Kearney 1991, 1995). The different laws in Mexico and Guatemala towards dual nationality, as well as their changing and ambiguous natures, highlight the existence of multiple *legalities* and their shifting moralities among different sectors of society. As the gaps, or the legal/illegal impasse, provide opportunities for some to act as “flexible citizens” (Ong 1999), they may further stigmatize those like illegal migrants, ethnic minorities, and the poor who live in its margins. Border residents embody and understand the law, nationality, and citizenship through engaging in informal and illegal practices, revealing the politicized relationship between state power and identity.

ENDNOTES

¹ All names of individuals and their communities are pseudonyms to protect their identities.

² According to Montejó (1999) and Manz (1988), the army created mandatory civil patrols in each community to force all adult males to monitor their communities against the *guerillas*, effectively destroying local forms of community authority, culture, and solidarity. Many in San Pedro internalized the army's rhetoric that, "the patrol would allow a village to protect itself from the *guerillas*...although its primary purpose was to put all...men...under military control...to free the army for other military duties" (Montejó 1999: 66, also see Manz 1988: 38).

³ For comparative examples, Nevins' (2002) work on the U.S.-Mexico border, as well as Wucker's (1999) study of Haitians in the Dominican Republic reveal how states criminalize immigrants to divert public attention from social and economic crisis.

⁴ Comisión Mexicana de Ayuda a Refugiados or Mexican Commission for Aid to Refugees: Mexican governmental organization that worked with the UN High Commissioner for Refugees (UNHCR) to address the refugee situation in Mexico.

⁵ See Montejó (1999); Manz (2004); Worby (1999); North et al. (1999) on differences between repatriation and return processes.

⁶ Also see Malkki (1995) on categorization of refugees.

⁷ Migration did not always go one way, however. Movements have gone across the border depending on political and economic situations. Many Guatemalans also fled to Mexico during the dictatorship of Ubico in the 1940s. Other Mexicans relate stories of their grandfathers fleeing the violence of the Mexican revolution to Guatemala, where they often hid in caves.

⁸ Some residents still lack documents because they missed the opportunity to process their forms while in the U.S.

⁹ See Mattei and Nader 2008 on association between law and violence, specifically of the violence of the law. Also see Gupta 1995, Lomnitz-Adler 1995, and Smith (2007) on how corruption discourses comment on the state power and inequality.

¹⁰ Mexican citizenship is granted by birth, or by extension of one parent being Mexican. Ramón could have registered his children as born in Mexico, and then register them as Guatemalan due to having one Guatemalan-born. However, the process to declare birth in a country is cheaper and more straightforward than the latter process. Many locals also associate being "born" in a place with greater authenticity and more rights to residence and citizenship.

¹¹ In the past decade, however, it is most common for Guatemalans and Mexicans to migrate illegally. Many say that there are fewer Guatemalan visas than during the early and mid 1990s; others believe they are still available, but the procedures to acquire them have gotten more expensive.

¹² Scholars like Manz (2004), Egan (1999) and Rousseau et al. (2001) document the tensions refugees experienced when returning since the military had given many of their lands to those who had collaborated with them. For most residents in Maravilla and La Cueva, however, this was not the case. Many had been able to sell their land or leave it under the watch of relatives.

¹³ Until recently, see discussion in Hernandez-Castillo 2001.

¹⁴ Fitzgerald (2005) asserts that Mexico, in contrast to other nations, separates nationality from citizenship, but its divisions and applications are often ambiguous)

¹⁵ Also see Kertzer and Arel (2002); Kreager (2004); Greenhalgh (2003).

¹⁶ Also see Foucault (1990); see Greenhalgh 2003 on “planned persons” and subsequent treatment by policy.

¹⁷ See Foucault (1990); also for planned persons and critical work on categorization and population see Kertzer and Arel (2002); Kreager (2004); Szreter et al. (2004); Ginsburg and Rapp (1995).

CHAPTER 2

PHANTOM COMMERCE: TAXES, LAW, AND COMMUNITY

Introduction: Toll-booths and Borders

The “*cadenas*,” or chains, are metal chain-linked barriers that the border communities hang from poles across the road to delineate their territories (see **Figure 2.1**). Each community that helped construct the border road has a *cadena*. There are two on the Mexican side and three on the Guatemalan side of the border. Residents raise or lower the chain to regulate entry; the fundamental function of the *cadenas* is to act as toll-booths. Anyone who drives through this international crossing with products for cross-border sale must pay community-determined “taxes” at the chain-linked barriers.



Figure 2.1.: Magdalena collects tolls from a trucker at Santa Rosa’s *cadena*. The chain is generally not raised.

The term *cadena*, however, takes on wider significance since it refers to a local sovereign system of legal and economic norms. Examining the *cadenas* highlights the paradoxes of security, visibility, and profit in an era of shrinking state resources. This chapter examines how

the *cadenas* shape economic and political geography, forging the concepts of “the border” and “border citizenship.” They create, enclose, and link the border communities to one another, and to wider transnational networks.

Border scholars have alternately conceptualized borders as ambiguous spaces for potential hybridity and experimentation (Anzaldúa 1987; Rosaldo 1987; García Canclini 1995) or as places to examine unequal encounters between various actors and state agents (Wilson and Donnan 1998, Donnan and Wilson 1999; Heyman 1994). This chapter suggests a perspective that does not dichotomize symbolic and literal notions of borders, but that examines how symbolic boundaries (which all borders are) become materially embodied, naturalized in law, and maintained by threats of force. The fluctuating meanings and practices of the *cadenas* build on Barth’s (1969) call to focus on the “boundary...that defines the group, not the cultural stuff it encloses.” This analysis adds to Barth’s (1969) by highlighting power relations, in addition to the multiple boundaries that individuals encounter.

As people negotiate the links and barriers, and the spheres of legality and illegality represented by the *cadenas*, they navigate liminal spaces “betwixt and between” different legal norms (Turner 1969: 95). Rather than simply a transitional space, border regions embody the ambiguities of liminality. Douglas (1966) writes that liminality is a space “characterized by danger and ambiguity” (quoted in Donnan and Wilson 1999: 22). Chavez’s (1992) and Coutin’s (2005) studies of illegal migrants in the U.S. further illustrate the dangers of inhabiting liminal or clandestine status. Border residents, however, strategically capitalize on the ambiguity of the *cadenas* and their relation to the official border.¹ The borderlands, or the liminal area surrounding the border, can be a space of potential confrontation to state power, violence, or can provide a site for the melding of new identities (Wilson and Donnan 1999; Alvarez 1995). Occupying the interstices of the legal and illegal, the actual and the copy, and state presence and absence, border residents navigate the liminal gaps of plunder, power, and profit created not by the absence of the

state, but by its collision with legal and illegal entrepreneurs and emergent local forms of (il)legality in today's transnational political economy.

The *cadenas* add another border dynamic to the presence of the geopolitical Mexico-Guatemala border. They illustrate the power of symbolic borders and how they become naturalized as official and legal. Cunningham and Heyman (2004) urge scholars to examine the mobilities and enclosures at international borders. Yet it is necessary to account for the multiple symbolic and physical mobilities and enclosures that overlap in border regions. How community members organize their *cadenas*, enforce taxes, relate their own *cadena* to others in the route, and contrast their taxation system with official customs posts, illustrates the various mobilities, and enclosures that interact to form different borders, moral-legal orders, and communities. Each community has a degree of control over where and how "the border" is experienced by those intending to cross. By patrolling the border, they materialize symbolic borders of class, gender, and ethnicity that are integral to border experience (Cruz Burguete 1998).

First, I discuss the regional official context in which the *cadenas* were established. In a region where smuggling profits are disguised by an official politics of (in)visibility, ethnography reveals clandestine routes like this border passage as critical, rather than marginal locations in the global economy (Nordstrom 2007). The route's official designation as an "illegal" crossing criminalizes and/or ignores the path's flows and residents, allowing the state and the formal economy to reap the benefits from the "hidden" economy, or what is called a phantom commerce, as they simultaneously augment their enforcement budgets to combat it.² Rather than representing "trouble spots" (Sampson 2003) or the underside of globalization, this chapter argues that interactions in "clandestine" gaps are integral to the functioning of today's transnational economy (Nordstrom 2007).

Next, I illustrate how the *cadenas* influence how residents experience legality and belonging through their participation in officially illegal activities. I examine how they were

formed to create normative systems of (il)legality and identity that determine cross-border flows and interactions between border residents and state officials. Specifically, I discuss how the *cadenas* create discourses of community, rights, and economic justice, which obscure growing local wealth differentials generated by the contraband economy. Disputes over the *cadena* reflect wider perceptions and tensions regarding class, community, gender, and ethnicity.

Finally, the chapter examines how the *cadenas* serve an alternative state-like model for development. One community can collect nearly US \$60,000 in one year where the average daily field wage is US \$6. When multiplied by the five communities charging similar tolls, border profits rise to US \$300,000. It is therefore vital to consider them as a potential source of development. Furthermore, the chapter deconstructs popular conceptualizations of *the border*, revealing how the spatializations and meanings of borders emerge in particular interactions.

The Cadenas and the Making of Border Geography

“Before this entire region on both sides of the border was a farm that belonged to a man from Quetzaltenango (Guatemala)...At the time, there were many foreigners here. When Lázaro Cardenas was elected in Mexico, he changed the law in 1936. He said [referring to the Mexican side of the border], this area here is Mexico. The new law offered naturalization cards to people that lived here to become Mexican. If you became Mexican, you could have the land. If not, you had to renounce your land and leave...Then the ejidos were formed ... The people united to petition [the Mexican government] for the community. [This included] many from Guatemala and others from Mexico.”-- Gerardo, 1st community president of Santa Rosa

All border residents know that Chiapas was historically part of Guatemala.³ As 72-year old Mexican border resident, Néstor, told me “Chiapas was declared part of Mexico in 1822,” but many people were unaware of the exact geopolitical border until the mid 20th century.

Previously, according to older residents, farmers erected stones at the edges of their corrals, believing this to be the border. In the 1960s, an international committee⁴ added more monuments to clarify the borderline. Néstor laughed, “When they demarcated the border, many people thought the border went the other direction.” He drew one line in my notebook and penciled in

the official border-line perpendicular to the first line. “Many people discovered that some of the territory they thought was in Mexico was in Guatemala, and vice versa.” He continued, “But there weren’t disputes because the population was small. Some people abandoned land in one place and acquired it in another.” Residents recall that previously, Mexican customs and immigration officials, and Guatemalan soldiers were intermittently stationed in the border route. Because there was no traversable road until the 1980s, smugglers evaded officials over the mountains with donkeys. The communities gradually collaborated to construct the cross-border road, completing it in the late 1980s. According to Néstor’s depiction of how residents spatialize the border, in the 1980s the communities built the road perpendicular to, and crossing through, the monuments (**Figure 2.2**; see **Map A**). The geopolitical markers, however, are not where the border is usually experienced, since officials have rarely entered this route since the late 1990s. Rather, border encounters occur at the *cadenas*.⁵



Figure 2.2 The border road runs perpendicular to the white monuments, which are the markers of the geopolitical border. The small path to the right leads to San Pedro, whereas the straight road goes to La Libertad. Both paths meet as they turn back into one route that parallels the La Libertad road (perpendicular to the geopolitical border).

The toll-booths structure local conceptualizations of geography, space, and the border route, which people in this region call an *extravio*. *Extravio*, from the Spanish verb, *extraviar*, translates as losing one’s way, disorderly conduct or deviation from customs, and/or to take another (often considered worse) path. In contrast to this definition, the chain-linked barriers

create a spatial and legal rationale to legitimize the clandestine path as a vital route. At the border, the term *extravio* refers to the border road, a path that is hidden, but known, illegal yet legitimate, and marginal but central (Das and Poole 2004).⁶ The label, *extravio*, signifies that all cross-border activities within the passage are unrecognized, and therefore illegal, invisible, outside official jurisdiction, or “free,” depending on one’s perspective. It is where nothing and everything cross.

In contrast to the official geopolitical border, border residents conceive social and economic relations vertically, according to the direction of the border road across which the chains are erected. Rather than going “north” or “south,” directionality is re-spatialized as “up” the hill to Guatemala and “down” to Mexico.” The *cadenas* also provide an alternate materialization of the border. Furthermore, when the communities levy tolls or restrict entry to passerby, they displace border encounters from the official geopolitical line to everyday interactions at the *cadenas*.

Organization, Logics, and Functions of the *Cadenas*

The *cadenas* territorialize a local political economy based on contraband. Border residents argue that their system of taxation is more legitimate than that conducted by either national government. According to residents, the Mexican communities installed tolls in 1996, and the Guatemalan communities followed in subsequent years. The establishment of the chains reflects the relation of residents to both national states and to each other.

Members of Santa Rosa and La Cueva dispute which community originated the idea of the tolls, but all agree that it originated on the Mexican side. Throughout the 1960s and 1970s Mexican migration and customs officials occupied an informal post within the passage, from which they levied bribes and fines on cross-border commerce. One border resident lamented, “You couldn’t even carry a package of cookies across the border without being detained.” Guatemalan soldiers patrolled the Guatemalan side until the mid 1990s. Even when the informal

Mexican post was removed in the late 1970s, another remained on the highway across from the route until 1991. Some border residents told me the original post was removed because the government believed that its costs were not worth patrolling the relatively quiet passage. One resident laughed, “They [the Mexican government] removed the post since there were few border flows. Now there is no post, but there are a lot of flows.” Other residents alluded to the fact that the post was removed due to pressure from local smugglers. Subsequently, however, mobile police units periodically patrolled the road until the late 1990s when the communities gradually organized to expel them. Whereas the authorities previously entered at random, I asked one man why immigration officials no longer patrolled the route. He told me matter-of-factly, “Because we [border residents] have not asked immigration to come.” His response reflects the shift of border control towards the local communities.

One man from La Cueva, Manuel, claims that the *cadena* was his idea. According to Manuel, in the late 1980s the Chiapas state government in Tuxtla Gutierrez assigned a tax collector to the route. The collector rented a room in his house since he was the community president. Manuel witnessed the collector charging, and thought, “If he can charge and put money in his pocket, why shouldn’t our community also charge? We are the ones who live here, own the land, and maintain the road.” According to community lore, Manuel erected a post outside his home and began levying taxes alongside the tax inspector. Around the same time, community authorities in Santa Rosa followed suit. At first, only local community authorities occasionally collected these taxes alongside official inspectors. As border residents began mobilizing against corrupt officials in the late 1990s and early 2000s, however, they further organized the *cadenas* to assert their authority and expel officials. The communities hung chains across the road, began keeping toll records, established *cadena* committees to oversee its functions, and began depositing funds in a municipal bank account. Committees and the community assembly organized to designate proceeds to community-determined projects such as extending water and

electric service, road maintenance, and school repairs. In 1998, toll-collection shifted from being the responsibility of a few local authorities to a community service that all households must fulfill. Each head of household is responsible for a turn, which results in the pattern that adult males, rather than women, are most always patrollers. The committee started to record the rotating turns and collections of all community members. To encourage accountability, at each assembly meeting, the community president announces each group of patrollers and how much they collected. Individuals began to use the *cadena* as not only a site to socialize and wait for rides, but also to unite to block the road against uncooperative smugglers and state officials.

Capitalizing on the official definition of the *extravio*, or clandestine border route, as an illegal and unofficial place, border residents delegitimize state claims to patrol it. They invalidate state officials as corrupt.⁷ “State officials have no right to be here. They have salaries and should not be collecting bribes” said residents. Gradually a local law emerged that officials were only allowed to enter if they had the communities’ permission, respected the communities, and did their jobs, which, in the eyes of residents, was to provide security and not interfere in the *cadena* or the commerce that sustains it.

Cadena taxes institutionalize local norms that assert that, “all border residents have the *right* to work in, and benefit from, the contraband economy. Community members perform a rotating “service” of patrolling the toll-booth. Service is similar to work groups, or *cargo* service in rural Mesoamerican communities (see Cohen 1999), which local authorities mobilize for community work projects like road construction and political service. In reality, and in similar fashion to communal work projects, wealthier members pay poorer members to fulfill their turns, exposing how community norms disguise a hierarchical class system where the wealthy benefit from the “community” service of poorer members. Residents credit tolls with distributing profits from the contraband economy to community projects, but the majority of contraband’s profits

remain with a few local coffee and sugar smugglers, and in many cases, large-scale smugglers and coffee and sugar corporations external to the border communities.

When a trucker drives the three miles through the pathway from the Mexican to the Guatemalan highway, he passes five *cadenas*. Since smugglers and residents use this route daily, the communities must collaborate. For example, not just anyone can levy tolls. Prices must be justified; if one community's tolls are considered too high, all will be affected because smugglers will pursue alternate paths. Since most goods commercialized through this route are intended for locations beyond the border in Mexico, Guatemala, and even as far as Honduras and El Salvador, smugglers pay all five toll-booths. To disguise contraband as national commerce, truckers exchange all goods within the passage in local depots, which creates employment for residents as cargo loaders and truck drivers. In practice, the two truckers split the costs of tolls and cargo loaders. For example, if a Mexican wants to smuggle products to Guatemala, he will transfer his cargo to a Guatemalan trucker within the pathway, who will transport the goods to Guatemala as "Guatemalan." State officials more readily detect foreign trucks than goods⁸, but some smugglers replace the product's packaging within the depots or acquire falsified documents, which they call *constancias*, or certifications.

The communities determine toll prices by truck size in contrast to official customs duties, which levy taxes as a percentage of the product's economic value. In Mexico, the communities charge ten-ton trucks 50 *pesos* (about US \$5, three-ton trucks 30 pesos (US \$3), and pick-up trucks 15 pesos (US\$1.50). The Guatemalan communities levy roughly equivalent amounts of *quetzales*. Toll patrollers and truckers, however, will use both currencies. Local considerations of toll prices include social, political, and economic factors that structure a larger moral-legal code that differentiates business from subsistence. For example, residents do not charge farmers transporting their harvests, arguing that this is a basic right and not a business. Residents balance

the desire for profit with an ethic that defines border residents as legitimate and benevolent tax collectors in contrast to corrupt state officials.

The communities devised a system of taxation based on truck size because the main purpose of tolls is for road maintenance, and larger trucks can inflict more damage. Residents, however, also use this toll system to make commerce quicker and safer. Their system minimizes risks for residents by allowing them to claim to not know what a trucker is transporting. In reality, however, most residents can tell what is inside a truck based on the characteristics of the vehicle, drivers, and the weight exerted on the wheels. They do not inspect the truck, but simply charge according to its size. They maintain the clandestinity⁹ of the contraband process to protect themselves from potentially armed smugglers.

Tolls differ slightly among communities, but they are roughly equivalent in order to balance local conceptualizations of fairness. They stress that all should benefit a little, but not at the expense of other residents. Equivalent toll prices enable a community to check its records against others when it suspects theft. Each *cadena* is patrolled 24-hours a day and Santa Rosa and La Libertad post their prices for all vehicles to see (see **Figure 2.3**). Some communities require one 24-hour shift, while others require two 12-hour turns. Two people are always present to minimize theft, and monetary amounts are recorded at the end of each shift and reported at monthly assembly meetings to ensure accountability.



Figure 2.3: Prices are posted on the wall of the small building in Santa Rosa where patrollers and friends wait.

Despite an increase in the volume of commerce, until recently, the communities have kept toll rates relatively consistent since the *cadena*'s inception in 1996. This only began to change in 2006. Current changes in toll prices reflect perceptions of national pride, potentials for profit, and economic justice. The value of contraband flows have become increasingly visible as local wealth differences grow and the *cadena* system becomes institutionalized. For example, in 2006, the Mexican communities began to charge ten-ton Guatemalan trucks, usually transporting coffee, 100 *pesos* (about US\$10) instead of the usual 50 (US\$5). As the flows of coffee increased, residents began to realize that coffee, as opposed to the corn transported in ten-ton trucks, was a more lucrative business. They justified the toll increase by asserting that since the Guatemalan trucks were slightly larger, they caused more road damage. In addition, because these trucks were Guatemalan, Mexican residents invoked a nationalist argument. They argued that these truckers should pay more, because, as one man said, “they are from another country and use our road.” In

April 2007, the Mexican communities raised tolls on pick-up trucks from U.S. \$1.50 to \$2 when they realized that most pick-ups were transporting increasingly profitable gasoline.

The communities recognize that their tolls must be lower than official customs duties, or “truckers would not use their road.” Goods trafficked through the border passage are either prohibited at the nearby official border crossing (as many agricultural goods like coffee are) or are levied higher official import and/or export taxes (like sugar and canned goods). Many border residents are also small-scale smugglers who benefit directly from contraband flows. In the case of corn, most smugglers are “border residents.” Even though they earn small profits, they are willing to pay the tolls because they believe that they help their communities. Most importantly, due to the closure of Mexico’s state-run warehouses that guaranteed prices for farmer’s corn in the 1990s, farmers would be unable to sell corn without this route.

Local control over the border, institutionalized by the *cadenas*, and the absence of state officials has now become the *de facto* law in the route. For example, I asked one border resident,

“What happens if officials enter the pathway?”

He smiled: *“If the officials come to abuse us, we will run after them. We will trap them. We call all the people over the microphone, and then everyone will gather with sticks and machetes. We have done this before so now they [the officials] know better and don’t bother us. We are friends now and they have respect for us.”*

The shift in relations between officials and residents in the late 1990s resulted from a combination of the organization of border residents, the influence of regional social movements, and a restructuring of border policing. The following section details the restructuring of border policing and the regional context of these reforms.

Phantom Commerce, Official Customs Posts, and Regional (In)Visibility

“Mexican businesses benefit from contraband, but it is a ‘phantom benefit’ (beneficio fantasma). The Mexican government does not benefit because the businesses evade customs duties. But contraband is related to the flow of legal commerce since there is more fluidity. People begin to look at this region and see more money and movement. They realize it is a good climate for business so they come here. The growth and business

here is both legal and illegal. As one grows, so does the other.”--Mexican politician, Frontera Comalapa, Mexico.

To understand the regional legitimacy of the *cadenas* and the absence of state presence, it is necessary to examine changing official border policies and the regional political economy, especially since smugglers use the clandestine road due to obstacles to commercialization at the nearby official border crossing at Ciudad Cuauhtémoc, Mexico and La Mesilla, Guatemala (see **Maps B, C, E**). Even when utilizing official legal channels is cheaper than paying bribes to smuggle, many reason that crossing clandestinely is more efficient and direct. Most importantly, the official Mexican customs post at Ciudad Cuauhtémoc is not equipped to certify the exchange of international commercial goods. To commercialize goods through the official route, one must acquire prior permission from customs agents in either Ciudad Hidalgo¹⁰ (a four hour drive away) or Mexico City (see **Maps C, D**), a process with which most border residents are unfamiliar. Furthermore, to receive the benefits of official Free Trade, a company must register with both governments.¹¹

Crossing clandestinely has become the “customary practice” for many regional actors since various social and economic networks and relationships are produced through cross-border practices. One Mexican customs official referred to a “culture of contraband,” which he argued harms both national economies due to lost tax revenues as well as buyers who do not know the quality of the products they purchase. He admitted that contraband provides a source of local employment, but that small-scale smugglers may also suffer by paying high bribes to trade a product that may be cheaper to exchange through legal channels. As he told me, “Sometimes the bribe is more expensive than the customs form.” Cultures of Contraband may provide a useful trope for understanding how contraband affects the regional political-economy, but it fails to capture the strategic ways in which border residents produce economic and social practices that redefine contraband (in certain everyday goods) as a legitimate way of life. To understand how the *cadenas* supplant state functions and how residents participate in cultures of contraband, I

examine the relation of border residents to (1) the regional economy, and (2) changing policies at the official post at Ciudad Cuauhtémoc, Mexico and La Mesilla, Guatemala.

On the Mexican side, Frontera Comalapa's (see **Maps B, C**) status as a relatively unmonitored border region recently connected to major highways¹² and business networks has hastened the growth of legal and illegal, and local and international, commerce. Although I found little evidence of this, rumors abound in the borderlands that Frontera Comalapa has become a key locus in the transnational cocaine trade.¹³ Increasing U.S.-bound migration has also created a population of undocumented migrants in Frontera Comalapa. Some are looking for smugglers, others resting during the trip, some disheartened and searching for local employment, and others deported from the U.S. who are debating the next step. The growth of the informal and illegal economy is linked to the expansion of official trade in the 1990s, in addition to Mexico's militarization of Chiapas following the Zapatista uprising in 1994. Official and ad-hoc military inspection points were installed along the border highway to monitor opposition, but highway construction also facilitated commerce and illegal flows. For example, in 2000, Mexico inaugurated the Border Highway of the Southeast (*Carretera Fronteriza del Sureste*),¹⁴ running from Palenque to Montebello, which facilitated regional transport and illegal flows alongside the state's militarization efforts. Zapatista protests against militarization further transformed the landscape. While some inspection points were eliminated, others were simply moved to create the appearance of demobilization as paramilitary and military intimidation of Zapatista communities continued (Speed 2008; CAPISE 2004, 2005). Yet many inspection points on the *Carretera Fronteriza* were removed, thereby opening the border while the state continued to selectively pursue militaristic policies. Intended to monitor Zapatista opposition, highway construction facilitated commerce and movement of all kinds.

Despite consisting of a small square and just a few main streets, according to residents and researchers, Frontera Comalapa has experienced tremendous growth over the past ten years,

including the establishment of restaurants, small hotels, branches of two national banks, and transnational and local businesses. Trade agreements between Mexico and Guatemala in 2000 eliminated most export taxes, while lowering import duties. National and transnational companies were attracted to the border region to participate in the liberalized trade arena. In addition to locally owned stores, companies like Pepsi, *Sol* beer, and coffee companies like AMSA have established locations in Frontera Comalapa to take advantage of the developing business climate.

The General Census¹⁵ states that the population of Frontera Comalapa grew from 44,222 to 52,168 between 1990 and 2000 even as the region experienced a surge in U.S.-bound migration. Population growth reflects internal migration in Chiapas, especially due to floods and hurricanes in adjacent municipalities like Motozintla, as well as the integration of former Guatemalan refugees into the region as Mexican citizens since 1998. Historically, Guatemalans migrated seasonally to Comalapa and southern Chiapas to work on coffee plantations, but the intense violence of the Guatemalan war in the 1980s led to an exodus of thousands of Guatemalan refugees across the border. These new migrants were distinguished by their indigenous identities in a region of Mexico that largely defined itself as non-indigenous, or *castellano*. Before Mexico legalized their status as refugees, fleeing Guatemalans hid their indigenous identities to avoid deportation in a region where immigration officials and locals associated indigenous dress and language with Guatemalan identity. Many continue to pursue assimilation to avoid widespread discrimination. At first welcomed, as violence in Guatemala continued and their stay extended, many Mexicans resented the pressures the refugees exerted on scarce resources¹⁶ and the aid they received from international organizations in the refugee camps. After the Guatemalan Peace Accords were signed in 1996, most refugees that remained in Chiapas returned to Guatemala, but many took advantage of a Mexican law permitting naturalization and permanently settled in the region. Networks constructed during refuge enabled former refugees to activate their cross-border kinship and social relations for economic networks.

The largely rural region of Frontera Comalapa depends on coffee and corn cultivation. La Democracia, Huehuetenango, Guatemala also depends on corn and coffee cultivation, but often suffers from a shortage of corn (Fuentes et al. 2005). On both sides of the border, transnational coffee corporations and local buyers purchase the coffee harvests of local peasants for sale to regional affiliates or to export abroad. The fall in coffee prices in 1989¹⁷ gave new urgency to U.S.-bound migration, making Frontera Comalapa one of the Chiapan municipalities with the highest U.S. migration rates (Hernández-Castillo and Nigh 1998; Hernández-Navarro 2004). This crisis coupled with a corn crisis. In 1992, Mexico abandoned its subsidies to corn farmers and its commitment to buying farmers' corn at guaranteed prices. Chapter 3 will further detail the impacts of the corn crisis. In combination with structural adjustment policies, coffee prices have declined since 1997. Many local farmers abandoned their coffee and corn fields. Smugglers and corporations took advantage of the coffee crisis and relatively porous border to augment coffee supplies and exports with cheaper Guatemalan coffee, which further lowered the prices for local Mexican producers. Comalapa, a region that once attracted seasonal migrant labor, was now sending labor abroad. Now travel agencies, bearing the label, "tourist agencies," are on every street corner. They advertise weekly trips departing from Comalapa to Tijuana, Sonora, Agua Prieta, and other sections of the U.S.-Mexico border. Each trip takes three days and three nights (see **Map D**). Although disguised by the tourist label, everyone knows that these are "migrant buses"¹⁸ (see **Figure 2.4**).



Figure 2.4: Tourist bus in Frontera Comalapa, Mexico destined for the U.S.-Mexico border

In addition to infrastructure improvements and the facilitation of legal trade between Mexico and Guatemala, the collapse and consequent devaluation of the Mexican *peso* in 1994-1995 alongside democratization in Guatemala stimulated commerce between Huehuetenango, Guatemala and Frontera Comalapa. During the Guatemalan war, the Guatemalan military patrolled the border region. The indigenous highlands of Huehuetenango suffered intense violence throughout the Guatemalan conflict, especially in the early 1980s when the majority of refugees arrived in Mexico. Most border residents that were refugees were from highland villages in Santa Ana Huixta, San Antonio Huixta, and Ixtahuacan. According to border residents, La Democracia and the border region experienced less conflict than the highlands. Despite this assertion, the municipality in La Democracia was burned down in the 1980s and many people fled from the municipality. After the Peace Accords were signed in 1996, Guatemalan troops were removed from the region, and intermittent police inspections dispatched from Huehuetenango were the only form of Guatemalan border surveillance. Municipal police in La Democracia do not have jurisdiction at the border.

An historical trade route utilized for generations, demilitarization in Guatemala, the Mexican *peso* collapse, and cross-border highway construction made it easier, safer, and more

economical for Guatemalans to access the Mexican market, creating an economic stimulus to Frontera Comalapa's economy.¹⁹ Yet the region is still largely rural, and peasants, many of whom traded and married across the border for years, were unfamiliar with official customs and migration procedures, which were streamlined in the same period during the late 1990s and early 2000s in coordination with neoliberal restructuring initiatives in Mexico and Guatemala. Others, knowledgeable about the procedures of restructuring and official Free Trade, protested their exclusion from policies that privileged large corporations. One customs official acknowledged, "Now there is modernization, but with that also comes marginalization." Furthermore, import duties largely nullified the gains of the currency differential, especially since peasants felt that customs inspectors cheated them due to their lack of knowledge of legal procedures. Border residents used local knowledge to find creative ways to work with state agents and transnational and local companies to capitalize on the economic opportunities opened in a region otherwise mired in economic crisis.

Many credit commerce between Mexico and Guatemala as providing the stimulus to the growth of Frontera Comalapa, Mexico and La Democracia, Guatemala. Since *officially*, as one official customs inspector phrased it, "Nothing passes through here [Ciudad Cuauhtémoc]," many refer to this commercial growth as "*beneficio fantasma*" (or phantom benefit). Border residents, and even a municipal political candidate in Frontera Comalapa estimate that between 90-100% of this growth and commerce occurs in clandestine crossings. This section discusses the changes in official policies that contribute to a border politics of invisibility, enabling an atmosphere of (il)legality where governments and large companies can disguise profits while claiming to secure the border. Closing official eyes to contraband enables economic growth in a region where the official border crossing, in addition to most local potential buyers and sellers, are not equipped or trained to participate in formal international trade. Evading import taxes also facilitated the proliferation of small and medium sized business in the region.

Border residents, however, challenge these politics of invisibility by taking control of, and recording, the flows in such clandestine gaps. While officials claim that there is negligible international commerce activity in this region and centralization politics make it impossible to disaggregate flows specific to Ciudad Cuauhtémoc, the border communities' *cadena* records enable them to argue that their actions are not marginal, but rather, critical to the growth of the regional economy. As one border resident told me, "Now, the law at the border is money." Their growing regional economic power makes them political players, where the accumulation of wealth enables smugglers to influence how and when state officials apply the law.

The official border crossing at Ciudad Cuauhtémoc, Mexico and La Mesilla, Guatemala is just a few miles from the pathway on the federal highway. The visibility of this crossing, replete with new technology and modern offices stands in stark contrast to the multitude of unofficial mountain and river border routes in the diverse cross-border region (see **Figure 2.5**). Regional social movements in the 1990s including the Zapatistas, peasant movements in Chiapas, and the Pan-Maya movement in Guatemala, in addition to neoliberal restructuring, help account for the atmosphere of illegality. Regional policies make the visible officially invisible. As one customs official told me, "The principle that governs this region is illegality." He elaborated, "[Officials] have the power to apply the law, but [unlike at most border crossings] we do not enforce it."²⁰ An image of illegality allows the Mexican state to justify increasingly militaristic border policies while profiting from clandestine flows, depicted as "beyond its control." The agent's comment alludes to the shifts in power between officials, residents, and smugglers in the border region in the late 1990s. Furthermore, it reflects ambivalence towards the contradictions inherent in official policies that propose tougher border security in a climate where it is impossible and often undesirable.



Figure 2.5: Modernized border crossing at Ciudad Cuauhtémoc/ La Mesilla

In the past decade, the Mexican and Guatemalan governments have officially increased the presence of military and police officials in the border region, yet continue to portray the region as one plagued by insecurity and disorder. In his first year in office, Mexican president Felipe Calderón, fulfilling his promise to combat corruption and illegality, created a new border police force, called the *Policía Estatal Fronteriza* (PEF of State Border Police). Various scholars, as well as activists and journalists, call attention to the militarization of Mexico’s “Southern Border” with Guatemala in alliance with a U.S.-influenced security agenda (Villafuerte Solís 2004; Andreas and Biersteker 2003; Benítez-Manaut 2003).²¹ The proposed goal of increasing border security is to forge an integrated hemispheric security system to stem northward flows of illegal migrants, arms, and narcotics.²²

After a year at “the border,” however, I realized not only the fluidity of the border, but how attention to “the border” obscured the multiplicity of crossings and alternate notions of legality in the region. If anything, local residents told me that there was *less* border surveillance since 2000, even though the former Mexican President Vicente Fox had made increased border security and combating corruption central issues of his presidency. Furthermore, one inspector added, “There is more corruption now [since 2000]. Not just here, but all over the world. It is because of the flow of money. There is more money involved now.” His comment reflects how a

rise in formal free trade has facilitated movement in the clandestine economy. Although Mexico publicly intensified its image border patrol and militarization efforts since 2000, actual enforcement remained selective and sporadic. As one customs official related, “The government says there is more vigilance, but the reality is something else. There is no control here. It is expensive and there are not enough resources for vigilance.” That day, in fact, as I walked out of the inspector’s office, three customs inspectors stood pointing and laughing to the undocumented migrants they could see crossing in the nearby hillside, “There they go again.”

Local residents and officials agree that state presence at the border is more symbolic than effective, echoing Andreas’ (2000) and Massey et al.’s (2002) arguments about the importance of maintaining the “image” of security at the U.S.-Mexico border. I soon learned that the new Mexican border police force (PEF), dispatched to the region in January 2007, contained many members of the state and local police recycled in new uniforms. An oscillation between images of border control and chaos rationalize the continued need for enforcement while creating a self-fulfilling prophecy for why it cannot be achieved.

Mexico’s border security agenda was pursued alongside centralization and modernization in preparation for the North America Free Trade Agreement (NAFTA) in 1994. To stem corruption and streamline commercial flows, neoliberal reforms centralized customs functions, and eliminated unnecessary inspections points and corrupt agents, who would be replaced with better technology and organization at official customs posts. Customs agents informed me that Ciudad Cuauhtémoc was modernized in 2000, and that fiscal reforms in the early 1990s centralized regional control at Ciudad Cuauhtémoc to mitigate corruption and promote efficiency. The government removed the multiple customs inspections posts that previously scattered the border region. One such post, located across the highway from the border communities, was removed in 1991, freeing border residents from official gazes and individual whims. While reforms facilitated cheaper and efficient business for corporations, these policies excluded

everyday farmers and small businesses. As one border resident said, “We knew of the reforms and Free Trade, but no one explained to us how it worked or how to participate.” Free Trade increased regional commercial activity, regularizing it for formal actors, while increasing the desires and methods to engage in contraband.

Yet Ciudad Cuauhtémoc was never given status as a customs post in its own right; it was designated a sub-section of the customs post at Ciudad Hidalgo. On the Mexican side, border surveillance has gradually become more centralized, with resources concentrating on the busiest transit point of Ciudad Hidalgo, Mexico and Tecún Umán, Guatemala (see **Maps C, E**). The effects of this policy have not been increased security or decreased “illegal” flows, but a diversion of flows to clandestine, unmonitored areas. Massey (1999, 2002), Andreas (2000), and scholars studying the U.S.-Mexico border make a similar argument that strict U.S. border security policies do not decrease undocumented flows, but rather, push them into increasingly dangerous areas.

Free Trade agreements legislated between Mexico and Guatemala in 2000, and between the U.S. and both nations between 1994 and 2004,²³ increased formal commercial flows at the official crossing. According to customs officials, “Before the agreements there were more requirements, forms, and taxes. Free Trade facilitated commerce.” There are no longer export taxes between Mexico and Guatemala, but import taxes remain, albeit at a lowered rate. As a result, border residents, excluded from the formal procedures required to register with both governments as Free Trade participants, suspect that the bribes they pay for contraband may be more expensive than legal commercialization.

Importantly, despite centralizing regional vigilance at Ciudad Cuauhtémoc, it is important to remember that it is not an official customs post, but a subsection of the larger inspections offices of Ciudad Hidalgo. The Mexican government designates Ciudad Cuauhtémoc as only a tourist crossing. The tourist label proscribes certain types of flows and identities while obscuring others. It shapes transnational depictions of the border, residents, and tourists. Due to

urban violence and its portrayal by the media, tourists prefer to cross this border rather than the one at Ciudad Hidalgo, Mexico and Tecún Umán, Guatemala. Tourists use this route as they marvel at the busy marketplaces, goods, and stands, and sample the entry to “Guatemalan culture.” Mexican and Guatemalan tourism companies coordinate so that Guatemalan tour companies drop people at the immigration post at La Mesilla, and the Mexican company picks them up to transport them to stamp their passports at Ciudad Cuauhtémoc. Locals, in contrast, point out the “*gringos*” who they rarely otherwise see.²⁴ “Mayan tourism,” or excursions that capitalize on the fantasies of visiting ancient Mayan ruins or contemporary, yet “traditional” indigenous communities is popular amongst tourists, but concentrated in San Cristóbal, Chiapas, archaeological ruins in Palenque, Chiapas, and further in the interior of Guatemala. Few tourists stay in this border region, contributing to its image as a liminal zone merely for “passing through.” In fact, tourist websites like *info hub* state, “There’s nothing here but a few houses, the immigration post, a restaurant, and the ...bus station. The two hotels are not recommended.”²⁵ At first, when I visited the official border, I was either approached to exchange money or offered a ride by a variety of tourist agencies to Lake Atitlan, Guatemala or San Cristóbal, Chiapas, where tourists “belong.”

All commercial goods traveling to or from Guatemala must cross through Ciudad Hidalgo or obtain prior certification from customs agents in Ciudad Hidalgo or Mexico City to pass through Ciudad Cuauhtémoc. These procedures are often insurmountable obstacles to small businesses, buyers, sellers, and producers. Although the customs office in La Mesilla, Guatemala is legally permitted to process such commercial requests, it effectually cannot due to the restrictions on the Mexican side that do not allow the passage of goods that have not been pre-inspected and certified in Ciudad Hidalgo or by a customs agent. Guatemalan customs officials cite this discrepancy as an example of Mexican political domination of Guatemala.

Ciudad Cuauhtémoc places a limit for tax-free commerce at U.S. \$75, illustrating how the tourism label shapes conceptualizations of this border and its flows. These goods, also, must still be inspected. In holiday seasons, customs occasionally raises this amount due to increases in tourism. Recently, customs authorities at Ciudad Cuauhtémoc raised the value of permitted commerce (which pays import taxes) to U.S. \$3000, but any commerce exceeding this amount must travel through, or seek the permission of, Ciudad Hidalgo. A customs official related that the government has debated regularizing this crossing for commerce, but believes, like most government employees, that the costs of enabling this post to process commercial requests outweigh potential revenues. He estimated that the post here collects \$300-400,000 *pesos* (about U.S. \$30,000) per month, whereas the Mexican port in Veracruz collects millions of *pesos* each month. Revenues at Ciudad Cuauhtémoc, however, are difficult to assess since they are not disaggregated from the various customs offices centralized under Ciudad Hidalgo.

The spatialization of government functions on the Mexican side that designate Ciudad Hidalgo as a commercial crossing and Ciudad Cuauhtémoc a tourist crossing are supported by a politics of invisibility. Since nothing is supposed to cross here, it doesn't. As Andreas (2004: 2) argues, "illicitness makes possible a politics of numbers that is particularly susceptible to speculation, manipulation, distortion, and sometimes even outright fabrication that is rarely scrutinized."²⁶ Areas where state officials do not have jurisdiction, like the *extravío*, become invisible. A Mexican customs official said,

Ciudad Cuauhtémoc is not an important border crossing. Nothing passes through here... The majority of the flows in this region are contraband. But they occur in clandestine routes. I don't have jurisdiction there.

Legal documents, or a job description of *orders*, in fact, support a politics of invisibility. One customs agent related the obstacles he faces detaining smugglers. He informed me that he is not authorized to inspect a vehicle unless he witnesses smugglers directly engaging in contraband (which he does not, since the *extravío* provides a cloak of invisibility). He told me,

We don't have the authorization to inspect anything in Ciudad Cuauhtémoc.” [Customs authorities in Ciudad Cuauhtémoc can only validate if goods already carry the certification and documents previously given at Ciudad Hidalgo or by a customs agent. They have no authority to carry out their own inspections without specific orders from Ciudad Hidalgo].

He continued...

If we detain someone and try to inspect them without ordenes (orders) we risk our jobs by infringing on their liberties. We only detain people when we are positive; like when we catch them en flagrante. Ciudad Hidalgo can send us orders, but I do not know why they do not send more. For example, if I see a truck of corn in Mexico and I know it is going from Mexico to Guatemala, and [the driver] says it is Mexican commerce, I can't do anything to stop it. With an order I could investigate directly. The legal authority rests in Ciudad Hidalgo. So we ask for the certification papers, but we cannot investigate further.

Since *constancias*, or certifications, are often forged by smugglers, they “cover the eyes of the state authorities,” according to border residents, making it legally impossible to decipher the illegal. In many respects, officials see legal procedures, or *ordenes*, as obstacles to performing their jobs.²⁷ Their everyday actions therefore straddle the border of illegality, making it easier and more profitable for officials to engage in corruption than to obey the law. Sometimes state agents use their power to paternalistically “help the people” navigate bureaucratic difficulties, but in doing so, they maintain control over violence and uncertainty. For instance, when smugglers are caught it is often the lower-level ones who are unfamiliar with the politics of the region and the language of the certificates. Or, when state agents decipher the ruse of the falsified certificates, invoking their authority to legitimate state forms of legibility,²⁸ it is small-scale brokers like border residents who pay the price; not the large coffee warehouses and buyers that order the coffee but are protected by the cover of visibility in the formal sector. Such politics of (il)legibility and (in)visibility evoke the farce of state claims to uphold legality, while simultaneously enabling it to inflict violence, sustain inequality, and profit from illegal enterprises (see Comaroff and Comaroff 2006; Aretxaga 2005). Next I discuss how the *cadenas*, rather than the state, have become a type of accepted local authority intimately connected with conceptualizations of a border identity.

Making the *Cadena* Law: Chains as Entrapment

Most border residents now assert that state officials and regional smugglers and travelers are “accustomed to the *cadena*” and have come to take it for granted; this was not always the case. Currently, the *cadenas* represent a type of unquestionable law to residents, as well as outsiders. As one woman in Santa Rosa stated, “If the truckers respect the community and pay the toll, they pass *legally*.” Despite internal and inter-community differences and borders, residents invoke discourses of universal “rights” to validate each border community’s “right” to a *cadena*. While sometimes the communities aid one another if their *cadena* or community is threatened, they largely use the *cadenas* to differentiate themselves, only uniting when a threat compromises the entire chain. The individual chain is the most important. But, then again, if one link breaks, the whole chain may collapse. For example, when Santa Rosa decided to shut down its *cadena* and block the road to protest La Cueva’s monopolization of the gasoline smuggling business, San Pedro and La Libertad soon suffered the loss of business and profits.²⁹

According to residents, various instances when they trapped uncooperative officials, is how officials learned to “have respect for the people and the *cadenas*.” One instance of this use of *cadenas* as entrapment highlights how the communities use the threat of force, large numbers and state-like discourses of rights and law to assert their control and sovereignty. Santiago, a 25-year old from La Cueva recounts one such incident in 1998:

The judiciales (police) entered and detained a pick-up transporting sugar. It was barely anything. Just a few bags! They wanted to confiscate it and arrest them. So we called everyone on the loudspeaker and hundreds of people came to the cadena with their sticks and machetes. We trapped the police until their boss came and resolved the conflict.

Local reliance on the legitimacy of the police boss to resolve the dispute reveals the personal, hierarchical networks involved in controlling the border. Friendship overlaps with the hierarchy of bureaucratic organization. Smugglers develop personal relationships with individual higher-level officers, who then are responsible for agents under their jurisdiction.

The communities divided and united around the *cadenas*, each blockading the road at their respective *cadenas*, yet collaborating toward the same goal. In another incident, members of Santa Rosa and La Cueva recall encircling authorities at the *cadenas* who were “so scared to leave the route, lest they encounter Santa Rosa after being surrounded in La Cueva that they exited by crossing over the border to Guatemala and circling around and back to the official highway in Mexico, rather than encounter us with our sticks” (see **Map A**). The repetition of stories that depict community morale versus official corruption shapes the political and historical subjectivities of border residents. Like the print media in Anderson’s (1983) description of nation-building, stories form solidarity around the identity of the border communities.

Guatemalans from La Libertad and San Pedro recount similar stories from the late 1990s. Businesspeople on both sides share tactics, but organizing generally occurs separately in each country and in each community, thereby enforcing official and local borders. In the late 1990s, in order to prevent official abuses, businesspeople and residents on both sides of the border organized. The Mexican and Guatemalan groups agreed to separately arrange with their corresponding state agents to prevent official interference at the border. According to these agreements, officials would no longer bother residents who live within the pathway, effectively displacing the official border encounter to each federal highway. Such agreements legitimize local legal-moral codes of what constitutes the border passage, border citizenship, and appropriate behaviors. As one man from San Pedro said, “Now the Mexican police know not to bother the people who live on the border. Residents of San Pedro and La Libertad are free to travel up to the Mexican highway, and the officials here do not bother people from La Cueva and Santa Rosa on our side.”

In sum, organizing occurs separately and along borders, but is always directed towards maintaining connections. As one border resident said, “State officials don’t enter this road much anymore. They just watch the highway... They don’t enter anymore because now the people exert

control ... And the communities are united.” Despite the fact that border residents challenge where state officials can enforce the border, they continue to recognize the monuments as the dividing line between the countries, citing each side as their corresponding jurisdictions.

Perhaps paradoxically, little physical violence has occurred in the pathway. In fact, residents use this fact to stress that they are more benevolent than officials. If there were violence, they reason, smugglers would travel elsewhere. As one resident said, “When we trapped the officials here (who attempted to arrest corn smugglers) until their boss came, we did not hurt them. We treated them well. We gave them food and drinks.” However, uprisings in Chiapas in the 1990s, and the murder of corrupt migration officials in a nearby community who were set on fire by residents, are a constant reminder to officials to “obey these laws.” For example, residents and officials cite the case of a nearby Mexican community that set fire to the informal post occupied by immigration inspectors in 2000.

Why can't everyone have a *cadena*?

I came to understand why officials respected the *cadena*, as I spoke with them and began to understand how they felt outnumbered by the populous, united, and according to residents, often violent rural villagers. But two things perplexed me: Why do other regional actors, and especially high-profile smugglers, respect the *cadena*? And why doesn't every community erect a *cadena* if it owns its land? The answers to these questions reflect differences of power, access to strategic roads, and local understandings of the border and governance.

According to border residents, access to the best (widest, straightest, and most direct) road over the border enables them to maintain the *cadenas* in the face of potential opposition. Residents have power over the *cadena* as long as the nearby official post makes it difficult, bureaucratic, and expensive to import and export products. As community members say, “Legally at the official post they [merchants] would have to pay much more. We built this road. So if you

use this route, you should contribute.” In other words, smugglers respect the *cadena* because they know that their other option would be to pay a more expensive tax at the official post. While other pathways now compete with this one, these communities now also have *cadenas*, and compete to make their paths attractive to smugglers.

The communities attempt to “be understanding” and honest tax collectors who collect “cooperation” in contrast to officials that “extort the people” and collect bribes. For example, the communities do not charge people that transport products for their own consumption, especially their harvests. As one man in Santa Rosa told me, “We only charge people who are making money and conducting business. If you earn money, then you have to cooperate. If it is just an individual’s harvest, we understand. We appreciate if they contribute, but we don’t force them.”

Furthermore, although businesspeople/smugglers arrive at the border from distant locations including the U.S.-Mexico border and Honduras, most are from the region, or at least travel through regularly. Therefore maintaining a friendly relationship with residents is necessary for the smooth and efficient conduct of business. Mostly the same trucks pass each week and they “know the law here,” say locals. If not, they are not allowed to enter. For instance, if someone speeds by and does not pay, there is not much recourse for border residents, but “they have to return somehow,” said one resident of La Cueva. That is when the community can choose to raise the chain and enforce its authority. Residents, however, balance enforcement with their desire to maintain community safety and the image of benevolent border guards.

For example, one day when I was talking to a few men at the Lagunda Gorda’s *cadena*, a truck transporting canisters of gasoline sped by without paying. Ronaldo, the six-year old son of a local coffee businessman yelled after the truck, “I am going to get my gun!” The men laughed at him, noting how the boys play with plastic pellet guns. They did note, however, that his father probably owned a gun. According to one of the men, “Most people have pistols in their homes and that is why we have a loudspeaker by the *cadena*...to call [out to] people if there is a

problem. But there are not any problems. Ronaldo is just a child. He doesn't know any better. People have pistols just as a precaution since we live at a border so we realize bad things and people from afar may come through... That trucker should have paid his 50 *pesos*. But we don't do anything usually. Generally, the same people travel through here and know the rules."

Sometimes, however, commerce is too rapid. One man at the *cadena* laughed as he related an unfortunate story, "My car was stolen in Comalapa after a concert one night. And then, can you believe it, we saw it speed by at the *cadena*. It happened so fast that by the time we realized, we could not do anything. It was gone."

So why doesn't every community have a *cadena*? While I was confused by this, community members took the logic for granted, arguing, "Of course other communities can't have a *cadena* because they are not on the border." Residents accept the idea of the nation-state, agreeing that the cross-border commercialization of products should require a tax. When I visited a lakes region in northern Chiapas, however, I saw two communities that also had toll booths: one at the entrance to a national reserve that locals protect and the other at the entrance to access archaeological ruins.³⁰ While I was unable to assess if these were independent initiatives or tied to state projects, these toll-booths represent a similar situation. The people in these cases appropriate a "common sense" idea based on hegemonic ideals of the nation-state and borders of where taxes should be levied. They challenge, however who has the right to perform this function.

Yet what about illicit drug, migrant, and arms smugglers that are linked to large criminal organizations and resource networks? Do they laugh at these small chains where the local people gather with sticks to block the path to uncooperative smugglers and state officials? Locals resolve this situation in a way that enforces their own moral-legal code and authority while maintaining a safe, mutual relationship with smugglers that are considered to be "more dangerous and illicit." When I served a turn at the toll-booth, Alonso, Santa Rosa's *cadena* treasurer, explained, "If someone offers you money and they are transporting drugs or migrants; you put that money in

your pocket. We don't enter illicit things in the *cadena*." Locals distinguish these smugglers by their expensive cars, the flashing lights they use to alert them that they want to pass unencumbered. They also pass through regularly.

While enabling illicit flows, residents' *cadena* practices in relation to locally perceived dangerous activities, maintain their physical and moral integrity. By closing their eyes to what they view as "illicit" activities, they can claim that the tolls provide a "legitimate, clean fund for the community" while minimizing risky encounters with armed smugglers. Smugglers, in turn, appreciate a quick and safe passage. Residents invoke a dictum of "we don't bother them and they don't bother us." One man in San Pedro added, "No they don't bother us. I am not afraid." He laughed, saying that he liked when drug smugglers came "because they buy me drinks!"

Producing Borders and Communities through Chains

"Cultural communities do not exist in themselves, do not possess their own energies, momentum or agency...Communities may represent themselves to themselves, as well as to others, as homogeneous and monolithic, as a priori, but this is an idiom only, a gesture in the direction of solidarity, boundedness, and continuity. The reality is of heterogeneity, process and change: of cultural communities s diverse symbolizations which exist by virtue of individuals' ongoing interpretations and interactions."-- Amit and Rapport (2002: 7-8).

By playing gatekeepers, the border communities reveal tensions between borders as barriers and linkages. Residents maintain internal laws while recognizing that their identities and activities are intimately connected with transnational smugglers, state officials in Mexico and Guatemala, and neighboring communities that may respect or dispute their authority. This section examines how the *cadenas* create unified community and border identities while obscuring growing wealth differentials and class, ethnic, and gender inequalities.

Chains locally symbolize the balance between fluidity and control, and inclusion and exclusion at borders. Various scholars have examined how populations construct walls, fortresses, and/or gates to symbolically and physically separate themselves from perceived external threats,

effectively defining insiders and outsiders (Low 2003; Caldeira 2000). While these scholars largely deal with middle- and upper-class suburban neighborhoods, I use the analogy loosely in order to examine how the *cadenas* symbolically and materially create a notion of a unified community that restricts the participation of outsiders. As Low (2003: 57) notes, “The important elements of community-shared territory, shared values, shared public realm, shared support structures, and shared destiny-are all part of the gated community package” (Low 2003: 57).

By hanging chain-linked barriers across the physical borders of their communities, border residents perform the state-like function of associating territory, identity, and taxation. Barriers attempt to provide a notion of community solidarity and control. For example, Caldeira (2000) depicts how residents of São Paulo, Brazil erect walls to reinforce and contain difference, and Low (2003) illustrates how U.S. middle-class communities install gates to maintain the appearance of social control. To Low (2003: 10), gates symbolize exclusion and a “fear of others,” “materially and metaphorically [incorporating] otherwise conflicting, and in some cases, polarized, social values that make up the moral terrain of middle-class life.” To border residents, chains provide closure, while they facilitate flexibility and linkage. It is no coincidence that locals use the same word, *cadena*, to refer to how commerce flows “in chains,” or to how the border communities connect as “one long chain.” Residents also use chains as a means of imprisonment, performing this function by uniting at a raised *cadena* to trap corrupt officials until disagreements are resolved in their favor.

The protection promised by walls, chains, and barriers is often more symbolic than effectual. In practice, smugglers can easily circumvent the chains, which the communities rarely raise to block passage. Rather than deterring crime, reducing fear, or ensuring that smugglers pay tolls, the *cadenas* form a sense of community solidarity in opposition to outsiders. Ironically, walls and chains may fail to fulfill even their symbolic functions of safety and control. Built to respond to the government’s failure to provide security, Caldeira (2000) shows how the local

construction of walled-enclaves propagates discourses of fear and crime. Low (2003) maintains that the vigilance necessary to maintain a “safe” gated community can increase fear and anxiety. Similarly, border residents’ replacement of state authority with their borders and tolls perpetuate the same accusations of corruption and marginalization they were intended to protest.

The following analysis draws on relations around the *cadenas* to question not only the shifting borders between communities, but the nature of the “places” border residents define as “communities.” Rather than fixed, natural settings tied to geography, anthropologists view places as continuous products of social interaction, in which “locality [is] a property of social life” (Appadurai 1995: 222). Gupta describes the social production of locality as “place-making,” which he defines as “the structures of feeling that bind space, time, and memory in the production of location” (1992: 76). Similar to how states mark national borders, border residents physically enforce their conceptualizations of community, identity, and territory by erecting *cadenas*.

Glick Schiller (2003: 108) argues that, “the term *community* often obscures more than it illuminates, confounding ideology with sociality.” Appeals to community obscure internal differentiation and exploitation, as well as hierarchical relations of “communities” with the state. In contrast to the term, community, Glick-Schiller argues for a socio-centric concept that focuses on “alterations in social actions, ideas, and values as people are linked together by multiple interlocking networks” (2003: 107). Interlocking networks are captured in the relations and practices surrounding the *cadenas*.

This cross-border study parallels the contestation of “community” to recent studies of the state in an era of transnationalism, in which the state (or community) has not disappeared, but has been transformed. Rather than assuming the concepts of the state or community *a priori*, it is necessary to investigate how they emerge and are experienced through their effects (Trouillot 2001). For analytical purposes, in the following quote by Sharma and Gupta (2006), the “state” can be substituted with the term, “community.” Sharma and Gupta (2006: 8) urge scholars to

bring together the ideological and material aspects of state construction, and understand how 'the state' comes into being, how 'it' is differentiated from other institutional forms, and what effects this construction has on the operation and diffusion of power throughout society.

For example, Nordstrom (2000, 2007) argues that diverse actors such as NGOs, warlords, and international agencies appropriate state functions and resources, and now produce state effects. A similar argument may apply to “community effects.” Studying the state and community requires disassociating governance with conceptualizations of geographical territories, in order to analyze how states and communities are “produced through everyday practices and encounters and through public cultural representations and performances” (Sharma and Gupta 2006: 27).

Most scholars analytically separate notions of the community and the state due to the power the state exerts in contrast to communities. This analysis highlights similarities between the state and the community to the extent that both concepts are sociopolitical constructions that mask relations of power and inequality. This association is not unprecedented, as evidenced by Benedict Anderson’s (1983) classic work on nation-states as “imagined communities.”³¹ Joseph (2002) illustrates how communities, like states, are inherently linked to capital accumulation. She also connects the “idealization and deployment of community” with oppression, “whereby communities seem inevitably to be constituted in relation to internal and external enemies and that these defining others are then elided, excluded, or actively repressed” (Joseph 2002: xix). Border residents illustrate the fluidity between ideas of the “state” and the “community,” where communities take on state-like roles and functions. Appeals to “community” and “rights” legitimize the local imagined and practiced state-like system, and its corresponding notions of “border citizenship” and “sovereignty”.

Since residents note that they “serve” rather than patrol the toll-booth, which is considered a community benefactor, the *cadena* assumes an abstract identity, or a type of third-person subjectivity that demands allegiance and produces a community of members (Trouillot 2001). Like a sovereign nation-state, one could argue that the *cadenas* embody the right to

exception, which Agamben (1998; 2005) describes as the ability of the state, or sovereign authority, to suspend rights and law in order to maintain and extend power.

Claiming to benefit all members of the community, the *cadenas*, like the state, command allegiance at the expense of individual interests and liberties. For example, residents will unite to defend the integrity of the *cadenas* against smugglers and state officials, even if the larger system of contraband it represents excludes them. Businesspeople, who are the most powerful border residents, utilize discourses of community to unify their community members against another community, or to unite the border region against state officials or uncooperative external smugglers. For example, in the late 1990s, when the Chiapas state government offered to pave the border route in exchange for the removal of the community tolls, the majority of border residents favored this agreement. Yet the vocal disagreement of relative powerful local smugglers held sway as they convinced others it was “in the community interest” to keep the *cadenas* and local business rather than trust the government. Despite the fact that some older (non-smuggler) residents lament the outcome of this dispute, they recognize the power of the argument in a border setting where border officials have promised much, but delivered little in terms of community projects and resources. Moreover, marginalized residents may capitalize on the *cadenas* and the system of community rights they represent to assert their border membership and demand inclusion in the local economy in a manner similar to what Holston (2008) refers to as “insurgent citizenship.”³²

Furthermore, by creating and delineating different “communities,” geographic limits, and corresponding subjects, the *cadenas* represent a type of governmentality and citizenship. They produce what Low (2003: 17-18) refers to as “spatial governmentality, [whose] policing and enclosures create areas where a protected group...is shielded from others’ behavior.” Residents use the chains to circumscribe territory and the right to benefit from the local contraband economy.³³ Beyond their identification as Mexican or Guatemalan citizens, the *cadenas* produce

the subjects of “community residents,” and “border residents.” Border residents are defined as individuals who reside within the three mile pathway, who therefore have access to the rights and responsibilities of border residence. According to the local dictum, “all who live here have the right to work here,” residents have the right to work in the contraband economy and benefit from proceeds of the *cadenas*.

The association between residence and rights mimetically reproduces principles of national citizenship that link political, social, and economic rights and identities to territorial boundaries. Flynn (1997: 319, emphasis mine) describes a parallel case on the Nigeria-Bénin border, where she argues that border residents “embody the border,” meaning that elders determine “membership...not by ethnicity of nationality, but by length of continuous *residence* in the region.” Locals at the Mexico-Guatemala border also make claims based on habitation, but conceptualizations of long-term residence are influenced by ethnic and political violence. Claiming to base rights on residence obscures how newcomers, without a clear path to becoming “long-term residents” are marginalized by class, ethnicity, and nationality. To many Mexicans, residents of La Maravilla will never be “Mexican” or long-term residents.

At the Mexico-Guatemala border, like the Nigeria-Bénin border, residence is associated not only with the right to free movement across the border, but also with the authority to “control *all* movements and exchanges in their communities” (Flynn 319-20, emphasis in original). In practice, however, differential access to land, resources, and sociopolitical networks at the border contributes to what Ong (1999) refers to as “graduated sovereignty” (also Sassen 1996) and differentiated, unequal forms of citizenship. Local law-making practices, exemplified by the *cadenas*, produce new modes of belonging and marginalization that may overlap with, challenge, or mirror state-imposed conceptualizations of citizenship and rights. Similar to Flynn’s (1997: 312) case, border residents have strong feelings of “rootedness in the borderland...which creates

a border identity,” but this identity is highly fragmented along class, ethnic, and national lines, which locals politicize according to specific interests.

Next, I discuss how disputes over the *cadena* among and within the communities highlight borders of class, gender, and ethnicity. By dividing these sections into thematic intersections, rather than listing each community and their characteristics, I seek to avoid portraying these communities as essentialized, bounded, “corporate communities” (Wolf 1953), while enabling the reader to understand how the *cadenas* influence the construction of communities, identities, and borders. Specifically, I focus on the interactions between ideas of community as expressed by “border residents” who regularly maintain, dispute, and dismantle the associations between territory, nation, and identity.

Class Structures of the Toll-Booth

“Some people have more here and others are poorer. But the community has more as a whole because of the cadena.” -- Resident of Santa Rosa, Mexico.

The *cadenas* mediate inequities generated by the contraband economy by redistributing some of contraband’s profits while creating employment in an otherwise limited economy. The informal economy around contraband includes truckers, brokers, cargo loaders, store and restaurant owners, and food and beverage vendors. The moral and political economy embodied by the *cadena*, however, underscores existing class hierarchies in a setting where land ownership affects the ability to enact local political and economic rights. Possessing land (to sell or rent) provides individuals with collateral and resources in order to start a business, and in Santa Rosa, land-ownership is associated with greater community rights and authority. Individuals who migrate to the U.S. or borrow money to invest in business, however, can subvert local power hierarchies based on land rights. In Santa Rosa, only men with land rights can be the community president, but in a local political economy based on contraband, state officials and political candidates no longer approach formal community leaders for decisions and support, but rather

local smugglers. Furthermore, inequalities become pronounced as businessmen begin to conspicuously display wealth by purchasing large homes, new cars, motorcycles, air conditioning, and satellite dishes. I explore this tension between community benefit and growing inequality by examining how *cadena* service reflects class positions in La Cueva and Santa Rosa.

One afternoon, I went to La Cueva's community hall to see who was around. Two men, Luis and Roberto, were patrolling the *cadena*. Luis was one of the first people I met at the border, and he introduced me to Roberto. Although the head of each household is supposed to take a turn at the *cadena* about once a month, Luis often serves the *cadena* multiple times a week. As one of the poorer and landless members of La Cueva, others will pay him 50 *pesos* to cover their 12-hour shifts. Luis's brother is a wealthy coffee smuggler, but Luis' wife laments that he does little to help them. "Sometimes Luis will work loading cargo for him or doing construction on his house. But it is very little. They do not help us." Since Luis was originally from San Pedro, Guatemala, he has found it difficult to better his economic situation in La Cueva, where many residents have lived for generations.

Luis is landless and relies on working for other businessmen to purchase food, educate his children, and hopefully, according to his wife, save enough money to migrate to the U.S. She strongly believes that this will be the only way for them "to get ahead." The contraband economy provides employment for men like Luis, but the poor and landless do not work as truck drivers or businessmen, but usually as cargo loaders. At the rate of 50 *pesos* per truck, this does not provide him with the opportunity for economic mobility. For example, one sugar businessman told me that he profits 150 *pesos* for each bag of sugar he sells, yet the cargo loaders only receive 50 *pesos* each to load the entire ten-ton truck. Furthermore, cargo loaders in La Cueva largely depend on their relationship with local businessmen for work since coffee loading depots (La Cueva's main business is coffee smuggling) are located on the businessman's private property. Since the coffee business lasts from January to April, Luis only has this additional cargo loading

income for a small part of the year. Cargo bags can weigh up to 170 pounds, making cargo loading a risk for potential injury.

Despite, or even due to, his marginal role in the contraband and subsistence economies, men like Luis are the most frequent *cadena* patrollers. In contrast, I never saw his wealthy brother serve the *cadena*. As businessmen play cards or wait for trucks next to the *cadena* at the community hall, people like Luis stand aside working for “the community.” Although at the end of the year, the assembly of La Cueva gives the remaining funds to each family, Luis admits that this is very little (perhaps a few hundred *pesos* if anything) since the majority of the money is spent on road repairs and community projects. The community recently used *cadena* proceeds to build a new roof over the basketball court and Luis’s brother bought a new satellite dish with his business profits, but those like Luis, who “serve” the community most, are the most likely to lack latrines and live in wooden shacks as opposed to cement or plaster homes. Repeated twelve-hour shifts give Luis little opportunity to pursue other modes of employment.

Roberto, a long-time resident of La Cueva, works from home in everything from bicycle repairs and repairing machines to cutting hair. He had some time to talk since traffic was slow. Being at the *cadena* could be a monotonous activity. Patrollers can sit for twelve hours and see as few as two trucks on some days. During the corn and coffee harvest season of January to March, however, about twenty vehicles might pass. Since traffic usually comes in shifts; I often found this time to be when many men wanted to talk about their lives and community. Roberto stressed the benefits of living at the border even though he does not engage in cross-border smuggling:

At the border there is always work. The cadena provides funds for the community. Before the [state] officials in Comalapa did not want us to have the cadena, but we argued that the government never helped us and these funds helped us repair our road, fix the school...Now the officials accept the cadena; there are no problems now. It benefits the community and will remain here.

Despite his belief that the *cadena* benefited the community more than government aid, Roberto also commented on the class divides engendered by contraband. “Only wealthy people

with money work in business. They are the ones who have the large houses and sometimes inheritances. But they don't rule more than anyone else. The community makes the rules in the monthly assemblies. We are equal here even though there are rich and poor people." He connected land ownership, U.S.-bound migration, and business together, arguing that "People with land or an inheritance had the resources to engage in business. Some people migrated to the U.S. and then built larger homes when they returned. They bought cars, trucks, and with their money began to conduct some business." While he believed that each businessman was responsible for his own potential financial risks and encounters with bandits or police, he also upheld the notion that the businessmen support the community. Although some residents lament that few businessmen share their wealth, all believe that the *cadena* revenues and additional employment would not exist without these businessmen. The strongest supporters of the *cadena* are usually not the businessmen, but ironically, those who benefit the least from the contraband economy. Accordingly, if there were a problem with an official or thief, Roberto argued that the community would come to the aid of the businesspeople.

While most border residents believe that the *cadena* benefits the community, others are more critical. In Santa Rosa, for example, serving the *cadena* is not only tied to marginal class positions, but also to land tenure and local power. To residents of Santa Rosa, belonging to an *ejido*, or collective community, means contributing to something greater than the sum of its individuals. Residents link the *cadena* to the livelihood of the "community" and its members. As many residents told me, "The community survives because of the money from the *cadena*." The toll-booth therefore becomes a full-fledged and respected community member. In contrast to the few resources and services provided by the central and state governments, the tolls visibly contribute to community well-being. Projects completed with such revenues in Santa Rosa include a basketball court, a park, road maintenance, parties, extension of electrical and water

services, and aid to members in need (see **Figure 2.6**) In 2006, according to their records, Santa Rosa collected the equivalent of nearly US\$60,000 in one year (see **Table A**).



Figure 2.6: Santa Rosa’s roofed basketball court and park constructed with *cadena* funds.

Ideals of egalitarianism, however, obscure inequalities and tensions in Santa Rosa. Santa Rosa, especially due to its increasing population and larger size, highlights the contrasts developing in the border communities in the last decade. Still primarily a rural farming community, stores, a paved central road, street lights, and heavy commercial traffic now lend it a semi-urban character. Stores and homes around the border road are freshly painted in bright colors, and a few homes are now two-stories tall. Wealthier smugglers and successful migrants returning from the U.S. have built even larger homes with glass windows, gardens, and patios where they park multiple cars and trucks. Further from the central streets, most residents continue to reside in the same two-room cement rooms they have lived in for generations. Even more removed from the center of the community, many continue to live in wooden shacks with aluminum siding. The central road is newly paved with painted speed bumps, but the side-streets are rocky and muddy. The new basketball court with aluminum roof stands in sharp contrast to the run-down community town hall. In the past few years, some residents have installed gravity-fed water showers and satellite television while others struggle to purchase the food they can no longer grow using the community’s dwindling land, water, and wood supplies. One man smuggles cows to Guatemala while another sells his pigs for mere *pesos* to pay for his children’s

education. One businessman rents out extra land parcels to be used as cargo loading depots for contraband, whereas other men farm his land for US\$6 a day.

Despite claims to community equality, land ownership and community membership is graduated. *Ejidatarios*, or land-holders, largely control community land and decision-making. Land-owners include the original 24 *básicos*, or basic members, who formed the *ejido* in 1936 and own the rights to the “communal” land. They can each only designate one heir, and their other children who may receive some land are called *congregados*, or settlers. An additional thirty members were added to this group of land-owners in the early 1960s. The majority of residents who purchased land, or rent land in the community are called *avecindados*, or neighbors. A group of neighbors are currently petitioning the government for land rights, but this process has been slow.

Since only one child can inherit the right to land, as available land declines and generations multiply, the right to land in Santa Rosa is critical. Not all settlers (children of land-owners) have land, but they are in a privileged position in comparison to recent members, or neighbors, who must pay a fee to enter the community in addition to the price of their home and/or land. Men largely control access to land rights, although a few women do have rights, either from parents, deceased spouses, or temporarily due to the U.S.-bound migration of their husbands. Despite superficial appeals to equality, few people (mostly men) own most of the land while many are landless, or depend on buying or renting land from individuals with these rights. Members without land rights do not have the same rights. For example, only members with these rights can be elected as community president.

One woman, whose husband, Ramón, owns a small land parcel, but is not a full land-owner with rights, articulated the connections between land tenure, local power, and *cadena* or community service, “Land-owners have the most rights and make most of the decisions. People don’t always like this because they often make other people in the community do things for them,

like serve the *cadena* or participate in community projects. These are things you never see landowners doing.”

Landowners blame new arrivals for land scarcity and the inability to provide for their children. The community recently passed a resolution to prohibit the entrance of new residents, but in practice people still enter. This restriction largely affects the increasing numbers of undocumented Central American migrants who wish to stay and look for work. While some community members blame migrants for pressures on land and water, others offer to provide them shelter in their homes. Viewed as illegitimate outsiders by many residents, undocumented migrants often receive lower wages and become a kind of “invisible citizen” in a border economy where access is based on border residence. Ramón, himself a recent resident, added, “It is difficult for people who were not born here. It costs a lot of money to enter the community. We had to pay 5000 *pesos* in addition to the cost of our land. Now it costs more than ten thousand. They are charging a lot and for many people, the community is simply denying entry due to overcrowding. It is difficult here because there is a lot of poverty. There is a lot of business, but some benefit a lot and many are poor.” It is telling that both Luis and Ramón are not only recent arrivals to La Cueva and Santa Rosa, but were both born in San Pedro, Guatemala. They both moved to Mexico as young men to pursue their Mexican wives and perceived better economic and educational opportunities for their children. Not only do they struggle to assert themselves as Mexicans, as I discuss in Chapter 5, but also as members of their communities and participants in a local economy that makes it difficult for landless newcomers.

Border residents agree that *cadena* profits are beneficial, but wealthier residents in La Cueva engaged in business (or contraband) downplay their importance compared to residents of Santa Rosa. As one man in La Cueva stated, “It [*cadena* revenue] helps, but it’s not as if the community totally relies on it.” Since this man is engaged in contraband, this statement is true in his case. Legitimizing the toll-booth is linked to the validation of the contraband system. For

example, wealthier businessmen downplay the contraband economy, including the tolls, to legitimize their work and exclude new members, claiming that “there is little profit.” In contrast, the few who boast of earnings may exaggerate the community benefits of tolls. Yet some members of Santa Rosa assert that “the community survives because of the *cadena*,” whose communal aspect supports Santa Rosa’s larger politics and ethics of community. Many members of Santa Rosa claim that they are poorer than La Cueva’s private property holders (although this is not necessarily accurate), maintaining, “The toll-booth is for the poor community It is a necessity. Sometimes it is the only source of funds in the community.”

The different usages of funds reflect different ideas about community, land tenure, and class. For instance, since most residents of Santa Rosa believe that the *cadena* is for all, the benefits go to community-wide projects determined by the community in assembly meetings. Local cooperatives can petition for loans for projects such as animal husbandry. Furthermore, if a sick or poor member asks the community for help, the assembly makes a donation from the funds. In other collective communities (*ejidos*) in the region, members pay regular cooperation fees for projects and/or rely on government aid, but members of Santa Rosa take pride in the fact that they no longer require these payments or dependence since “now we have the *cadena*.” Toll revenues also help pay the yearly land taxes the community pays to the municipality. In October 2006, however, Santa Rosa halted petitions for loans and donations since many people were not paying returns on their loans, and this irresponsibility, argued some, “caused others to suffer.”

Profits from La Cueva’s tolls secured community projects agreed on by its assembly, but each family also receives a small amount of proceeds each year, reflecting more individualistic ideas about income and ownership in La Cueva. Since each household ceded some of its private land to construct the road and the *cadena*, and takes a turn patrolling, it receives some of the proceeds each year, usually in the amount of a few hundred *pesos*.

How the communities organize and justify their *cadenas* illustrate their ethics of community, class, and land-tenure. Behind claims to community benefit, the *cadenas* disguise, and at times highlight, a hierarchical class system based on growing inequalities generated by contraband. Next, I discuss how the toll system reflects local gender hierarchies.

En-Gendering the *Cadena*: Men, Women, and the Contraband Economy

One afternoon I sat outside Santa Rosa's *cadena* with Magdalena, a loquacious 55-year old woman with short red curls. She supports herself, since her ex-husband was arrested a few years ago for migrant smuggling and has only "caused [her] problems," she says. As a single household head, she has her own turn at the toll-booth. Many women in her position pay men to serve their turns, but Magdalena not only proudly serves, but also patrols for her son-in-law who works as a truck driver for a corn smuggler, *coyote*, from Santa Rosa. She enjoys working at the toll-booth, making an economic niche for herself by offering to fulfill others' turns in order to earn money. She knows the business arena well. She can easily discern what product is inside a truck by how "low it is riding" since this signifies the weight of the contents.

As I sat with Magdalena one day at the toll-booth, a woman from San Pedro, Guatemala approached us. She was waiting for a ride home after visiting family, and they began to chat. She asked Magdalena if she was indeed working at the *cadena*, to which Magdalena nonchalantly nodded. The woman stood agape, "Even though you are a woman?" Many women expressed similar responses when I expressed my own interest in serving the *cadena*. Some women in La Cueva told me it would be "boring;" they were glad that they did not have to patrol. Some women in La Cueva gave the same reason for not attending community assemblies. Interestingly, neighbors thought that my landlord in Santa Rosa was forcing me to work at the *cadena*, claiming that he was taking advantage by giving me his obligations.

There are not many women who serve the *cadena* at the border. In fact, Santa Rosa is the only community where I saw a woman working there. In the border economy, a gendered division of labor positions men as household heads and wage earners and women as the domestic heads of households. For generations, men farmed the fields and traveled for labor migration to the coffee plantations in southern Chiapas. Men became the first businessmen since most businesses were based on selling their harvests. Furthermore, only in the past decade have most women learned to drive cars, while trucking remains a male sphere. Yet women have long worked in the informal economy as door-to-door food and clothing vendors, and in the past decade, in small store-fronts in their homes as part of their management of the household economy. What distinguishes these businesses from those pursued by men, however, is that they usually do not take women far from the home and are usually viewed as supplementary income strategies to the larger contraband economy. Yet, in practice, this is not always true as one woman from San Pedro's clothing vending provides more stable income than her husband's work as a corn cargo loader.³⁴

In theory, border residents believe that men and women are equal, but in practice, women embody a type of graduated representation. In Santa Rosa, for example, few women have access to land rights. Strikingly, however, almost half of the attendees at Santa Rosa's monthly meetings are women. The men are the most vocal and occupy all major community leadership positions, but many women actively participate, asserting that "they also have rights." Members of San Pedro and La Libertad on the Guatemala side also affirm, in the forum of assembly meetings, that men and women deserve equal opportunities. Both women and men attend community meetings, but all local officials, except for some school committee members. I have never seen a woman at the *cadena* on the Guatemalan side. In contrast, in La Cueva only married men are invited to assembly meetings. The only women who attend are four women whose husbands were deceased or were living in the U.S. Women are generally not permitted to attend, but what surprised me is

that most women in La Cueva stated, “If my husband attends, why do I need to go? It is boring.” While some women believe they would have little voice in community meetings, others believe that is an unnecessary stress on top of their household and extra-household activities. Similarly, men over the age of seventy no longer attend meetings, seeing membership as more of a burden than a right. Women express themselves more directly in women’s meetings, often held by government health programs, and in local political meetings geared towards women’s organizing. Yet the rationalization that “meetings would be boring” obscures the extent within which women are marginal to community-decision making in La Cueva.

Men and women both express the view that women should not be “wandering the streets³⁵” since the *cadena* requires one to be “on the street” or exposed to the dangers that can occur at the *cadena*. Magdalena expresses this concern, “There is not even a radio here. What if something happens? Some people coming through here have guns.” Although women work as cross-border vendors of food, clothing, and jewelry, relatively few women in La Cueva engage in these businesses, and most prefer to do so from their homes, rather than going door-to-door. Why these gender ideals and practices differ and are how they are beginning to change as more women become cross-border vendors and heads of households is a question my future research will investigate further.

The dominance of the contraband economy contributes to a masculine landscape where only men are cargo loaders, truck drivers, and businessmen, although some women are entering the business arena by recording finances. Many enter these roles due to their experience in household accounting and resource allocation. Men continue to dominate local political authority, especially as more powerful smugglers have displaced traditional community authorities as brokers with state officials. The truck drivers who engage with the *cadena* guards are always men. The prevalence of men in these arenas, and the assertion that it is an improper, or possibly dangerous, environment for women, serve as rationales for a masculine domination of the

economy. Male dominance in a political and economic landscape is especially acute in La Cueva where proportionally more residents are involved in business compared to the other communities. In addition, La Cueva's status as a small community makes business an intimate family affair, where as residents say, "We are all family here." Business structures and organizations are tied to traditional family structures so that ideas of male-dominated business, a male-dominated household, and the male decision-maker intertwine. A local economy based on contraband and trucking fosters a social, political, and gender system where men are the guards and representatives, while women are often portrayed by males and females, alike, as secondary or trivial contributors even though, in practice, their contributions and skills are vital to the functioning and reproduction of the local political economy.

In other settings with limited opportunities for formal male employment, women often form the basis of the informal and illegal economy. For example, Slocum (2006) details the case of women smugglers in St. Lucia while McMurray (2001: 124) describes how women smugglers at the Morocco-Spain border capitalize on a sexual code of conduct that discourages male inspectors from physically confronting women by wrapping smuggled goods in their bodies. Moreover, Stephen (1991) shows the critical role of women in the Oaxacan local weaving and market economies.³⁶ At the border, however, where men have transferred their dominance in the "traditional" male spheres of agriculture, politics (since they have historically negotiated with state agents), business, and trucking³⁷ to the informal/illegal contraband economy, hegemonic ideas of gender are enhanced and associated with the image of a successful *businessman*. This scenario contrasts with other locations suffering the results of neoliberalism and economic crisis, where these stereotypes are breaking down due to the informalization of the economy, the decline of the male breadwinner (Safa 1995), and the increasing importance of women's work (Safa 1995; Fernandez Kelly and Shefner 2006; González de la Rocha 2001). In contrast, at the border, informalization has *become* the formal and male-dominated economy.

The *Cadena* and Making Ethnic Boundaries

“The indigenous people [in this region] are from Guatemala. There are no Mexican indigenous people here. They are in the highlands of Chiapas by San Cristóbal.”-- Resident of La Cueva, Mexico.

The organization and history of the *cadenas* highlight and enforce ethnic borders.

Furthermore, they illustrate how ethnic differences intersect with notions of border citizenship and rights. This section details how the lack of a *cadena* in Maravilla and the development of separate toll-booths in La Libertad and San Pedro illuminate ethnic boundaries at the border.

Since the indigenous residents of Maravilla settled after the road was built, the local leaders of La Cueva and Santa Rosa denied them the opportunity to erect a *cadena*. Most residents of Maravilla have closer relations with Santa Rosa since the refugee camp from which many lived in the late 1980s was located on their land. Others rented land there during refuge and many intermarried there. Since only one member of Maravilla has a car and a truck and La Cueva is geographically closer (about 1/4 miles) to Maravilla than Santa Rosa (about 1 mile), members of Maravilla use its schools, church, and seek work in their fields, creating a type of patron-client dependency that enhances ethnic and “newcomer” exclusion. For example, Maravilla relies on Santa Rosa to provide them with water in exchange for labor, but in 2007, Santa Rosa discussed terminating this service due to shortages. Despite the fact that Santa Rosa provides work and resources for those in Maravilla, residents of Maravilla acknowledge their marginal position in this relationship.

Since residents of Maravilla do not have land to farm, they often rent land from or work for Mexicans in both Santa Rosa and La Cueva. Although it is more convenient to work in La Cueva, farm wages are lower than in Santa Rosa due to the adjacent supply of cheaper Guatemalan labor. Although Mexican land owners hire their own poorer community members to work in their fields, they see the populations of indigenous members of Maravilla and neighboring Guatemalans as those who are “willing to work for less.” Some Mexicans at the

border continue to refer to the “new Mexicans” of Maravilla as “Guatemalans,” therefore denying them their “rights” as border residents. Many also associate Guatemalans with an indigenous and poorer identity, thereby collapsing poverty with indigeneity and Guatemalan nationality.

Members of Maravilla acquired Mexican citizenship, but they lack full socioeconomic citizenship. Kauffer and Velasco’s (2002) study shows that while Mexican political “integration” extended national documents, it created an underclass that lacks basic services and rights such as water, land, adequate food, and access to health care and government services. The absence of a *cadena* intensifies Maravilla’s ethnic and class marginalization as *cadena*-sponsored projects become ever more visible in their neighbors’ communities. For example, when one drives along the road, one can easily see Santa Rosa’s new park and La Cueva’s new basketball court’s roof and painted town hall, but the community of Maravilla is hidden up a dirt road that veers uphill from the main border road. It is invisible and its residents are excluded from the political and social benefits of “border citizenship.” Maravilla is only visible to the passing traveler or trucker when children cross the road with pails of water to gather the little water available from the nearby, often dried-out, streams.

Residents of Maravilla largely abide by the logic that they do not have the right to a *cadena* because they did not build the road, but they have employed creative strategies to make their marginality visible and to acquire basic services such as water and land. They enact a type of “insurgent citizenship” similar to Holston’s (2008) analysis of marginal citizens in Brazil and Goldstein’s (2004) interlocutors in the shantytowns of Cochabamba, Bolivia who enact spectacles to assert their rights and presence. During the week of Day of the Dead, children from Maravilla make the *cadena* into a spectacle, as they claim control over the road and contributions from passerby. On the Day of the Dead, children of an evangelical sect, known as *Judíos*, dress up in masks and solicit money and candy in the streets throughout cities in Chiapas and Guatemala. Children in Maravilla who are *Judíos* enforced their own *cadena* across the border road during

this holiday. A group of children blockaded the road, held a rope across it, and stopped passengers for candy and coins, thus appropriating the *cadena* for themselves. Since other border residents saw it as a religious practice, or as an act of play conducted by children, they did not complain and the children collected. Their activities mocked the absurdity behind the justifications for toll collection (both by the state and border communities) while making claims on its resources.

Fears and ethnic difference are also expressed through the erection of the Guatemalan *cadenas* in San Pedro and La Libertad. The distinct *cadenas* in La Libertad and San Pedro geographically separate the communities, but also reflect the need for interdependence. They delimit ethnic and political boundaries that are rarely crossed through intermarriage. In fact, a resident of San Pedro is more likely to marry someone from Santa Rosa and La Cueva than a neighbor in La Libertad. In practice, however, residents conceptualize their ethnic and political identities in more fluid ways, mirroring the balance between the *cadenas* as barriers and linkages and the fragile peace and ambivalences of identity formation that characterize the post-war era.

Since the arrival of La Libertad in 1993, the communities have relied on a cautious interdependence. At first, both groups were suspicious. San Pedro's residents accused members of La Libertad of being *guerilleros*, or insurgents during Guatemala's civil war, and members of La Libertad knew that San Pedro had cooperated with an army and fierce counterinsurgency war that targeted them and murdered many of their family members. One member of La Libertad remembered, "At first, some people from San Pedro hid in the bushes with masks. The war was basically over. They weren't going to do anything. They were just trying to scare us."

After the Peace Accords and nearly 15 years of "getting to know one another," members of both communities agree that the communities are now friendly even though many still view themselves as ideologically and ethnically distinct. The distinction is more complex, however, as one man from San Pedro reasoned, "There are Mam in San Pedro too, but very few. They don't

speak the dialect anymore so now people call them *castellanos*...According to history we are not really Spanish, but *mestizos* [mixed]. We all have indigenous mothers.” While discrimination infused with post-war politics continues, it is mediated by discourses of cultural hybridity and the ideal of achieving peace in the post-war climate. In contrast, Mexican neighbors delineate the Guatemalan’s ethnic lines more sharply. According to a resident of La Cueva,

One side accused the other of being in the guerilla and the other of being in the army. Neither would admit it...Relations between them were tough at first. In La Libertad there are more indigenous peoples and in San Pedro, they are of Spanish descent. They have different ways of talking and different customs.

A contraband economy dependent on unity to ensure official collusion and local benefit facilitated further collaboration, even though businesses continue to be organized along community and ethnic lines. Furthermore, when a Swedish NGO³⁸ established a primary school on La Libertad’ land, both communities cooperated to petition to government for additional funds, recognition, and teachers. The history of the establishment and justification of their *cadenas* highlight the tension between collaboration and distrust that characterizes their relations.

David, the local president of San Pedro commented on the installment of the *cadenas*, reflecting on ethnic and political tensions between San Pedro and La Libertad. “In San Pedro we established the *cadena* in 2003. We have not had it for much time and we decided that contributions should be voluntary. That is what the community decided was fair. La Libertad charges 40 *quetzales* for a truck and we only charge twenty.” I was confused by his answer, since others had told me the *cadena* was installed earlier. He explained, “There was a *cadena* before. In 1996 or 1997, we erected one together with La Libertad. But it only lasted one year because there were problems.” He added,

*We disagreed. Many here thought they [La Libertad] were taking more money and they thought we were taking more. So we took it down and went years without tolls... La Libertad installed their *cadena* around 1999. It took us longer to organize. We went to the mayor to help us authorize another one. I was in charge of this effort. I said, ‘Look at the poor condition of the road’...We had no income coming into the community. The mayor could not help us, though, since the municipality’s funds were scarce. So he supported us in re-establishing the *cadena*.*

The placement of the two communities' *cadenas* reflects the desire to control border commerce. When a trucker crosses the border from La Cueva into Guatemala, he has two options: he can drive through a straight wide path into La Libertad, or up a narrow, hilly road into San Pedro. The two paths connect to a straight route to the Guatemalan highway. Both *cadenas* are located on the joint road to ensure that both communities benefit from the commerce. According to members of La Libertad, "Before there was only the road by San Pedro, but when we arrived we organized to construct this wider path." La Libertad capitalized on the new route to construct a large plaza to use as a depot for corn brokers, truckers, and other business exchanges. For example, all clothing smuggled in from Guatemala to Mexico is exchanged in the plaza, and therefore the truckers pay fees to La Libertad. Since the community charges trucks and brokers to use the plaza, and most of the plaza's brokers are residents of La Libertad, the community redirects commerce that once belonged to San Pedro due to their longer residence at the border. San Pedro built its own corn depots further down the main road. One corn cargo loader in San Pedro argued for why they began to separate the corn business, "La Libertad built the plaza. But they wanted to control everything and order others around. We are the ones who were born here. They just arrived here. If anything, we should make the rules. Now our depots and groups [of cargo loaders and brokers] are more separate." While cargo loaders and brokers in the two communities occasionally collaborate, their depots and work remain largely separate. Members of San Pedro assert that the condition of their road is sufficient for business, and members with coffee and sugar smuggling businesses have erected their own depots along this route. They employ their own community members as truckers and cargo loaders on *their* side of the community, thereby making the more lucrative sugar and coffee businesses the exclusive domain of San Pedro.

Moral rationalizations for the organization of their respective *cadenas* illustrate the perceived tensions and inequalities between the communities, most of which comment on a historical legacy not openly discussed. La Libertad justifies having higher tolls than San Pedro

because they are “better organized,” and need the tolls to repay the interest on the loan they received from the government to purchase their land. Like Santa Rosa, they post rates on a small building next to the chain. On the other hand, San Pedro asserts that its tolls are voluntary in order to validate themselves as benevolent tax collectors in comparison to their Mexican neighbors who some claim “are *chuchos* (dogs)” because they take advantage of people by levying high tolls. Toll should be voluntary, residents say, because “It is the way we are. It is part of our character. We don’t want to force anyone to do anything.”

San Pedro’s criticism of La Libertad’s higher tolls reveals tensions over recent politics, ethnic tensions, and the distribution of governmental and non-governmental aid. Most in San Pedro are quick to point out the aid that La Libertad received when they arrived in 1993. La Libertad received electricity two years prior to San Pedro. According to David from San Pedro, “When [the residents of La Libertad] settled here, international and government organizations, like CEAR,³⁹ helped them. I think one organization was from the UN since I saw their shirts, but they never came to us...Some people knew they needed help, but others were jealous since international organizations were giving them material for their houses, food, and why didn’t they give anything to us? We needed help too.” Another man from San Pedro, Antonio, expressed more resentment, inflected with a nationalist fervor, “Maybe we should have fled too. The government gave them land when they returned. I asked, “Didn’t they also have to pay?” He shook his head, “Very little. They suffered and needed help, but we suffered also. It was hard times, but none of us fled. We didn’t denounce the military and they protected us.” These comments serve to rationalize the necessity of funds for a community “forgotten” by aid organizations, yet “loyal” to the government. In claiming this rationale, Antonio solidifies the borders between new and original border residents and the association of border residence with rights to government services and border commerce. In doing so, he reveals the lingering presence of military discourses of subversion and patriotism. Borders between newcomers and

long-term residents become increasingly naturalized when inflected by perceptions of ethnic difference and moral superiority. Tensions increase when some residents of San Pedro link these claims, asserting that they should have more rights since not only are they the original residents that were “born here”... “but during the war, they stayed and fought *for the country*,” while, as Antonio reminded me, “the people who fled either fought against the country or abandoned it.”

In conclusion, while ethnic and class divisions are complex and layered on the Guatemalan side, the history and practices of the *cadenas* in La Libertad and San Pedro reinforce ethnic, political, and community boundaries while connecting the communities. Residents of La Libertad and San Pedro depend on one another to maintain the road, ensure the flow of commerce, and keep officials at bay. Yet their insistence on separate *cadenas*, despite sharing the road⁴⁰, reinforces ethnic difference and fears of the “other” that are usually concealed in the background and not the subject of an everyday life that requires cooperation.

Paradoxes of Development and Security

“We have been hearing that they [governments] will close the border for years, and nothing ever happens... And if they put more security here, we will go over there.”-- Resident of La Cueva laughing as he pointed around the corner, referring to the vast, meandering geography of the Mexico-Guatemala border.⁴¹

Although many now take the *cadena* for granted and it has become a sacred unifying symbol of community, relations are never stable. The risks to the *cadena* moral-legal system are not, however, posed by threats of state surveillance, but by internal dissension amongst border residents. In Chapter 4, I expand on this issue through the discussion of an internal conflict over gasoline smuggling. The differing interpretations of rumors of increasing official security offer a lens to examine how attitudes towards the *cadena* reflect changing ideas about authority, state power, and citizenship. Because the contraband economy is critical to the regional economy, the *cadena* system illustrates how conventional notions of development are locally transformed.

Challenging the community's claims over road ownership and repair, the Mexican municipality of Frontera Comalapa has paved sections of the border road. Residents astutely argue that these are only *parts* of the road. Many believe that the communities strategically only asked for a section and not the whole road so that they could continue to claim authority over the road. When the Mexican state government offered to pave the entire road in exchange for the removal of the *cadenas*, the majority of border residents approved. The growing power and fear of local businessmen, not the "communities," prevented this from occurring, cutting off critical community resources.⁴² As Néstor from La Cueva told me, "The officials did not bother us again about the *cadenas*, but they also told us not to expect help from them."

The state, once viewed as (or at least hoped to be) the source of development, can no longer provide these functions due to neoliberal restructuring and downsizing. Outsourced in many regions to non-governmental organizations (NGOs), such organizations have been conspicuously absent in the border region post-refugee integration. While international funding agencies stress community-led development and collaboration, most of these projects work within a paradigm of neoliberal governmentality that marginalizes the agency of individual actors.⁴³ The border communities challenge conventional community-led development by interpreting and engaging in development through illegal practices. States justify taxes through development for its citizens. Long excluded from these benefits by both nation-states, border residents see the profits to be made in such so-called "margins." Since the state fails to abide by its laws and morals, border residents mimetically⁴⁴ imitate state principles in order to produce what in their minds, is a more legitimate copy, which acquires more than the power of the original. By doing so, they assert their different, or altered vision, as the ideal norm.

Residents once feared losing state resources, but now realize the inadequacy of the government and its resources. They also see the visible results of *cadena* projects and can directly track their funds through community records. Many argue that despite the government pavement,

the communities still need to maintain the road since, as they claim, “The government paved the road poorly.” Some fear that government-sponsored pavement would give the government the excuse to patrol the passage, but others dismiss this fear. Due to the contributions of contraband to the regional economy, the municipal government now depends more on the border communities. This also shifts local political authority from traditional elected community officials to powerful local businessmen. As Alonso from Santa Rosa told me, “Don’t you know that Tito and Edgar from La Cueva are the ones who help buy the municipal elections? You will see at election time. Tito and Edgar lend money to the candidates and then also pay people to vote for them.”

Strikingly, when the municipality of Comalapa repeatedly failed to pay the company they hired to pave a section of La Cueva’s road, stalling the pavement for eight months, La Cueva loaned the government, an amount of 300,000 pesos (US\$30,000) from their *cadena*. When a community of 100 families can pay a construction company more effectively than the government, they challenge the state’s role as the purveyor of security, development, and authority. The *cadenas* not only foster local development, but capture a larger regional economic dynamic that cannot be understood by simplistic dichotomies of legal/illegal or formal/informal. For example, the “phantom economy” fuels regional development while allowing each nation-state to promote an image of security and legality. The *cadenas*, and the moral-legal code they institutionalize strategically rely on navigating the gaps between the legal and the illegal, the formal and the informal, and the state and the extra-state.

Record-keeping enables residents to track seasonal flows in order to adjust prices, development projects, and vigilance. As stated earlier, only in the last year have they begun to alter prices even though the most common products commercialized over the border, corn, coffee, and sugar, all follow seasonal patterns⁴⁵ (see **Table B**). Archives are used for short-term accountability. Most records disappear between committee tenures, go into cabinets where pencil

markings fade, or remain with the outgoing president who “forgets” to file them in the archive. How I accessed Santa Rosa’s *cadena* records illustrates this point.

Aureliano, a local authority in Santa Rosa had given me permission to view their *cadena* records. He knew that the current committee had records from the previous two years, but suspected that earlier records were in the community’s archives. He, like others, could not remember exactly when the *cadena* was initiated, or when record-keeping began since, previously, the process was informal. Aureliano could not find the key to the archival cabinet, and found someone to hack it open with an axe. Out fell loose papers of housing deeds, animal sales, and birth certificates that had been long forgotten. There were lists of names of people who served the *cadena* in previous years, but we could not find any financial records. One afternoon, late into my fieldwork year, I was talking with a friend’s grandfather who told me that he had been the former treasurer of the *cadena*. He disappeared for a few minutes after I mentioned that no one had been able to find the records. He returned with a stack of notebooks; the records had been forgotten under his bed for the past four years (see **Table A**).⁴⁶

Temporary documentation ensures accountability, but the lack of a long-term culture of documentation highlights how, until recently, records were not used for future planning. Temporary record keeping highlights the balance border residents seek to achieve between visibility in order to justify legality, accountability for individual collectors, and invisibility to protect themselves from the risks of potentially dangerous activities. State officials do not interfere with the *cadena*, but border residents acknowledge the arbitrary power of the state to distinguish legal forms from their copies (Das 2007). Since the *cadena* committee now keeps a bank account in Comalapa, planning is critical, but documentation can also be dangerous if discovered by the wrong sources.⁴⁷ While most residents did not fear officials finding the records, asserting that they all knew about the *cadena*, it is likely that officials do not realize how large the

profits actually are. If so, it is possible that these records could be detrimental to their future reception of government aid.

Rumors that the national government will install an official customs post are further dismissed by community members who assert that, “They [the government] would have to acquire our permission. They have no right to do this without informing us.” Yet others recognize that if the orders were to come from the central government, as opposed to the state government, they would wield little power.⁴⁸ Residents debate if the establishment of an official customs post would negate their right to levy tolls. Some believe that the government would prohibit the toll-booths since the route would then be declared “official,” visible, and therefore no longer an *extravio*.⁴⁹ Others separate the *cadenas* and official customs as distinct entities that could coexist; they would continue to possess the right to the *cadenas* due to their land ownership. Many businesspeople recognize that this debate is futile; if smugglers, converted into businesspeople, had to pay community tolls and officials, they could no longer afford to use this route.

Similar situations are recounted on the Guatemala side, as residents cite the rights of the communities and the need to unite if officials intervene. According to Rogelio in La Libertad,

A few days ago, a government commission arrived here saying that they wanted to pave the road. We were surprised because they hadn't consulted us first. We would like to have a highway, but they can't do this without informing us first. They need to take us into account. If they construct a highway, they may enforce stricter controls and control the business. But they can't do this. We are private property owners. This right must be respected. If not, the communities here would have to unite.

Individuals debate the merits and drawbacks of official border vigilance as they hear reports of violence and robberies at border crossings in the media. Most assert that their border region is safe, and if there were an official post, more dangers might emerge due to increased flows. Residents uninvolved in business, and especially women, believe that more security might be beneficial. According to Sara from Santa Rosa, “Sometimes the police or military will come to help the community with vigilance. It is a good thing such there are drugs and stolen cars passing through this road. It is beneficial when they provide vigilance as long as they do not interfere

with the *cadena*... It is safe here, but more security would be a good thing.” Her friend, Julia, interrupted, “I heard the other day in Ciudad Cuauhtémoc that the government was thinking about installing an official post in this route.” Sara worried about what would happen to the tolls, and Julia reassured her, “No they won’t interfere in our tolls; they will just be checking for illicit drugs, weapons, and stolen cars.” Sara agreed that this would be good, but that others may not like it, “Many people earn money off the commerce that passes through. Many will not want any surveillance.” I could not find anyone who would trade the *cadena* for official security or a completed paved road. Due to their few experiences of danger as opposed to their familiarity with official corruption, most border residents preferred imperfect, yet legitimate community surveillance over potentially detrimental official security.⁵⁰

Conclusions

While negotiations with regional and state actors reveal ambivalence about future conditions, residents strongly support their moral and legal right to their *cadenas*. Each border community with its own internal laws organizes its subjects, politics, and economies around its *cadena*. Together, the *cadenas* construct a larger shared identity of “border residents”⁵¹ while creating graduated types of citizenship according to class, gender, and ethnicity (Ong 1999). The ideologies supporting the *cadena* provide a common language and moral-legal code of justice, rights, and governance. These codes cement existing ethnic, class, and community borders and hierarchies, but individuals also invoke them in “insurgent” ways to demand their participation and challenge the status quo (Holston 2008). The practices and ideologies surrounding the *cadena* reproduce the strange untenable hyphen of the nation-state (Aretxaga 2005) and its notions of taxes, borders, and governance while they simultaneously challenge *who* should create and manage these functions and effects. Such ambivalence towards the state becomes salient when residents disassociate the notion of “the law” from its “corrupt agents.”

Individuals interpret rights, justice, and economic rationality by engaging in officially informal or illegal activities, while they reveal the state to be better associated with corruption, violence, and inefficiency than with “law and order.” The re-appropriation of state-centric discourses of rights, law, and taxation effectively challenge the state’s hegemony to define morality and sovereignty.

Table A: Toll-booth revenues for Santa Rosa, Mexico since 1999. Revenues in Mexican pesos are listed on the left column. US\$ 1=10.8 Mexican *pesos* in 2007. When I looked at 2007’s data in August of 2007, it appeared as if the communities would earn less money than the previous year. Local expectations that commerce in long-distance corn from August-October and gasoline flows would compensate for these differences proved accurate when I acquired the data for the remainder of 2007 in August 2008. Totals for 2008 are projected based on data from the first six months in comparison to previous years. (I would like to thank Dan Galemba for conducting these projections).

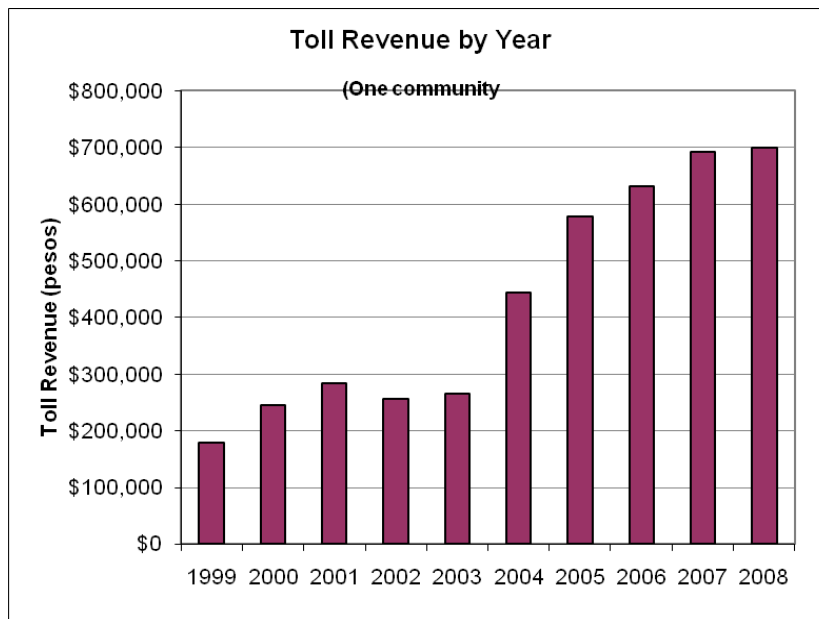
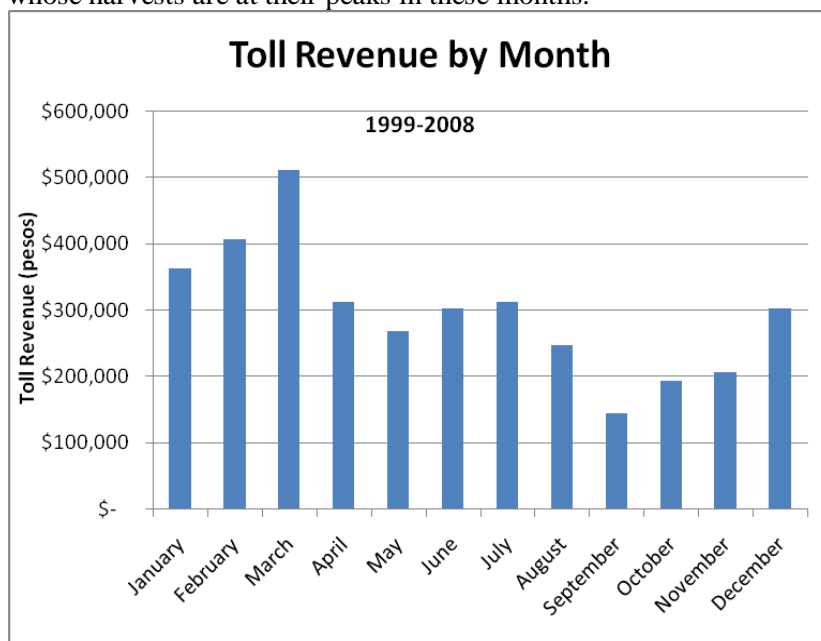


Table B: Toll booth revenues for Santa Rosa disaggregated by month. The increases in January-March show the importance of the coffee and corn trades, whose harvests are at their peaks in these months.



ENDNOTES

¹ See Flynn (1997: 313) on the opportunities available to border residents who “embrace their interstitial position because they can control their own movement, as well as the movement of others.”

² See parallel in Andreas (2000).

³ In colonial times, Chiapas was part of the Capitanía General of Guatemala whereas the rest of Mexico belonged to the Viceroyalty of Spain (Castillo 2003).

⁴ International Commission of Limits and Water (Comisión Internacional de Límites y Aguas). This commission was established in 1961, enabling cross-border collaboration in maintaining the border. According to Castillo et al. (2006: 214) there was little border collaboration or demarcation prior to this date due to political distancing between the two nations. Yet as Edith Kauffer told me about her study of cross-border water management, there is still surprisingly little coordination, and there are few bi-national accords to deal with resource management.

⁵ People experience the official border through increasingly militarized checkpoints throughout the interior of both countries, but especially in Mexico.

⁶ Also see Coutin (2005) on clandestinity and nature of the hidden, but known.

⁷ See Flynn (1997: 324) on relativity of legality at the border where residents have a “right” to the border in contrast to officials who are “wrong to bribe them in the name of the state for personal gain.”

⁸ Mexican customs officials in Ciudad Cuauhtémoc informed me that they are not permitted to inspect a truck unless they have specific orders from customs authorities at Ciudad Hidalgo, which are rarely given. It is difficult to check the origin of most products due to document forgery and/or the nature of the product.

⁹ See Coutin (2005)

¹⁰ Despite the fact that Ciudad Hidalgo is the major commercial crossing between Chiapas and Guatemala, scholars argue that the cross-border dynamic is historically stronger in the Cuauhtémoc/La Mesilla region due to the fact that the border can be crossed by land, rather than by river (Castillo et al. 2006). In the context of Plan Puebla Panama and regional free trade agreements, Puerto Madero, now called Puerto Chiapas, (about 27 miles from Ciudad Hidalgo) also plays a major role for imports, exports, and commercialization in the southern border region (Salazar Silva et al. 2003: 75). The port was built in 1975 and since 2005, is also a cruise port

¹¹ This is a bureaucratic obstacle for those not familiar with government procedures, as well as a financial risk for small businesses that work informally and/or do not pay taxes.

¹² Originally, many Mexican residents moved to the border region from other areas of Chiapas to work on the Pan American highway in the 1950s. Communication increased when Guatemala completed their section of the highway in the 1960s (Castillo et al. 2006: 229). Mexico completed sections of the highway connecting Comitán to Palenque in the early 1990s (Castillo et al. 2006). This route is often highlighted in agendas for Plan Puebla Panama (Villafuerte Solís 2004; Villafuerte Solís and Leyva Solano 2006).

¹³ See <http://chiapas.contralinea.com.mx/archivo/2006/febrero/htm/LasPistasNarco.htm> Las Pistas del Narco, by Fredy Martín Pérez Contralínea, Chiapas. 2/2006.

¹⁴ <http://zedillo.presidencia.gob.mx/pages/chiapas/com/com2262.html> Comunicado No. 2262. Ocosingo, Chiapas. June 19, 2000. Caminos y carreteras rompen el aislamiento y marginalización. Cobertura Especial. Chiapas.

¹⁵ Resultados Definitivos, Chiapas XII Censo General de Población y Vivienda, 2000 (<http://www.e-local.gob.mx/work/templates/enciclo/chiapas/municipios/07034a.htm>)

¹⁶ Frontera Comalapa suffers from shortages of wood and water, and has high degrees of deforestation.

¹⁷ Coffee quotas, which balanced supply and demand in order to stabilize producer incomes ended in 1989 by the International Coffee Organization (Hernández-Navarro 2004, <http://americas.irc-online.org/am/959>).

¹⁸ The “Tourist” label is strategic. In Mexico, officially registered bus companies assert ownership over particular routes. The only way to circumvent these monopolies is to operate as a tourist excursion. Nevertheless, these “tourist” buses receive constant harassment from established bus-line operators. Although these buses are doing nothing illegal, their potential for illegality (by transporting people who intend to migrate to the U.S.) places them in the sphere of surveillance. In Chiapas and near the U.S.-Mexico border, these buses are periodically inspected for undocumented Mexicans. Closer to the U.S. border, passengers are encouraged to hide their cell phones from inspectors due to their potential to be used to call smugglers. To morally establish these buses in an environment that places them in the realm of potentially illegality, and thus subject to surveillance, the tourist label is strategic and defiant (especially due to the growth of Chiapas’ tourist industry).

¹⁹ La Democracia, La Mesilla, and Huehuetenango have also grown from this commerce, but the changes are more pronounced on the Mexican side since most goods are purchased in Mexico due to the strength of the Guatemalan *quetzal* compared to the Mexican *peso* after the *peso* crash in 1994-1995.

²⁰ Chapter 3 elaborates on how relations between border residents and officials changed since the 1990s.

²¹ Also see Diario del Sur. La Mesilla, frontera expuesta a terroristas. 2/21/2007
<http://www.oem.com.mx/diariodelsur/notas/n179122.htm>

²² Castillo (2003: 15) critiques the U.S.-led “national security” lens applied to the border, where “frequent connections [are] made between migrations and migrants and a variety of criminal practices, such as drug trafficking, prostitution rings, trafficking in minors, smuggling, and arms trafficking. These connections have no clear foundation in reality but rather are a byproduct of a vague ideology of ‘national security.’”

²³ Mexico and the U.S. signed NAFTA in 1994 and Guatemala and the U.S. ratified CAFTA in 2004.

²⁴ In fact, when some of my friends at the border heard on the news that a *gringo* had been murdered in La Mesilla while I was away with family in Guatemala, they assumed that it had been me.

²⁵ <https://www.infohub.com/Destinations/North-America/Mexico/Ciudad-Cuauht%C3%A9moc/90887.htm>, website that is a Specialty Travel Guide. The Rough Guide to Mexico (2007) uses the exact same quote, http://www.roughguides.co.uk/website/travel/Destination/content/default.aspx?titleid=118&xid=idh479880200_0736

²⁶ Nordstrom (2007) often encountered similar responses in her work on extra-legal exchanges, when officials asserted that inspecting the illegal was “not in their mandate.”

²⁷ This is parallel to how Goldstein’s (2003, 2004) discussion of how barrio residents often see legal rights and processes as protection for criminals.

²⁸ See Das (2007) on legibility and state power to determine the copy versus the legitimate.

²⁹ This event is the subject of Chapter 5.

³⁰ See <http://narcosphere.narconews.com/notebook/kristin-bricker/2008/10/six-deaths-eviction-chiapas-ejido>. Six Deaths by Eviction in Chiapas Ejido. Elio Hernández, correspondent for La Jornada, translated and updated by Kristin Bricker. The *Narcosphere* Reporter’s Notebook. October 4, 2008. Previously the community controlled access to the ruins. Similar to the logic of the *cadenas*, the article cites, “Residents of Miguel Hidalgo took over the ruins because the government “has left them abandoned and because it’s only right that the resources that come from the operation of the ruins stay with us.”

³¹ Also see Joseph (2002) on nationalism 2002.

³² Chapter 5 will detail the case of residents who utilize a discourse of community rights to demand inclusion in the gasoline smuggling business.

³³ See parallel of toll collection in Flynn (1997). Yet in her case, residents, or insiders, do not pay tolls. Like this case, in some communities tolls are used for community needs and in others, distributed among members. Controlling the border is similarly linked to “respectable good citizenship” (Flynn 1997: 321).

³⁴ This case will be elaborated in Chapter 5.

³⁵ Link to literature on “women out of place” in U.S.-Mexico border literature. See López Estrada 1998.

³⁶ Also see Seligmann (2004) and Weistmantel (2001) on Peruvian market women.

³⁷ See Alvarez and Collier (1994; 2005) on male trucking culture and differences in northern and southern Mexico.

³⁸ From residents, I did not receive one clear answer of which foundation this was. This was confused by the fact the school has since been refurbished by the municipal government, which claims credit for many such projects. Many accordingly believe the government originally built the school.

³⁹ CEAR: Comisión Especial para la Atención de Refugiados, Repatriados, y Desplazados (Special Commission for the Assistance of Refugees, Repatriated, and Displaced-persons)

⁴⁰ The land on the border road is partly owned by each community since they are geographically adjacent, rather than sequentially like the Mexican communities where road ownership is more clearly delineated.

⁴¹ I have seen repeated documentation in the media and policy papers, largely in association with Plan Puebla Panama, that call for the officialization and monitoring of this particular border crossing. This quote represents a common response given by residents even after showing them these articles. See article in Appendix I- <http://sexto.informe.fox.presidencia.gob.mx/index.php?idseccion=105>. Sexto Informe del Gobierno del C. Presidente Vicente Fox Quesada (September 1, 2006, Mexico) Sixth Informative of the Government of President Vicente Fox Quesada. The section 3.4 deals with strengthening Sovereignty and National Security. I translate from pages 366-67. The sub-section, Results of the Systematic Investigation, Information, and Analysis of National Security, translate as follows” With attention to the topics given by the National Risk Agenda, CISEN (Consejo de la Seguridad Nacional- Advisement of National Security) conducted the following analysis on the topics related to narco-trafficking, trafficking in persons, and public insecurity in the nation, and the strategies and developments for dealing with subversive groups and organizations that contribute to risks to national security. From September 2005-August 2006 the following results stood out (366)”: [Of the seven highlighted issues, I translate the one relevant to this study, but use pseudonyms]. “It was decided in the third bi-national reunion between Mexico and Guatemala, urgency was given to the official delimitation of the informal crossing point of [La Cueva-San Pedro].” (367). Also see Acta Número 4 de la Comisión Internacional de Límites y Aguas: portal.sre.gob.mx/cilasur/pdf/acta4mg.pdf

⁴² The growing importance of “businesspeople” to the regional economy changed this dynamic, whereby the Mexican border communities often get more municipal resources due to officials’ close economic and political relationships with “businesspeople.”

⁴³ See Lazar (2004) on micro-finance and neoliberal governmentality.

⁴⁴ See Taussig (1993)

⁴⁵ Upon departure from the border, I provided Santa Rosa with a copy of **Tables A and B** in order to help them examine flows over time, by month and year. Future analysis will discuss how increases and decreases in commerce integrate with historical memory of official surveillance, harvests, and the competition of other border routes. Monthly data (**Table B**), however, mirrors the coffee and corn harvests’ seasonal patterns. Furthermore, increases since 2003 in the months July-September can be explained by the recent arrival of long-distance corn from northern Mexico and the U.S. around this time.

⁴⁶ I start with data from 1999; this is the first complete year of data.

⁴⁷ This is a concern that I currently struggling with, and have therefore resolved to keep the description of the location as general as possible.

⁴⁸ Despite the fact that this is most likely not how events would transpire, residents’ arguments parallel guarantees in the Mexican constitution, especially regarding private property, communal or otherwise. Article 16 for example states that, “In no case can the Army establish a base in an estate without the prior consent of the affected parties, regardless of whether the land is private, collective, or it is of municipal public use... (59) “The right to property (Constitutional Article 27) including the collective right to

property and the right not to be harassed in one's person or possessions (Constitutional Article 16) can only be suspended when Constitutional Article 29 is applied. 'In cases of invasion, grave disturbance or the public peace, or anything else that puts society in grave danger or conflict, only the President of the United States of Mexico, in accordance with the Heads of the Secretary of State, the Administrative Department and the Attorney General of the Republic, and, during the recess periods of these, from the Permanent Commission, can suspend throughout the country or in a determined area those guarantees that would constitute an obstacle to rapidly and easily confronting the situation, but it should be done for a limited period of time...' According to a report issued by CAPISE in 2004 (Centro de Análisis Político e Investigaciones Sociales y Económicas a ,c.), "As it pertains to the public domain, this article has never been invoked in the past ten years of conflict. Therefore, all estates occupied without prior consent of the interested parties- whether they are located on private, communal, municipal, or state property-find themselves in an illegal status" (Hernández Gómez et al., CAPISE 2004: 59-60). These statements provide an interesting parallel to Mattei and Nader's (2008) argument about plunder, where the rule of law itself is illegal and is used to justify violence and actions that go against the state's own laws.

⁴⁹ In Flynn's (1997) study on the Nigeria-Bénin border, the opposite trajectory as occurred, a once locally controlled border pathway is now increasingly monitored by both states. Yet similarly, residents view state interference as "stifling...their path to development-lucrative transborder trade" (Flynn 1997: 318).

⁵⁰ Media and political attention on this border crossing has been sustained for a decade. Yet most residents shrug off these comments, having heard such threats and promises for years. A recent article (Appendix II) <http://www.elmanana.com.mx/notas.asp?id=111091>, "Indocumentados rebasan la capacidad de vigilancia" (Undocumented migrants surpass the capacities of vigilance) March 22, 2009 illustrates this point. I translate the following paragraph using pseudonyms, "ASF (Auditory Superior of the Federation) explained that in more than 152 kilometers of the Mexico-Guatemalan border, there are reportedly 32 informal border crossings, where there is no presence of Mexican or Guatemalan authorities. Among them the border crossing [La Cueva-San Pedro] is the one with the most activity; 2007 saw the daily transit of 100 vehicles.

⁵¹ See Flynn 1997 on the creation of border identity.

CHAPTER 3

“CORN IS FOOD, NOT CONTRABAND”: CORN, RIGHTS, & “FREE TRADE”

“The Forefathers, the Creators and Makers... began to talk about the creation and the making of our first mother and father; of yellow corn and of white corn they made their flesh; of corn meal dough they made the arms and the legs of man. Only dough of corn meal went into the flesh of our first fathers, the four men, who were created.”--Popol Vuh: The Sacred Book of the Ancient Quiche Maya (English version, Goetz and Morley 1950: 165-67).

Introduction

Each day, depending on the season, ten to twenty ten-ton trucks full of corn transit the clandestine passage from Mexico into Guatemala. In 2006, nearly 24,000 tons of corn entered Guatemala through this crossing (municipal archives, La Democracia, Huehuetenango, Guatemala, see **Table C**). Official laws in both nations consider this corn flow to be illegal contraband since it crosses an unmonitored international border evading inspection, taxes, and documentation. Border residents, however, refer to this transit of corn as “legal,” “a little bit legal,” or perhaps illegal, but necessary and beneficial. Local assessments of (il)legality were never static, revealing the flexible overlap between the legal/illegal and the formal/informal in today’s global political economy (Nordstrom 2007).

A variety of products flow through this crossing every day, but the most common and important to residents is corn. This chapter examines the ideas and practices behind the flow of corn in order to illustrate how notions of (il)legality, rights, and economic justice are constructed at the border as residents re-interpret global ideologies of *rights* and “Free Trade.” The production and commercialization of corn exemplify a local moral, economic, and legal system

based on informal and illegal activities. Following the cross-border flow of corn highlights how border residents interpret and enforce their conceptualizations of economic justice and legality through their participation in activities that straddle the official legal/illegal divide. This chapter challenges dichotomies of legal/illegal and licit/illicit by arguing that actors pick and choose from a cornucopia of ideas and practices which they strategically label and practice as legal/illegal in order to lend legitimacy and moral weight to their activities. Consequently, it suggests that legality is not a universal set of rules and norms, but rather, as Lazarus-Black and Hirsch (1994) illustrate, it emerges out of practices and ideologies that shape and legitimize dominant regimes of power, inequality, and morality. Legality and illegality are intimately interconnected, creating the blurred concept of (il)legality whereby invoking one is to comment on, reinforce, or mimetically copy the other.

Border residents apply the ethic of, “We live here and built the road so we have the right to work here,” to justify their control over the local contraband economy. Specifically, residents assert that being a “border resident” validates their right to work in the corn trade as middlemen between Mexican producers and Guatemalan buyers. They monopolize the transportation and loading of corn as truckers and cargo loaders. In Mexico, the middlemen in the corn trade are called *coyotes*, and Guatemala, *comisionistas*, or brokers. The brokers arrange corn sales to Guatemalan buyers in exchange for a commission of 200 pesos (about U.S. \$20) per truck. The *coyotes* and brokers have long-established relationships, often based on kinship and social ties, which enable them to mediate the exchange between distant producers and buyers. An informal economy, stratification of labor, and alternative legal, moral, and economic system have developed around this trade that centers on border residents’ control of this trade route.

Trucking Corn

Ramón¹ called my cell phone that February day in 2007 to ensure that I was on my way. The truck he rented from his friend Ciro had arrived, and Ramón was eager to show me how to “search for good corn” in an irrigation canal region near Trinitaria, Chiapas (see **Map C**). Ramón, raised on both sides of the border, is a small-scale corn smuggler, *coyote*, or as he says, “businessperson,” who lives in Santa Rosa, on the Mexican side of the passage. He works with his uncle, Nelson, who lives in San Pedro on the Guatemalan side. Nelson is his broker. Ramón had to postpone our trip for a few days. He had spent the last three days waiting with Nelson for Guatemalan merchants to purchase the remainder of the previous corn load. Lately, due to increasing corn prices, sales had been slow. But now Ramón had the money to purchase more corn. Ramón longs for his own truck, and is debating a trip to the U.S. to acquire these funds. “People with trucks can make money. I make barely enough to feed my family,” he laments. According to Ramón, in the January through March corn season, when corn sales are good, he can make 20-25 trips to purchase corn and earn the equivalent of about U.S. \$2,000. In contrast, he informed me that the men who owned trucks could earn U.S. \$10,000. As we traveled in the truck cabin, Ramón pointed to the places along the highway where the police previously monitored traffic, but reminded me not to worry: “Now no one bothers us because now the [cross-border] flow of corn is free.”

Corn and Flexible Interlegality: “A little bit legal, a little bit illegal”

“Corn is not contraband. It is a basic grain. There are agreements that no one should bother the passage of corn...But [when you use this route] you also don’t pay a tax when transporting corn across the border. But it is corn. We all need it to eat.”--Mexican border resident.

To witness corn flowing daily through this pathway as residents participated in the trade and levied what they called “taxes” for community projects was confusing, to say the least. Some border residents referred to the cross-border flow of other goods, such as coffee and sugar, as contraband, but corn’s status was hazier, complicating the labeling of it as legal or illegal. When I asked a friend if this corn flow was legal, he struggled, “A bit of both. A little bit legal; a little bit illegal.”

Knowledge about the corn trade is unevenly distributed among residents and regional actors. Most border residents acknowledged that if not legal, then the cross-border flow of corn was at least “more permitted,” “more free,” or “not bothered” by state officials. All agreed, however, that this had not always been the case, and that prior to the mid 1990s, the corn trade was “more delicate” and “illegal.” Yet people outside the region either had no idea what I was talking about, or vehemently asserted that this trade was contraband since corn was commercialized from Mexico to Guatemala undocumented through an unmonitored border route. A year of ethnography and talking to various regional actors enabled me to begin piecing this puzzle together, and with it, the local social, legal, economic, and moral system that informed the atmosphere of (il)legality.

The corn traffic shifts between categories of legality and illegality, rendering a clear-cut distinction difficult. In fact, to distinguish the traffic as such obscures local and transnational socio-cultural and economic power relations. By following the corn (Mintz 1985; Appadurai 1986),² this chapter examines its “flexible interlegality,” (see Santos 1987) as it moves between distinctions of legal and illegal and of product and food. Santos (1987: 297) introduced the term “interlegality” to refer to the co-existence of multiple and fragmentary legal orders that inform social practice. I invoke his term to describe the multiple regimes of legality that influence border

life since residents must negotiate between two state apparatuses. I also apply the term in a different sense: in order to highlight the analytical richness of the space of “betweenness,”³ which characterizes the space between different moral and legal codes and the multiple cultural and political borders that the corn trade represents. The chapter reveals the connections between formal and informal economies and the politics behind designations of (il)legality as various actors attempt to “legalize” and profit from the flow,

Border residents’ strategies do not fall into dichotomies of resistance or oppression. In contrast, the chapter points to the multiple ways that people engage with the discourses of neoliberalism such as “free trade” and “rights” to create new meanings in specific places (Goodale and Merry et al. 2007; Goldstein 2003; Speed 2008; Warren 2007). Most scholars have researched the effects of, and modes of resistance to, “Free Trade,” rather than examining how “Free Trade” as a discourse becomes, to use Merry’s (2007) description of human rights discourses, “vernacularized,”⁴ and reinterpreted in everyday places to produce specific, and often contradictory, results. For example, Staudt (1998: 73) notes that self-employed informal workers on the U.S.-Mexico border are the “quintessential free traders” since they “distance themselves from the regulatory embrace.” I build on her observation by analyzing how individuals view their actions in relation to official Free Trade discourses and policies.

Finally, I discuss how the ideas and practices of legality surrounding the corn traffic are changing under, and reflective of, current transformations, including increasing migration to the U.S., rising corn prices, and militarization of the Mexico-Guatemala border. First, however, it returns to corn.

People of Maize and the Politics of Corn

“Sown to be eaten it is the sacred sustenance of the men who were made of maize. Sown to make money it means famine for the men who were made of maize.” --Miguel Angel Asturias, Men of Maize (1975: 6)

“Maize was a great deal more than the economic base of Maya civilization; it was the focal point of worship, and to it every Maya who worked the soil built a shrine in his own heart.” (Thompson 2002: 86-87).

It is necessary to examine how people associate corn as a cultural and political symbol with notions of culture, livelihood, and rights to understand why border residents believe that corn is different from other products that are illegally commercialized over the border. Corn is the central food and agricultural crop in the region. As one resident asked, “If we did not have corn, how would we survive?” In the border region, corn is essential to the economy since the dry soil inhibits the growth of crops like the fruits and vegetables grown in the highlands. Corn also occupies a strong place in national and regional folklore and nationalist imagery (Thompson 2002; Sandstrom 1991). The Popol Vuh refers to Mesoamericans as “people of maize” (Goetz and Morley 1950). National museums, as well as museums on Mayan culture, display exhibits on the centrality of corn to daily life. State agents and discourse use corn as a national symbol, as well as a cultural symbol to unite Mesoamericans and Mayans across national borders. In both Mexico and Guatemala, corn is considered to be a basic grain necessary for survival. In 2006-2007, Mexican popular society appropriated this argument to lobby the state to control rising tortilla prices.⁵ Popular notions assert that people need corn and tortillas to survive. As many people told me, when there is nothing else and times are tough, “there are always tortillas.”

To consider corn as a symbol of Mesoamerican culture and peoples, however, is both homogenizing and overly simplistic. Above all other crops, residents identify corn as a basic food to which “all have the right” in order to live while they simultaneously assert their own sovereign

authority to commercialize it. Yet, in practice, their assessments are more fluid. Corn defies rigid classifications of commodity, food, or cultural symbol. It is therefore necessary to illustrate how residents negotiate their relation to, and ideas about, corn with their conceptualizations of political economy, rights, and legality in their everyday struggles to live in a border economy simultaneously legal and illegal, and open and closed to cross-border flows.

One afternoon, I waited with some corn brokers in La Libertad, Guatemala for truck-loads of corn that originated in the U.S. La Libertad designates a square piece of land its “business plaza,” where ten brokers have their *bodegas*, or depots (see **Figure 3.1**). Cargo loaders from La Libertad, in addition to a few from San Pedro, rotate in groups of four or five waiting for loads at each depot. San Pedro has three of its own plazas. One cargo loader, Emilio, taught me the difference between U.S. corn, or as he says, “corn for animals,” and regional, “good quality corn.” Since I did not understand the difference, he showed me the bottom of the corn kernel: “See look, they [the U.S.] remove a part of the kernel [he showed me a piece at the bottom]; what we call the heart to use for fuel. Then they send us back the garbage. U.S. corn is cheaper, but it is not the same as ours. It arrives without the same nutrients, or as we say, without a heart.” Whether or not this is how the import and export process occurs, Emilio’s story is telling not only of personal connections to corn, but of opinions of recent political-economic developments and relations with the U.S. For example, locals and national media sources suspect that the spike in corn prices in 2007 was due to the U.S. demand for corn for ethanol due to fuel shortages.⁶ Yet when border residents humanize corn, giving it a heart and a connection to their ancestors, history, and national identity, they define it as immune to an illicit categorization. They not only view official interference in the corn trade as illegal, but unethical, a sentiment that their heuristic moral-legal economy enables them to meld.



Figure 3.1: Cargo loaders wait for truckers at a corn depot in La Libertad, Guatemala

Border residents have uneven knowledge of, and access to, the multiple value systems surrounding corn as a basic source of food, a cultural and national symbol, an international commodity, a genetically modified food, and a potential fuel substitute. These values coalesce to inform a local moral, legal economy that shapes and is shaped by the organization and practices of corn smuggling. How residents choose amongst, apply, and enforce these values and meanings affects how a system of legality, rights, and morality around corn is experienced and enforced.

Corn, Rights, and NAFTA

Border residents intimately connect the *right* to “make the law” over the cross-border commercialization of corn with their land ownership. In Chiapas and Guatemala, the language of *rights* is relatively recent, tied to a history of leftist organizing in the region developing in the 1960s and 1970s. In response to why state officials do not bother the trade, one man responded, “Because we have laws here.” Anthropologist Aída Hernández-Castillo (2001: 209) writes of the Mam in the Mexico-Guatemalan borderlands, “the right to land remains inextricably linked to the

Mames' idea of citizens' [and cultural] rights." In Mexico, state historical discourse ties corn to land (Sandstrom 1991; Harvey 1998). The Mexican Constitution upholds land rights through *ejido* laws, which establish the rights of Mexican peasants to land (Nuijten 2003).

Local conceptualizations of land and corn as basic human and national rights are integral to understanding the protests that ensued, such as the Zapatista revolt in 1994, occurring on the same day that Mexico signed the North American Free Trade Agreement (NAFTA) with the U.S. Specifically, farmers protested the violation of their rights to land and subsistence as Mexico became increasingly dependent on food imports and local corn farming developed into a crisis. NAFTA, the first free trade agreement signed between two developed countries (U.S. and Canada) and a "developing" nation, Mexico, established the terms for trade liberalization between the three nations. NAFTA, and the policies enforced to prepare for its inception, follows the tenets of neoliberalism, which Hernández-Castillo (2001: 243n1) describes aptly as,

A set of policies based on the diminished importance of the state and on privatization and economic and financial deregulation, together with the promotion of the export of manufactured goods. This economic model replaced the statist model, which prevailed from the 1930s to the beginning of the 1980s and was protectionist and based on import-substitution industrialization. In the economic terminology of international organisms, these policies have also been called 'structural adjustment programs' and became widespread [in Latin America since the 1980s].

NAFTA promised economic growth, but GDP growth occurred at the expense and exclusion of large percentages of the Mexican population, who were further impoverished and experienced rising unemployment (Nash 2001:80). Specifically disconcerting to farmers in Chiapas was the revision of Article 27 of the 1917 Mexican Constitution, which effectively ended the right to petition for *ejido* land in a state where many had yet to benefit from land distribution (Harvey 1998; Rus et al. 2003; Nash 2001; Hernández-Castillo 2001; Collier and Quaratiello 1999). Furthermore, in preparation for NAFTA, Mexico terminated price guarantees and

subsidies for corn as part of neoliberal reforms intended to open the economy to investment. The ensuing increase in corn imports from subsidized U.S. growers drastically affected corn growing states such as Chiapas, where farmers encountered a subsistence crisis and decried the loss of food sovereignty (Nash 2001: 86).

Chiapas scholar Daniel Villafuerte Solís (2004: 32, translation mine) explains the effects of neoliberal reforms in Chiapas,

In contrast to what occurred in the north [of Mexico], the south presented larger difficulties for economic growth and development. Here the effects of [Free Trade] have been devastating to the levels of employment and underemployment because direct foreign investment never considered the southern border states when developing its projects for export-processing factories or in the long-run in terms of development. As a consequence of economic policies that abandoned the agricultural sector and as the effects negative effects of international markets took their toll on basic products like corn, meat, coffee, cocoa, and bananas.

NAFTA and subsequent regional development agendas, such as Plan Puebla-Panama,⁷ paradoxically focus on southern Mexico as an important international market for the exploitation of natural resources such as petroleum, hydroelectric power, natural gas, cattle, coffee, and timber as its people remain among the poorest in the nation (Villafuerte Solís 2004: 35). These contrasts have become further pronounced under neoliberal globalization and the agendas of Plan Puebla-Panama and the Free Trade Area of the Americas, which exploit resources for international capital at the expense of local development and investment (Villafuerte Solís 2004; Villafuerte Solís and García Aguilar 2005; Bartra 2005).

Local Readings of NAFTA and *Free Trade*

“Because we grow corn, we have the right and freedom to sell it.”--Mexican coyote.

Many border residents explained that corn, as opposed to other products smuggled along this route, was “not contraband because it was free.” When I asked what this meant, many answered, “[The cross-border commercialization of] corn is free because Mexico signed a Free Trade agreement (referring to NAFTA).” Some Mexican residents, like 72-year old corn farmer Néstor, even quoted Mexican ex-president Salinas de Gortari to legitimize the corn trade. The connection seems ironic since many Mexicans chastise Salinas as the architect of neoliberal policies that impoverished, or sold out, the nation. Néstor began, “People began to hear that [the commercialization of corn] was now free. Salinas told us on the radio. He announced that he had signed a Free Trade Agreement with the U.S. This caused corn prices to fall. So Salinas told farmers that we were free to sell [our corn] to the best buyer.”

Néstor was considered a local historian. He remembered much from the past, and kept old books and documents. While his recounting of NAFTA does not precisely correspond with specific policies or macro-economic indicators, understanding NAFTA through Néstor illustrates how people viewed, experienced, and reinterpreted the agreement in their everyday lives. His narration gives substance and ethnographic weight to declarations that NAFTA devastated the Mexican countryside, creating a crisis in corn farming. Néstor highlights how many farmers responded creatively given the dire circumstances. Néstor and I spent many afternoons talking on his porch. He told me that farmers were “*free* to sell corn to the best buyer;” however, this only applied to farmers and their harvests, and not to the *business* pursued by the *coyotes*. Yet he acknowledged that ideas about free trade and rights influenced these business people to demand their right to work. Furthermore, locals justified their position in the corn business by associating their skills as farmers with being legitimate corn businessmen. When I asked a corn broker, for example, about the possible dangers posed by the cross-border flow of uninspected corn, he

responded, “Since we are corn farmers we know corn. We know if it is bad and then do not sell it because that is bad for business. We know more than the authorities [border officials who inspect products for export and import]. They know nothing about corn.”

Despite his different interpretation of Free Trade, in many ways Néstor truly understands these economic dynamics. He was savvy about politics, history, and economics, as he explained the local repercussions of the neoliberal reforms in Mexico that occurred as a result of, and in preparation for, NAFTA. In many ways, his definition of *Free* Trade was correct: sell to the best buyer without tax obstacles or state interference. He informed me about the end of land reform, large-scale privatization, but most importantly for this case, the end of subsidies and price guarantees for farmers’ corn. He recounted that from the late 1980s until the mid 1990s, the price that the government-owned depots, such as CONASUPO, paid for their corn declined steadily until the local depots closed in 1998 (Yunez-Naúde 2003; Nash 2001). According to Nash (2001: 86), “CONASUPO once provided an essential service to producers who had little access to alternative markets and who lacked storage facilities...By the year 2000, the weakened CONASUPO had ceased to function, and the estimated 450,000 cultivators of subsistence crops experienced the worst crisis of their history.”

Although some residents like Néstor directly associate the official nature of Free Trade with their own interpretations, seamlessly merging the two definitions, others have more strategic interpretations. Many border residents realized that this corn traffic was not part of the official Free Trade agreement, since as Edgar, a *coyote*, explained, “Free Trade [commerce] should still be transported through official inspections posts.” Edgar argues that official Free Trade “never gave peasants the skills to be players in a Free Trade policy designed for large corporations.” Stressing the symbolic, economic, and cultural role of corn as a basic necessity, residents

legitimize the corn trade as Free Trade by asserting that, “Corn is food, not contraband.” Like Edgar, many people are aware of the differences in the two “Free Trades,” but emphasize their reading of Free Trade, which they believe is a more just and “free” alternative to official Free Trade. A conversation with a man from La Cueva illustrates how local readings of “Free Trade” liberally extend from policies between the U.S. and Mexico and Mexico and Guatemala to agreements with border residents.

After hearing another man respond that “Corn was free because Mexico signed a Free Trade Agreement,” I asked, “Wasn’t that between the U.S. and Mexico?”

“Yes,” he half-smiled, “But with us [border residents] too.”

Despite the fact that Mexico and Guatemala signed a Free Trade Agreement in 2000-2001⁸ and Guatemala and the U.S. signed the Central American Free Trade Agreement (CAFTA) in 2004, most Mexican and Guatemalan residents reference NAFTA when talking about “Free Trade.” Since most residents learned about these policies from the media, it is noteworthy that many Guatemalan border residents received radio and television media from Mexico. With the passage of CAFTA (Central American Free Trade Agreement) in 2004, however, the local Guatemala justification for “Free Trade” has been strengthened.

Corn contraband from Mexico to Guatemala has a long history in the border region due to close kinship and socio-economic ties. Néstor, whose family straddles the border, recounted how his father and grandfather evaded customs authorities on their donkeys. Contraband was a strategy to supplement income due to the higher prices and historical corn shortages in Guatemala, but Mexican farmers retained the majority of corn for consumption or to sell to Mexican state-run warehouses. After NAFTA and the collapse of state-run warehouses, according to one regional producer, Adán, “Now almost 100% of the region’s corn is sold to Guatemala.”

In addition to kinship and socio-economic ties, the democratic opening of Guatemala and cross-border improvements in communication and transportation made commerce faster, more reliable, and safer from official inspections. The end of the Guatemalan war and the implementation of the Peace Accords in 1996 led to the removal of military troops on the border that often blocked this commerce.

In Mexico, a focus on the Zapatistas and other social movements distracted official attention from this border region that contained few Zapatista supporters. The government's strategy was a mix of co-optation and selective repression and co-optation. To gain support, the government increased investments in the construction of roads, schools, and clinics (Hernández-Castillo 2001: 224). Fears of individuals joining the Zapatistas also made state officials more willing to negotiate with local demands. Rus and Vigil (2007: 163-4) noted the state response to indigenous land invasions in Chiapas after 1994, writing, "the state, after an initial, failed attempt by police to retake the invaded land, apparently feared that a more violent response would drive the invaders into the arms of the Zapatistas... The state essentially stood aside." While intended for surveillance (Hernández-Castillo 2001), massive highway construction in the late 1990s facilitated commerce. Moreover, Mexican state measures to professionalize bureaucracies in line with a neoliberal agenda led to a reorganization of Mexican customs inspections. Inspectors were previously more autonomous and positioned throughout the border terrain, but as some officials told me, "This encouraged corruption." As a response, the Mexican government centralized customs patrols and many smaller posts were eliminated. One such small post, closed in 1991, had been located at the entrance to this route. While attempting to streamline customs inspections, these policies actually liberated this border crossing from the constant gaze of state officials.

Rights and Autonomy in the Borderlands: Not Zapatistas or Mayan Activists

Scholarly attention has recently focused on how marginalized peoples, often indigenous, reappropriate global discourse of human rights and autonomy to enact their struggles against an oppressive ethnic, economic, and/or political situation (Goldstein 2003, 2004; Goodale et al. 2007; Goodale 2009; Rus and Vigil 2007; Speed 2008). Many of these movements draw on indigenous rights discourses promulgated by the United Nations and Convention 169 concerning Indigenous and Tribal Peoples by the International Labor Organization (ILO) (Warren 1998: 13). Yet Brown (1995) notes how rights-based discourses may serve regulatory as well as emancipatory purposes, depending on their usage and context. Scholars like Hale (2002) caution that rights platforms may limit the possibilities for resistance and identity formation to the categories of difference sanctioned by the state. Yet, Speed (2008) illustrates how, in certain conditions, rights-based discourses empower people to question these very categories and state power. Drawing from Brown (1995) and Gledhill (1997), Gutmann's (2002) work on democracy reiterates the importance of examining the relation of rights-based discourses to unequal capitalist and gender relations. In Chiapas, scholarship on rights-based discourses often centers on the Zapatistas, and in Guatemala, on the Pan-Maya movement and indigenous autonomy movements.

The border communities are defiantly not Zapatista⁹ and are geographically and ideologically removed from the intellectual Pan-Maya movement. Residents define autonomy differently than the Pan-Maya movement, which stresses rights to culture, and the Zapatista movement, which maintains its own autonomous communities and territories rather than negotiate with a government that they see as corrupt and illegitimate (Hernandez-Castillo 2001, Speed 2008).¹⁰ This section details how border residents appropriated notions of rights and autonomy from these movements and their predecessors.

The Zapatistas in Chiapas are one of the most renowned and researched examples of marginalized peoples' efforts to redefine human rights. Most studies about rights in Chiapas center directly or indirectly on the influence of the Zapatista movement. I suggest, however, that government, journalistic, activist, and scholarly attention to the Zapatistas and indigenous marginalization conceals larger cross-regional movements for rights, state accountability, and economic justice.¹¹ Such foci obscure flows between the regions, with Guatemala, the rest of Mexico, as well as cross-regional and transnational dynamics.

In particular, Nash (2004), Montejo (1999), Ruíz Torres (1998) and Watanabe and Fischer (2004) urge for the need for, and begin to conduct comparative cross-border analyses to capture, these comparative dynamics. As Nash (2004: 163) writes of the contrasts between autonomy movements in Chiapas and Guatemala, "Ecological, political, and historical factors...have created borderlands where populations divide and then recombine to include new forms of opposition to state authority." Speed and Leyva (2008) advocate for the necessity of a cross-border analysis of human rights, since the regional spread of rights-based discourses in the 1980s and early 1990s centered on the "right to refuge" as Guatemalan refugees fled to Chiapas during the Guatemalan counterinsurgency war in the 1980s.¹² A rights-based agenda gained resonance in Chiapas at a time when peasant and labor movements were experiencing increasing harassment from the government (Speed and Leyva 2008: 6).

While Pitarch, Speed, Leyva, and their colleagues (2008) focus on comparative cases in the larger "Maya region," it is also necessary to examine the proliferation of rights-based discourses among self-identified non-indigenous border residents, who were direct recipients of state policies aimed at exterminating (Guatemala) and/or assimilating (Mexico) indigenous peoples (Hernández-Castillo 2001; Sieder 2002). In the border region, the government strongly

associated being “Mexican” with Hispanicization, including abandoning indigenous dress, customs, and language. On the Guatemalan side, indigenous identity was cause for marginalization, and often extermination.

The Pan-Maya movement in Guatemala and the Zapatistas in Chiapas originally framed their struggles in terms of indigenous and cultural rights. The movements, however, contrast due to differences in state oppression, incorporation into state politics, patterns of violence, and contrasting demographics. For example, Pan-Maya movement strives to incorporate Mayan culture into a national society where Maya are the majority (Warren 1998), whereas indigenous movements in Chiapas are largely constituted by minorities seeking autonomy in regions where they are the majority (Nash 2004: 164). While the historical organization of the Mexican urban left heavily influenced the development of the Zapatistas and indigenous movements, which in turn generated resurgence in leftist movements in Chiapas, the grassroots left in Guatemala has had successes, but the Maya movement has largely pursued educational and cultural routes to national change (Warren 1998: 4). Movements for the pursuit of social change have also suffered fragmentation due to the effects of violence, impunity, and a continued politics of “racism versus class conflict,” where the racialization of class relations continues to be veiled by *ladinos* (Warren 1998: 47; 51).

Autonomy discourses and social and peasant movements have pervaded the Mexican political landscape since the 1970s,¹³ with resentment towards the government increasing during the economic crisis in the 1980s and the Mexican government’s inadequate response to the 1985 earthquake (Harvey 1998; Esteva 2003; Speed 2008). The autonomy debate came to the fore with the Zapatista rebellion in Chiapas in 1994, which exposed desires for autonomy within the nation-state and the recognition of the political, cultural, and economic rights of indigenous peoples

(Esteva 2003). Mattiace (2003: 188) writes that although *de facto* autonomy was a strategy of resistance long exercised by indigenous peoples in the context of government neglect and oppression, “what has changed today is that the Indian movement...now demands that the Mexican state not only recognize this preexisting autonomy, but native peoples’ right to self-government and cultural integrity in the future.” After continued military and paramilitary harassment of Zapatista communities and the failure of the government to comply with the San Andrés Accords (Rus et al. 2003), the Zapatistas shifted their definitions of autonomy so that autonomy and rights “existed in their exercise,” independent of the government’s recognition (Speed 2008). Despite the Zapatistas’ primary identity as an indigenous movement, many of their demands found resonance in larger Mexican society in terms of desires for political and economic rights, as well as increased local and municipal control over resources and government (Mattiace 2003: 188).¹⁴

Although border residents distance themselves from the Zapatista and indigenous movements, their struggle redefined how local people engaged with the state and human rights discourse in Chiapas. Many residents do cite the indirect relevance of these movements in individual cases. For example, although they never encountered the Zapatistas, residents credit government attention to the Zapatistas with diminishing official presence in their region. Furthermore, government officials throughout the state began to negotiate with, rather than directly oppress, local communities due to fears of the spread of insurgency (Rus and Vigil 2007). Some residents admired how the “Zapatistas fought for their rights,” but asserted their independence from the movement. A few residents in Santa Rosa claim affiliations with regional peasant unions like OCEZ, but membership is limited to a few and is not widespread. The influence of peasant organizations in the region is more apparent than the Zapatistas, and

residents have appropriated their strategies of road blockades and collective organization to demand economic and land rights. They, however, strongly praise internal community organization for the successes of their own movement to assert their “right” to commercialize corn over the border.

Although Mexican border residents redefine “the law” and consider their communities to be relatively “autonomous,” they also explicitly express respect for the government. Although some residents are sympathetic to the Zapatistas, many border residents deride the “autonomous” Zapatista communities and even joined the military to combat those they saw as “subversives.” They interpret autonomy as part of their *rights* as Mexican citizens. They find justifications for autonomy in the “*ejido* laws” outlined by the Mexican Constitution, whereby *de facto* community autonomy was accompanied by the state’s corporatist policies of control exercised through local elite, or *caciques* (Sieder 2002). They critically assess this interpretation of Mexican *ejido* laws (Nuijten 2003; Harvey 1998) to disassociate autonomy from state control and assert that their communities are autonomous to enact their laws within their territory. They, however, interpret *ejido* freedoms more liberally as the right to determine what goods and people can “legally” pass through “their” border road.

In contrast, upon entering a Zapatista community, signs read, “Here the community rules and the government obeys.” One man in La Cueva articulated the difference between their practice of autonomy and Zapatista definitions of autonomy,

People who travel through our border route respect the people more than the government since we are the ones [who live] here. We control the traffic. Many of the businessmen mock the laws. We [the communities here] make rules. We control some things, but not everything. The government controls many things. A little bit us; a little bit the government. The government built the school and the highway. On some issues, we make the rules, and on others, the government does. Autonomy can be good. But it can also be bad. You can’t just declare to do whatever you want. You have to have respect for the

government...[What we have] is the best of both because we get help both from the government and from the community.

He continued,

The officials do not always like this [the community control over contraband]. But they never do anything now without informing us first. The Municipal President is a friend of mine. He helps us. He has come here to eat at my house.

Local views on autonomy reflect the fact that border residents were long neglected by, or removed from, the state, NGOs, and indigenous activism, thereby making them suspicious of the government and experienced with *de facto* autonomous governance, but that they simultaneously continue to benefit from and rely on local politicians and elite individuals to acquire state resources and benefits. Border residents occupy an ambivalent relation with the state, at once challenging its authority to make the law by engaging in autonomous and illegal practices while actively supporting the “image” of state control.

Research in Guatemala in the late 1990s also focused on human rights. In Guatemala, Warren (1998) shows how the Pan-Maya movement melds global discourses on human rights¹⁵ and indigenous culture to mobilize for indigenous self-determination and economic, political, and cultural rights. Yet Guatemalans in San Pedro and La Libertad are cautious about expressing sympathy with the Pan-Mayan or autonomy movements in a post-war *ladino* context where autonomy continues to be associated with “subversion” and/or national fragmentation. For example, even members of La Libertad that supported the *guerillas* during the war subsequently disassociated themselves from these ideas of cultural autonomy in order to acquire land at the border. According to one man in La Libertad, “Neither government wanted us to live at the border due to fears or subversion. But this was good land. We had to specifically state that we were not *guerillas* and not show signs of organizing that might make them suspect that we were.”

In La Libertad, only one man, Timo, continues to attend regional Mayan meetings on cultural revitalization.

Members of La Libertad recall the humanitarian organizations that arrived after the Peace Accords to give lectures on human, women, and indigenous rights. Residents of San Pedro, schooled in army discourse, interpreted some of these human rights missions as subversion, even expelling one of them from the community. In contrast to those in La Libertad, San Pedro's residents did not attend human rights workshops, but came to understand rights on their own, ironically through negative experience in the army-mandated civil patrols. According to David from San Pedro, "We organized for our rights because we realized that government officials and soldiers did not have the education or authority to dictate our lives. We realized by serving in the army that the soldiers giving orders were uneducated. They had no basis from which to give orders. We were better qualified to organize ourselves."

Superficially, residents put aside war politics in order to establish a joint school and maintain a border road hospitable to contraband. La Libertad and San Pedro actively removed indigenous rights and autonomy discourses and images of the war from their efforts to organize. Instead, to justify the cross-border smuggling of corn, they stress their "rights as farmers." Like their Mexican counterparts, Guatemalan border residents interpret autonomy as the freedom to "enact the laws of the community" while supporting the national government.

Guatemalan border residents' experiences with autonomy also reflect not only a neoliberal discourse of decentralization to community and municipal governance, but, prior to the counterinsurgency war, the historical autonomy of municipalities in a weak nation-state (Watanabe, *forthcoming*). Distinct war experiences, in addition to the particular socio-economic

necessities that encouraged them to work together to establish a school and secure the flow of contraband, influence their unique experience of organizing and exercising rights and autonomy.

In this particular border region, residents interpret rights and autonomy in ways that circumvent the state's attempt to limit autonomy to restrictive interpretations of "culture" as indigenous customs, dress, and language. As they do so, however, they obscure the racialized political and economic violence that continues to marginalize indigenous border residents as "outsiders." The multiple ways of interpreting autonomy (Stephen 2002; Hernandez-Castillo 2001) reflect the different ways that communities and individuals in Chiapas and Guatemala experience autonomy movements, their different historical relations with the state (Stephen 2002; Nash 2004), and engagement with media and transnational discourses of autonomy, rights, and Free Trade.

Border residents also reference the self-governing discourse of neoliberalism to assert their autonomy, claiming that they, as citizens and entrepreneurs, have the right to earn a living, commercialize their products to the best buyer, and ensure that the rules of their communities are respected. The autonomy to make their own laws, in fact, reproduces neoliberalism's goal of creating self-governing and regulating citizens. Border residents, however, by interpreting autonomy through illegal practices, reveal the subversive potential of discourses of neoliberal governance.

Despite the influence of regional and transnational social and indigenous movements, the border communities credit their own community unity, and organization with each other, as the impetus for their own movement to "assert their rights." Rights originally referred to economic and land rights over contraband, but transformed into a cultural, political, and moral code that guaranteed, extended, and validated these rights. As residents, reinterpreted as owners, of a

lucrative crossing, they were long marginalized by both nations' governments, large corporations, businessmen, and wholesalers. In the late 1990s, they capitalized on gaps in official surveillance, official fears of subversion, free trade discourse alongside the devastating effects of its policies, and an international climate promoting human rights, to create their own distinct versions of limited autonomy. Beyond resisting or supporting the state, border residents' reinterpretations of Free Trade, rights, and autonomy not only enable them to participate in an economy that otherwise excludes them, but challenge the logics of a restricted, state-governed "Free Trade." They do not protest the concept of Free Trade like the Zapatistas and anti-neoliberal social movements, but redefine what "Free Trade" means and who can participate, thereby defining the trajectory of its effects.

La Democracia, Guatemala Converts Corn Contraband to Business

Although Mexican border residents considered the corn trade "a little bit legal; a little bit illegal," Guatemalans adamantly stressed its legality. As Guatemalan cargo loader, Emilio, stated, "Corn in Guatemala is not prohibited. It is food. If we didn't have corn, all Guatemalans would die of hunger.¹⁶ People are now united with the mayor in La Democracia to ensure that corn entering from Mexico is free. If not, we will organize and go on strike against the government." This section describes how corn contraband acquired the semblances of legality in Guatemala.

One hot and dusty March afternoon, Emilio was sitting at a Guatemalan corn broker's depot in the plaza in La Libertad, Guatemala. Bags of corn were stacked nearly ten feet high. A small tin roof supported by wood pillars provided structure to the depot, as well as a respite of shade. Emilio and his group of cargo loaders lounged across the stacked bags, resting until the

next truck-load. Corn cargo loaders on the Guatemalan side formed an association to rotate work fairly. In groups of four or five, they rotate shifts loading cargo at different corn brokers' depots.

As I found a place to sit, sharing the shade provided by the depot, Emilio and the cargo loaders explained how "corn became legal in Guatemala." An interview with the mayor of the municipality of La Democracia provided insight into how he, and others, began to realize the urgency of corn shortages and the necessity of importing cheaper Mexican corn. Strikes throughout the department of Huehuetenango in 1998 convinced the mayor, who claims direct responsibility for the municipality (based on neoliberal reforms stressing municipal autonomy)¹⁷, to take charge of the situation by holding a joint meeting with the Guatemalan border residents, the corn brokers, the governor of Huehuetenango, and customs officials. At the meeting, the parties signed a document to "legalize" the cross-border flow of corn. The agreement, however, was declared valid *only in this particular* border crossing and only for corn. In return for a nominal tax to the municipality of 50 *quetzales* (about \$7), corn truck drivers began to receive receipts to protect them from police encroachment. In contrast to the Guatemalan import tax of 200 *quetzales* per truck, this fee is minimal.

As a result of agreements signed between Mexico and Guatemala in 2000-2001 as part of the Mexico-Northern triangle Free Trade Agreement,¹⁸ there are no export duties between the two nations, except for the fees required to process documentation. Import duties exist, albeit lowered. Few border residents and brokers, however, are aware of the tax policies.¹⁹ These changes led the municipality to document the corn flow, thereby giving it the stamps and semblances of law. Even though customs officials decried this accord as illegal and refused to sign it, the mayor's assertion of municipal autonomy held sway. By performing the mimetic faculty, the municipality's receipts and documents acquired the power of the original,²⁰ but differed since

they were more locally legitimate. As brokers reasoned, “If the tax were higher we would be unable to work, and Guatemala would have no corn.” In contrast, one Guatemalan official, outside of the circle of contraband benefits, commented on the power of the discourse and its local effects, “I might agree with this corn policy if corn prices actually fell. But the profits remain with the businesspeople.”

Subsequent disputes reveal the daily workings of whose definition of legality has the power to influence border commerce. In 2004, the new governor of Huehuetenango protested this corn flow and dispatched police to arrest corn traffickers. Instead, Guatemalan border residents took the policemen hostage until they could resume their work. Border residents separate their “legitimate” actions from officials, who they perceive as violent and unjust, illustrating the divisions between state actors and marginalized populations. Rus and Vigil (2007: 168-169) illustrate a parallel example of indigenous urban unions in San Cristóbal, Chiapas. By conducting land and market invasions, transporting undocumented migrants, and tapping power lines, the unions were “all strictly speaking, [engaging in] illegal actions, but all accepted and approved of by virtually all indigenous migrants... [They] see nothing wrong with righting generations of exploitation and repression.” Much like border residents’ rejection of the official law as immoral, Rus and Vigil (2007: 169) argue that indigenous migrants view “‘Ladino law’ [as] partial and unjust... their moral view of these activities [land invasions, smuggling]... does not coincide with the legal view.”

Portraying local moral norms versus official legal exploitation, Emilio explained, “When we held the officials here (until their boss came), we didn’t hurt them. We treated them well. We gave them food and drinks.” He continued, “The new governor argued that because this agreement was not a nationally legislated law, it was illegal. He refused to respect it. We had to

call delegates from Guatemala City to resolve the problem.” Emilio recalled the dispute over legality, citing the mayor’s response, “Am I not a representative of the government? Are my forms not given and stamped by the government? Until another accord is signed, this one is valid. If this isn’t valid, then am I not valid as a government authority?” Although this event merits further investigation, corn commerce soon resumed and the governor was removed from office by a combination of forces including the central government and petitions from civil society organizations, which included some of these very border residents.

The corn traffic is considered “more legal” on the Guatemalan side, legalized by the mayor and bolstered by symbols of the state including taxes, receipts, and signed and stamped documents. The lack of a nationally legislated policy, however, contributes to the unpredictability of the commerce and the continued dependence of border residents on the proclivities of specific officials. Emilio told me that when the governor or mayor changes, the brokers often need to renegotiate the agreement. The control over state functions is therefore not a monopoly, but a contingent negotiation between various actors. This key point highlights the interplay of interests that lie behind state claims to complete, legitimate monopolies over functions such as taxation, sovereignty, and violence.

From Corrupt to Respectful Officials: Residents, Officials, and “Rights”

“The police now have respect for our rights.”--Mexican border resident.

Prior to the late 1990s, Mexican and Guatemalan state and federal police and military officials either maintained semi-permanent inspection posts in this border region or entered the passage by foot or in vehicles to tax and/or confiscate merchandise intended for cross-border commercialization. Residents and officials agree that this type of vigilance terminated in the late

1990s. One border resident related, “Before the *empleados* engaged in extortion. They would levy large fines against us, but they had no right to be in our passage. Now things have changed; now we are friends.” Vigilance in Mexico is exercised by various layers of bureaucrats and police officers that represent different levels of state and federal governments. In Guatemala, vigilance is more centralized and originates in departments (equivalent of state-level entities in Mexico). Encounters between Mexican officials and residents are influenced by individual relationships and the informal sharing of information. In contrast, relations with officials in Guatemala depend on residents’ interactions with the mayor. Nevertheless, in sum, the nature of official-border resident relations has been reconfigured in similar ways on both sides of the border, largely due to the organization of border residents; the influence of social movements such as the Zapatistas in Mexico, the Pan-Maya movement in Guatemala, and peasant organizing in both nations; and the restructuring of bureaucracies in Mexico and Guatemala that in practice gave regional level agencies more authority and autonomy over local matters. I will now discuss the neoliberal and local changes in Mexican governance that occurred apart from the immediate changes caused by government fears of Zapatista insurgency.

Border residents use the terms officials, authorities, or police to refer to a range of state agents. The most common term used, however, is *empleados*, meaning “employees” of the state, whereas the word *autoridades* (authorities) is largely reserved for community leaders. The term *empleado* symbolizes, in the eyes of border residents, how state agents do not represent an authority figure, but rather, employees subject to employer-employee relationships. By working with *employees*, but often through friendship and bribes, residents occupy employer-type roles. According to residents, relations that were once characterized by extortion and humiliation have shifted in the past decade to an arrangement resembling contract employment. Previously state

officials surprised smugglers and unpredictably charged large fines, imprisoned smugglers, or confiscated goods, but since the late 1990s Mexican smugglers and officials have arranged bi-monthly meetings to schedule regular payments. Officials note the employee-employer relationship that neoliberalism establishes between the concept of the state and its agents. As one customs official said, “It is just a job. It doesn’t mean I agree with the government or voted for the president. I need to feed my family too.” An official that is a “good employee,” however, becomes a “friend.” Current interactions between state officials and border residents are therefore characterized by a blurring of patron-client and neoliberal employer-employee relations.

Since the “corn trade situation” is regionally well-known, knowledge is passed down between officials, who periodically rotate to temper corruption. On the Mexican side, officials will occasionally meet with the *coyotes* to cement relationships and trust. Yet changing personalities and interests may conflict. For example, in the fall of 2006, according to one *coyote*, Ramón, the new commander at a nearby Mexican military base requested that each *coyote* contribute a “gift” (1000 pesos, or about US\$100 each) for new lights at the base. The military officials construed the demand for money as a gift, but the *coyotes* viewed it as an unjust bribe. The conflict illustrated the power dynamics behind the decision to label something as a “gift” (see Mauss 1950) when the “gift” exchange implied relations of inequality and corruption. Some *coyotes* agreed to pay, but most protested that the official “did not have the right to charge them because corn was free.” Eventually, regional support for the free flow of corn, discourses stressing a “right to corn” and the *coyotes*’ strong organization led the military commander to retract his demand. The communities interpreted attempts by officials to wrest legal control, or to benefit from the corn traffic, as corruption and an infringement on their rights to work “freely” in the corn business.

Conversely, regional Mexican police and state agents refer to this same dynamic of local organizing to assert “rights” as a growing “mafiaization of the people.” One August afternoon in 2007 when I visited Mexican customs inspectors at the nearby federal border crossing, their office was covered in graffiti, ironically demanding “Free Trade for all!” When I asked what happened, the official responded with frustration,

*[In contrast to others he has worked at] This border region is distinguished by illegality...They even graffitied our personal vehicles! (see **Figure 3.2**) A group of protesters came here and held us hostage in our office for seven hours. How could we do anything? There were 200 people.” He pointed to himself and his colleague at the next desk, “As you can see there are only two of us ...how easily do you think the people could chase us out of here? The people in this region have a lot of control...It is their land [referring to border passages like this one] and they don’t let us enter. Before we could, but since 1994 [referring to the influence of the Zapatistas and other regional social movements] little by little the communities in this area started to deny us entry to inspect anything... It is not worth it to have problems with the people.*



Figure 3.2 Official customs building ironically graffitied with, “Stop [neoliberal] structural reforms. [We demand] free trade for all. Get out Felipe Calderón” (Mexican president).

Officials cite the Zapatista uprisings and the rise of social movements in Chiapas as fomenting a climate of illegality. On the other hand, border residents cite these same movements as motivation for exploited peoples to assert their rights.²¹ Rus and Vigil, (2007: 164; 166) in their study of the indigenous urban population of San Cristóbal, Chiapas note, “in the chaos and frank extralegality

that prevailed after 1994, indigenous leaders increasingly challenged...[the] old ladino society...Not only did new, more powerful indigenous organizations emerge...but informal and illicit economies activities...[that became] not only widespread, but widely accepted.”

Furthermore, neoliberal restructuring in the 1990s made it difficult, and often risky and impractical, for customs agents at the official crossing to perform their jobs. Specifically, in the mid 1990s, the Mexican state further centralized customs authority and resources at the border crossing of Ciudad Hidalgo, Mexico and Tecún Umán, Guatemala. If a company or individual intends to commercialize anything larger than a shopping bag’s worth of goods, they must contact a customs official at Ciudad Hidalgo or in Mexico City for prior permission and inspection. Most residents do not know these laws, or do not have access to commercialization laws that benefit large companies that are officially registered with both nations to conduct Free Trade. Moreover, border residents have traveled this route for generations; it was the traditional trade route before the opening and regularization of the port in Ciudad Hidalgo in the mid 1970s.²² The original customs post was in nearby Trinitaria, but the port in Hidalgo allowed for more traffic, especially after highway improvements in the late 1990s.

Officials express different views, commenting on the power and economic imbalances that are heightened yet obscured by Free Trade. One Mexican customs agent remarked, “People hear the term Free Trade and they think that means *free*. But it doesn’t. People do not commercialize products legally because they think it is difficult or expensive. They have the wrong idea, are ignorant, or just lazy.” When I suggested an idea from another border resident, Alonso, that government representatives should teach people about Free Trade in community assemblies, he responded, “Yes, there needs to be more information. But it [lack of knowledge of the law] is also part of Mexican culture and Chiapas is the most backward state, like you can

see in indexes of education and poverty.” Officials employ a paternalistic discourse that negates the agency of border residents. By elevating their own education, they seek to assert their symbolic power in a region where, in practice, they have limited influence over commercial flows. Due to obstacles to commercialization, especially for everyday people and farmers, most of the international commerce in this region occurs clandestinely. Some border residents suspect that legal commerce in some products would be cheaper. Officials obscure the law because the bribes they receive, according to border resident Tito, “double the salaries of state officials.”

How Corn Became “Free”: Agents of Change

“Hoy decimos basta! Today we say enough is enough!”--Subcomandante Marcos 1993, cited in Collier and Quaratiello (1999: 2).

Neoliberal policies, structural changes in governance, changes in relations between officials and residents, strong local ties to corn, and historical connections in the region provide the backdrop for the legitimization of the cross-border corn trade. Furthermore, the confusion/convergence over Free Trade is understandable since the discourses of Free Trade, to which residents were exposed through increased access to television, radio, other media sources, and migration in the 1990s, coincided with the withdrawal of state officials that previously provided vigilance in this passage. None of these changes were pursued in concerted coordination, but they achieved the same result of a “free,” or open, route, especially for corn. To understand what this “freedom” means, it is necessary to examine how border residents cite notions of universal freedom and rights to legitimize and restrict *which* actors have access to the right and freedom to commercialize corn. Such tactics resembles how states create modes of differentiated citizenship to legalize inequalities (Holston 2008) and therefore requires a focus on

the specific groups of local actors, as well as on the processes by which individuals form groups in order to enforce their ideas about rights, *Free Trade*, and legality. The difficulty in acquiring one answer as to why the passage is “free,” or what this freedom means, reveals the conflicting interests that combine in myriad ways to define the border and legality in daily practice.

Community Control: Toll Booths and Restricted Freedom

Realistically, the corn traffic is not as “free” as border residents claim it to be. Recognizing their strategic position as gatekeepers to a valuable market, border residents play the state function of border controllers and tax collectors through their toll-booths, similar to Flynn’s (1997) comparative case of residents on the Niger-Benin border. Residents challenge state authority to levy taxes by proclaiming themselves to be the rightful authorities.

Other actors, such as regional corn producers, have challenged the right of the border communities to restrict their freedom to commercialize corn. The following incident describes this encounter between producers and border residents. Adán is the leader of a union of 4000 corn producers in a nearby irrigation canal zone in the region of Trinitaria, Chiapas, where Ramón and I went to purchase corn (see **Map C**). Since irrigation enables two yearly harvests rather than one, this area provides the majority of the border region’s corn. According to Adán, officials from Tuxtla (the capital of Chiapas) arrived in the border passage to talk to residents in the late 1990s, and, “They said that corn would be free. Free from official interference and free from the community tolls. Free so that producers could sell their own product directly to Guatemalan buyers. Before the *coyotes* would detain us in the road, and demand that we resell our corn to them. But we did not agree on anything.” Néstor commented on the same meeting between officials, border residents, and corn producers, “The Tuxtla official informed us that if we

removed the toll-booths, corn would be free and the government would pave the road. Most people agreed, but a few businesspeople feared that if the government paved the road, they would have an excuse to interfere with commerce. So we declined and kept the toll-booths.” The right to make community decisions rested with powerful border resident smugglers, rather than traditional community authorities or communal consensus procedures that local *ejidos* stress. Adán added that both parties have since compromised to allow the producers an active role in the exchange. For example, they now negotiate their prices with *coyotes* and control access to the corn by registering buyers with their association. The tolls and influence of the *coyote* as a middleman, however, remained. In practice, the *coyotes* and brokers largely control the cross-border corn flow. Since *coyotes* control access to the means of transportation and the border route, they still prohibit producers from directly selling their corn to Guatemala. *Coyotes* and their border resident friends have formed a trucker’s association that ensures that transportation is conducted by border residents rather than producers and outsiders.

The Mexican Corn Producers:

In contrast to the claims of many border residents, corn farmer Adán argues that his association of producers was responsible for the withdrawal of officials from the clandestine road in order to facilitate corn flows. He recalled that, at first, many border residents resisted the removal of the authorities because they wanted sole control of the corn trade, even if that meant paying bribes to officials.

As a consequence of neoliberal reforms, since the late 1980s, the local CONASUPO, or government-owned warehouse where farmers had sold their corn for generations for guaranteed prices, had consistently lowered its prices and cut back its purchases of corn. The effects of the withdrawal of subsidies and price guarantees for corn became dire in 1995, when the local

CONSUPPO closed. Upon closure, the owners refused to pay the money they owed to producers. According to Nash (2001: 86), “farmers were left with 80,000 tons [of] unsold [corn] in the spring of 2000.” Adán recounted, “There were protests all over the region. We, the producers, blockaded the roads so no one could get through. Then some of us went to Tuxtla and took the representative of CONASUPPO hostage until he paid us the money he owed.” He continued,

I and [members of] the [corn producers'] group went to talk to the governor in Tuxtla. We asked him to remove the customs officials, inspectors, state and federal police, etc. from the border and to not interfere in our corn sales....We wanted him to sign an agreement. He agreed to remove the officials, but of course he did not sign anything. That would not work for the government. But the accord stands.

Most border residents are aware of an unwritten local accord that allows corn to “freely” pass over the border, but few understand its legality or how it emerged. All regional actors assert that this agreement remains informal, local, and unknown outside the region. The fact that this agreement was never covered by the media reveals much about the structure of media politics and economic interests in a region where the corn traffic benefits most, whereas its publication undermines the legitimacy of the state to perform its job and uphold its image of control (Martínez Mendoza 2006). Adán describes the corn trade like most in this region, “A little bit of both. Not *legal* legal, but not really illegal either.”

The Coyotes and Brokers: Cross-Border Entrepreneurs or Mafias?

The *coyotes*, or corn buyers, are 22 Mexican border residents. All men, they organized into an association and each has his counterparts, the brokers, on the Guatemalan side. There are slightly more brokers, however, and many *coyotes* work with two or three different Guatemalan brokers. *Coyotes* recount the story of “how corn became free” differently, stressing the role the border communities and the *coyotes* had, as opposed to producers like Adán, in driving out the officials, conveying a moral narrative to support the local legal and economic system. Yet

coyotes, producers, and border residents all agree that if officials were to interfere in the corn traffic, “It would destabilize the entire region.” According to Pablo, a Mexican *coyote*:

For corn [to sell over the border to Guatemala] we previously paid bribes to officials. Now it is free. People woke up and realized they had rights. We were paying so many police that we could not make a living. We could not eat, and we live here and depend on corn for our food! We protested against the officials: the state police, the federal police...Now corn is free. The officials respect the people and understand. If not, we chase them out.

The term *coyote* is best-known as a reference to smugglers who transport undocumented migrants across borders, but many believe that the corn middlemen possess similar skills of cunning, flexibility, and the ability to straddle the border between trust and deception. Some *coyotes* take pride in this term, but it is a term largely applied in the region by others. Commenting on their marginalization in the trade, corn producers conflate the *coyotes* and brokers, referring to both as *coyotes*. In contrast, most *coyotes* refer to themselves as just *negociantes*, or *businesspeople*. The change in terminology reflects the degree to which these *businesspeople* view corn traffic as a respectable, honest *business*, rather than as an act of contraband requiring secrecy and cunning. After all, they assert, “Corn is not contraband since officials do not interfere” and unlike smugglers, they do not pay bribes. They stress their modest profits in contrast to those who are brokers in more “lucrative” businesses like coffee. They validate their position as brokers to producers and outsiders by asserting that they are not becoming wealthy in this trade, but rather, they work hard to “barely make ends meet.” Their claims to small profits support their argument of the moral and economic necessity of the trade. If officials or other regional actors were to intervene or levy taxes, they would not survive due to the crisis of corn farming in rural Chiapas. According to Ramón, he could purchase a *bulto* of corn in 2006 for 174 *pesos* and sell it to Guatemala for 184 *pesos*. He estimates thirteen *bultos* in a ton

and ten tons of corn in each truck-load. After paying *cadena* tolls, truckers, cargo loaders, and gasoline, he asserts that he only earns 500 *pesos* (approximately U.S. \$50) for each ton of corn sold at the price of 2400 *pesos*. When gas prices increased throughout 2007, many truckers sought to raise their prices, and many *coyotes* without trucks could no longer afford to work.

Over the past decade, *coyotes* and brokers each formed associations in order to rotate work equally amongst members, keep officials at bay, set the “laws” of the business, and exclude outsiders. Recognizing their interdependence, they assert that “they respect the national line” by organizing separately in each country. For example, they agreed to pursue negotiations independently with their respective national state officials in order to achieve the common goal of liberating the pathway. Each *coyote* works independently with his broker, but the groups occasionally meet in a community hall, individual homes, or in the corn depots to establish fair corn prices, work practices, and to protect their business from outsiders and officials.

The *coyotes* and brokers share an interdependent, yet often contested, work relationship. Many are connected by kinship, like Ramón and Nelson. Others became associated through historical population movements across the Mexico-Guatemala border. The most recent and extensive of such movements was the flow of Guatemalan refugees to Chiapas during the Guatemalan counterinsurgency war, which led to massive rural population displacement from the highlands in the 1980s. Subsequently, after the Peace Accords in 1996, refugee return movements and economic migration contributed to border flows in both directions (North and Simmons 1999; Freyermuth et al. 1992; Castillo 1999; Montejo 1999; Kauffer et al. 2002; Manz 2004). After the war, many former Guatemalan refugees remained in the region on both sides of the border due to perceived socioeconomic advantages, activating the contacts made during refuge for commercial and/or smuggling collaborations.

Most *coyotes* and the brokers combine their funds for their wholesale corn purchase from Mexican producers. The *coyote* travels to buy the corn and the broker arranges for the Guatemalan buyer and acquires the bags to package the corn for sale. *Coyotes* have more control over the trade and make larger profits than brokers, but this is usually justifiable to both parties because the *coyotes* conduct the trip to search for corn in the production zones, pay for the truck, and bear the brunt of financial risks or encounters with officials in the highway. Furthermore, the *coyotes* promote a nationalist argument, asserting that since the corn is Mexican, they should retain more control.²³

The Guatemalan brokers justify their right to work based on the fact that they buy and look for the bags to package the corn. Corn is sold in different sized bags and weights in Mexico and Guatemala. Since corn sold at the border here is in Mexican bags, the Guatemalan buyer will transfer them to Guatemalan bags further in the commercial chain. It is part of the broker's job to track down these bags, re-purchase them, and return them to the Mexican producers. "Searching for bags" provides brokers with knowledge about the geographic extent of the corn trade throughout Guatemala and possibly beyond. They know that it is not just the regional trade (within the department of Huehuetenango) officials deem it to be. Brokers also help arrange for the purchase of cement block, which corn trucks transport from Guatemala to Mexico on the return trip. The major destination for these blocks is the irrigation canal zone, thereby increasing the value of the brokers to the producers. Brokers also pay a monthly fee to their community to construct a depot to store corn if a buyer is not immediately available.

Only a few years ago, brokers negotiated corn prices independently with Guatemalan buyers. The brokers, however, due to the greater risks (financial, as well as encounters with police or bandits) experienced by *coyotes*, recently agreed with *coyotes* to pre-determined sale

prices. Most brokers, due to the lack of trucks and resources compared to their Mexican counterparts, have less power. They no longer profit from the exchange and only receive a commission of 200 pesos per truck. Some prefer this arrangement since they no longer bear the risk of price fluctuations; others desire more active roles.

Despite their interdependence, the relationship between the *coyotes* and brokers is contested, revealing not only personal and kinship relations, but evolving opinions about class and rights. For example, by 2008 Ramón had stopped working with his uncle, who he argued was not paying him, and began working with a nephew. Strained economic and kinship relations merged, as Ramón was able to assert more influence with a younger, less experienced relative. Although they assert their equality and are good friends, one broker's wife refers to her husband's *coyote* as his "patron," or boss, since he earns more money from the exchange. She told me, "The corn belongs to the Mexicans so they establish the price." Ironically, participants in the trade attribute corn "ownership" and control to the Mexican *coyote* rather than to the producer. Another Guatemalan broker asserts that he utilized his dual Mexican and Guatemalan citizenship to strategically change his residence depending on economic opportunities. Opportunities are assessed in terms of profit and risk, which depend on individual networks. For example, one man moved from Mexico to Guatemala to work as a broker, which he saw as a better option than working as a *coyote*. Although brokers earn less and compete with more people, they are less responsible for the capital outlays to purchase corn, pay for tolls, and acquire trucks. Since he has more kinship relations in Guatemala, he also feels more comfortable working there and perceives it as a safer working environment. While Mexican truckers have not faced problematic encounters with police in the past few years, Guatemalans without dense networks and/or proper Mexican national documents continue to perceive these trips as risky.

Mexican corn producers, especially in the canal irrigation zone, and regional consumers, however, refer to these *coyotes* and brokers as criminals when they believe that the brokers abuse their authority. At the same time, however, producers allow the brokers to continue their roles in the exchange process, and many have developed friendships. In many ways, the corn producers share the brokers' notions that rights to the passage are based in land ownership and road construction. In addition, the brokers' experience, access to transport, level of organization, and social and economic capital support their roles. Since they live on the border, brokers have engaged in these networks for generations and have extensive cross-border connections, an advantage those in the interior often lack. Personal connections and trust are integral to successful and efficient transactions in this informal/illegal economy.

Since the *coyotes* and brokers organized in order to exercise the dictum that "all who live here [and have the necessary working capital] have the equal right to work," membership is limited to border residents and their associates. In order to ensure ideals of equality, each year the *coyotes* agree upon prices at which to buy and sell corn. Although those with more economic capital can afford to lower their price point in order to purchase larger quantities of corn, the association and communities temper this through norms of community solidarity, economic justice, and equality. The balance, however, is becoming contested as residents weigh competing views of community equality with the desire for profit, as well as growing familiarity with competitive capitalist modes of conducting business acquired through experience and migration to the U.S.

Another impetus for the organization of the *coyotes* was to negotiate with the canal producers, who organized to demand higher corn prices. Whereas the *coyotes* once held the sole power to establish corn sale prices, in 2004, Adán's canal producers organized by blocking roads

and refusing to sell corn in order to assert control. Although they did not achieve the price they demanded, the producers gained leverage since both groups now meet yearly to determine prices. Furthermore, all *coyotes* must now register with the producers' association in order to buy corn. The *coyotes* realized that the newly-organized producers had the power of larger numbers and ownership of the product, but *coyotes* had more economic capital as well as control over access to the market, road, and transportation. For example, due to corn shortages and corn price increases in 2007, corn producers blocked the *coyotes* from entering the canal region in order to demand higher prices given the economic climate. To resolve the problem, the groups held a meeting in the canal zone, but the *coyotes* did not agree to raise prices given the higher gasoline prices they were paying to transport corn. Without any other buyer, the producers reluctantly conceded.

In addition, around 2002, *coyotes* began to receive large corn shipments in trailers from business contacts from as far as the U.S.-Mexico border. Regional producers protested that these shipments lowered their prices. The *coyotes*, therefore, signed an informal accord with the producers to prohibit the entrance of corn from outside the region until all regional corn was sold. The border communities also close the route during their own harvests to protect the prices they receive in Guatemala. By closing their borders, the communities territorialize their conceptualization of their own protectionist state.

Cargo loaders, Class, and Gender:

The brokers and *coyotes* assert that anyone who lives in the border communities has the right to engage in the corn business, since "corn is everyone's product." This section examines how local claims of communal benefit are locally distributed and how a local legal-moral system based on corn contraband shapes, and is shaped by, gender, class, and ethnicity.

Guatemalan cargo loader Emilio, provides a case for understanding the economic mobility implied, yet made difficult, by the corn contraband economy. Emilio has been a cargo loader for ten years. He does not have enough money to be a broker, which would require sufficient funds to pay for a depot, contribute to corn purchases, and buy bags to package corn. Cargo loaders receive about U.S. \$5 per truck to load the heavy bags, whereas the broker can earn \$20 per truck. Loaders estimate that each bag weighs 80 kilograms, or nearly 177 pounds. Despite his comparatively small salary, Emilio's earnings are equal to what he can earn working an entire day as a field-hand, or about 50-60 pesos (U.S. \$5-6). While many make this economic argument, others lament the other costs of cargo loading including the lost time tending one's own land, the heavy manual labor, and the high risk of injury. Sometimes one can load five or more trucks per day, but other days loaders wait in vain. One girl told me her father was out of work for almost a year due to a back injury from loading corn bags.

Despite the extra costs of cargo loading, however, residents take pride in their enterprises. Emilio adds, "Everyone here can feed themselves from the corn business. The owner, the broker, and the workers.... We all benefit." Some cargo loaders have been able to invest their earnings towards becoming a broker, but the system in reality is internally rigid. Emilio earns barely enough to feed his family and supplements cargo loading with agriculture, as well as his wife's work vending clothing and food and his children's U.S. migrant earnings. A few new brokers, who formerly worked as cargo loaders, used loading as a means to acquire social capital to enter business, but most obtain the necessary economic resources from U.S. migration or cyclical high-interest loans that increase their poverty.²⁴

Corn contraband contributes to the image of a masculine economy. Lucrative opportunities are monopolized by men in enterprises considered traditionally masculine including

cargo loading and truck-driving. While women engage in small businesses like food and clothing vending, their presence and profits are less visible. Although locals associate “business” with men’s work, the distinction is inconsistent since residents largely acknowledge the “better business sense” and “superior mathematical” skills of women. One woman from San Pedro, Doña Nanci, was chosen by the mayor of La Democracia to distribute the receipts to truckers and collect the fees for corn trucking that go to the municipality. It is usually women, after all, who control and track household finances and expenses.²⁵ For locals, the terms broker and *coyote* bring images of men to mind, but there are women who participate in the business arena as brokers. Some work with their husbands or sons, while one, Doña Rosalva, affectionately called Chava, from La Libertad, is locally renowned as the only female corn broker. She also purchases peanuts from Mexico and sells them to Guatemalans, which she says is more complicated than corn because there are no local agreements that permit its cross-border commercialization. She tells me that since her land borders the plaza, it is easier for her to control business than her husband who works in construction. In contrast, there are no Mexican women *coyotes*, whose work necessitates travel and trucking. The construction business has also boomed due to the new houses demanded by returning migrants and successful businesspeople. She told me, “It is not a problem for a woman to conduct business. I have clients and the necessary patience and knowledge.” Chava did not come to La Libertad with the former refugees, but rather moved from a nearby Guatemalan town eleven years ago due to the perceived business opportunities and family connections at the border. I asked Chava if it was difficult to be a woman broker. She responded, “I am part of the association of brokers and no one says anything about me being a woman. We all respect and help one another equally. Whoever has money and clients can work. Buyers only care if we are selling good products.” In fact, border residents believe that patience is

the most important attribute of a successful business person, a virtue they tend to associate with women. As David, a corn broker from San Pedro told me about trucking,

More people have bought trucks and want to enter business. But not just anyone can do this. You need to have care and patience. They think they can just arrive with their cargo, drop it off, and go home. You have to wait for the truck to be unloaded. You often have to sit and wait for a buyer. Some stay overnight and need to wait until the next day. You need patience and not everyone has this.

While land ownership is a marker of class status and enables individuals to invest in contraband, Chava illustrates how business can provide an alternative to land ownership for socioeconomic mobility. “We don’t have land, so we conduct business. I know business because it is my inheritance,” she says referring to the fact that her border resident relatives have engaged in business for generations. “My mother used to sell food and then I started with a small restaurant. Now that I am older, business is easier because I can work from home and earn more. My clients come to the house to sell and purchase from me.” Engaging in the corn and peanut businesses helps her maintain her family, but it is not sufficient, as she tells me, “We have been able to build our house because my son is in the U.S. I also sell food, and my husband works in construction. There is work in business, but sometimes you lose money. If you can invest your money in business and own trucks you can make more money.” Like Ramón, she refers to the money she must pay truckers since she does not own a truck. Women and border resident Guatemalans are largely excluded from the truck business, dominated by Mexican border residents and Guatemalan purchasers in the interior.

The recent settlement of the indigenous communities of Maravilla on the Mexican side, and La Libertad in Guatemala, in a largely *mestizo* border region, lends a distinctively ethnic character to their economic exclusion. Since border residents tie “rights” to land ownership, border networks, and road construction, and many perceive the newcomers as “different”

[indigenous] outsiders, it is difficult for newer residents to assert their rights to contraband and border citizenship. Yet they experience marginalization differently, as La Libertad's strategic purchase of border land enabled them to construct a wider and more accessible border route than the original path crossing through San Pedro. In contrast, Maravilla's lack of access to land and the border road physically and economically removes them from the corn trade. La Libertad's strong organization and land ownership enabled them to construct the first corn plaza, giving them an integral role in the corn business as potential brokers, depot leasers, and cargo loaders. In fact, brokers from San Pedro built their own depots subsequently, lamenting that "we did not want to be ordered by people from La Libertad." Their associations are coordinated, but work locations remain community, and therefore, ethnically separated. Some from La Libertad found it difficult to establish connections with Mexicans, who were more intimately connected to San Pedro through generations of socioeconomic networks and kinship. Yet their organizational experience, which they attribute to their refugee and return experience, gradually opened some networks. Many in La Libertad knew Mexicans, and had patron-client work relations with them from their time as refugees in the region that they extended to *coyote*-broker relationships. Patron-client relations, however, have the potential to reinforce relations of inequality. Many Mexican landowners took advantage of the cheap labor of vulnerable refugees (see Hernández-Castillo 1992). Furthermore, their lack of resources makes it difficult for people from La Libertad to become corn brokers compared to their established neighbors. Efforts at alternative development projects in La Libertad offered by government aid organizations also failed due to the power of the contraband economy, making their integration difficult.²⁶ For example, efforts to run a communal dry-goods store were abandoned since potential buyers preferred cheaper smuggled goods.

Only one man from Maravilla has entered the business arena as a *coyote*. Few are cargo loaders since the depots are all located in Santa Rosa and the Mexican *coyotes* tend to employ their friends and relatives. Furthermore, the former refugees were farmers, inexperienced with the business experience long practiced by border residents. They did not have extensive cross-border networks, and at first, many lacked Spanish skills. As farmers without land, and unable to enter the business arena, residents in La Maravilla have adopted migration to the U.S. as an integral strategy for advancement. Their relative poverty and exclusion from the border economy, however, makes it difficult for them to invest their profits. Residents of Maravilla and La Libertad are not directly discriminated against in a corn trade that allows “all residents the right to participate.” Yet because residents determine access to “rights” by land and border residence, their newcomer status effectively marginalizes them, creating a system whereby ethnicity, poverty, and outsider status converge as justifications for exclusion and difference.

Current Transformations or More of the Same?

*“For every destruction, a creation. For every creation, a destruction.
In every birth a death. In every death a birth.
This is the way it has been. This is the way it will be.”-- Creation of the World, Poems
from the Books of Chilam Balam (Sawyer-Laucanno 1987: 50).*

Three trends are directly reconfiguring the corn trade, and thus the local legal, political, and economic system. These include Guatemala’s recent ratification of the Central American Free Trade Agreement (CAFTA) with the U.S., the rise of corn prices during 2006-2007, and increasing regional migration to the U.S. Regarding CAFTA, many debate how it will affect this cross-border corn trade when cheap U.S. imports flood into Guatemala as they did in Mexico. Some *coyotes* and corn brokers express anxiety, but others believe that the situation will remain

the same, arguing that smuggled Mexican corn will continue to be more readily available and of better quality.

The most recent trend is the rise in Mexican corn prices, creating what the media termed in 2007 a “tortilla crisis.”²⁷ Fears are further compounded by the impending effects of the full elimination of tariffs on U.S. corn imports in 2008 as stipulated under NAFTA.²⁸ Speculation criticizing the causes of this crisis varies, including the hoarding of corn by *coyotes* and companies waiting for price increases, the growing U.S. demand for corn for ethanol²⁹ and alternative fuels, and droughts and large-scale abandonment of the fields by farmers in the wake of neoliberal economic reforms. Most *coyotes* thought that the commerce would pick up later in the year, causing the business to reach equal levels to previous years.³⁰ They assert that when prices increase in Mexico, they increase in Guatemala, and since the price differences are the same, they will continue to work. At the heart of this conflict is a debate over whether the crisis is “real,” or the result of speculation, rumors, and/or conspiracy theories. Accordingly, increases in corn prices and a perceived crisis have influenced some residents to reevaluate their moral stance towards the cross-border corn trade. According to one Mexican woman border resident,

Now the prices of corn and tortillas are rising. Mexico now lacks corn and that causes the prices to increase. It is fine for us because we have the corn that we harvest and we benefit from the business [selling corn over the border]. But for people who live in cities tortillas are now very expensive. Maybe now it is not good that we sell corn to Guatemala because Mexico needs corn.

Rumors and price increases are experienced in terms of class as *coyotes* with more social and economic capital³¹ can afford to continue conducting business whereas those who lack such capital, like Ramón, are hesitant to buy corn, since they are uncertain if Guatemalans will purchase it at the higher prices.

Since the 1990s, illegal migration to the U.S. has escalated in this cross-border region. Many border residents proudly state that working in smuggling and its associated businesses allows them to make a living at home and not migrate to the U.S. Yet the necessary capital to enter the business/smuggling arena is often acquired from at least one migration to the U.S. A trip to Florida is how Ramón bought his pick-up truck. At first, only a few people who had resources from an inheritance, land, or livestock had the capital to engage in business and purchase trucks, but widespread migration to the U.S. in the past decade has significantly increased the number of individuals with the economic capital, experience, and initiative to enter business and contest the control exerted by select businesspeople. Community frictions are developing as the business market becomes saturated.

Furthermore, the irrigation canal producers, who obey the “border laws” in order to sell their corn, now also have additional resources due to U.S. migration. Seeking to transport their own corn, many producers have bought trucks and are beginning to pool their resources in order to construct their own clandestine road in a nearby border region. It remains to be seen what will transpire since the *coyotes* and producers are now more coordinated. Furthermore, the *coyotes* argue that smugglers will prefer their route not only because it is well maintained, but because of the trust and relationships they have built. They provide a safe connection with a reliable buyer, whereas smugglers fear crossing in unchartered passages due to the elevated risk of police, gangs, and bandits.

Conclusion

Despite changes, most residents anticipate that the situation will remain the same. Few fear a backlash by state officials or that corn producers will abandon their route. They are

confident due to the fact that they have created a state-like system that has become naturalized as “the way things are.” Through their strategies and organizing efforts that reinterpret and enforce their interpretations of *Free Trade*, rights, and official corruption, they attempt to moralize and legalize the system. These meanings are locally institutionalized, supported by the toll-booth and the organization of business, trucking, and cargo loading associations among residents.

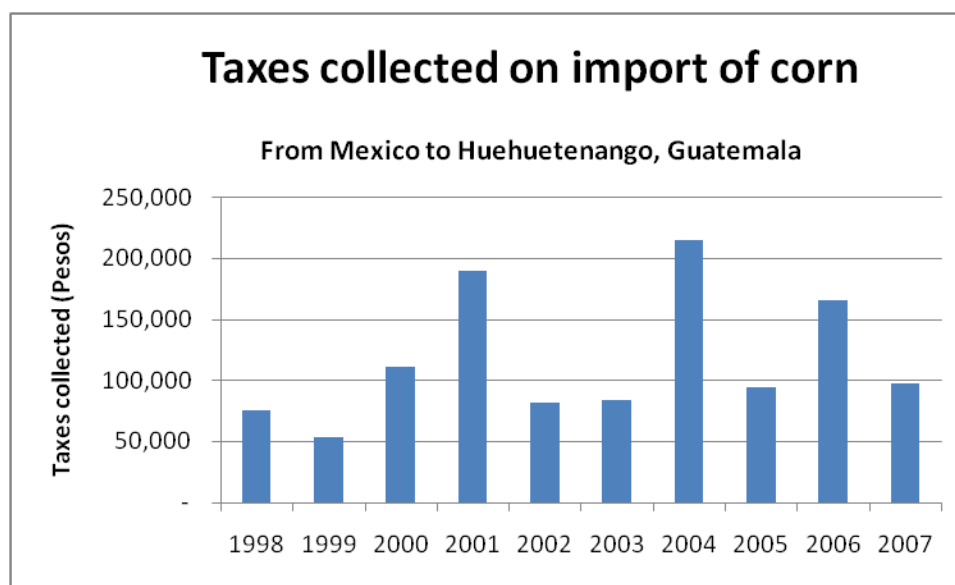
Border residents may appear to have constructed an alternate sovereign state with its own rules and moral norms, but their authority is always contingent on their interactions with state officials, external smugglers, producers, and one another. The case of local sovereignty based on corn contraband shows how power and sovereignty are always partial, shifting, and overlapping (Sassen 1996, Ong 1999). The “graduated sovereignty” (Ong 1999) exercised by border residents reflects the contested and fragmented nature of hegemony: state, transnational, and even local. Sovereignty is fragmented locally, as recent arrivals in Maravilla and La Libertad and outsiders demand their rights to participate in the corn trade.

Currently, border residents employ discourses of *Free Trade* and rights to legitimate what they rationalize as a more just legal and economic system than that offered by either government. They embody the principles of Free Trade by engaging in officially illegal activities, thereby opening space for reassessing the links between justice, economy, and legality. The growing number of individuals excluded from the border political economy, however, threatens to rupture the contradictions inherent in a system that propagates myths of autonomy, “Free Trade,” and rights to legitimize exclusion. The case of corn illustrates how a normative legal, moral, and economic system emerges and becomes legitimate, mirroring the practices of early state formation (Tilly 1985). The following chapters, in their extension of these ethics to other

businesses and socio-cultural practices of (il)legality, illustrate the contradictions and contestations of these moral-legal ideas in practice.

Table C: Taxes levied on cross-border corn trade. Source: Municipal Archives, La Democracia, Huehuetenango, Guatemala

I converted the taxes of 50 *quetzales* per truck into *pesos* to facilitate comparison with *cadena* records in Chapter 2 (see Chapter 2, **Table A** and **B**). 10 *quetzales* is 14 *pesos*, which is about US\$1.30 depending on currency fluctuations. This data is converted according to 2007 exchange rates. However, in 2008-2009, the *peso* has fallen against the dollar, so that 14 *pesos* is equivalent to US\$1.



The decline in 2007 is surprising given the increase in tolls collected in Santa Rosa in 2007 (see Chapter 2, **Table A**). Declines may in fact be due to the rumored corn shortages (with increased *cadena* revenues perhaps due to a spike in gasoline smuggling in 2007) even though residents assert that the corn flow resumed to high levels in the fall of 2007. The decline may also be the result of a lack of reporting and/or mis-accounting on the part of residents and/or the municipality.

Variations, officials argue, are usually based on seasonal differences or the lack of reporting. It is quite possible that many truckers do not pay their “tax” and prefer to evade official documentation, especially since municipal officials believe that the levels of commerce are relatively low and that commerce is only local. In contrast, producers and border residents stress its centrality, that “100% of the region’s corn goes to Guatemala,” and that the corn may go as far as Central and South America.

Although community *cadena* records do not disaggregate by product, the border communities record taxes every 12 hours, every day, month, and year. In contrast, the municipality only tallies the corn flows every few months. It is therefore also possible that they might be missing data. With only a short field trip in August 2008 and the rawness of the data, I was unable to assess the reasons behind the discrepancies, which I intend to investigate in future research.

ENDNOTES

¹ All names are pseudonyms in order to protect individual identities.

² Many scholars have followed products, such as Mintz's (1985) classic study of sugar, Mitchell's (2002) study of the mosquito and the Egyptian state; Alvarez's (2005) transnational study of the mango and chile trades, and Appadurai and Kopytoff's (1986) work on "the social life of things" to understand the politics of value (Appadurai 1986: 3). In this case, corn highlights the contextuality of the production of value in the exchange process.

³ See Goodale et al. (2007) on studying "between" the local and the global.

⁴ Also see Appadurai (1996) on vernacularization

⁵ See <http://www.jornada.unam.mx/2007/01/09/index.php?section=economia&article=017n1eco> No habrá control de precios para frenar el aumento a las tortillas.

⁶ See <http://www.ircamericas.org/esp/4126> La Nueva Guerra de la tortilla.

⁷ Plan Puebla-Panama, spearheaded by former Mexican President Vicente Fox, aims to further link Mexican and Central American markets (Villafuerte Solís 2004: 26). These agreements carried a strong "security agenda," redefining the Mexico-Guatemala border as a national security zone (Villafuerte Solís 2004; Castillo 2003; Villafuerte Solís and Leyva Solano 2006; Sandoval Palacios 2006). As cited by Villafuerte Solís (2004: 67, translation mine), The U.S. viewed the Mexico-Guatemala border as less economically significant than the northern border, which influences Mexico's attitudes towards its southern border. The "forgotten border" has taken on the "function of the 'last border,' where the geneses of problems occur, which can contaminate the northern border" (Villafuerte Solís 2004: 67, translation mine.)

⁸ This Free Trade agreement, signed between Mexico, El Salvador, Guatemala and Honduras in 2000-2001 is referred to as Tratado de Libre Comercio México-Triángulo del Norte (Northern Triangle Free Trade agreement). See Castillo (2003) and Villafuerte Solís (2004). The agreement intended to facilitate commerce, and gradually eliminate tariffs in the region. As a result, there are no export taxes between Mexico and Guatemala (besides the amounts required for paperwork and inspection). Import taxes, however, remain, based on the value of the product.

⁹ One resident told me he joined the army and fought against the Zapatistas in the Chiapas jungle. More common, residents sympathized with their plight, but argued that their struggle differed because they had respect for the government, whereas the "Zapatistas have no respect for the government."

¹⁰ See Rus et al. (2003) and Speed (2008) on reversal of San Andrés accords.

¹¹ Furthermore, a focus on San Cristóbal (the initial site of the uprising) as the basis of activism, NGOs, and human rights discourse, and the jungle and highlands as the laboratory of these discourses (initial sites of autonomous communities), contributes to a deterministic association of geography with politics, identity, and economy.

¹² Also see Freyermuth and Hernández-Castillo (1992)

¹³ Many leaders of peasant and labor organizations gaining momentum in the 1970s were outgrowths of the radical urban left movements of the 1960s (Harvey 1998; Gutmann 2002)

¹⁴ Since 2006, the Zapatistas have more explicitly reached out not only to Mexican society as a whole, but to marginalized peoples worldwide. There is currently more emphasis on resistance to neoliberal globalization than when the movement began salience (Speed 2008).

¹⁵ See Warren's (1998) description of influence of United Nations Working Group on Indigenous Peoples

¹⁶ In fact, Guatemala has historically relied on corn imports to supplement scarcities (Fuentes et al. 2005).

¹⁷ Watanabe's forthcoming work illustrates how assertions of municipal autonomy in Guatemala actually have historical roots in the 19th century. (personal communication 5/2008).

¹⁸ For details see Villafuerte Solís (2004)

²⁰ See Taussig (1993) on the mimetic faculty.

²¹ See Goldstein 2003, 2007 on differing interpretations and deployments of "rights" discourse.

²² The major entryway inspection point for commerce between Mexico and Guatemala is at Ciudad Hidalgo, Mexico and Tecún Umán, Guatemala. According to a Mexican customs agent, the port was established at Ciudad Hidalgo in 1974-1975, but it did not function then as it does now. He credits ex-president Vicente Fox with regularizing the commercial flows. Trinitaria was the original customs post and "border" for much of Chiapas' history.

²³ Except in the case of occasional price fluctuations, the corn traffic has always proceeded from Mexico to Guatemala.

²⁴ Many brokers and *coyotes* have yet to see profits, as most gains are paid towards high-interest loans to wealthier individuals and lending institutions. Residents in Guatemala estimated that individuals charge interest rates of about 15% monthly and Guatemalan banks about 5% per month. Mexicans estimated that wealthier individuals and banking institutions charged them 10% interest monthly, or even, bimonthly. Many are hesitant to take out these loans from banks for businesses that may not succeed. One man from La Libertad states that he was only able to become a corn broker because his relatives in the U.S. lent him money with no interest.

²⁵ Scholars have long since revised their perceptions of women's housebound labor in Mexico and Guatemala, where they argue women were often active in local markets. (Kellogg 2005; Dinerman 1978;

Abrahamer Rothstein 1999). Also see Stephen (1991) on role of market women and weavers in local economy in Oaxaca, Mexico.

Kellogg (2005) details the case of Mayan women's labor in Chiapas and Guatemala, noting a more active, albeit locally circumscribed, economic role in markets for Guatemalan women. Not only selling their own produce, some women become *revendedoras*, or resellers (traders) that negotiate with male commercial traders (Kellogg) Kellogg (2005:115) argues that this role gives them considerable economic (although not political) power in the household. In the context of economic crisis since the 1980s and the decline in formal male wage employment, many women find employment in the informal sectors as vendors and intensifying craft production for markets (Kellogg 2005; Abrahamer Rothstein 1999; Chant 1991; González de la Rocha 2001; Safa 1995). In the past decade, NGOs and lending agencies now target women as "more responsible" financial investors in their households. For example, Microcredit organizations focus their lending and small business strategies on women (Lazar 2005).

²⁶ Efforts to subsidize collective farming, animal husbandry, or establish communal stores could not compete with the ability to simply circumvent these activities with cheaper contraband alternatives such as smuggled sodas, juices, and canned foods, fresh fruits and vegetables, and even livestock.

²⁷ See <http://www.jornada.unam.mx/2007/01/16/index.php?section=opinion&article=021a1pol> Tortilla: La quiebra de un modelo.

²⁸ These effects will need to be analyzed in the coming years. As of yet, I have seen few effects, especially since my fieldwork concentrated on the period of 2006-2007 and only one month of 2008 (August).

²⁹ The subsequent fall in fuel prices in 2008-2009, and collapse in demand for ethanol, will need to be explored in subsequent ethnographic field trips.

³⁰ When I returned to talk to *coyotes* and examine records from 2007 in August of 2008, this is what transpired. Residents perceived and documented (in toll-booth data) slow cross-border flows in early 2007, but assessing toll records in August 2008 showed that yearly levels increased later in the year so that 2007 records surpassed 2006. Yet the same rumors of corn shortages and price spikes due to ethanol demands circulated in August 2008. The large trailers from the north were no longer arriving as they did the previous August. It remains to be seen if the flows picked up in late August or September, or if the decline in corn traffic signified a larger trend.

³¹ Businessmen with more "social capital" and relations with producers can continue to work despite high prices since a producer permits a trusted buyer to buy corn on credit. Businessmen with connections to long-distance corn producers also have more knowledge about wider corn flows, harvests, and trends.

CHAPTER 4
BITTWERSWEETNESS AND POWER¹: VALUE, PATHS, AND PEOPLES OF
CONTRABAND COMMUNITIES

Francisca's Border Crossings

One October morning, I walked to my neighbor, Alicia's house in Santa Rosa on the Mexican side of the border to see if she could mend a pair of my pants. Alicia is an elderly woman who lives with her unmarried grown son. Her children and grandchildren visit frequently while she works on her sewing machine to earn a small income. That morning, I was surprised to see Francisca, a resident of San Pedro, Guatemala. Following Francisca's connections illustrates how kinship, economic, and social networks intertwine at the border.

I had recently met Francisca; she invited me to her home for a cold drink one hot day as I walked around interviewing corn cargo loaders in San Pedro. I was unaware that she and Alicia were friends. Francisca explained that every Tuesday she came to Santa Rosa to sell clothing she purchased on Saturdays at the Guatemalan border town, La Mesilla. She has many regular clients, one of whom was Alicia. She had been in this business for about 14 years. She only works in Santa Rosa, she said, because there is too much competition with other women clothing vendors in her community, and she has many friends in Santa Rosa. That day, she had brought her 6 year old son, Johnny, with her. Although his name seems unusual, it is becoming common for parents to choose U.S.-style names for their children as they increasingly migrate to the U.S. and watch DVDs from the U.S. In Johnny's case, he was given this name because his birth mother, a Honduran woman, migrated to the U.S. Alicia sometimes lovingly refers to Johnny (although,

when he is not present), as the *pollito* (little chicken, or little migrant), she laughed, because he is the son of a *pollo*, or migrant.

Francisca's family exhibits the effects of migration through the pathway as the border becomes a nexus for the northward movement of Central Americans, the U.S.-bound migration of locals, and the cross-border micro-migrations of border residents for marriage and employment. In the past five years, especially after the destruction of the migrant train route in Tapachula (see **Map C**) during Hurricane Stan in 2005, Central Americans increasingly pass through, remain temporarily to work or rest, or seek to stay permanently. Since Francisca is trained as a midwife, she has provided shelter to various pregnant migrant women, treating them as if they were her own daughters. On two occasions, the migrant women left their babies, who Francisca had delivered, with Francisca when they continued their journey to the U.S. Francisca registered and treated these children as her own. Johnny, a Honduran boy, stands out from Francisca's biological family due to his tall, thin build and light hair. He knows that he was adopted from another country. However, her adopted daughter, because her mother was Guatemalan and she resembles her adoptive family, was simply registered as the twin sister of Francisca's son of the same age. She does not know. In all, Francisca has ten children. She also has her own son and daughter in the U.S., who she worries about due to their illegal status. She especially frets about her son, Marco, just 17, who recently arrived in the U.S., leaving his new wife and baby with Francisca. One of her sons married a 16-year old girl from Santa Rosa, Mexico, who "migrated" across the border to live with them despite her lack of Guatemalan documents. Inter-marriage across the border is common, especially as youth meet through cross-border soccer games, parties, and religious events. Legal and religious marriage is expensive, and because Mexico does not permit legal marriage unless both parties are Mexican citizens, which is a difficult process, consensual unions, like the one's Francisca's sons entered, are common.

Over the year I developed a close friendship with Francisca and her family, visiting their home, attending celebrations, and going to nearby lakes with them on holidays. I begin with her, and delve into her story and daily life, not because it is typical or unusual, but because following her and her family leads to a greater understand of border life and connections, allowing one to trace wider kinship, social, and economic relations at the border. I concentrate on the daily movements of individuals in order to follow the “complex linkages of state/non-state, legality/illegality and formal/informal” to understand the interconnections “between power, politics, economics, and survival” that characterize the lives of people in specific places and their relation to global systems of power and exchange. (Nordstrom 2000: 41). By examining the structures and organization of contraband, the socio-political embeddedness of contraband, and the validation of smuggling as legitimate “business,” the chapter illustrates how norms of legality, morality, and *value* are produced and contested at the border.

It is through daily interactions that “the border pathway” emerges as a social field (Jenkins 1992; Levitt and Glick-Schiller 2004) where people share similar, albeit contested, moral and legal norms, in addition to social, economic, and kinship connections. By social field, I draw on Levitt and Glick Schiller’s (2004) definition, which they base on the work of Bourdieu (Jenkins 2002) and Basch, Glick-Schiller, and Szanton-Blanc (1994) to study transnational migration. They define the term “social field as a set of multiple interlocking networks of social relationships through which ideas, practices, and resources are unequally exchanged, organized, and transformed” (Levitt and Glick Schiller 2004: 9).

Since social fields may cross national borders, it provides a useful conceptual tool for understand the how border residents “may participate in personal networks, or receive ideas and information that connect them to others in a nation-state, across the border of a nation-state, or globally...Individuals within these fields are, through their everyday activities and relationships, influenced by multiple sets of law and institutions” (Levitt and Glick-Schiller 2004: 10-11).

Levitt and Glick-Schiller (2004: 11; Glick-Schiller 2003) distinguish between *ways of knowing* and *ways of being* in a social field to differentiate between “the actual social relations and practices that individuals engage” and “the practices that signal or enact an identity which demonstrates a conscious connection to a particular group.” I follow on these distinctions by proposing a dimension of *ways of valuing*, which describes how individuals evaluate moral, economic, and social worth in a common social setting. In the social field of the border region, the paths these relations take, as people travel with their ideas, values, and products, illustrate how notions of value and worth change and intersect over space and time.

Notions of value are shifting and contingent, ranging from the economic to the social and moral. Encompassing diverse notions of value, the following analysis employs a distinctive, broad conceptualization of *worth*. It defines *worth* not in strictly economic or moral terms, but rather as the constellation of moral and economic values, practices, and meanings that everyday people invoke to create what they see as a *worthwhile* life, or a way of life *worth* living and fighting for (Graeber 2001²). According to scholar Terence Turner (1978), as cited in Graeber 2001: 88, emphasis in original), a politics of value refers to “the struggle to establish what value *is*... [and] what makes a life worth living.” By examining daily interactions and relationships, this chapter explores the strategies that border residents employ to legitimize a lifestyle and modes of employment that both national states criminalize as illegal, and often immoral.

Value and the Worthwhile

The term *worthwhile* seeks to describe “meaning” in a way that does justice to the voices of my informants. A *worthwhile* meaning not only refers to moral codes that make sense in a particular time and context for particular people, but also reflects how people determine what makes a *meaningful difference* in their lives (Graeber 2001).³

Understanding *worthwhile* differences requires an examination of where sources of value originate, how they become realized and evaluated in a social setting (Graeber 2001), and how they transform through exchange, circulation, and/or consumption (Appadurai 1986). Following Appadurai and Kopytoff's (1986) focus on the exchange realm, this analysis examines how different products enter different "regimes of value" as they circulate. In acknowledgement of Graeber's (2001) critique of Appadurai's (1986) analysis, it is necessary not only to examine the "social life of things" as they circulate (Appadurai 1986), but to illustrate how particular "things" or products embody particular histories and values in and of themselves. For example, Graeber (2001) suggests an analytical separation between potential value and actualized value, arguing that value only becomes *meaningful* within a social community (ibid, emphasis mine). The following analysis follows on these studies by showing how the production of value is multifaceted and contested. Individuals and their products and ideas simultaneously encounter multiple "value regimes" and participate in overlapping social communities of evaluation. Graeber's (2001) argument, which stresses the need to examine *the actualization of value* (how value is realized in a social setting), is integral to understanding disputes over the meanings of value at the border. *Value* and *communities of evaluation* are not stable, but are rather produced and contested in everyday transactions and interactions.

Graeber (2001: 88) further argues that notions of "social totality" or "imaginary social totality" are helpful analytical tools even though such totalities do not exist in reality because people often imagine society to exist in terms of totalities, and act accordingly in their pursuit of value. This point, however, makes analysis problematic, for it assumes such social totalities are accepted equally by all, and that they are imagined as such in the first place. Graeber (2001) acknowledges the constructivist nature of totalities, illustrating how they are reproduced and/or can be transformed by individual actions. But then, how are notions of social totality created in the first place? Who creates these conceptualizations and whose social totality does it become?

Moreover, where can one locate social totalities? To answer these questions, scholars must pay greater attention to power dynamics by examining how patterns of inclusion and exclusion are created through everyday relations and transactions. Analysis should focus on how different *values* collide, form, and circulate. Following the flows of products *a la* Appadurai (1986), as well as of people and ideas (for instance, through media), illustrates how regimes of *values* conflict, merge, and unravel in today's transnational economy. The following analysis does not forge one definition of *worthwhile*, but rather examines how notions of the *worthwhile* shape, and are shaped by, economic, social, and kinship relations and exchanges. It is within daily interactions that certain goods, businesses and people become labeled, or *valued*, as legal/illegal, formal/informal, and valuable/worthless.

What is “Business”?

Border residents use the term “business,” or “*negocio*,” to characterize their “legitimate” economic activities, which state officials and legal discourse categorize as smuggling or contraband. “Business” describes the work practices surrounding the cross-border commercialization of products that avoid official legal regulation and surveillance. “Business” does not just refer to contraband or smuggling, but encompasses a wider set of practices, peoples, and ideas, which are legal and illegal, licit and illicit, and go beyond, but are integral to, clandestine cross-border commerce. Integrated actors include legal domestic businesses, families, agricultural producers, cargo loaders, state officials, and truckers.

The specific economic practices pursued at the border are embedded in social, kinship and community relations, as well as in formal economic ventures, making oppositions of the legal/illegal or of a social versus a market-based economy futile. Everyday business practices blur such distinctions as coffee is smuggled illegally from Guatemala to Mexico, and then exported legally by formal-sector corporations to the U.S. It is necessary to note that without the

international border, most of the businesses in which border residents engage would be considered legal (Andreas 1999). “Business” involves people trading everyday products that are not considered to be illicit or dangerous by either nation. The only characteristic that makes these practices illegal is the avoidance of both states’ regulatory apparatuses (Andreas 1999). Yet this deduction is too simplistic and deterministic since it ignores the multiple networks; regimes of legality and value; and work practices in which individuals and products are embedded.

Scholars such as Andreas (2000) and Heyman (1999) contribute to the critical examine of (il)legality by illustrating how state regulations create notions and zones of legality and illegality.⁴ Perspectives that focus on state-centered definitions of legality, however, may be misleading since they overvalue the regulatory power of the state to determine exchanges and obscure local and regional sources of regulation and value. An examination of everyday work practices, in addition to how individuals conceive of their work, reveals how evaluations of legality and transnational business practices emerge in daily interactions.

“Business” at the border is simultaneously legal and illegal; regulated by social norms and free-market logic; democratic and mafia-like. Individuals situate themselves within such interstices in order to make a living in a limited economic atmosphere. Meanwhile, they seek to define themselves as moral and good community members, while being effective businesspeople. These goals are not contradictions, but rather, represent the everyday realities in a border region and transnational economy that is simultaneously open and closed to people and goods; free and restrictive; and democratic and corrupt.

Identity, Mafia, and Values

Understanding formations of value and worth at the border requires a perspective that challenges terms like “organized crime” and dichotomies of the licit/illicit and formal/informal. While state officials and those excluded from the business arena may chastise border residents as

“organized mafias,” such designations do not explain how border work practices intersect with transnational forms of exchange and local conceptualizations of value. Accusations reflect inequalities and class tensions rather than explaining how border businesses and their entrepreneurs operate. Schneider and Schneider (2007) warn against the analytical, as well as practical danger, of applying the term “mafia” to various types of social and economic formations that may or may not relate to violence, organized crime, and illicit activities. “Mafia” labeling, or what Verdery (1996) calls “mafia talk,” becomes a moralizing judgment, rather than a description of what people actually do in their daily socioeconomic practices (Schneider and Schneider 2007: 305). Naylor (2002) further notes that although the term “mafia” in Italy traditionally referred to a form of behavior, that of selling and providing protection, law enforcement extended the term to apply to the organizational structures and economic practices of many transnational criminal organizations. In fact, Naylor (2002: 23, 25) argues that the “mafia” term more accurately describes a parallel governing structure than economic organizations and transactions. The governing structure provides a set of norms and relations within which individuals form temporary and shifting alliances to conduct both legal and illegal economic activities (*ibid.*). Business at the border follows this organizational pattern. Residents and their communities enforce their own “laws” to establish standards of good and moral business behavior, thereby constructing the arena in which business relations can be conducted.

Naylor’s (2002) analysis of organized crime tempers alarmist readings of the rampant spread of organized crime under globalization by alerting scholars to the power of numbers to distort perceptions and policy. He shows how the very statistics on organized crime, such as drug seizures, are often compiled by the very institutions (such as the DEA) charged with combating them (Naylor 2002). As analyst Peter Andreas (2004: 2) asserts, “Illicitness makes possible a politics of numbers that is particularly susceptible to speculation, manipulation, distortion, and sometimes even outright fabrication that is rarely scrutinized and challenged in policy debates

and media reporting.” Naylor’s economic analysis, however, falls short of examining how specific activities, their organizational structure, and members are embedded in specific social and moral contexts. An examination of the organization and practices of specific “businesses” and their entrepreneurs is necessary in order to understand how illegal “business” becomes intertwined with kinship, legitimate enterprise, and local power hierarchies to create a moral-legal economy. The following section examines how illicit and informal border entrepreneurs reject labels of “mafia” that state officials and competitors apply to criminalize their work. In contrast, “businesspeople” employ distinct organizational forms and linguistic terms to validate their work.

Border entrepreneurs do, however, rely on some similar practices to the Sicilian mafia. Schneider and Scheider (2007) describe characteristics of the mafia, which include cultivating close associations between work and family, relationships with political elites and state officials, and provisioning services and protection to community members that the government is unable, or unwilling, to provide (Schneider and Schneider 2007). To characterize border “business” as mafia organizations, however, belies the multiple types of practices that border entrepreneurs use to distinguish themselves from organized crime. Some producers, competitors, and state officials do refer to these “businessmen” as mafia. “Mafia labeling,” has less to do with the characteristics of these men and their work; in contrast, it more accurately reflects personal disagreement with “businesspeople” or their own exclusion from a business. For example, corn producers label Guatemalan corn brokers as “mafias” since they block their ability to sell their corn directly to Guatemalan buyers.⁵ In such cases, “mafia labeling” does not describe a particular economic or social behavior or organization, but is rather invoked by different actors as a moralizing strategy to legitimize and contest economic control and power relations.

To distinguish themselves from mafia and illicit criminals, border businesspeople profess an aversion to violence, in addition to an ethic of inclusion, morality, and market competition. To border residents, mafias are members of violent gangs or transnational criminal organizations,

like the *Mara Salvatruchas* transnational gang. This is not to say that businesspeople do not exclude others in similar ways to organized crime, make it difficult for competitors to work, and/or engage in bribery with state officials. The organization of their businesses, however, follows a democratic, market-based logic at the superficial level so that they can maintain a respected, moral image. Businessmen stress their small profits to distinguish themselves from wealthy traffickers and illicit gangs. Whether or not their assertions are true, what is important to cultivating legitimacy is the propagation of the “image” of being moral, entrepreneurial, and non-violent businessmen.

To understand how border residents label themselves, or are defined by others, as smugglers, employers, or businesspeople who participate in a legitimate, informal, illegal, or alternatively redistributive and cooperative economy, it is necessary to remain cognizant of the geopolitical international border. At a basic level, the international border distinguishes businessmen’s activities as “illegal smuggling,” rather than as legal trade (Andreas 2000; Heyman 1999; Van Schendel and Abraham 2005). The geopolitical presence of the border, although locally acknowledged, conflicts with how state and corporate agents, as well as border residents, enforce and conceptualize the border. Disjunctures in representation of the border create simultaneous and overlapping zones of value and practices of illegality and legality that individuals navigate.

The border is not just a site for studying state-sanctioned mobilities and enclosures (Cunningham and Heyman 2004), but for examining the multiple encounters of competing mobilities and enclosures. For example, residents comment on how the border shapes their economic and social practices. They acknowledge that when they cross over the white monuments marking the geopolitical Mexico-Guatemala border that they are in another country with different laws, customs, and currencies. Mexicans know that when they enter Guatemala, they are subject to Guatemalan rules. The geopolitical line, however, is not necessarily where the

border is experienced, in terms of encounters with state agents and state and extra-state practices of law-making and violence. *Border experiences* also occur at the *cadenas*; at the juncture of the Mexican and Guatemalan federal highways with the border passage; in one's mind when one must decide whether to identify as Mexican or Guatemalan; and/or at the various military and inspection points that both nations erect in their interiors. Multiple border encounters may occur in one location. Conceptualizations of the border, legality and morality, and practices of business and family organization are not stable, but rather reworked at various geographic, temporal, and spatial points, rendering the need for a mobile and flexible ethnography of legality and economy. It is to these flexible entrepreneurs and their mobilities that I return.

Mobile Entrepreneurs

Francisca has lived in San Pedro, on the Guatemalan side of the border, for her entire life. She is an astute businesswoman when it comes to buying and selling clothing. She chooses to work in Mexican *pesos* or Guatemalan *quetzales* depending on currency fluctuations and purchasing power. Previously, when military officers were stationed on the Guatemalan side of the border during the war and various police were on the Mexican side, conducting business was difficult. For the past ten to fifteen years, however, Francisca relates that she has been "more free" to work. Recent informal agreements established between border residents and local state officials in Mexico and Guatemala currently protect the free movement of border residents (from either side) within the border road up until the Mexican federal highway on one side and the Guatemalan highway on the other. Due to these changes, Francisca's border experience has moved from the white monuments marking the geopolitical border to the intersection of the border passage with the Mexican federal highway. Although both national governments consider her business contraband since Francisca crosses an unmonitored border to sell goods without inspection or documentation, she does not see herself as engaging in contraband, but rather as a

vendor who sells to neighbors and friends. Before the officials were removed, however, she was weary to engage in a commerce locally and officially considered, as she says, “more illegal.”

When she sells clothing in Mexico, Francisca buys her household necessities with her earned *pesos* to avoid getting cheated on the exchange. She always knows the value of the *quetzal* and *peso*, either from word of mouth or from the television, newspapers, and radio. Her husband’s primary skills are in construction, but he currently works as a corn cargo loader for local corn brokers. Since he only earns about US \$5 for each truck he loads and they lack cultivable land, her additional income is necessary to supplement the little food they grow.

Through a variety of household income strategies including her husband’s intermittent construction work and cargo loading, her children’s U.S. migrant remittances, her own clothing vending, and a small dry-goods store in their home, Francisca and her family struggle to make ends meet. One of her sons works for her brother, loading corn and sugar cargo. Francisca, knowing my research interests, introduced me to her brother, who is known as one of the four sugar “businessmen” (or smugglers) in San Pedro. In the sugar business, say residents, one can “make money.” Sugar businessmen purchase sugar from warehouses in the interior of Huehuetenango, transport it to their homes in their trucks, and repackage it in bags from Mexican sugar companies. Their Mexican business partners (from La Cueva on the Mexican side of the border) will arrive to pick up the sugar and deliver it to large and small Mexican stores, companies, and warehouses. Francisca says that although her brother now makes “a lot of money” and has bought new cars and trucks, he has yet to refurbish his small cement home like some of the other sugar businessmen who have built two-story California-style mini-mansions with tile floors and indoor bathrooms. She thinks that it is strange that her brother has not built a new house, since the first display of wealth, either from “business” or migration, is usually the construction of a new home. She is uncertain how these men have become relatively wealthy, since as she says, “They all started out poor just like us. In the past few years they have all built

large houses” (see **Figure 4.1**). She laments that her brother does not help her and her family, unlike her good friend, Mari, whose sugar businessman brother has supported her family since her husband’s death.



Figure 4.1 Left: new home of “sugar businessman.” Right: typical former house, San Pedro

Some attribute the recent growth in wealth among “sugar men” to large price differentials in sugar prices between Mexico and Guatemala and the averted large customs taxes on sugar. According to one sugar businessmen, Fernando, a bag of sugar is worth 350 pesos in Guatemala and 500 in Mexico. He told me, “The sugar business is good because Guatemala has a lot of sugar so it is cheap. But Mexico sends sugar to the U.S. so their prices are higher.” He reasons that it was not sudden wealth that enabled him to build his large houses, in which he now hopes to install air conditioning. He asserts that before, “As a child, we all lived in straw houses. To make money took years of hard work and saving.” Many businessmen say that even after ten years working in business, it took them three to five more years to build their homes. They were not built overnight, they argue. Many businessmen will tell people that they have little money, since they spent it all on their homes. However, poorer residents, who are unfamiliar with the business, excluded from the profits, and witness opulent displays of wealth question these rationales, believing that businessmen have plenty of money. The change in the past few years from cement shacks to mini-mansions, some with pools, indoor bathrooms, tile floors, pillars, and two-stories, makes others suspicious of what they see as “all-of-a-sudden earnings.” According to Alonso, a

teacher in Santa Rosa, “It is no coincidence that the drug trade increased in the same three to four years that these houses have been built. Sugar can’t be worth that much. All of these people were poor before. They might be transporting something else. After all, the sugar path (to Mexico) is the same as the drug path.” In contrast to corn, an atmosphere of secrecy and rumor surrounds the price differentials, taxes, and bribes paid to officials on the cross-border smuggling of sugar. Just knowing the price difference between Mexican and Guatemalan sugar is not sufficient in a trade requiring many middlemen and relationships with state officials and large sugar companies. Rumor and secrecy enable sugar businessmen to manipulate local impressions of their business to shape moral opinion, while it may have the opposite effect of causing excluded residents to suspect their recent accumulation of wealth. Tensions arise as sharp class differences become obvious not just between farmers and businessmen, but between educated professionals like Alonso and businessmen. Locals stress education as a path out of poverty, but earnings from education and formal-sector employment pale in comparison to business. Businessmen have large homes, new cars, trucks, and all-terrain vehicles (ATVs). Alonso earns the equivalent of US\$700 a month as a university-educated teacher. In contrast, one coffee businessman boasted that he made US \$100,000 last year. Alonso soon entered gasoline smuggling to supplement his income. One can earn \$1600 a month when the gasoline business is good.

The Bittersweet Road and All-of-a-Sudden Riches

“From about the mid-seventeenth century onward, the consumption of sugar, at least in the West, appears to have been colored by moral judgments, both positive and negative. Much the same seems to be true now, as we stand on the brink of the twenty-first.” – Sidney Mintz (1996: 17).

Some border residents are suspicious of the associations between the sugar business and drug-trafficking, a practice that locals view as illicit, dangerous, and therefore, largely avoid talking about. At first, I was intimidated to enter the largest home in San Pedro that belonged to one such “sugar businessman,” Fernando. The house was a mansion, or at least a large home by

most standards, painted yellow, two-stories high, and surrounded by plants and flowers on the second-floor tiled patio. Mari, a friend of Francisca's with whom I spent Easter at a nearby lake, though, insisted that I meet her brother, Fernando, who was the wealthiest sugar businessman in San Pedro. Beginning with his home and family enabled me to travel the bittersweet road and organization of the coffee and sugar trades.

A few weeks later I attended Mari and Fernando's father, Esaúl's, birthday party. He lived across the street from Fernando. A few of my friends from La Cueva also came to celebrate. I learned that Esaúl and the family with whom I lived in La Cueva, Tito's family, had been friends for generations. "We played soccer together as boys. We lived right here... Then we were the *padrinos* [godparents] when Esaúl built his house," said Tito, referring to a tradition of sponsorship when a close friend builds a new home. Esaúl has family on both sides of the border, who have a cross-border family reunion every few years. Tito's son, Roque, is Fernando's business partner in the sugar business. Roque makes a few truck trips a day to load sugar from Fernando's house, while Fernando acquires sugar from warehouses in a nearby Guatemalan town. Roque, in turn, provides him with the empty Mexican sugar bags. Fernando employs relatives and friends to package and seal the Mexican bags with Guatemalan sugar at his home. Changing the bags converts Guatemalan contraband sugar into "Mexican sugar," a necessary precaution if state officials inspect the trucks in Mexico. Fernando had just finished building his house the year before, and his old house, a small two-room cement structure, was now home to his nephew (and Mari's son) as well as the work-site for sugar packaging. Roque and Fernando also worked together in transporting sodas, soups, and other dry-goods. Roque drives one of his trucks, while he employs a friend, actually Alicia's son (from Santa Rosa), to drive his second truck. Fernando has various Mexican business partners, but he has a close connection with Roque due to their fathers' friendship. Years ago, their fathers traded corn and sugar over the border on donkeys and mules. To both families, business is also about family. Both taught their sons as they

accompanied them as children on business. Roque's father, Tito, continues to work in the coffee business/smuggling with his other son, Samuel, but sugar is largely transported by Roque, and occasionally by Samuel.

These men are proud that they can work from home, have been able to provide for their families, and have never had to migrate illegally to the U.S. They believe that, despite the fact that their work is officially considered contraband, that it is legitimate and honest work. As Tito says proudly, "I have three *licenciados*," referring to how he was able to provide three of his children with college educations, who now work as professionals in Chiapas' capital city of Tuxtla. His years of hard work enabled him to open a small store in his house, which he proudly asserts is a "legal business" that pays taxes. On the other hand, Fernando wants his son to study in the U.S. to study, but is trying to find a legal way. Here, I turn to Tito, in order to understand how border kinship, social relations, and economic organizations have developed over time.

Uncle Tito: From Coffee Picker to Coffee Businessman

Tito Hernandez was born in La Cueva to a poor family with little farmland, he told me from his new living room. Previously, owning land and livestock were indicators of class position and local influence. Now Tito has two houses: the old, dark cement one and the new, two-story painted white house with plexi-glass windows, orange shutters, pillars, tile porches and floors, and an indoor bathroom. When the children were young, he said, "We all slept and lived in the old house. All the kids shared two rooms. When they brought their wives here it was even more crowded. "Now," he laughs, "My house is empty." His sons Roque and Samuel have built their own large homes. Roque has a two-story home and Samuel, a modern, one-story home with a swimming pool. Tito's eldest daughter married a teacher and lives in a similar style house down the street. Three of his children remained in Tuxtla to work, but visit on weekends. Only one daughter and her family live between his house, her in-laws' home, and another house belonging

to a migrant cousin. In fact, halfway into my year living in the passage, Tito extended me the offer to live in one of the empty rooms in the new house, an offer hard to refuse given my previous living conditions and desire to get to know La Cueva as I had gotten to know Santa Rosa by living there earlier in the year.

Tito told me his story. Not necessarily “a rags to riches” narrative, residents recount his story as a successful example. From a meager upbringing, he has provided a good life for his family and community. He acknowledges that his businesses are officially illegal, but he believes that they are honest and legitimate businesses. He conducts business the way “it has to be done” given the current atmosphere of limited economic opportunities, in addition to the bureaucratic obstacles to cross-border commercialization in this border region despite the desire and demand for such goods.⁶ According to Tito, paying bribes is necessary to work. Bribes are a requirement similar to other procedures required to manage a legal business, including acquiring permits, licenses, and social and political contacts. He sees himself first as a farmer, and second, as a businessman. He takes pride in helping others, so much so that many people on both sides of the border call him Tio Tito, or Uncle Tito. Due to kinship connections on both sides of the border, he actually *is* the uncle of many people who call him this, but the term has been extended to people in his social and business networks. Laughing about the presence of the Hernández family at the border, David from San Pedro (also a Hernández) said, “*Puro* (We are all) Hernández here. We are the same. Some settled in Guatemala, and others in what became Mexico.”

Little by little, Tito worked hard to buy land. He earned wages engaging in seasonal labor on coffee plantations in southern Chiapas near Tapachula. He saved to buy pack animals, which he later sold to purchase the first car at the border in the mid 1970s, which he used to purchase and transport corn to Guatemala. He became the first local taxi driver, as he drove residents and goods to nearby cities on both sides of the border. He began in the corn business, selling Mexican corn to Guatemalan buyers since that is the product he knew best as a corn farmer. Gradually, he

became familiar with people, products, and business, and entered more profitable and diverse businesses. Currently, he mostly works in the coffee business, which makes his wife laugh ironically since Tito does not even drink coffee. “We drink Nescafé. I am not good at roasting coffee. That coffee (that Tito buys) is just for business,” says Tito’s wife. Her comment echoes a sentiment common amongst border residents that Chiapas’ precious resources are exported abroad while its residents receive lower-quality processed imports. Whereas with corn, the product traded is considered a basic food, residents view coffee and sugar primarily as export commodities. His wife laughed, “My sons work in the sugar *business*, but my husband does not trade much sugar.” He can’t even eat it...He’s diabetic.”

Border residents recall Tito as a success story, as one of them who learned little by little about products and business. According to Carlos, a man in his 20s from La Cueva and a nephew of Tito’s who attends university,

Tito worked and saved. His family did well. They are the people in the community that began and continue to work in [the] coffee and sugar [businesses]. They succeed because they were first, smart, and knew about opportunities for business. People need the money, but not everyone has the capacity to conduct business, to save. Tito made money because he worked hard. Before he was poor like the rest of us, but now he does better. I remember when I worked with him in his fields as a small boy. He has just started working a little in business, corn I think. People then saw that the corn business was good and started working too... Business is important to people here. It is how they make a living.

The Values of Business: Organizing Work, Products, and Different Kinds of Businesspeople

The degree of “legality” or “moral value” border residents and regional actors associate with the product being traded shape, and are shaped by, assessments of the particular “business” and the moral status of “the businessman.” Notions of legality and value are intertwined. *Value*, however, is complex, rarely defined, and subjective, ranging from assessments of economic price to cultural value and perceived daily necessity. How residents define notions of legality and value, in their attempts to create meaningful work and life experiences, is integral to understanding the organization and structure of politics, work, and family at the border.

To understand the meanings of value and legality, I first analyze the terms that regional actors, residents, and businessmen use to categorize these businesspeople. For example, the corn *coyotes* uphold their image as “businesspeople” rather than “*coyotes*” due to the negative and abusive connotations implied by the term *coyote*. Guatemalan corn brokers regularly invoke the term, “broker”, since to them, it accurately describes their work. In contrast, Mexican corn producers refer to both parties as *coyotes* and *mafias* who monopolize the commercial flow of corn. In their opinion, both groups exploit their position as middlemen in the corn trade. In the coffee and sugar businesses, the lines between businessperson, *coyote*, broker, and trucker are blurred. Businesspeople differentially situate and label themselves in order to legitimize their work and positions at the top of the contraband class system.

In contrast to the cross-border smuggling of corn, which almost all residents view as “free,” legitimate, and necessary since it is a basic food that is relatively cheap and plentiful,⁷ residents believe that sugar and coffee are more expensive, riskier, and “more illegal” products to smuggle over the border. Residents distinguish between corn and products like sugar and coffee since businessmen must pay bribes to state officials to conduct their business. In contrast, due to the organization of border residents and regional corn producers, corn *coyotes* and brokers no longer pay bribes.⁸

Since the late 1990s and the organization of border residents, bribes and meetings with state officials in Mexico are now pre-arranged resembling formal business contracts that merge with older forms of patron-client relationships characteristic not only of community-state interactions in Mexico (Nuijten 2003), but of transactions between the state and illicit enterprises (Naylor 2002). Now businesspeople, with control over an expanding contraband economy in a time of shrinking state budgets, negotiate the terms of the bribes rather than paying whatever the officials demand. In Guatemala, bribes are rare because state officials no longer enter the pathway and are rarely present on the highway in the immediate region. Instead, bribes are paid only when

smugglers are rarely caught. One Guatemalan border resident explained how relations between officials and residents changed since residents organized in the late 1990s and early 2000s,

The police used to not take us into account. They simply fined us. In Mexico businesspeople arrange bribes bi-monthly, but here they only pay when they encounter officials. But now there is more agreement between officials and businesspeople... Now they negotiate. If an official for instance wants 100 quetzales, the businessperson will discuss with them. They will say, 'This is too much. I can't afford it.' So instead, they give them 50 quetzales to buy a soda. Officials receive this well. They used to be stricter... but now they have developed a taste for money.

Differences in interactions between officials and residents on both sides of the border reflect the distinct structure of policing in both countries. In Guatemala, policing originates centrally from the department of Huehuetenango. The local municipality of La Democracia does not have its own police force. In Mexico, threats to smugglers originate in the state capital of Tuxtla rather than in the immediate municipality. The Mexican state and federal policing apparatus, however, maintains multiple layers of police forces within the region, thus creating overlapping layers of bribery and authority. Representatives of the national and state-level enforcement agencies include officers representing the state police, federal police, military, customs, immigration, sanitation, and border police. Despite a more absent centralized policing system in Guatemala and a visible, multi-layered system in Mexico, control over contraband has shifted towards the businesspeople and local communities on both sides of the border. For example, state officials are hesitant to enter the Guatemalan and Mexican border communities without the prior permission or request of the local communities. Although businesspeople now control the terms of vigilance, they rely on negotiating with a nebulous and unpredictable state and its agents, which lends a degree of risk to conducting business.

The coffee and sugar businesses require larger capital outlays than corn since a businessperson needs more money to buy and sell the more expensive product and manage the risk of greater price fluctuations. Notably, he/she also must save in order to have enough money to pay bribes, as well as to cover contingencies that may arise. Since many border residents began

as poor, landless farmers, they did not possess the necessary capital to engage in the coffee and sugar businesses. Many, like Tito, capitalized on their cross-border connections and experience engage in business as *comisionistas* rather than as buyers and sellers. The term, *comisionista*, or broker, refers to middlemen that receive a commission from the business exchange because they arrange for the connection between buyers and sellers and pay the necessary bribes to state authorities.⁹ Men who bought trucks often became *fleteros*, or truckers, who are the men that arrange and/or provide transport for cross-border commerce. In the coffee and sugar trades, the broker and the trucker are often the same person. Truck ownership provides brokers with security since they can profit independent of the business transaction. With increasing profits, some brokers became buyers and sellers, or what locals call “businesspeople” (“*negociantes*”). Some people refer to them as *coyotes*, like the corn businessmen. The terms *coyote* and businessperson refer to similar work practices of purchasing and selling. The label of “businessperson,” however, carries more responsibility with fewer negative connotations than the term “*coyote*,” which implies a level of cunning and secrecy. In the cases of coffee and sugar, the *coyote*/businessperson is the one who buys and sells the product, and the broker arranges the sale and connection, and therefore, makes a commission.

Many residents assert that Tito, for example, is a broker, whereas he calls himself a businessman. Some people assert the importance of the distinctions, stating, “If a buyer needs 2000 sacks of coffee, he goes to negotiate with Tito. So Tito is his broker. This is because Tito, himself, does not have the economic capital to buy coffee. He just commissions it since he knows those who sell it.” In contrast, the man who told me that he made US\$100,000 in the coffee business last year is a buyer and seller, or a businessperson. Since Tito works on commission, he earns less. He can, however, still claim to be a successful businessman due to the influence and money he has acquired from having many business contacts for over twenty years.

Tito takes pride in being a businessman, but some do not, preferring to hide behind the label of trucker or broker to avoid the moral risks associated with being a *coyote* and the financial and legal risks of being a businessperson. For example, Tito's son Samuel asserts that he is only a trucker and eschews the label of businessman. Most residents, however, refer to him as a businessman due to his perceived local influence and high earnings. He explains that he is a trucker because he owns trucks and arranges for the cross-border transportation of products. He argues that he does not have enough money to buy and sell coffee and sugar. Rather, he arranges deals between buyers and sellers and issues bribes to the corresponding state officials. Locals associate *coyotes* with rich businessmen that do not aid the communities and with outsiders that exploit local farmers by driving their prices down in favor of cheaper contraband.

Alternatively, men like Tito who are technically brokers, may call themselves a businessman, which lacks the exploitative connotations of *coyote*, to assert their economic control and local and regional political authority. Land ownership was traditionally linked to community authority. *Caciques* (local strong men or patrons) allied with state agents to marginalize less powerful members of communities (Nuijten 2003; Stephen 2004).¹⁰ At the border, the contraband economy has restructured systems of authority and class, which are no longer based on land ownership, possession of livestock, age, community service, or even education, merit, or migration, but rather, on success in contraband, which further transforms the regional political-economic system and notions of authority. Intertwined with existent social, political and economic markers, migration, land ownership, and education determine who can enter the contraband arena. Furthermore, residents view businessmen who contribute to community service as moral leaders. Yet contraband also limits opportunities for alternative employment, investment, and socio-economic development. For example, a Guatemalan migrant returning from the U.S. who seeks to invest his earnings by opening a refreshment store must compete with businesspeople that smuggle cheaper beverages from Mexico.

Being a businessperson requires bearing risks and performing governing functions in ways that transform the political and economic landscape. Truckers do not fear detention or inspection for contraband because smugglers bribe state officials. But if there were to be an unexpected problem, truckers agree that the businessperson bears responsibility because he/she is the owner of the product. Men like Tito with experience and connections assume accountability for men who work with him or in the same business. For example, if a local coffee smuggler has a problematic encounter with a state official, even if the business is not Tito's, the officials look for Tito to resolve the situation. Police and government officials will enter the border route just to chat and visit with Tito. His wife, rather than being afraid or suspicious, welcomes these visits as necessary "so that they are able to work. It is how work is done." Due to these greater risks, price of the product, and responsibilities, it makes sense that competitors who seek to engage in these businesses must obtain Tito's approval and/or agree to work for him and his family. He maintains his moral authority by employing family members and community members. Despite his economic function as a broker, Tito can also assume the prestigious, symbolic label of businessman without associating himself with mafia or *coyote* reputations.

Labels such as businessperson, *coyote*, broker, and trucker describe economic functions, and the moral and economic distribution of labor in the local economy, but various actors employ these terms flexibly and situationally. Furthermore, these labels are not sufficient to understanding the moral, legal, and economic intricacies that blur and confuse these distinctions. Within the interstices of these labels, one can begin to grasp what it *means* to be called a businessperson, trucker, *coyote*, or broker.

It is important to note that, in contrast to corn, most border residents do not sell or grow substantial quantities of coffee and sugar. These businesses, therefore do not conflict with the activities local border farmers. Conflicts have developed, however between locals and businessmen in villages that cultivate these products since the cheaper contraband drives down

the prices producers receive for their products. In these cases, tellingly, locals refer to these men as “*coyotes*” rather than as businesspeople or brokers. As long as Tito continues to be generous, morally justify his work, not interfere with the products of local farmers, distribute employment to others, and help garner projects and favors for his community and family from friendly elected officials, he can occupy this influential position of benevolent, yet powerful, authority without resorting to violence or threats. On the other hand, residents suspect businesspeople that do not help their families and communities of “working in something else” or “something dirty,” which residents say refers to drugs. Francisca, although she doubts the veracity of such statements, says she sometimes hears rumors about her brother since “he keeps everything for himself.”

The *values* associated with a particular product, as well as the route it travels, influence work and family structures, and in turn, assessments of legality and morality. When additional border residents wanted to engage in the corn business, Carlos from La Cueva called this the “law of supply and demand.” He continued, “Agriculture is very important to people and it is often the only way to make money. Agriculture and corn have always been the way of life and work here.” Local norms assert that “all have the freedom and right to work in the corn business,” thereby creating an organizational work structure surrounding corn that is more “open” and “free.” All participants in the corn trade, whether they are producers, *coyotes*, brokers, truck drivers, or cargo loaders, have formed open associations that rotate work equally amongst members. Anyone can become a corn *coyote* or broker as long as he/she is a border resident and has the necessary capital and initiative to work.

In contrast, the coffee and sugar businesses remain in the hands of a few family-style monopolies that possess all of the clients. On the Mexican side these businesses belong to Tito and his sons in La Cueva, as well as to Edgar in La Cueva, and to César in Santa Rosa. On the Guatemalan side of the pathway, these businesses are concentrated in the hands of a few like Fernando. Carlos helped me distinguish between the open structure of corn and the restrictive

nature of the sugar and coffee businesses, “The corn business is different and free [to work in] because everyone needs it. Also there is more of it. If more people tried to work in coffee and sugar, there wouldn’t be enough business.”

Coffee travels both directions between Mexico and Guatemala, depending on price fluctuations and demand for different varieties. In 2006-2007, most of the coffee was transported from Guatemala to Mexico. In contrast to sugar, the coffee trade largely bypasses the Guatemalan border residents. Instead, the partners of the coffee businessmen in La Cueva and Santa Rosa are coffee warehouses near Huehuetenango, Guatemala and the Mexican *Fronteriza* region. The business is able to avoid the Guatemalan border residents because one businessman from La Cueva carved out an alternate, dirt road from his property to the Guatemalan highway. The coffee trade, therefore, evades San Pedro’s and La Libertad’s *cadenas*. How residents of San Pedro and La Libertad continue to tolerate exclusion from the coffee business remains to be seen. Currently, their involvement in businesses such as corn, sugar, sodas, and dry goods, in addition to their lack of experience in the coffee trade, has stalled complaints. Guatemalan corn brokers assert their right to intervene only in the corn trade since it directly affects them as corn farmers. In contrast, they have little involvement with coffee as a product or business. Some residents of San Pedro and La Libertad harvest coffee, but not as a primary product like corn. Some men work on coffee plantations near Huehuetenango, but such positions remove them from everyday border life and commerce. Unlike corn, Guatemalan regional coffee production has been historically dominated by large landowners rather than everyday farmers (see Watanabe, *forthcoming* manuscript).

Alonso’s father-in-law lives in La Cueva and works in another region of Chiapas as a migration official. He related the difference between the corn and coffee businesses. His remarks reflect how economic value, morality, and legality become intertwined in daily practices and understandings of the local, regional, and national economies. I asked, “What is the difference between smuggling corn and coffee? Is one more illegal?” He responded,

Corn is a basic product here, but people should pay a tax on it (to commercialize it across the border). Here smugglers do not pay taxes, but the tax is small anyway. The difference between coffee and corn is that coffee is worth more, it has a higher price and so the tax they are avoiding is higher. But does coffee hurt you? No. Tortillas? No. Basically both are the same. They are both basic products in this region and neither one harms you. The only difference is the price. [Smuggling] corn is more permitted since it is worth little. People will tell you that coffee is not permitted because you need to pay a larger tax to trade it across the border. Both [products] are illegal to commercialize over the border through this crossing.

He elaborated,

An example...Let's say I have a gold bracelet on one arm and a bronze one on the other. The gold one is worth more money. It would be the same crime to sell either over this border. But people will say that it is more illicit to transport the gold one. They will say this because it is worth more. It is higher quality. What people see as having a greater value, or higher price, they will say is more illicit. That is how people think here. To the government, selling both [over the border] in large quantities is the same crime. To people here, the more value it has, the more illicit it is.

Corn occupies multiple spheres of *value* in the minds of border residents, apart from its market price and laws of supply and demand. Corn has also become a valuable international commodity due to its potential as an alternative fuel. Moreover, residents value corn as a cultural and nationalist symbol, a product central to socio-cultural life, and a fundamental food source. Multiple *value* considerations combine to create an “ethics of corn.” Border residents acknowledge that corn is a commodity that responds to market demands, but they simultaneously believe that it embodies a larger sphere of ethical, cultural, and social *values*. A local moral economy emerges from these *values*, which informs how corn should be traded and used, and most importantly, *who* has the *right* to engage in the corn trade. Residents merge economic, social, and ethical notions of *value* to challenge the ethics of the neoliberal market that excludes them from an ironic “Free Trade” policy. As residents and *coyotes* reinterpret corn smuggling as their *right* to “Free Trade,” they usurp the language of “Free Trade” and *rights* from neoliberalism to redefine and challenge what makes a good entrepreneur in the transnational political-economy.

Border residents label the coffee and sugar business as “more illicit” than the corn trade since they believe that these products lack the same necessity and cultural and daily value. As people say, “You need corn to eat, in order to survive, but you don’t *need* coffee or sugar.” Residents therefore negotiate the legality, *value*, and morality of specific trades by balancing price with *value* in terms of personal importance, notions of livelihood, and ideological attachment. An individual’s socioeconomic position also affects assessments. For example, border residents are sensitive about ownership and rights over the corn trade because they know and grow corn, as opposed to coffee and sugar. The direction of the flows also influences perceptions of legality. While corn flows from Mexico to Guatemala, most sugar and coffee go north towards Mexico. A rising drug trade leads locals to suspect products that parallel the northward drug route, as some say, “Sugar and cocaine look similar and follow the same path.”

Although coffee and sugar are economically *worth more* in terms of price, most residents do not view those commodities as necessarily *worth fighting for* in terms of asserting the right to work and control the businesses surrounding them. In contrast, border residents demand inclusion in the corn trade due to a perceived ownership of corn and an “ethics of corn.” The relatively “more illegal” status of the coffee and sugar businesses also discourages residents from participating, thereby reinforcing the monopolies of original businessmen like Tito. Yet since the coffee and sugar trades “do not hurt anyone,” according to residents, the *cadena* tolls levied on coffee and sugar truckers help the border communities, and the businessmen provide employment to locals, border residents do not denounce these trades. Despite the wealth and power differentials generated by sugar and coffee contraband, border residents continue to believe that these businesses benefit them and their local economy. Wages from migrant labor, increasing knowledge of contraband and the regional economy, and dissatisfaction with growing inequalities no longer disguised by appeals to communal benefit are beginning to inspire more residents to enter the contraband arena. Asserting their *rights* as border residents to “work along this route,”

others are beginning demand that the norms of equality and openness associated with the corn business be extended to the organization of coffee, sugar, and currently and most virulently, the gasoline businesses.

Business Is Family: Making Contraband into Family Business

Despite increasing clamors that people like Tito should share his work and open his business to others, he prefers to keep his businesses within the family in order to help poorer members and retain trust and profit. All the truckers working for him and his sons are nephews, cousins, and their children. Their cargo loaders are all members of La Cueva, and most cargo is exchanged from Guatemalan to Mexican trucks on Tito's mother-in-law's property, for which he pays her a fee. He employs his sister-in-law Mercedes, who lives next-door to his mother-in-law where cargo is exchanged, to ensure that the long-distance truckers respect the trade and cargo loaders by collecting the parking fees for the trucks. Tito rents another land parcel at the entrance of the passage in Santa Rosa to use as a loading depot for the large trailers that Santa Rosa does not permit to enter the pathway. Santa Rosa justifies detaining trailers at the entryway due to the greater damage trailers cause to the road. This policy also guarantees that local truckers have employment. Tito, or one of his sons, is always at the depot to inspect the trade. Tito possesses the connections and networks to reverse the direction of the trade depending upon seasonality, price fluctuations, and demand.

When Tito cannot meet the trucks, the truckers delivering Guatemalan coffee to Mexico arrive at Tito's house where his daughter gives them their *constancias*, or certification documents. The documents convert contraband into national business, certifying that the coffee is from Mexico (not Guatemala), and establishing its destination to Mexican multinational and/or transnational companies. The forms signal to state officials, with whom Tito colludes, that the men work with Tito. Tito laughs about the certification forms, "I have them made myself. Then I

photocopy them when I need more.” Coffee clients in Guatemala are smaller private depots and warehouses, but Mexican clients are increasingly multinational companies, seeking to fulfill export quotas with cheaper Guatemalan coffee. They avoid the tax to import coffee from Guatemala and claim the higher Mexican coffee value on export receipts. Fabricated certification documents blur the legal/illegal connection by converting smugglers into national entrepreneurs and enabling the flow of transnational commerce. To the detriment of local producers, whose prices are suppressed, (il)legality benefits the growth of formal regional enterprises, the multinational coffee companies, smugglers, and the various state officials along the commodity bribe chain. The smugglers, however, bear the brunt of the financial, legal, and physical risks. Masked by their formal sector identity, documents, and practices, companies and officials escape risk, maintain an image of legality, and reap profits. Certification documents transform coffee contraband into a *legitimate* domestic trade, performing a mimetic critique of official documents.

Tito associates the success of his business with his ability to provide for his family. He structures his businesses around kinship, making contraband a family business. However, he continues to struggle with the ironic and bittersweet results of his success. He worked hard so that his children could access the legitimate employment opportunities; access to which he realized the limited and corrupt political-economy otherwise excluded them. Three of his children achieved Tito’s goal of attending university, becoming professionals, and moving to the capital city of Tuxtla. Yet he reconciles this success with the fact that they live far away and visit infrequently. Legitimate work opportunities are rare close to home. In addition, in a faltering economy, many are realizing that the economic and social benefits of contraband are often greater than working in professions. For example, as Alonso from Santa Rosa says, “I am a teacher and my wife is a nurse. I went to university. The men trucking gasoline for two miles down the road make more than I do.” Alonso also has to work further from his home and his wife has a 40-minute bus ride commute to Comitán. In contrast, men that work in contraband can work from

home alongside their families and friends. Tito's son Samuel, trained as an accountant, realized this after just a few years of work, and returned to the contraband business. He was unable to find a legitimate, well-paying job close to home, but laments that he is frustrated because, as he says, "I am smarter than others in the community." Teachers also related the corruption and illegality of formal employment, stating that the few positions tend to be filled through connections and bribery. Tito's youngest son is currently debating abandoning his search for a profession in Tuxtla in favor of entering contraband with his brothers.

Tito and his sons' financial successes have become obvious through their rising standard of living. Concurrently, growing numbers of border residents have the capital, knowledge and desire to enter the contraband arena due to their earnings from migration to the U.S. In this climate, Tito and his sons have had to justify the exclusion of these individuals from their oligopoly. They often base their control on their experience and the trust they have acquired with state officials, buyers, and sellers. As potential competitors acquire more capital and knowledge about business, Tito's family is losing some of the moral authority and justifications that validated their control. For example, his sons do not distribute the proceeds as widely as their father, do not engage in community service, and do not garner the same respect their father built as farmer who succeed through years of hard work. Will they continue to garner the same respect as inequalities generated by the contraband economy widen? Furthermore, they must rationalize their moral authority with recent rumors that connect coffee and sugar trafficking with a burgeoning drug trade. If more people enter the business, will they tolerate the cut in profits? Who decides fair business practices in an atmosphere where ideologies of equality and communal benefit are falling out of favor to capitalist notions of exploitation and profit?

Tito and his family maintain local moral legitimacy because state officials do not visibly intervene in their businesses, giving their practices the semblance of "trade as usual." Border residents rarely witness a bribe, confiscation, or arrest. If relations with state officials change,

however, how will Tito and his family restructure their jobs and images? Will they resort to violence, or threats, to retain their business? Or will they enact their democratic ideals by allowing newcomers to enter “their businesses”? As change unfolds, will residents still refer to Tio Tito as a generous businessman, or will they begin to call him a *mafioso*? The terms used to describe men who occupy the top echelons of the contraband economy reveal the changing natures and landscapes of value, morality, and legality. The *values* of this family business are at once bitter and sweet. Can Tito’s relative success within the context of an official economy that has failed and excluded most become sustainable and inclusive?

Corruption and the Politics of Business

Business and locally powerful figures like Tito influence politics in a region dependent on contraband and personal networks. Previously dependent on the community president to link rural communities to the state, local politicians now rely on local businessmen. For example, rather than contacting community-elected authorities for public works, votes, and security matters, the police and local politicians approach men like Tito, who may lament corruption, but facilitate its continuation. Like Smith’s (2007) interlocutors in Nigeria, border residents participate in facilitating corruption as they simultaneously critique it and envision a more just society. Although border residents express the desire for democratic processes, they realize that patron-client relations influence the distribution of state benefits and services.

Governments, good and bad, have left border residents on both sides marginalized from the state apparatus, cultivating a larger concern that a good government is one that helps people or that leaves them free to pursue their own goals. A corrupt official is not necessarily a bad official if he/she “helps people,” which they argue is the function of a state-elected official. Residents therefore disassociate legalistic definitions of corruption from actual perceptions of what constitutes corrupt, or illegitimate, behavior. When personalistic, political ties benefit the

community, local accusations of corruption are few, illustrating how the “discourse of corruption turns out to be a key arena through which the state, citizens, and other organizations and aggregations come to be imagined” (Gupta 1995: 376).

Through the discourse of corruption, border residents evaluate conceptualizations of accountability (Herzfeld 1992), articulate their relation with the state, and define themselves as citizens (Gupta 1995: 389). Nuijten’s (2003: 63) study of corruption in Mexico illustrates how accusations of corruption reveal unbalanced exchanges, where corruption “is not so much a personal characteristic, but above all a characteristic of society in general.” Like Gupta (1995)¹¹ Nuijten (2003: 203) argues that corruption, as well as illegal practices are not opposed to state power and legal society, but actually constitutive of it. Without the shadow side, the image of the state organized to combat it is compromised, in which “the struggle against corruption is complicit in maintaining the regime, rather than undermining it” (Nuijten 2003: 205; see Lomnitz-Adler 1995). Rather than a weed that be excised, corruption is embedded in the image and legitimacy of politics. For example, in Nuijten’s (2003: 173) study of The Ministry of Agrarian reform, she describes the relation between corruption, state power, and the shadow realm as the “hope-generating machine,” in which the state’s constant efforts to excise corrupt elements preserves the image of the state and the law as neutral arbiters above society. Apples are blamed as the barrel remains intact.

One border resident articulated the connection between law and corruption,

“Corruption reigns in Mexico and even more in Guatemala,” one Mexican border resident told me. I asked, “It is corruption or bad laws?” He laughed, “Both, there is a lot of corruption, but the law is bad too.”

To border residents, perceptions of corruption and legal and moral behavior are linked to their experiences with an unjust state apparatus. While Nuijten (2003) argues that the “search for an intermediary” to navigate the state bureaucracy reproduces the image of a strong state despite the limited control the state actually exercises over populations, border residents are aware of their

strategic ability to navigate the gaps between the images and actualities of state power on the local level. The following event illustrates the ambivalent process of corruption, as it bolsters an unjust state apparatus, enhances the power and wealth of local smugglers, but also ensures that government resources and services are delivered to the border region.

In the summer of 2007, during the campaign for the municipal presidency in Frontera Comalapa, Mexico, a representative from the *Partido Ecologista* (Green Party) visited communities to spread the candidate's message of support for the poor. The representative affirmed his aversion to corruption, telling a group of women in La Cueva,

Our candidate is humble like you. We are a new party; not like the PRI that seeks to divide us. I cannot make promises I can't keep, so I cannot give you anything. But we can promise to work together." The representative contrasted himself with candidates who engage in corruption by promising or giving voters anything from housing materials to fertilizer in order to acquire votes. The representative continued, "I want to work democratically and honestly. I do not believe in giving things for votes... There are some people who want to buy your vote, but then they forget about you when they are elected. We do not want to do this. We want to fight together and organize for a new agenda to work together.

While some women at the meeting concurred, others repeatedly asked, "You are not going to give us anything?" Or, "All the candidates say they will help us, but they never comply." After the meeting, I left with one woman, Teresa, to go visit her sister. Her sister is Tito's wife. Tito is a staunch supporter of the historically entrenched, but often criticized, PRI party.¹² During a campaign, the local PRI candidate distributes money to Tito, which he gives to community members in order to ensure their votes. The relationship goes in both directions; Tito also lends money to the candidate to finance the campaign. In return, the local government turns a blind eye to his smuggling business,¹³ in addition to those of community members, which stimulates the local and regional economy by increasing cash flows and commerce. Once the politician is elected, Tito receives a percentage of the money that the official receives from the state government for each project he requests. Teresa's sister saw her return from the meeting. She asked, "Are you betraying Tito? What did the candidate give you? A bag of cement, laminate for

the roof?” “Nothing,” Teresa responded. “He doesn’t want to be corrupt... He says his is different. Maybe, we will see.” Her sister looked at her with surprise and disappointment.

Sure enough, in September, the PRI was re-elected to the municipal presidency. Although many were disappointed with this outcome, preferring a more radical change for democracy, others suspected that local support is what propelled the government to complete local road repairs after a six month hiatus.¹⁴ Although some border residents are increasingly critical of an enmeshed political elite and rising bourgeoisie of smugglers, they continue to “play by old the rules” in order to acquire state services in an era of contracting budgets and declining social services. In their daily lives, residents balance desires for substantive democracy with the political and economic realities of struggling to acquire the spoils of the “neoliberalization of everyday life” (Gledhill 2004).¹⁵

The Production of (Il)legality

Since the coffee and sugar smuggling businesses are more exclusive, capital intensive, and require bribes to officials, locals view these activities as more “illegal” than businesses like the corn trade. The designation of illegality and its concomitant activities of exclusion (despite how real the risks are in practice) discourage others from seeking to engage in businesses that are potentially risky. The more “illegal” nature of the coffee and sugar trades limits the knowledge that border residents can acquire about the costs of conducting such businesses. Businessmen manipulate this lack of knowledge and haziness to discourage competitors by asserting that, “it is expensive to be in business,” and/or by downplaying their wealth as they stress their hard work. Manipulation of knowledge is effective with coffee and sugar because residents are less familiar with these products. In contrast, border farmers have sold their harvests to Guatemala independently for generations. They know the price and since corn businessmen do not pay bribes, border residents can easily gauge the business and demand their *right* to participate. For

example, one corn farmer showed me how he had recorded his corn prices over the past ten years. In contrast, Tito argues that he earns little money in the coffee business, and that he has to work hard since unlike corn, which arrives at the border year-round, coffee only arrives from January until April. While he earns more money in coffee than corn due to its higher prices and margins, he reminds people that the coffee business relies more on seasonality than corn. Although corn is a seasonal crop, the expansion of the border trade to include corn from northern Mexico and the U.S., as well as regions with biannual harvests, tempers the seasonal downturns. Tito must save in order to pay bribes and survive the remainder of the year when there is no coffee business. Cultivating the image of “a hard worker” is important in a contraband economy where professionals and farmers increasingly accuse businessmen of earning fast, easy money.” Men like Tito stress the training, skills, and professionalism of their “businesses”. As one businessman said, “Not just anyone can engage in business. You need to be trustworthy, patient, and diligent.” A border trucker similarly stated, “You need to develop trust, not just anyone is going to sell to you just because you have money. It takes years, experience, and hard work.”

Even though many border residents view the cross-border coffee and sugar businesses as “more illegal” trades, and some even call it contraband, locals still do not think that these businesses are entirely “illicit.” They continue to consider these businesses, work, and to many, like Carlos of La Cueva, “good and honorable work.” Van Schendel and Abraham (2005) distinguish between illicit (socially unacceptable) and illegal (legally unacceptable depending on political regulations). While the distinction provides a guide for distinguishing conflicting local and official legal definitions of smuggling, their analysis obscures how legal/illegal and illicit/illicit categorizations overlap and blur depending upon fluctuating prices, changing socioeconomic or political conditions, and personal biographies and class, national, and ethnic hierarchies. For example, a small-scale coffee producer will decry coffee smuggling since it directly affects his prices. In contrast, most border residents do not grow coffee. Instead, the

commercialization of coffee through the passage provides necessary income and jobs in the border communities. Furthermore, such “illegal” businesses occur in the open and “in the light of day.” They do not fit the image of illegality that requires secrecy, darkness, or danger. Since the removal of police patrollers in the late 1990s and early 2000s in the border route, many confound the absence of official interference with a presumed legality, or, “Free Trade.” If officials do not intervene and the trade helps the community, border residents doubt that it is illegal or wrong.

Drugs, Arms and Migrants: The Illicit Trio

Most border residents immediately mention the triad of drugs, arms, and migrants when I ask what they view to be illegal, contraband, or illicit. Everything else falls somewhere in between. Residents easily identify why the first two are illegal, stating that “they are dangerous,” “drugs can make you sick,” or “they are a bad influence on society,” many are hard-pressed to describe why and when migrants joined this duo. To residents, what differentiates these three from other trades is that “the officials and government patrol them.” The media informs them that illegal migrants, drugs, and arms are a threat, especially in border regions. Some residents are involved in small-scale arms and drug trades, often in the process of providing transportation, but this suspicion remains largely rumor and speculation. If and when smuggling of drugs, arms, and migrants occurs, most residents do not see it, or choose to ignore it for their own safety. For example, the communities do not levy tolls on trades they believe to be “illicit.” Locals view traffic in drug, arms, and migrants as clandestine activities that involve large sums of money, violence, and danger. In local conceptualizations, these trades cross invisibly in the late night hours. There are no open depots for drugs, visible migrant cargo loaders, or arms dealers who decorate their cars for holidays like there are for businesses like corn, coffee, and even gasoline. If anything, these exchanges are disguised through the forums of horse races and cockfights.

Border residents differentiate migrants from drugs and arms, even as they include them into the “illicit” category. So why do they include migrants in the “illicit” category? As one woman said, “Drugs, arms, and migrants are illicit. But not always migrants. Especially not like now.” Many residents were unsure why migrants belong to this category, questioning “Migrants, *saber?! (a popular local colloquialism for, who knows?!)*” Residents cite how the Mexican government, and increasingly the Guatemalan state have enacted stricter official policies towards detaining illegal migrants since the mid 1990s in coordination with a U.S. agenda. Each year there are more police inspection points on the highways, as immigration checkpoints now mark internal borders throughout Chiapas. Border encounters occur in locations in the interior like Comitán and Tuxtla (see **Map C**), rather than at the official border.

Border residents distinguish the geopolitical national border from where they feel state presence. For example, residents living within 100 km of the border on either side are allowed to obtain daily crossing passes from immigration for free, or for a nominal fee¹⁶ at the official border crossing. In contrast, vehicles crossing the border charged about US \$5, fumigated, and inspected. With these passes, they can travel as far as Comitán, Chiapas and Huehuetenango, Guatemala. Due to their extensive cross-border social networks, upon which their daily lives depend, border residents rarely acquire these passes. They find it cumbersome to go to the official crossing.¹⁷ Moreover, the law is harsher for Guatemalans in Mexico than Mexicans in Guatemala. Mexico’s cooperation with a U.S. security agenda associates northward flows with illegal migration destined for the U.S. For example, at a Mexican detention center, I met Guatemalan shoppers detained for suspicion of U.S.-bound migration. Guatemalan border residents, like Francisca, will ask a Mexican border resident for a ride if she wants to buy clothing or goods in Mexico outside of the border route. Most Guatemalan residents will only acquire an immigration pass if they go to Comitán, Mexico and Mexicans will obtain one if they go further into Guatemala than

Huehuetenango, because this is where they risk encounters with immigration officials and have fewer social connections.

Increasing official crackdowns on undocumented migrants has made migrant smuggling a more organized, expensive, and dangerous business, contributing to the association of migration with illegality (Andreas 1999, 2000). Whether or not these businesses are “organized” is difficult to assess, and in fact, they may be relatively “disorganized,” as Naylor (2002) argues in the case of some illicit businesses due to the need to diversify personnel and strategies to minimize risk. States and the transnational media portray migrant smuggling networks as complex hierarchical organizations that possess great wealth and tendencies to violence, which in turn has shifted how border residents view migrants and migrant smuggling and how states organize security forces to combat it. Alonso told me that when he was a teenager, many border residents were involved in migrant smuggling. “We gave Guatemalans rides to Comitán for a small fee all the time. It was no problem. I was kind of a *coyote*,” he laughed. In many ways, I realized that I could even be construed as a *coyote*, depending on when and where the state and border residents enforce the abstract notion of the border. For example, I frequently gave Guatemalan border residents rides to their friends’ and family’s homes on the Mexican side of the road. Perhaps, just like Alonso gave people rides to Comitán as a teenager, it never occurred to me that my own “rides” could be construed as illegal or illicit. However, in the late 1970s, when immigration officials had a semi-permanent post at the border near Tito’s uncle’s house, I might have been arrested for smuggling.

Since the 1990s, state officials have increasingly criminalized northward illegal migrant traffic, making it difficult for residents to smuggle migrants. Magdalena’s husband, from Santa Rosa, was arrested two years ago for transporting illegal migrants. Once viewing his business like any other legitimate one, she now associates her husband and migrant smuggling with illicit activities. She told me, “There are other *polleros* [migrants smugglers] working here and getting involved in dangerous things. But you will see, they will also be caught and put in jail soon.” The

threat of arrest is real and present, whereas Tito was once jailed for transporting corn, but almost thirty years ago. As more specialized skills, networks, and money are needed to transport migrants, trafficking becomes intertwined with, and mirrors, the strategies and networks employed by drug and arms traffickers. As official enforcement and anti-migrant discourse increase, residents come to view migrant smuggling as “illicit,” and migrants, as well as their smugglers, as dangerous and threatening. Notions of legality, even when attributed to concepts that residents explicitly label as illegal, including traffic in drugs, arms, and migrants, are not straightforward or consistent. Rather, residents negotiate legality using multiple notions of value and morality that reflect changing political-economic circumstances, challenge state whims, and shape personal experiences over space and time.

Conclusion: A Worthwhile Meaning of Global Flows

Daily interactions illustrate how long-term border residence and kinship connections shape existing class and ethnic hierarchies that foster kin-based business oligopolies. Border businesses defy dichotomies of legal and illegal, inclusive and exclusive, and organized and disorganized business as their economic practices and moral norms are driven by specific socio-cultural logics as well as by neoliberal market considerations. Border businesses may follow the economic maximization goals of legal businesses as they strive to organize, diversify, and invest (Naylor 2002). Yet like illegal enterprises, they employ middlemen, or brokers, to minimize risks rather than pursue profit maximization, form strategic temporary alliances, and manipulate information flows (*ibid.*). Naylor (2002) argues that even though legal and illegal business practices may blur, organizational differences and the legal atmosphere render analogies between illegal businesses and formal firms fallacious. I suggest that because economic practices are always embedded in social, historical, and legal contexts, it is impossible to make such clear-cut distinctions. While it might be incorrect to assume that illegal businesses share the same

characteristics as formal-sector firms (Naylor 2002), it is equally dangerous to assume the goals and structures of each without investigation. Naylor's (2002) analysis, although insightful in moderating and clarifying exaggerated claims of the criminalization of the global economy (Naím 2005), suffers from an overly economic perspective. Naylor (2002) assumes that individuals act according to market rationale that balances the maximization of profit with the minimization of risks. I argue that although profits and risks matter to businesses, individuals always have partial knowledge, at best, of what these risks and benefits are and how to best "maximize" or "minimize" them. It is therefore critical to examine the "images" of legality, profit, risk, and morality that inform behavior, in addition to the social, cultural, and historical settings in which behaviors are enacted and disputed.

Following the paths of border residents, products, and ideas illustrates how residents are embedded in the production of multiple regimes of value, (il)legality, and moral norms. Border residents respond to, and interact with, various regional, national, and transnational actors and networks, each embodying its own notions of legality and morality. Residents conceptualize socio-economic class and *values* in multiple ways that deviate from conventional notions that derive "value" from "the market price" of goods and assets. Residents contest what it means to lead a moral and successful life, finding creative ways to surmount a political-economic system that otherwise excludes, or criminalizes them. They legitimize their actions as *worthwhile* by redefining the bases of value, business, morality, and legality. Meanings shift depending on personal experience, socio-economic position, and even situationally. Not all benefit equally, and paths to survival, success, or failure may be unpredictable, especially as new transnational and long-distance smugglers, travelers, and media arrive at "their border."

ENDNOTES

¹ See Mintz (1976)

² See (T. Turner 1978) for a similar use of *value*

³ See Saussure on meaningful difference in Graeber (2001).

⁴ See Van Schendel and Abraham (2005) for categorizations of illicit versus illegal

⁵ See Chapter 3 on organization of corn producers, brokers, and *coyotes*.

⁶ See Chapter 2.

⁷ See detail in Chapter 3.

⁸ This change is detailed in Chapter 3.

⁹ One example are the Guatemalan corn brokers described in Chapter 3 who receive a commission for arranging sales of Mexican corn to Guatemalan buyers.

¹⁰ In a similar fashion, Martínez Novo (2004) details how migrants' displays of wealth and economic aid when they return to Mexico displace traditional modes of authority based on age, land-ownership, and community service.

¹¹ Instead of treating corruption as dysfunctional aspect of state organization, Gupta (1995: 376) argues that...[it is] a mechanism through which 'the state'" [and politics] are constituted."

¹² Tito's son bought my car when I left the field. In my last month of fieldwork, however, I borrowed the car. While I was in San Cristobal one weekend, I returned to find the entire back windshield of the covered with the face of the local PRI candidate.

¹³ I generally refer to smuggling as *business* and smugglers as *businessmen* since border residents use the term *negocio* (business) and *negociante* (businessman) to describe what they see as legitimate work.

¹⁴ The construction company was soon dispatched back to La Cueva to finish the road. Yet, I learned that the government did not have the money to pay the company and therefore, borrowed money from La Cueva's *cadena* (see Chapter 2). They soon returned this money, however, which La Cueva used to build a large roof over their basketball court to use as a multipurpose event space.

¹⁵ Gledhill (2004: 338) notes the connection between the patterns of capital accumulation associated with neoliberalism and the relation between the state and shadow powers and illegal enterprises. He reminds scholars that "global reform discourses...obscure the extent to which capital accumulation processes within market economies may remain embedded in relations that constitute networks of 'shadow state' power behind the institutional façade" (Gledhill 2004: 338).

¹⁶ While migration officials assert that there is no charge for border residents to acquire a border day-pass to cross the border on foot (cars are charged), this is not necessarily what occurs. I experienced this unpredictability myself. When crossing the official border, sometimes Guatemalan officials charged me and others times they just stamped and allowed me to proceed. A few times, like border residents, if I was not going further than Comitán in Mexico or Huehuetenango in Guatemala, I passed through the official point without checking in at immigration. I was testing and adopting the "habitus" of the knowledgeable border resident, negotiating the landscape of where the "state" makes itself and the border tangible. (See Heyman 1995 on border control and habitus). Many border residents say that they are charged for a border pass, others said they were not, a statement that seems believable due to the erratic border enforcement I experienced. Others were unsure, illustrating how infrequently they even bother to *cross* at the official border crossing point. Even when crossing at the official point, for convenience in some cases, they do not bother to check in at immigration. After all there is rarely anybody checking to ensure the cars and people stop at the migration post (until that is, at Comitán and possibly, Huehuetenango).

¹⁷ This was not always the case. Immigration officials previously inspected within the crossing. This was rumored to occur in the late 1970s, and occasionally police would enter to inspect documents in the 1990s. This ended as border residents gradually expelled officials, and made agreements with officials “not to bother” those within the passage until the federal highway on either side, thus re-establishing the state control of the border (see Chapter 3). In practice, however, the boundary extends further due to friendships in the larger region- however, this usually only applied to people and not vehicles. Vigilance against foreign cars is stricter. Official border crossing vehicle passes are more expensive. Officials register the vehicle and levy a fumigation tax. The result is that residents are free within the crossing, and relatively so in the region, as long as they find a ride in a national vehicle.

CHAPTER 5

COMBUSTING VALUES AND RIGHTS: THE GASOLINE INCIDENT

“Oil is fantastic and it induces fantasies...Oil wealth has the power of a myth.”-- José Ignacio Cabrujas, writer: cited in Coronil (1997: 1).

At five in the evening as the heat began to subside and the sky threatened to storm, Alonso gathered forty men around the picnic table they had set up on the uneven lawn adjacent to Santa Rosa’s *cadena*. Sergio’s wife brought over a large pot and Sergio placed it on the ground to make coffee. “He’s our cook,” Alonso smiled. “He worked in a kitchen in North Carolina.” A few other men hung a blue plastic tarp above the table, preparing for the daily rain storm. Alonso assigned Felipe the task of finding a Mexican flag to post at Santa Rosa’s *cadena*. “It should be ready for Independence Day. We will call our group “La Independencia,” announced Alonso. He associated Independence Day with his group of truckers’ struggle to participate in the business of gasoline smuggling from Mexico to Guatemala, from which residents of La Cueva excluded them. This chapter examines how a conflict over gasoline smuggling between residents of Santa Rosa and La Cueva in Mexico in late August and early September of 2007 highlights conflicting local conceptualizations of rights, moral norms, and political-economic power.

Santa Rosa’s *cadena*’s metal chain was raised during the first week of September 2007 to prohibit the flow of commerce. That week, in addition to the two community members guarding the *cadena*, rotating groups of ten men joined them. Alonso took out his notebook and checked which group would patrol that night. The group of forty men had united to prohibit the transport of smuggled gasoline from Mexico to Guatemala and clothing from Guatemala to Mexico. They declared the commercialization of these goods through the crossing illegal, that is, until they could also work in these businesses.

Striking Oil: Background of the Gasoline Situation

“Formula for success: Rise early, work hard, strike oil.”-- Jean Paul Getty, American Industrialist and Founder of the Getty Oil Company

Gasoline and diesel have been significantly cheaper in Mexico than in Guatemala for the past few years. Guatemalan prices began to soar in the summer of 2007 to one of the highest in Central America,¹ reaching almost twice that of Mexican prices. In June of 2007, a liter of gasoline was 6.88 pesos and in Guatemala, 10 pesos, making it profitable for Guatemalans to buy from Mexico, and for the Mexicans to continue smuggling, despite the bribes they paid to authorities. When prices rose in the summer of 2007, bribes to officials also increased, from 9000 pesos to 14,000 pesos bimonthly.² Even when price differentials were modest, cross-border gasoline contraband was lucrative. As one gasoline smuggler from La Cueva told me,

Even when the price difference (between Mexican and Guatemalan gasoline) isn't much, the Guatemalans prefer to purchase gasoline from the men [smugglers] who buy from us. The gas stations in Guatemala aren't trustworthy. They charge more and often don't even fill the tank the whole way. They add water or air. There is an alliance between the Guatemalan government and gasoline companies. People don't trust either.

“Do the smugglers inflate prices also?” I asked.

He responded, “No. In Guatemala, the government and companies are the thieves. People prefer to buy from [smugglers] instead. They end up getting better quality gasoline at a better price.”

Previously an occasional small-scale business, as price differentials between Mexican and Guatemalan gasoline increased, a group of border residents saw the opportunities available to smuggle gasoline through the clandestine passage. On May 3, 2006, nine men from La Cueva organized to harness this trade for their own benefit.

Introduction: Exploding Values: What do *rights* mean and who are they for?

Chapter 2 illustrated how border residents invoke local authority based on their rights to land. Each *cadena* represents an institutionalization of legal-moral and economic norms and

rights. Border residents extend this ethic to the distribution of border commerce, stating that, “anyone who lives at the border has the right to work.” They enact this norm by forming associations to rotate work such as cargo loading and *fletes* (providing cross-border transport for contraband) to ensure fair distribution of profits and to preserve employment for residents. Residents apply their conceptualization of rights and ethics to justify a system of political-economic governance that restricts the participation of outsiders so that they maintain power over the contraband. As a language of rights provides a discourse to protest exclusion, it simultaneously legitimates the marginalization of outsiders (Brown 1995).

By following a conflict over gasoline smuggling, this chapter shows how shared norms of rights and values are disputed, revealing the construction of the local system of governance, and economic justice. Following micro-political-economic processes illustrates how symbolic and economic power are constructed locally, and connected to larger patterns of class domination and state power (Gledhill 1994: 125). Border residents concur on the norm and “work value” (in a socio-moral sense) that anyone who lives on the border and owns a truck has the *right* to work in the contraband economy. What happens when increasing numbers of border residents own trucks, and contest the “right to work” amongst themselves? What do *rights* mean? The conflict over gasoline smuggling began between three groups of organized men. “The Gossips (*Argüenderos*) and “The *Caudillos*” were from La Cueva; and the “*Camioneteros*” (pick-up truck drivers), who I refer to as “The Transporters,” lived in Santa Rosa. The majority of border residents were uninvolved, but as the conflict progressed cross-cutting alliances and tensions between the two communities and within the region revealed the multiple interests at stake in the fight for control over gasoline. Despite the larger scale of the dispute, residents began to depict it as a *community* conflict between La Cueva versus Santa Rosa in order to garner local support.

The dispute illustrates how residents of Santa Rosa and La Cueva unite to stress their mutual interdependence and equal rights to work, but also divide to emphasize their “borders” as separate and autonomous communities. Through the lens of conflict, this chapter examines how

individuals strategically represent changing values to themselves as they negotiate their actions with fellow border residents and outsiders. Following the course of the conflict shows how tensions between values of cooperation versus goals of individual benefit and capitalist enterprise intersect in everyday practice. Behind claims to community equality laid deeper tensions of class, ethnicity, and identity between, and within, the communities.

Claiming the Authority to Exert Equal Rights

“Where frontiers are decided the adversary is not simply annihilated; indeed, he is accorded rights even when the victor’s superiority is complete. And these are, in a demonically ambiguous way, ‘equal’ rights.”-- Walter Benjamin (1978: 295).

This chapter situates the dispute over the meaning of rights within recent critical analyses of human rights posed by Goldstein (2003, 2004, 2007), Nader (2007), Warren (2007), Goodale et al. (2007), Goodale (2007, 2009), and Speed (2007, 2008). “Rights” may circumscribe possible modes of resistance within the state legal system (Benjamin 1978; Jackson 2007; Hale 2002), but as people appropriate “rights” discourses to their own struggle, they transform their meanings.

In her research on the Zapatistas in Chiapas, Speed (2008: 19) argues that “certain local appropriations and reinterpretations reconfigure the concept of human rights in fundamental ways, and that ultimately these redeployments may be challenging to neoliberal discourses and structures of power.” Rather than depend on state law to validate their rights, Speed (2007, 2008) argues that the Zapatistas usurp the power of the state as guarantor of rights by practicing autonomy and redefining rights as existing in “their exercise.” Goldstein’s (2003; 2004) work in Cochabamba, Bolivia, however, illustrates how shantytown dwellers’ reinterpretation of human rights is complex; in some instances it may support state power and in others, lead to an increase in violence. Goodale (2009) and Goldstein (2007) remind scholars that perceptions of human rights are embedded in social and political contexts.

When rights discourses originate from a corrupt, violent state or a contradictory assemblage of U.S.-based NGOs and policies, rights become infused with these particular

meanings. Goldstein's (2003, 2004) study of lynching as community justice reminds scholars of the perverse, interconnection of rights, law, and violence when rights-based language becomes securitized. For example, by tracking the re-appropriation of security and rights discourses in Bolivia, Goldstein (2007) shows how shantytown residents associate human rights with "rights for criminals," claiming their *right* to security to justify violent forms of community justice. Rus and Vigil (2007), Goldstein (2007), and Jackson (2007) similarly illustrate how marginalized populations take the "law into their own hands," claiming their right to practice systems of traditional indigenous justice rather than depend on a corrupt state. But who determines *tradition*, and how does the power to determine *rights* exclude the less powerful?

At the border, the gasoline conflict reveals how locally hegemonic notions of *rights* are formed, disputed, and naturalized. Examining the trajectory of rights-discourse illustrates the dynamics of empowerment, belonging, and/or marginalization they may enable in different contexts. The context of power relations is critical for examining when, and for whom, rights-based discourses become emancipatory, confining, or even oppressing (Brown 2005). Appeals to their rights enable border residents to challenge state control over the local contraband economy and the border route, while more powerful border residents call on these same notions of rights to exclude marginalized members and retain profits. Following Graeber's (2001) search for a theory of value, this chapter highlights the importance and consequences of "who has the power to determine value," who has the "right" to determine what the "right to work" entails. How do certain individuals succeed imposing their own moral norms on others, or in Bourdieu's terminology, how are systems of "social distinction" and power generated, sustained, and disputed" (Bourdieu 1984; Gledhill 1994)?

The truckers excluded from gasoline smuggling usage of rights-based discourse revealed contradictions within the local legal-moral system that superficially argued that "all border residents have the equal right to work." Yet as the excluded truckers asserted norms of equality and the right to work by blocking commercial flows in protest, they inadvertently infringed on

other community members' rights to work. Furthermore, when I returned in August of 2008, I found that when the formerly excluded smugglers began to work, they also began to exclude new members. Their discourse of rights had shifted to balance their ideals of equal rights with desires for profit and control. Rather than a universal liberating discourse and/or instrument for challenging exclusion, it is necessary to examine the language of *rights* in their particular social trajectories and how they acquire meaning and power in specific contexts. It is critical to follow how *rights* shape, and are shaped by, local, regional, and transnational power relations.

More broadly, the clash represents a rupture (see Aretxaga 2005) in locally accepted modes of governance and moral norms, revealing the power and resources at stake in the larger socio-legal border system. Anthropologists have long studied conflict, or "social dramas" to reveal the otherwise unspoken basic values in society (Turner 1957).³ Coser's (1956) classic work on *The Functions of Social Conflict* argues that conflict can perform both functional roles in maintaining, destroying, and/or creating social cohesion and norms. In Gledhill's (1994: 128) study of the history of micro-political analysis, the Manchester school's concept of social fields highlights how "actors strategize and manipulate 'norms' which are subject to manipulation because they are neither consistent nor fully coherent."

Beyond a functionalist perspective, however, conflict illustrates the symbolic power that elite actors have to determine moral and economic norms, power relations, and identities in the border region. Beyond a transactional⁴ or functionalist approach, Bourdieu's (1991) analysis of political representation argues that "social action is structured by the pursuit of 'interests' by human agents, although the content of those interests is always determined culturally and may not be 'material' or 'economic' in the narrow sense"(cited in Gledhill 1994: 134). Understanding the meanings of conflict for differentially positioned actors highlights what social values are at stake, and how access to the power to determine these values is constituted. Yet Bourdieu's (1977:72; Gledhill 1994) concept of *habitus*, whereby social actors in the same class internalize the same "structured structures" fails to account for how these norms arise as well as for internal

differentiation and agency. Gledhill (1994: 148) further critiques Bourdieu's analysis as top-down, arguing that Foucault's (1979) concept of capillary power better accounts for how relations of power may also be generated from "below," whereby "power is present in *all* social relationships, permeating society in a capillary way rather than coming 'down' from a single centre of control such as the state." Rather than seeing power "everywhere," however, the analysis of the gasoline conflict at the border illustrates how discourses of rights and power evolve in complex and often contradictory ways, at times performing a "disciplining" function and at others, generating a productive discourse of critique of dominant power relations.

At the border, the conflict over gasoline smuggling not only revealed the highly organized and rule-bound nature of contraband, but also how rules are disputed among actors; each with a different ability to convince others of their moral authority. Within the conflict, we can see the creation and demise of the local elite as they attempt to influence others of their moral authority and/or political-economic power. The fight over the right to traffic gasoline shows how regimes of moral-legal norms and governance emerge in daily disputes.

Furthermore, the dispute highlighted the multiple borders in the region. The cross-border connection became apparent when members of the Guatemalan border communities of La Libertad and San Pedro were affected by the dispute. By erecting a physical and symbolic border between themselves, residents of La Cueva and Santa Rosa failed to acknowledge how their struggle influenced their borders and relations with La Libertad, San Pedro, and the larger cross-border market. The conflict had a profound regional effect, as merchants, media, police, and taxi drivers began to complain about the gasoline traffic.

The First Gas Group: "The Gossips"

The first group of men that organized to smuggle gasoline from Mexico to Guatemala was composed of nine residents of La Cueva. They rented a plot of land from a neighbor and paid him a monthly fee to use his land to load cargo and park their pick-up trucks. Some group

members already worked with a group of Guatemalans who employed them to transport Guatemalan clothing to the Friday Las Champas market using their Mexican trucks. Border residents are astute to price differentials and quickly acquire knowledge of opportunities for cross-border trade due to familiarity with both currencies and their cross-border kinship, economic, and social networks. Since they already had relationships with some of the Mexicans, the same clothing contacts began to arrive in La Cueva to ask the group to help them purchase Mexican gasoline. Other gasoline smugglers knew, or heard of, this crossing from their other businesses or friends, and also began to arrive to search for people “willing to work with them.” The Guatemalans delivered empty 200 liter canisters to the Mexicans at the depot. Group members put the canisters in their pick-up trucks and drove them to the gas station to fill. The men worked together at the depot to transfer the canisters back to the Guatemalan trucks.

The men from La Cueva devised a rotation to distribute gasoline trips among members. Like the *cadena*, they patrol their depot 24 hours to ensure the business connection and protect the business from competition from outsiders. The introduction of cell phones in the last few years rapidly mobilized and extended their networks, but face-to-face contacts and relation of trust and kinship remain important. Despite the ubiquity of cell phones, the group always has two men waiting at the depot, highlighting the continuing importance of personal interactions to cross-border contraband.

The depots, like the *cadena*, also serve as social loci. While they wait for cargo, men play cards, rest, drink, and joke around. I would often see them there as I taught English classes to children at the school across the street. Seeing that I had candy from class, one day, the men called me over. The leader of the group, Rolando, had been the community president when I first arrived and was always interested in teaching me about life at the border. Henceforth, after class, I shared leftover candy and talked with them about their business.

Although the group paid regularly-scheduled bimonthly bribes to local state and federal officials to allow them to work unencumbered, gasoline trafficking was still what locals called, a

“delicate,” meaning risky, business. To ensure official collusion and successful transactions, the group sent members in their cars to follow the trucks to the gasoline station. Sometimes they sent men ahead to the gas station to report on the “status” of the police on the highway. They worked with two nearby gasoline stations, located about two miles from La Cueva’s depot on the federal Mexican highway. The treasurer of the group, Manuel, assigned rotating trucking turns to group members. Each member had his own pick-up truck, and took turns going to the gasoline station and returning to the depot to deliver the gas to the Guatemalans. Each man kept the proceeds from his trip, which for a pickup load was approximately US \$30 per trip. Then the group would transfer as many 200 liter canisters of gasoline as they could fit in the flat-bed from their pick-up truck to the Guatemalan truck. Since the depot was adjacent to the community assembly building, the Catholic Church, and across the street from the primary school (not to mention two-doors down from my residence in Tito’s house), the business soon became public, open knowledge.

The gasoline business proliferated in the spring and summer of 2007 due to increased regional knowledge of the pathway and a spike in Guatemalan gasoline and diesel prices. According to Guatemalan newspaper, *El Periódico*, in May of 2007 Guatemalans were confronted at gasoline stations with the highest prices in history. A gallon of regular-grade gasoline now cost 27.79 *quetzales* (US\$3.45); it cost 20 more *quetzales* (nearly \$US 2.48) more to fill a tank of gas that it had the week before. (May 24, 2007).⁵ According to *El Fronterizo* (9/5/2007), the price for a gallon of gas in Guatemala had risen by 11.46 percent between July and August.⁶ In addition to pick-ups, large ten-ton Guatemalan trucks began to arrive transporting empty gasoline canisters, necessitating larger ten ton Mexican trucks to accommodate the larger loads. Since the men in the group did not own large trucks, they had to pay a commission to a local truck owner to transport the cargo. To avoid paying extra transport, the group negotiated with Mexican state officials to allow Guatemalan trucks with canisters to directly enter Mexico to fill at the gas station, on the condition that a group member accompanied the Guatemalan driver. The group argued that it was a short distance to the gas station and that it was more economical

and safer for the Guatemalans to drive directly rather than to transfer the canisters between trucks. Many residents feared that fires could erupt at the depot, which was near the school and the church. Instead of driving their own vehicles, a group member now accompanied the Guatemalans in their trucks, or as some said, “They just went along for the ride.”

Meanwhile the group, whom the residents of La Cueva had named “The Gossips,” since they often sat around gossiping and playing cards as they waited for truck trips, and then drinking together when they were not working, became increasingly well-known at the border and in the larger region. They took pride in their name and asked if I could make them t-shirts when I went to visit the U.S. in April. They already had t-shirts emblazoned with the logo of the local PEMEX gasoline station, which were gifts from the gas station owner. They had distinguished themselves as a new group of elite entrepreneurs. When I asked if the gas station owners and employees complained about the contraband, members of the group said, “No, they like it. We are friends. All they want to do is sell gasoline. This trade enables them to sell a lot more.” The group held a barbecue at their depot on May 3, 2007 to celebrate their one-year anniversary.

As the group’s visibility and pride increased, the amount of gasoline trafficked mushroomed, and price differentials between Mexican and Guatemalan gasoline widened, local jealousies began to manifest. The gasoline group had a rotating system to share work among members, but unlike other contraband businesses, they were not allowing new members to enter their original group of nine. They argued that there was not sufficient business or money to expand membership. Many residents, however, doubted this assertion since they saw that gasoline was not only being trafficked in pick-ups, but now in ten-ton truckloads. In the eyes of excluded border residents, who watched this daily flow, the money and business from the traffic was increasingly rapidly.

The breaking point for those excluded from the business was that the “group didn’t even use their own trucks anymore,” but was “just going along for a ride.” According to many border residents, this was a job that “anyone could do.” Prerequisites to engaging in border contraband,

depending on the business, include truck ownership or access, border residence, economic capital, and cross-border socio-political connections. For example, border residents agree that if an individual does not have social and economic capital, that he has no right to demand inclusion in a business. But in the gasoline business, the Guatemalan smugglers paid for the gasoline, and now even used their own trucks.

The conflict over gasoline revealed diverging ideas about the “right to work.” According to “The Gossips,” they were first to work in gasoline, and if others joined, it would destroy their profits. “They should find another business to work in,” said one group member. The excluded, however, invoked the local socio-legal system, “We also live at the border and built the road. Some people can’t have all the benefit. They need to share. All border residents have right to work in order to benefit the community.” At stake were definitions over the right to economic participation and who could establish these rights and rules. The power to define the terms is critical in a larger moral -legal system based on contraband that outwardly stresses equality and openness for border residents, yet simultaneously depends on networks of political favors, kinship, and secrecy.

The Second Gasoline Group: “The Caudillos”

The first group that protested their exclusion from the gasoline trade, and insisted on the right to work, were ten men from La Cueva. At first, “The Gossips” resisted, but they relented due to community pressure within La Cueva. The village assembly decided that the group must share the business with their fellow community members. Some tensions remained, but others quickly resolved their differences. Manuel, “The Gossips” treasurer even began to work with both groups. As he told me, “We are the same people. We could not continue to deny the other group and fight with them. They are from La Cueva too and are they are our cousins, brothers, and son-in-laws.” The group appealed to family ideals to resolve the conflict and to forge good working relations. The second group established its own loading depot and the groups split the

clients. La Cueva's residents gave the new group the name, the "Caudillos." Some told me that "*caudillo*" referred to a type of local bird. A member of "the Gossips," however, laughed about "the Caudillos," asserting that this was their name because "they want to own and control all the land and business." He referenced another meaning of the word, "*Caudillo*," which historically refers to land owners or militia leaders with authoritarian-like power.

The "*Transporters*": The Pick-Up Truck Owners

"The Gossips" and "The Caudillos" insisted that their profits were small because they had to pay bi-monthly bribes to nine different Mexican state officials. Residents of Santa Rosa began to contest this claim as they saw the business grow in front of their own eyes. "They don't even drive their own trucks, so they have no more right to work than we do," was a common complaint. Members of Santa Rosa asserted that there were large profits being made and that a few people should not monopolize the business. As Alonso said, "La Cueva has been eating the whole cake and that is not fair." They knew that the groups charged 350 Mexican pesos (about US \$33) for a small pick-up truck filled with 200 liter canisters of gasoline to go to the station and back (only 2 miles), and often as much as 1500 Mexican pesos (about US \$140) for a ten-ton truckload. According to members of Santa Rosa, the gasoline wasn't their product to buy or sell, nor were they using their own vehicles. "They get paid to go for a ride," many said. According to those excluded from the trade, the gas groups' refusal to share the work represented a way of taking *them* for a ride.

The daily flow of trucks and growing lines at the gas station showed that the gasoline business wasn't dwindling, but growing rapidly. After all, Santa Rosa's residents saw trucks full of gasoline canisters speeding by their *cadena*. Whereas both communities, Santa Rosa and La Cueva, previously charged 15 pesos (about US \$1.50) for a pick-up truck with cargo, Santa Rosa, by decree of their community assembly, raised their toll in April of 2007 to 20 pesos, due to the

increase in pick-ups carrying gasoline. Members of Santa Rosa demanded a share of the rising profit since they built a portion of the road that the gasoline smugglers used.

The gasoline groups also began to frequent three different gas stations to fill their canisters, two on the edge of the passage and the Mexican federal highway, and another in the canal zone about 15 miles away. The growing lines at the gas stations, in addition to the men loading multiple canisters into large trucks, were obvious to anyone who lived in this region. According to a local PEMEX employee, one of these stations now received deliveries of two or three tankers *per day*, each carrying 35,000 liters of gasoline. The same employee related that when he worked at the same station four years ago before going to the U.S., the station only received one or two of these shipments *per week*. He attributed the majority of the increase to gasoline and diesel contraband to Guatemala.

To demand a share of the work, a group of forty pick-up truck owners from Santa Rosa organized to create a third gasoline group. They became known as the “*Camioneteros*,” or “The Transporters.” They also wanted to participate in the business of smuggling clothing from Guatemala to Mexico. Why “The Transporters” chose these two businesses, rather than others, to assert their right to work illustrates conflicting local views of rights, morality, legality, and community. First, these are the two businesses largely conducted in pick-ups rather than in ten-ton trucks. Secondly, the groups that work in clothing and gasoline contraband are only truckers. They are not businesspeople, meaning that they do not buy and sell products, but rather receive payments for transportation. Truckers in these businesses do not negotiate the price, or necessarily the business connection, but simply provide the cross-border transport in a Mexican vehicle. For example, the Guatemalan smugglers who employ Mexicans to transport their clothing to a Mexican market subsequently meet the cargo to sell the goods themselves in Mexico. Truckers have two jobs: providing a ride in a national vehicle and arranging with, or bribing, the corresponding state authorities to ensure safe passage. Any necessary bribing of Guatemalan officials is the responsibility of the Guatemalan businessmen or smugglers.

Making Truckers

“Now my truck is my machete.”-- Border resident from La Cueva, Mexico.

Due to the risks and large amounts of capital needed to purchase and sell contraband and negotiate with state authorities, many border residents prefer working as truckers, which refers to “individuals who provide the transport” for businesspeople. Owning a truck enables an individual to engage in business, or to earn income from renting one’s truck to businessmen. Even though many truckers are also brokers, and are therefore responsible for bribing state officials in order for business to proceed, the *negociantes*, or businesspeople, are responsible for the cargo and any potential risks, whether they be posed by police, bandits, or price fluctuations. Being a trucker allows one access to the contraband economy without the same risks as if one were a businessperson. Border residents have therefore developed a specialized economic niche and concurrent class position as truckers.

Owning a pick-up truck was a barrier to entering the contraband economy ten years ago, but now more border residents not only have one, but multiple pick-up trucks. Increasingly, residents buy ten-ton trucks to engage in larger businesses, although owning large trucks remains the luxury of a few wealthier businessmen. Many residents credit wages earned as a U.S. migrant, or sent from family members in the U.S. for enabling them to buy their pick-up or ten-ton truck.

Trucking and truck-ownership enables residents to acquire and display wealth and prestige by decorating their trucks. In December, on the Day of the Virgin, community trucks in Santa Rosa, decorated with red, white, and green balloons (Mexico’s national colors) carried community members with the torch of the Virgin (see **Figure 5.1**). The trucks led a parade from the highway and through the border road to the church. In addition, truck owners paint slogans on their trucks with phrases such as, “*El Coyote Solitario* (The Lonely Coyote), “*Todo por no estudiar*” (All this for not having studied), references to religion such as “*Jesús el Pastor* (Jesus the pastor),” or with the names of their children and wives. Owning a truck provides a sense of pride, as well as an economic strategy in an atmosphere of limited employment. As one trucker

told me, “Now that I have a truck, I can stay home and work. If there is work here, we don’t have to go back to the U.S., or at least not immediately.”



Figure 5.1: Pick-up truck decorated for the Day of the Virgin, Santa Rosa, Mexico

Due to ongoing crisis in the Mexican countryside,⁷ obstacles to farming and selling corn and coffee harvests, and limited professional opportunities, many border residents view truck ownership as a viable alternative to economic survival. If one owns a truck, living on the border provides a unique strategic opportunity to engage in commerce. One man celebrated the importance of his pick-up while commenting on the futility of a lifestyle solely dependent on agriculture when he told me, “Now my truck is my machete.”

“The Community assembly makes the law.”-- Santa Rosa’s community president.

“The Transporters” suggested to “the Gossips” and “the Caudillos” that they share the gasoline business. Either, according to “The Transporters” in Santa Rosa, the groups in La Cueva should deliver the cargo to the *cadena* in Santa Rosa, and then allow “The *Transporters*” to transport the cargo to the gas station, or they should give them half of the proceeds as a “commission” for using Santa Rosa’s road. “The Transporters” did not want the entire business, stressing that “all have a right to work” since “we all live there and built the road.” I then asked,

“Isn’t that why they pay the *cadena*?” But Alonso of “The Transporters,” replied, “No, that is very little and they are making a lot of money so they should share. I am a teacher and they earn more than I do. It is only fair to share.” The *cadena* system justifies its minimal contributions to balance the divergent economic effects of contraband. In the case the highly profitable gasoline business, however, residents began to view toll contributions as an unsuitable means of distribution.

In addition to a local ethics that stresses sharing and equality, members of Santa Rosa believed that they were more responsible drivers than the Guatemalans, or the drivers from La Cueva who they said “speed without respect through *our* road.” As Magdalena from Santa Rosa worried, “Just one accident; the gas could explode and Santa Rosa would disappear more... They drive so fast. We are worried they will run over a child.”

The fact that the Guatemalan gas smugglers now drove their own trucks, rather than using the trucks from La Cueva, exposed two arguments that circulated in Santa Rosa: (1) if La Cueva’s gas groups were not using their trucks, then the traffic was like a toll, and the groups should pay them [“The Transporters”] a commission. “The Transporters” asserted that the groups in La Cueva did not have the *rights* or the resources to claim sole ownership of the business, especially since they no longer used their own trucks; (2) it was urgent for Santa Rosa *as a community* to control the traffic because they believed that the Guatemalan drivers were even more irresponsible than those in La Cueva. The only way the trade would be safe while in their territory, they reasoned, would be to put the trade in their own hands.

“The Transporters” claimed that their plight was “community” issue. Their right to work was in the interest of the community because it would provide employment to a substantial number of members. The group appealed to notions of community by organizing around the *cadena*, a symbol of the community. They spatially fixed their notion of border control around the *cadena* by arguing that the community’s road physically began at their chain-linked barrier and ended at the Mexican federal highway. The community of Santa Rosa was therefore

responsible for the profits made and dangers posed within their land. According to this logic, they asserted their notions of territorial sovereignty rights, and applied it to sustain their own rules. They believed that it was to the community's benefit that locals manage the trade and risks rather than outsiders who they portrayed as "disrespectful" and "reckless." In a state-like fashion, they invoked the language of "security" to justify closing *their* border.⁸

"The Transporters," "The Gossips," and "The Caudillos" held three meetings to discuss the business. Some of "The Gossips" were receptive to sharing the business, but the more vocal members were not, arguing, "Why should we give *our* business? We made the contacts and did the work." Many of "The Gossips" argued that the profits were not large enough to justify splitting the work among so many people. "The Transporters" dismissed this argument; reasoning that it was preferable for everyone to benefit a little than for a few to benefit a lot.⁹ The groups were at a standstill, and both requested that their community presidents mediate.

Rumors circulated in the passage of how "The Gossips" did not want to share and were monopolizing business," "how the people in Santa Rosa were stealing business from La Cueva," and how "Santa Rosa wanted the benefits of contraband with none of the obligations." The last rumor was particularly important since residents disputed which parties would pay the bribes to the authorities. Members of "The Transporters" asserted that they would pay half of the bribes to the authorities and therefore, reap half the profits of the business. Members of La Cueva disagreed, asserting, "They are lying. Santa Rosa wants to work for free and wants us to take all of the responsibility of paying the officials." These discourses reveal the continued importance of the state and its representative. How individuals and groups' enact their rights to engage in contraband depends on their relationships with state agents. Rights to work are intertwined with knowing the rules of contraband. The main rule is to pay regular bribes to state officials. Through these rumors, "the Gossips" and "the Caudillos" sought to delegitimize "The Transporters'" right to the trade by convincing the rest of La Cueva that "The Transporters" were not abiding by the norms of contraband. They could therefore claim that "The Transporters," and by extension Santa

Rosa as a community, were not only acting immorally, but also, “illegally,” or without the approval of the law. One border resident summed up the norms governing behavior between officials and “businesspeople,” “In Mexico [and Guatemala] people purchase the law.”

In the incipient stages of the conflict, opinions within both communities varied. The gasoline groups in both communities relied on the propagation of rumors and “rights discourses” to frame the issue in terms of “community.” They utilized notions of “community” to unite their own communities in opposition to the other. At first, the president of Santa Rosa was hesitant to intervene, but the group began to redefine the gasoline conflict as a “community conflict.” When the dispute became a *community* issue, the community authorities decided that it should be resolved collectively at the monthly assembly meeting. Santa Rosa’s president stated, “I don’t make the law alone; the community assembly makes the law.” It is important to note that Santa Rosa’s community president had no connections to contraband. He wanted to remain neutral and avoid conflict with La Cueva. When “The Transporters” defined the conflict as a “community” issue the legitimate arbiter and site of organization became the community.

Santa Rosa’s Meeting: “We work for the good of the community.”

“The Transporters” representatives submitted a document to be read to Santa Rosa’s community assembly. The document requested the community’s support and permission to “raise the *cadena*” chain if the groups in La Cueva refused to share the gasoline and clothing businesses. “Raising the *cadena*” referred to stringing up the metal chain to block passing traffic of clothing and gasoline. Since residents appeal to the *cadena* as a symbol and benefactor of the community, the decision to restrict the flow of commerce lay with the community. The following section outlines the strategies “The Transporters” employed to associate their group’s plight with notions of community, rights, and family in order to acquire support for their business, as well as to assert their meanings of economic justice and rights.

At the start of the assembly meeting, community members were unaware of how many members were involved in this potential business. When called upon, members of “The Transporters” gradually raised their hands and then one-by-one, as if to stress their solidarity and numbers, stood up and walked to the front of the assembly until nearly 30 men were standing. The members of the new group asserted that “they worked for the community” and that the business would “benefit the *ejido*.” For example, one “Transporter” remarked, “By not allowing us to work; the economic interests of the whole community suffer. We invited the groups from La Cueva many times to come here to talk about an agreement, but they do not want one.” Another “Transporter” continued to the assembly:

We are the people who live here. For many years, we and the people in La Cueva worked for years on the border road. We also have the rights to benefit. They shouldn't be the only ones benefiting. [Building the road] cost us a lot and others are benefiting. We are asking for work and your [the ejido's] help to accomplish this goal. We are not organizing to engage in vandalism or anything bad...but to work. We want your support to be able to work. We want to unite with the groups from La Cueva, but they do not want to...We are within our rights to demand this since this is our land. We want an agreement...We want them [La Cueva] to work too, them there [in their territory] and us here [in our territory]. We have asked the advice of the most educated people in the community and they informed us that we have the right to work and that we have rights. Our group is open to anyone from here to sign up. We want help from our people and dialogue, not conflict. We shouldn't be afraid; we have the right to work. We will talk and they [La Cueva] will understand. We only want half of the truck transport price...we don't want to get involved in anyone's business. We want permission from the assembly that if La Cueva does not agree to our mutual agreement then we have the support of the community to proceed by other means. We are organized now as you can see with a secretary, treasurer, and a board...Many of us bought pick-up trucks so that we can work at home and be with our families. If we can't work, many of us will be forced to migrate to the U.S. and leave our families and community.

According to “The Transporters,” they did not want to interfere in the “business” and only wanted to participate as truckers. The distinction between “business” and trucking is important. Residents believe that a business belongs to a group or individual since they invest in it and buy and sell products. In contrast, they view a truck transport as a job that does not require the same intensive involvement or right to sole ownership. The Transporters’ speech, and community members’ reactions, show how the group envisioned their struggle to traffic gas as (1) an important community issue, (2) integral to family solidarity in the face of widespread

migration to the U.S., (3) a form of employment open to all in the community, (4) a way and/or precedent to assert their sovereign rights and economic potential vis-à-vis members of La Cueva who they believe are monopolizing contraband, and (5) necessary to protect the security of the community and its children due to the risks posed by trucks driving at high speeds transporting a flammable substance.

Since all community members serve the *cadena* and utilize the road on a daily basis, the danger of speeding trucks full of gasoline canisters was visible to everyone. Many agreed that it was safer to have such a dangerous business in the hands of community members they trusted rather than outsiders. Still some argued that the gasoline business should be discontinued due to the potential dangers. Most realized the economic opportunity the business offered, but detractors (largely members not involved in contraband), thought that it was not worth the risks and the fighting. One resident spoke up, “If La Cueva does not agree to share, we should issue a denouncement, or call the state officials in Tuxtla to terminate this business altogether.” Others worried that closing the *cadena* to La Cueva’s commerce would prompt La Cueva to do the same to them. “The Transporters,” argued that toll revenues were important enough that La Cueva would realize “they were wrong,” and according to one man, “the conflict would last five minutes.” One group member admitted that they might have wait longer, but that it would be worth it, and the community would survive. The group asserted that it was more important to establish the precedent that La Cueva’s residents could not monopolize the benefits of contraband. The majority voiced their opinions to support closing (“*tapar*”) the *cadena* if La Cueva did not agree to a settlement. After the meeting, the assembly sent a message to La Cueva. The members of Santa Rosa and “The Transporters” awaited a reply.

Santa Rosa and La Cueva have had disputes in the past, but this was the first time that one community had proposed to hang up the *cadena* to block the commerce of the other. Previously the communities had only done this to detain disrespectful smugglers or uncooperative state officials. If anything, the communities collaborated in these previous efforts to defend the

“border communities” against outsiders. As Santa Rosa awaited La Cueva’s response, however, some “Transporters” doubted that they would need to close the *cadena*, viewing it as an extreme measure of last resort. “We will talk. We will have a dialogue and reach an agreement,” Alonso said. “But this situation [of the communities fighting against each other] is new.”

Multiple Communities

“We all make a living from the same work.” - Guatemalan border resident.

“The Transporters” drew on local values of solidarity and equality to acquire community support. In practice, however, social, kinship, and economic networks cut across the “communities” the groups chose to pit against each other. In particular, the corn business links La Cueva, Maravilla, Santa Rosa, and the Guatemalan communities. All Mexican border residents with sufficient funds, regardless of whether they live in Santa Rosa, La Cueva, or even Maravilla, can participate in the corn business association as a *coyote*. In addition, Mexican truck owners unionized across communities to rotate work. Furthermore, many of the “Transporters” have family in La Cueva. Usually, residents unite around a larger “border identity” rather than specific “community identities” in order to portray a united front against external competitors and state officials.¹⁰ Due to inter-community networks upon which many depend economically, many border residents were reluctant to intervene in the gasoline conflict, especially the president of La Cueva who is a member of the corn and truck associations.

Border smugglers engaged in different cross-border businesses, especially corn, wondered why the individuals who wanted to traffic gasoline had organized along “community” lines rather than according to interests, social and family networks, and resources like their businesses. Yet the higher profits, the necessary socioeconomic and political capital, risks, and bribes required of other types of contraband, differentiate them from the corn trade. Individuals’ relations to the border, state agents, and regional actors further shape how social and economic

networks of identification and collaboration overlap with, supplant, or contest notions of community tied to physical geography.

Many border residents found it strange that the conflict privileged notions of “community” in the geographic sense (as Santa Rosa versus La Cueva) instead of emphasizing social, familial, and/or economic networks and borders. How the conflict shaped the intersections of multiple borders and communities highlighted the complicated nature of business, family, and land tenure at the border. For example, some border residents own land in La Cueva and Santa Rosa, and are considered members of both communities. One man from La Cueva in “The Gossips” also attends Santa Rosa’s *ejido* meetings since he owns land there. “The *Transporters*” in Santa Rosa asked him at the meeting to decide “where he belongs.” One *Camionetero* debated before the meeting, “He has to tell us if he’s with us or with La Cueva. He says that he supports us, but we don’t know. We will see at the assembly.”

La Cueva Responds

“We may not depend on the cadena, but it helps a heck of a lot.”-- La Cueva, Mexico resident

The following night, as it neared midnight and I sat in bed writing field-notes, I heard loud music and laughing coming from about 35 men gathered at La Cueva’s *cadena* through my window. Living next door to the *cadena*, gas depot, and church, I was accustomed to clanking gasoline canisters and truck breaks outside my window. This time I quickly changed and went outside. I asked Samuel what was going on, “Santa Rosa closed the *cadena* earlier tonight. They specified a time by which we needed to agree to share the business. We did not agree and Santa Rosa “*tapó*” [closed] the *cadena*. So we gathered to close ours. No one will pass. We will not allow them to work [in gasoline]. There are too many people already and not enough money or business to permit this.” “Because we can’t work [both *cadenas* were closed and therefore, commerce was at a standstill],” Samuel laughed, “We decided to drink.” The men in La Cueva made blocking the road into a party that lasted until the wee hours of the night. Rather than

raising their chain as Santa Rosa did, the men made it understood that *nothing* was permitted to cross. Samuel joked with me, “Now you need a visa to pass through here; no one will pass. We will see if anyone will get through tomorrow.” Rather than the geopolitical line (which many residents do associate with the border), the conflict displaced the “experienced border” to the closed *cadenas*, which effectively blocked everyday cross-border flows.

Samuel is not involved in the gasoline business and was somewhat drunk, so the next day I asked people in Santa Rosa and La Cueva what was happening. Some people in La Cueva told me that Santa Rosa was going to prohibit everything and everyone to pass their *cadena*, but soon learned that they were only blocking the passage of gasoline and clothing- the two businesses they wanted to enter. This restriction, however, became futile when, in response, La Cueva closed the road to everything else; most importantly, corn flows. Private vehicles were permitted to travel, but all contraband, and thus business and toll proceeds, came to a standstill. I asked Alonso if the group had warned La Cueva when they closed the *cadena*:

No. We didn't need to. They knew the deadline to agree and when it passed they knew we were going to close the cadena. That was the agreement. We don't need to tell them. We have tried to talk to them and now it is their turn to come to us. When the deadline passed, last night around 7 pm, the municipal agent here [who is also part of the group] called everyone in Santa Rosa on the loud-speaker. Nearly 100 people came out to watch the cadena to ensure that no gasoline or clothing passed. A few women came too. Then 30 of us spent the night guarding the road. We will continue [closing and guarding the cadena] until La Cueva agrees to share. La Cueva realized we had closed the cadena when one of them [“The Gossips”] arrived to transport gasoline last night.” I asked if he complained, and Alonso responded, “No, he knew. He just went back to La Cueva and that is probably when they closed their road.

I asked Alonso how the Mexican state officials responded to the situation. “We are talking to them and they support our decision to work, since they will make more money because we would also pay them. It is in their interest that we all work. One official came by my house this morning to help us. All the officials here are sold [take bribes]. But if La Cueva does not agree in about two weeks, I am not sure what we will do. We may have to tell the officials higher up, in Tuxtla, denounce the whole thing, and terminate the business.” Although Alonso doubted that the situation would reach this point, some group members saw a denouncement as a viable

threat to entice La Cueva to relent. Alonso continued, elaborating on local discourses of freedom and rights, “We are all free here. We all have the right to work. If La Cueva doesn’t agree, maybe it would be best for all the business to end. We could just send in the authorities to do away with it. But the authorities do not want that to happen either since they benefit from the trade. They went to talk to La Cueva too because they want us to resolve the conflict. In this interchange, local officials are treated as externalities who may sway decisions, but are ultimately dependent on the activities of border residents. In practice, however, *business* cannot proceed without the permission of state agents.

Closing the Cadena: Establishing the Meanings and Borders of the Right to Work

Now the story of the gas conflict returns to the initial scene of this chapter with the men cooking food and guarding the Santa Rosa’s *cadena*. I asked one “Transporter,” “What about the Guatemalan corn brokers or the truckers that come to this passage from long distances to deliver corn? Do they know?” After all, August and September are the months when corn trailers arrive from northern Mexico to reinvigorate border flows after regional corn and coffee harvests end. He responded, “We didn’t inform them [Guatemalan border residents]. But yes, it affects them too. Some began to realize, and some people from here called their contacts to tell them. But Guatemala is another country; we don’t need to tell them.” In response to the long-distance corn truckers, the group added that Santa Rosa made an announcement on the loud-speaker to inform truckers that the corn trade would not resume until further notice. *Coyotes* who conduct business with external truckers phoned to inform them of the situation. Some trucks went home, others stationed in nearby communities, and some merely waited in the depots in Santa Rosa. Local truckers parked their pick-ups next to the *cadenas* in Santa Rosa and La Cueva to help block the road, and also, because they currently served no other function.

Notably, excepting the cars parked near the *cadena* and the first night’s party, La Cueva had minimal presence at their *cadena* during the conflict. The gas groups assumed that others

would know that they had closed their road. They did not raise their chain or station more than the usual two individuals at the *cadena*. Meanwhile, Santa Rosa raised its chain, developed a rotating system of 10 men to guard the *cadena* in addition to the usual two, and created a social space around their resistance with new picnic tables, flag, tarp, and cooking and eating circles. The geographic placement of the chain-linked barriers helps explain the difference. La Cueva's *cadena* is more visible than Santa Rosa's because La Cueva is a smaller community (geographically and in terms of number of residents) and its *cadena* is attached to its municipal building where individuals regularly socialize. In contrast, Santa Rosa's toll-booth is located at the extreme end of the village's territory, far from the municipal house. It stands solitary in the road alongside the last three homes in Santa Rosa and the small building that shelters the guards.

I argue, however, that the pride Santa Rosa exhibited in its resistance, organization, and presence at the *cadena* in contrast to La Cueva's nonchalance reveals more about the two communities than mere geography suggests. For example, since "The Transporters" interpreted the conflict as a "community struggle," it was important that the group remain in the open, be visible, and enact the ideals of community and equality to which they sought to instill. Claiming to represent the higher *moral* authority became the group's basis for asserting their authority to interpret the local rules of contraband. They intended to show that they were united not only to share work, but also to protect the *cadena* and the community, share meals, and above all, they were friends and not competitors. "The Transporters" needed members of Santa Rosa and La Cueva to see that they were organized; Santa Rosa so that they would take their claim seriously and support them and La Cueva, so that they would understand that they would not surrender. Since La Cueva already controlled the businesses they wanted, it was unnecessary for them to display this degree of organization. The men most vocal about closing the *cadena* in La Cueva (often gas smugglers) used this power to assert that their community was less dependent on the *cadena* than Santa Rosa. The gas group performed their image of control by closing the road and

employing discourses of community power and solvency to assuage uninvolved residents who feared how the blockage would affect *cadena* revenues.

Residents of La Cueva defined the conflict on an individual level, whereas Santa Rosa's members defined it as a "community" issue. When La Cueva held an assembly to discuss the situation, members asserted that the problem was one of "Santa Rosa stealing business" from individuals in La Cueva. According to a member of the "The Gossips," "We worked hard to establish contacts and this business. It cost us a lot and now Santa Rosa wants to take it away. They want the money without putting in any of the work." In contrast, residents in Santa Rosa will argue that "business is not meant for one individual, but for the community. We conduct [business] for the [good of the] community." Tito, a coffee businessman from La Cueva, but who is not involved in the gasoline business, argued the opposite:

Each person should have their own business. [It would be] better if people in Santa Rosa found their own businesses. You should share to a point, but after that people should not interfere. It is bad for business since there isn't enough. They [people in Santa Rosa] should look for their own business rather than "chingar" [screw over] people who already have a business and are working hard.

How businesses are organized and distributed within the border passage affects assessments of whether the business should be shared or individually operated. For example, individuals who work in businesses, like coffee, that require more capital outlay and larger risks in negotiating with, and avoiding, state authorities, can justify limiting their business to a few trusted family members. In contrast, residents believe that a business that only depends on providing truck rides for gasoline is a job that "anyone can do." Nevertheless, changing local economic circumstances, relations with state officials, and increased cognizance of basic human rights are altering the prevailing consensus about how contraband should operate and what *rights* mean in the practice of illegal business.

The different land tenure structures between Santa Rosa and La Cueva inform business codes and conduct. Most members of Santa Rosa argue that *ejido* membership is synonymous

with community cooperation, whereas the private-ownership structure of La Cueva encourages work according to individual needs and capacities. Alonso commented on this dynamic,

La Cueva has always been more individualistic, more egotistical. In [Santa Rosa] people are free since it is an ejido. The difference is that in Santa Rosa we respect the authority of the assembly. All agree and obey, and have the support of the assembly. People are not like this in La Cueva. They don't help each other. You see how they had two gasoline groups in their own community that didn't even want to work together! They are not unified like we are. Here, people work in the name of the community and for the good of all. We do not just work for our group [gasoline group], but for the entire community and all the people that live here. In La Cueva, property is held individually and people work in the fields individually. In Santa Rosa all work is ejido work and we work together. In La Cueva each person works on his own plot. I believe in the philosophy that everyone should share. People in La Cueva tend to believe: to each his own.

Maybe Santa Rosa is more democratic because we almost always work together. In the past, we all planted communally; there were societies to work the land together. Now the land is no longer like this, but we still work in groups, like in the Cattle Society and women who form groups to raise chickens. There are always societies here, but not in La Cueva since each property is individual. Previously the land in Santa Rosa was communal. The government gave the people land as an ejido, but no one had the resources to separate the land, so we worked communally. As families increased and the community grew, land was divided, but there are still many things we share like a small property the ejido uses for cattle. Now programs like PROCEDE and PROCAMPO are giving land titles. These programs are beneficial for some people because it allows them to petition for credit and gives landowners who are not ejidatarios [original landowners with rights to the land] legitimacy over their land. But these programs only helped a few people. We hoped they would have been more egalitarian.

Although Alonso evokes nostalgia for an ethics of *ejido* communalism, which he argues persists, albeit in a more limited form, he acknowledges the influence of neoliberal reforms that have increased capitalization in the *ejidos*, created more individualism, and titled individual lands. These policies have made *ejidatarios* more like private property owners (Nuijten 2003). Even though communities that are composed of *ejidatarios* or private-property owners look increasingly similar, the mythic idea of the *ejido*, bolstered with the imagery of the Mexican Revolution and the rights of the peasant, remains powerful. Alonso merges contemporary notions of equal human rights with a rights system embedded in state-*ejido* relations. Placing the authority to determine rights in the community reinforces state-*ejido* ties while obscuring differences and power within these communities. Claiming to represent the benefits of their

community, when “The Transporters” closed the *cadena* they obstructed toll revenues and employment for the majority of border residents.

Although composed of private-property owners, in practice some members of La Cueva collaborate more than Santa Rosa’s residents. Sharing is a facet of everyday life in La Cueva due to its small size and close ties of friendship, business, residence, and kinship. For example, Tito from La Cueva, who stated that each business should belong to an individual, is one of the most generous businessmen. Even though he only includes his sons in his coffee business, he employs nephews as truck drivers and other friends and family as cargo loaders. He distributes proceeds to his single, elderly mother-in-law by giving her the taxes he collects by converting her unused fields into a cargo loading depot.

Despite differences, as the conflict intensified, members of both communities began to frame the conflict as one of La Cueva, as if it were a homogeneous and united whole, against Santa Rosa, which residents portrayed in a similar and opposed manner. Both sides claimed to represent the moral position in order to assert a sovereign authority to determine the rights to work. Like Agamben’s (1998, 2005) depiction of the “state of exception,” the communities associate sovereign authority not only with the ability to establish the rules, but to violate them. Subsequently, dynamics of inclusion and exclusion based on community residence began to transform social and economic interactions between community members. Members of both communities began to draw on ideas of “separate communities” to justify control of other businesses. For example, although the corn business is distributed between members of Santa Rosa and La Cueva, it is largely symbolically and physically located in Santa Rosa. Border residents assert that more members of Santa Rosa than La Cueva are corn *coyotes* (but Santa Rosa’s population is four times larger than La Cueva’s) and the depots to load long-distance corn are located in Santa Rosa (since the trailers cannot enter the passage any further), which provides members of Santa Rosa with more opportunities to load corn than residents of La Cueva. Members of La Cueva began to invoke this claim to defend their position as the sole participants

in the gasoline trade, arguing that “Santa Rosa already has corn; we have gasoline.” Perceptions of class relations between the two communities fuel this dynamic, as members of Santa Rosa complain the profits from corn business are small; “it pays just enough for food,” whereas the lucrative businesses of coffee, sugar, and gasoline are monopolized by individuals in La Cueva.

Strategies that oppose the two communities, however, obscure increasing class divides that cut across the communities and the borders they erected. By framing the conflict as one of “us” versus “them,” border residents solidified notions of community while concealing how a few individuals spanning the communities control the majority of the local contraband economy. Members constructed a two-sided conflict by appealing to “community” and rights, but the resolution proved difficult because in reality, the issues were more complex. For example, the majority of the gasoline business was not actually controlled by the groups from La Cueva, but by two individuals: one from Santa Rosa and one from La Cueva, who were negotiating with both “sides” in the conflict. In addition, the subsequent involvement of members of San Pedro and La Libertad revealed the repercussions of the event on the Guatemalan side of the passage. The effects on the Guatemalan side illustrate how the *cadenas* and informal relations within the pathway connect the border communities in order to create larger notions of community, rights, borders, and economy. Finally, when regional taxi drivers submitted a denouncement of gasoline smuggling in the border route to a local newspaper, the business was threatened for the supposed “two sides” involved. Despite the multifaceted issues and interests, both “sides” continued to manipulate these situations and other actors to their advantages.

The Guatemalan Response

“We may be a different country, but we are neighbors.”-- Guatemalan border resident.

During the conflict, most members of La Cueva and Santa Rosa believed that the conflict mainly concerned their two “communities.” Meanwhile, my daily visits to San Pedro and La Libertad revealed the repercussions in Guatemala. As the Mexican groups disputed who held

sovereign authority on their side of the border, they never questioned the existence of the official, geopolitical Mexico-Guatemala border. They recognized that the border communities on both sides were interdependent, but they never saw the Guatemalan communities as occupants of the same system of governance and economy. In the course of the conflict, the Guatemalans revealed their role not just as citizens of another nation-state, but also as important members and potential arbiters of authority in a relatively sovereign local system, a wider border, or *extravio* community, where border citizenship cut across geopolitical lines.

The first day that La Cueva and Santa Rosa closed their *cadenas*, I attended a first birthday party in San Pedro for Francisca's grand-daughter, Reyna. The preparations for the party revealed the cross-border connections that unite members across the border and the "communities." Her car was broken, so I volunteered to pick up family members who wanted to attend the party, but lived too far to walk. Reyna's mother and father were 16; her father was Francisca's son and the mother, a girl named Serena from Santa Rosa, Mexico. Serena's paternal grandparents and siblings lived in Santa Rosa (her mother is in the U.S. and her father lives in a nearby city), and her maternal grandparents lived in La Cueva, so I drove her to pick them up. None of these family members were involved in the dispute, but Francisca and her husband complained that the conflict had obstructed work and toll revenues. Francisca's husband is a corn cargo loader, but had not worked since the conflict began.

Francisca told me,

There is no work here now because they [Santa Rosa and La Cueva] closed their cadenas. People in San Pedro are upset because it affects us too. In Santa Rosa and La Cueva people are very envious. Here no. My husband is lucky since, well yes he isn't loading cargo now, but he has construction skills so he can work. But a lot of the people now only work in the corn business, and so they have no work. If it gets worse and they don't resolve their conflict, we will close our road to affect them [Santa Rosa and La Cueva]. We would rather not get involved. But we hope they resolve their issues.

Francisca enforces the border between the Mexican (consisting of both Santa Rosa and La Cueva) and the Guatemalan sides of the border, arguing for a different "us" versus "them." Yet as she reifies the national border, she connects the fates of cross-border "communities."

Throughout the day I heard more comments like Francisca's in La Libertad and San Pedro, mainly regarding confusion as to why nobody notified the Guatemalans (because they also live in the border route) of the closures. The president of San Pedro, David, commented, "We may belong to a separate country, but we still work together and earn a living from the same source of employment." David elaborated on the bridges that connect cross-border residents and the conflicts that create divisions, "The problem with Santa Rosa and La Cueva is jealousy. They constructed the road together. It embarrasses me that two neighbors are fighting like this when they should be working together and not against one another. I feel like they are my neighbors too." He, however, agreed with Santa Rosa that the groups should share the work, and likened the disputing groups to brothers who lived in neighboring houses along a shared road. He continued, "It is better to share and work together. If your neighbor falls down, you are going to help him up. If he falls in a hole, you are not going to push him further in! You will help him up."

David told me that his family spans both sides of the border, emphasizing how all border residents are neighbors and brothers who should work together. His notions of a larger border family and community most likely stem not only from his long-term leadership role in the community, his involvement in commerce with Mexicans as a corn broker, and his cross-border kinship relations, but also from his position as the evangelical preacher in the local Pentecostal church.¹¹ It is interesting to note the larger role of evangelical religions on the Guatemalan side and in Santa Rosa that stress communitarian ideals. In contrast, the majority of La Cueva's residents self-identify as Catholic. However, the influence of religion on ideas of rights, community, and equality requires further elaboration to understand how particular religious beliefs translate into actual behaviors, as well as to how identification with a particular religion may or may not influence beliefs and actions.

Later I attended the nightly (established since the group formed the previous week) 5pm meeting of "The Transporters" at Santa Rosa's *cadena* to discuss progress on the situation. Shortly after, a pick-up truck from Guatemala arrived and parked at Santa Rosa's *cadena*. Out

stepped the five-man board (local leaders) of La Libertad. They asked to speak to the leaders of the gas group. They were upset that they were not notified of the road closure, stating that usually when one of the communities on the Mexican side does something like this, someone notifies them. As one board member added, "We may be from another country, but we are neighbors and are affected by the same things as you are. If something happens here it affects us. If we were to close our road it would affect you also. It would affect the money coming into your *cadena* and employment in your community." They asked how long they expected the closure to last, since La Libertad decided to take advantage of the lack of business to work on their road and water tubes. Alonso responded that they did not know how long it would last, "That is up to La Cueva. We have talked to them and tried to reason with them. Now it is their turn."

One of men from La Libertad responded, "You say one thing and they [La Cueva] say another, so it is hard to know who to believe. The leaders of each group should meet. Invite us to your meetings so we can see both points of view. This way it will be clearer what is really going on. If you meet in your community, they feel powerless and if you meet in La Cueva, you feel powerless." One of the men from La Libertad suggested that hold a meeting in La Libertad with members of San Pedro and La Libertad as moderators.

One "Transporter" reiterated their point of view, "We want 50% [of the business] because we built this section of the road and only La Cueva is benefiting. We finally woke up. Now we are organized and realize what they [the groups in La Cueva] are doing is not right. They don't even let other people in their own community enter their business. There are more of us and we may not earn a lot of money, but we want to share. We want equality; everyone in the community has rights." Another member of "The Transporters" stated, "We are well within our rights to close our road because the *ejido* is autonomous to enforce its laws." Alonso continued, "We should be equal since the gasoline trade is not a business, but a transport." As the president of Santa Rosa added, "We still need an agreement. We are a little chain; a *cadena*. La Cueva may control access over the border [due to their physical location), but we control the exit and we

need both for commerce (see **Map A**). We also need the members of San Pedro and La Libertad in order for the *cadenita* to function. We need to unite the communities on both sides since commerce affects all of our interests.” His comments illustrate how the cross-border communities are separate, yet interdependent. They are connected through local institutions like the *cadenas*, a shared road that all live and depend on, and social and economic networks that rely on cross-border relations for daily survival. If one link in the chain breaks, all become affected.

A few minutes later, a man named Félix from La Cueva approached the group. Felix works for the municipal president in Comalapa, Chiapas. He opened that day’s local newspaper and pointed to an article denouncing the gasoline traffic. The article named the communities of Santa Rosa and La Cueva as the culprits.¹² Some Transporters doubted Félix’s loyalties since he lived in La Cueva, but all gathered to see the paper. I found a copy of the same article earlier that day and passed it around to the group. One “Transporter” commented, surprised, “We [our communities] are never in the paper. Usually the newspapers are bribed.” The men tried to figure out who had denounced them; this was the only logical explanation as to why they were in the newspaper. They suspected a group of jealous truck drivers from a Comitán that border corn truckers had denied entry into their trade. “Now people know about us; maybe now the whole thing [gasoline business] will just end,” one of the group members laughed ironically.

I followed the men from La Libertad to attend a group meeting in La Cueva, where about twenty men hung out by the municipal building. Félix also brought the newspaper article to their attention. They debated who denounced them and came to the conclusion that it must be regional taxi drivers frustrated with the long lines at the gas station (from filling up large trucks with many canisters) that interfered with their reputation for “rapid transport.” Both groups (in Santa Rosa and La Cueva) blamed outsiders for the denouncement, illustrating that despite constituting a type of autonomous interdependent chain with “rights” within the passage, residents are acutely aware that their *cadenita* does not function in isolation.

As could be expected, the men in La Cueva told the group from La Libertad that Santa Rosa was to blame for the stoppage. “We went to meet with them four times. There is a lot of pressure from their community since they are all out there waiting; you saw that [referring to the crowds at Santa Rosa’s *cadena*]. We also suggested ideas to them and they do not listen,” said one of “The Gossips.” The La Libertad group suggested the same plan to La Cueva, that they moderate the dispute in their community. One man from La Libertad mentioned that they needed to acquire the permission of their assembly to host the meeting, but “I am sure they will agree because this situation affects the flows into our *cadena* and our jobs.” The members of La Cueva agreed to attend the meeting in order to resolve the dispute. Ironically, in a situation in which both La Cueva and Santa Rosa assumed that the Guatemalans were irrelevant, or belonged to a separate socio-legal system, the Guatemalans became the judicial authority chosen to determine what rules and rights meant and how they should be applied.

When the men from La Libertad left, the men in La Cueva continued to discuss the newspaper denouncement. Some laughed at a section asserting police collusion with gasoline trafficking. One cautioned that when the business resumed, “We need to be careful. We will talk with the officials to make sure everything is okay.” Some residents in Santa Rosa and La Cueva feared the article would lead state officials from Tuxtla and Mexico City, who were unfamiliar with the area and its informal rules, to come inspect. The men in La Cueva who were more familiar with the contraband system, smiled:

They [the government] always say that the law will be stricter and that they will send more law enforcement. So we are careful for a few days and after a few days the new officials take our money too. They fall into line with us. It is always the same and things will return to how they were before. There is no reason to worry. The local officials inform us in advance if officials come to inspect from Tuxtla. They never come from Mexico. Then we briefly stop working until they leave and everything returns to normal. But these officials rarely come.

La Cueva Gives the Business to Santa Rosa: Asserting Moral High Ground and/or Avoiding State Authorities?

La Libertad' assembly, with the help of San Pedro, agreed the following day to mediate the conflict. Meanwhile, however, a strange development occurred. A few of "The Gossips" drove a pick-up to Santa Rosa to speak to "The Transporters." Without much debate, "the Gossips" offered all of the gasoline business to "The Transporters" in Santa Rosa. Since the clothing group from La Cueva had already agreed to rotate the business on a monthly basis with "The Transporters," members of Santa Rosa wondered why "The Gossips," who had been more reticent to compromise from the start, would suddenly relinquish all of their prized business.

La Cueva's assembly had given the group permission to close their *cadena* (like in Santa Rosa) when the conflict began, but many in La Cueva were unaware of the conditions under which "The Gossips" gave the gas business to Santa Rosa. At first, some women in La Cueva thought that "Santa Rosa stole the business." Residents in La Cueva interpreted the action as the result of a conflict that had become an economic, emotional, and social drain that was no longer worth sustaining. Santa Rosa had, in fact, threatened to prohibit the entrance of construction vehicles paving the road in La Cueva if they did not agree to share the gasoline business. Santa Rosa even debated blocking the movement of everyone from La Cueva (including passenger vehicles). Earlier in the conflict, members of La Cueva were ambivalent. People began to show more empathy toward the smugglers of La Cueva when they gave the business to Santa Rosa; especially women. Women tend not to be directly involved in business, but are integral to the moral acceptance of contraband¹³ and express strong opinions about it. One woman told me, "We are women, so we don't have a problem with them [people in Santa Rosa], but now the two communities do not get along well. They (in Santa Rosa) are bad people because they stole jobs from people in our community. It is not right to be working hard at your job and then for someone else to just take it from you. They [in Santa Rosa] don't understand." Some men in La Cueva's gas groups resigned that they would find another job. It wasn't worth the trouble. Even people in

La Cueva who had been against the gas traffic before began to sympathize with these men whose jobs had been “stolen from them.”

In addition to pressure from Santa Rosa and fatigue from arguing, some gas smugglers in La Cueva stated that it had become too risky to work in the gasoline business after the denouncement appeared in the newspaper. Many of the men, who had good relations with state officials, told me and others in La Cueva that local officials had warned them to be careful, and to cease working until the situation diffused. One of “The Gossips” wives explained:

Some people are afraid of the men in Santa Rosa. My husband will probably wait awhile before resuming work in the gasoline business. The group in Santa Rosa kept pressuring us. Maybe our groups will begin working again later. Now there are many state officials watching so the authorities are not allowing them to work. With three gas groups, there won't be enough money to pay the officials. The profit will not amount to anything! The group in Santa Rosa just wanted our groups to pay the bribes. They don't understand. They are very ignorant. So we just left the whole business to them [Santa Rosa] since no one would make any money if we all worked and had to pay the authorities too.

Even though most women are not involved in, and even claim their own irrelevance to business, they are an integral part of the social acceptability and reproduction of this economy. They enable the reproduction of the work, and perform much of the behind the scenes work such as book-keeping. Many women have opened businesses like food and beverage vending, small stores, and restaurants, which are connected to the business arena. Border businesses are not only semi-legal and informal economic transactions, but form part of a moral and social economy in which relations of gender, ethnicity, kinship, and class are reproduced and contested.

By giving the gas business to Santa Rosa, La Cueva's gas smugglers appeared to cede the “moral high ground.” They solidified community support for their plight while protecting themselves from a business that had become risky. By embodying a “moral position,” La Cueva's smugglers performed a mimesis of state functions. They cemented their authority to establish and evade the rules by appearing to place morality and the law above self-interest.

Meanwhile, in Santa Rosa, “The Transporters” suspected that La Cueva's was trying to trick them. They alleged that “The Gossips” were continuing business in another clandestine

crossing. Even though the clothing group in La Cueva had agreed to rotate the work monthly, given the tense climate created by the gas groups' sudden decision to cede their business, "The Transporters" remained suspicious and cautious. One "Transporter" told me why the group subsequently decided to postpone working in the gas and clothing businesses:

We suspect their [La Cueva's gas groups'] motives. They are liars. Why would they just give everything to us? So we have decided not to commercialize anything. The group in La Cueva probably knows where the state officials are. They are waiting to see us working so that they can call the police to catch us. They are probably just trying to scare us from working and they will also return to work. Or maybe they think we will disband and not guard the road anymore; that is why we are going to stay; in case they decide to all come down to overwhelm us.

"The Transporters" took the threat of "calling the officials" seriously since they lacked the connections with state officials that those working in La Cueva already had. Rumors circulated in Santa Rosa that the reason the police waited by the gas station was that "La Cueva would call them [the police] to catch Guatemalan gasoline smugglers who refused to work with them." Some feared that after the denouncement in the newspaper that officials were "watching" the gas stations and that officials from Mexico City or Tuxtla would arrive to enforce "the law" [*la ley*].

The Clothing Smugglers Seek a Truck Transport

"We also have children to feed."-- Guatemalan clothing smuggler.

At five in the evening on the same day that La Cueva ceded the gas business to "The Transporters," Guatemalan clothing smugglers began to arrive in their ten-ton trucks. Friday is market day at the nearby official border crossing in La Mesilla, Guatemala and Las Champas, Mexico.¹⁴ Every Friday vendors and potential shoppers and tourists arrive from throughout Mexico and Guatemala to buy everything from knock-off clothing, to DVDs, cheap electronics, and toys with the average life-span of 2 hours. The market embodies a type of "Tijuanization" common to cross-border spaces open to potential shoppers seeking to take advantage of price differentials. This border zone is "free," meaning that shoppers do not require a pass (through

immigration) to shop in this region, as long as the items they buy are personal purchases and not intended for business purposes. Obviously, this is blurred demarcation.

Vendors assemble stands on both sides of the official border for market day. Most vendors acquire local government permits or approval from organizations of local vendors. Other vendors, however, seek to subvert these organizations and take advantage of cross-border price differentials and shoppers. Guatemalan vendors view Mexico as a lucrative market. First, the association of Guatemalan vendors in La Mesilla is tightly organized and prohibits the entry of long-distance vendors into their market. Second, it is attractive for Guatemalan vendors to sell in Mexico in *pesos* that can be converted to the stronger Guatemalan *quetzal*.

A group of entrepreneurs from Quetzaltenango, Guatemala, searching for access to a less saturated Mexican market while avoiding customs fees and organized Guatemalan border vendors, have been crossing through this pathway for the past five years to sell their goods at the Mexican border market in Las Champas. The Guatemalan vendors in La Mesilla resent their competition (since they are not local) and block their entry into their market, as well as to the Mexico side across the official border. These vendors, therefore, rely on this alternative border route to Mexico to transport their clothing to market in Las Champas. To accomplish their goals, they arranged for a group of men in La Cueva to transport their clothing to Las Champas in Mexican trucks. The Guatemalan smugglers transfer the clothing from their vehicles to the Mexican trucks in a depot in La Libertad. In exchange, La Libertad levies a parking toll for the trucks. The Guatemalan vendors subsequently meet the truckers in Las Champas (often seeking a ride from border residents) to establish their stands and sell clothing. “The Transporters” in Santa Rosa also demanded to share this clothing transportation, and agreed with the group in La Cueva to trade rotate this Thursday commerce on alternating months.

This particular Thursday evening was their first since they entered the clothing business. “The Transporters” were nervous to work with the clothing smugglers because they had yet to arrange bribes with the state officials to conduct business, not to mention the fact that they were

suspect of La Cueva's motives after they abandoned the gas business. "The Transporters" refused to "transport anything until they talked to *la ley* [the law, meaning state officials]." Thursdays are the only day the Guatemalan smugglers have to transport their clothing, and if they lose this opportunity, they lose all of their week's business. When they arrived that Thursday, their usual clients in La Cueva informed them that "Now Santa Rosa was in charge of the business and they should go talk to them [in Santa Rosa]." When the trucks arrived at Santa Rosa's *cadena*, Alonso and "The Transporters" were reluctant to work, and debated what to do as the Guatemalan smugglers grew impatient and desperate to move their goods.

As one "Transporter" told the smugglers, "It is too risky for us to transport clothing now. We don't have the permission of the authorities [the state officials] yet. If you want to go it is at your own risk, but we cannot transport anything in our trucks." One of the Guatemalan smugglers, who are also arranged in a group committee, responded, "We heard this route was closed here, but we have no choice. We have been working here for five years. We know the crossing and the authorities in Mexico. We have papers signed by the chiefs of police; they know us and it is okay for you to transport the cargo. We only need the clothing transfer it to your trucks. It won't be a risk for you since we have already negotiated with the officials." Another added, "This is the only road through. We can't go home empty-handed. We have children to feed too and we can't give up the income we earn from market day. We only have one day a week to make money; just Thursday night." "The Transporters" protested, "We will talk to *the law* tomorrow. They [the officials] were not in their offices today. We think people in La Cueva will report us to the police and we do not want to take the risk."

The Guatemalan smugglers did not understand the conflict, and insisted that their connections with police were sufficient. Meanwhile, "The Transporters'" unfamiliarity with how contraband was arranged with official bribes and permission made them wary of the smugglers' assertions. Alonso resolved to send three group members to the customs inspector's office,

although he was uncertain if this official was the highest authority responsible. Other men suggested that the federal police chief was the “higher authority.”

When the three “The Transporters” and one of the Guatemalan smugglers left to find the officials, Alonso and his friends drove to the highway to inspect the situation. Sure enough, the military conducts these inspections periodically, “The Transporters” assumed that La Cueva had told the military to wait to catch them conducting business without permission, or what would therefore be considered illegal contraband. As one “Transporter” said, “When I went and saw the military there, sure enough I also saw Juan [a member of “The Gossips”] with them! They want to scare us.” “The Transporters” believed that La Cueva intended to scare them from working (or make it difficult financially) so that their groups in could resume working. They doubted the goal was to actually arrest them. The Guatemalan smugglers paid fines, or bribes, to the officials the group found and the military in order to transport the clothing. These payments were provisional for that night only until a more regular agreement was arranged. The smugglers were desperate to transport their goods and thus paid the impromptu fines, which they said were much higher than established smuggler-official bribes.

After this event, “The Transporters” stressed the urgency to find “the law” in order to begin working. They had been searching for various state officials for the past two days to no avail. A few police officers had already come to Alonso’s house to express their support, but no formal arrangement had been reached. Confusion encouraged the group to remain organized and unified, lest a lapse convince La Cueva that they could, in Alonso’s words, “all drive down in full force with their cars and resume working.”

Talking with “The Law”

Many residents of Santa Rosa are engaged in contraband and have close relationships with state officials. It is important to note, however, that few of “The Transporters” had such prior experience and connections. Most had never engaged in contraband before, or if so, only in

corn on a small scale. They had therefore never been in contact with state officials to the degree that other smugglers are (since corn smugglers do not pay bribes). Members of “The Transporters” are poorer than established smugglers, but they are seeking to move up the economic ladder by purchasing pick-ups and developing organizational and business skills. The group was diverse, including local community officials, farmers, landless field hands, elderly men, and even professionals such as teachers and engineers. The organization and composition of “The Transporters” shows how smuggling cross-cuts the formal class and educational system, creating another social-economic order that at times challenges, parallels, or overlaps onto existing class structures. Although each member’s location in the local economic strata influenced his decisions and abilities to engage in contraband, the group as a whole lacked the cultural and political capital to be convincing and effective smugglers in an uncertain atmosphere.

It is local “common knowledge” that in order to engage in contraband one needs to talk to, and arrange bribes with state officials. Yet with whom to talk and how and where to find them is a limited, and often expensive (socially, politically, and economically) “good” that is cultivated through social ties and long-term experiences and relationships. An individual already engaged in a smuggling business can more easily change and diversify businesses than someone who seeks to enter for the first time.

“The Transporters” lacked prior official connections and experiences in smuggling, and so they sought out educated (*preparado*) community members to help them organize negotiations with La Cueva, and talk with state officials. They believed that educated professionals could negotiate with state officials because they shared similar educational language and had knowledge of “rights” and “the law.” Yet these skills did not always transfer.

Alonso went to university, is well-read, and is a teacher, so “The Transporters” made him their de-facto leader. It was his role to talk to state officials. Group members assumed that he knew the law and how to talk to other “professionals,” but Alonso was one of the people who knew the *least* about how the local law (as conceived of and practiced in the *extravio*) worked in

practice. His father was a small-scale smuggler, but he laughed, “Back when people smuggled corn with donkeys.” Alonso’s education and skills did not translate. Furthermore, since he was in Tuxtla at university during most of the 1990s when relationships between smugglers and state officials began to change, he had a gap of historical knowledge of how border residents engage with the law and its associated enforcers, or enablers.

When I asked Alonso if the group started to work, the reply for many days was, “We still need to talk to the *ley* [law].” I soon realized that Alonso was as unclear as I was as to what, or who, he *meant* by “the law.” To the academic or average citizen (if they even know!), the term “the law” represents a unitary, homogenous, and all-powerful vision of state authority, a notion of order, and/or a set of standardized rules and norms. Legal anthropologists, such as Lazarus-Black and Hirsch (1994), illustrate how, in practice, “the law” becomes a set of interpretations, exchanges, and interactions between diverse agents of the state and individuals, and even organizations or corporations. Everyone, including Alonso and I, knew that in order to participate in contraband that it was necessary to have the approval of “the law.” Approval of “the law” was what made an otherwise illegal activity acceptable and legitimate. Ironically, while negotiations with the law and its agents may undermine state power, they also bolster the all-powerful *image* and *idea* of the state and its agents as the arbiters of the law (Taussig 1997; Aretxaga 2005; Abrams 2006). The irony is not contradictory, but rather illustrates how individuals engage with the multiple communities of governance to which they belong. Individuals interpret diverse ideas of legality and morality, which become normalized in specific settings according to relations of power, creating parallel legal communities or systems of establishing social order. Like states, these systems are supported by economic incentives and threats of violence. It is through interactions between every-day people and state agents (not only in decrees, court hearings, and constitutions) that anthropologists can gain insight into how different practices, images, and performances of the law and state power emerge in everyday places (see Sharma and Gupta 2006; Nader 2002).

“The Transporters” perceived “the law” to consist of locally positioned federal, state, and military police and officials, some more influential than others, who negotiated with them which activities were permitted and legitimate and which were illegal. Legality is determined according to friendship, perceived economic necessity, personal sensibilities, and bribes. At the border “the law” is personified as a subject that can be “talked to” and reasoned with. Relations between state officials, border residents, and smugglers, however, have developed and shifted over time, at times favoring one actor over another. Perceived and actual relationships with authorities reflect local conceptualizations of power. Many border residents argue that “the law at the border is made by money,” and as long as “The Transporters” paid the bribes, the officials would permit them to work. Local smugglers, however, like Virgílio, a member of “The Gossips,” stressed personal relationships, “I have known the officials for many years. We pay eleven of them now. We are all friends. The police commander is a friend of mine and I told him not to get involved in the conflict. This is our land and so it is our situation to resolve. He should not get involved, and he respects us since he is our friend.” While Virgílio is one of the poorer members of “The Gossips” and he does not even own a pick-up, but rather, shares one with his cousin, his relationships with officials empower him vis-à-vis men without connections who acquire resources and seek to enter the gasoline business.

Beyond and Above Two Sides: Edgar, César, and “The Law”

How to work in contraband and “talk to the law” revealed important participants in the conflict and the power they hold within the local contraband arena. I call these two men Edgar and César. César is in his late 30s and lives in Santa Rosa, whereas Edgar is in his mid 60s and resides in La Cueva. Both are independent businessmen, each owning 3 trucks, acquired through their own and children’s migrant earnings, business savvy, and selling property and cattle. They are businessmen that buy and sell corn, but they also provide truck transportation in a national vehicle for “whatever goods arrive.” In addition to Tito’s family, they are some of the few

Mexicans involved in the coffee smuggling business. They usually provide truck transport for coffee, but their increasing wealth and connections have enabled them to become businessmen that buy and sell products on credit.

Edgar sees himself as one of the “founders” of contraband, or one of the people that initiated the business climate that exists today. Ironically, rumors abound that he previously colluded with state officials to inform on neighboring smugglers. People referred to him a spy of the state. Currently, his allegiances are with border residents. Residents respect his knowledge due to his long-term experience in business and possible collusion, and therefore familiarity with, state officials. In contrast, César is one of a handful of young, rising businessmen, who has the acumen for business.

Whereas Edgar’s success originated from land ownership, gaming cocks, and long-term established networks in conducting business “from the beginning,” César recently entered the contraband economy. César is landless because according to Santa Rosa’s *ejido* structure, he has yet to inherit land rights from his parents. He attributes his success to hard work, two trips as an undocumented migrant to the U.S. that paid for his trucks, and business skills that have enabled him to diversify his businesses. From clients in coffee and corn, César expanded into purchasing and selling, as well as conducting truck transports for, the cross-border smuggling of cement block, gasoline, canned goods and sodas, vegetables, fruits, and other goods depending on price fluctuations and demands. Astute to subtle market changes and demands, he prospered in businesses in which many others “just get by with enough to eat.” César insists that his profits are relatively small, but community members cite him as a successful model for the enterprising smuggler. He has trucks which he also leases for truck transports, engages in a variety of businesses, and has been able to buy and sell products as a businessman rather than relying on truck transports. Most importantly, his ability to diversify his businesses enables him to work throughout the year rather than seasonally like most smugglers. For example, the regional corn and coffee harvests last from January-March, leaving smugglers, cargo loaders, and truck drivers,

as well as farmers, unemployed or underemployed for the remainder of the year. César's ability to work in businesses not dependent on harvests, weather, or seasonality, makes him successful. He has developed a level of self-sufficiency and stability from contraband.

In sum, Edgar and César's relative financial stability enables them to assert a degree of independence from their communities that most cannot. Sometimes they use their power to help community members and family, but they also use power for manipulation and profit. For example, Tito and Edgar "buy" their neighbors' votes for their preferred candidate. The few men in their position extend loans and credit to community members, kin, and acquaintances, but according to their own prerogatives. These men resemble the Mexican *caciques*, or powerful local elites that bind communities and their residents to the state in exchange for power and personal gain (Nuijten 2003). Border residents rise to these roles through traditional means such as land ownership and community authority, but also through economic success through contraband. Contrary to the *cacique* system, these individuals rarely serve as community authorities, but form a parallel, more influential sphere of governance. For example, when the local police chief changes, he will not come to talk to, or get to know, the community president, but rather, the powerful local smugglers. These more vocal smugglers were the same people who had enough political and economic clout to protest the state construction of a paved road through the border even though many community members favored it. In many instances, though, these individuals do fight for their community's interest against the state, and provide opportunities for upward mobility for their neighbors and families by opening a limited formal employment structure. As residents of small communities, it is in their interest to maintain good relations with their neighbors. In fact, smugglers who do not share, or who suddenly display conspicuous wealth, become the subjects of accusations that they are involved in illicit and "dirty" activities. These accusations mirror how witchcraft in many African societies mediates egalitarian ethics, individual desires, and the dislocations experienced under neoliberalism (Graeber 2001; Smith 2007; Comaroff and Comaroff 2006).

Edgar and César attempted to remain “outside”, and therefore, above the conflict, but they provided advice to “The Transporters” on how to engage in smuggling and establish relationships with state officials. Alonso suspected his motives, believing that he exaggerated the bribes that he paid to officials in order to discourage them from working. Suspicion ran so deep that some of “The Transporters” accused Edgar and César, who also gave up the gasoline business for other trades, of creating the problems with state officials in the first place.¹⁵

Not Choosing Sides: One Anthropologist’s Dream and Nightmare

“We know what happens to people who stay in the middle of the road. They get run over.”-- Ambrose Bierce, editorialist, journalist, and writer.¹⁶

My friendship with Alonso allowed me to enter “The *Transporters*” struggle. As a teacher and potential smuggler, he was interested in how the smuggling process functioned. He was not only interested economically, but academically, as he helped me with research questions. I spent many afternoons talking with Alonso during the conflict, as we both learned how to engage in contraband and about the different players involved. Alonso and his group’s openness and ideals of inclusivity (as part of their mantra of operation) extended to me, making it difficult not to fully participate. To be included in their group was simultaneously an anthropologist’s dream and nightmare. On the one hand, I could observe the inner-workings of the group’s business dynamics and negotiations. I could witness how they discussed ideas about equality and negotiated amongst themselves as they positioned themselves vis-à-vis smugglers, community members, and state officials. I could learn from the inside how contraband actually “worked.” How could I fully participate, however, in a conflict situation where morality and legality were not certain? Furthermore, I could not alienate residents of La Cueva, lest they think I was spying on them or betraying their trust! Because the groups portrayed the conflict as two-sided despite the fact that it was more complex, I could not be perceived as favoring either side.

At this point in my research, I lived in La Cueva with one of the large coffee smugglers, Tito, and his family. Even though “The Transporters” in Santa Rosa wanted my input as another educated (and U.S.) professional to help them organize, articulate their rights, and understand La Cueva’s position, I could not do this without compromising my research, personal friendships, and safety. I therefore tried to spend time with, and understand both groups’ perspectives equally. Santa Rosa’s group’s relative openness, however, provided me with more access to information than the groups in La Cueva. How I was incorporated reflected how Santa Rosa structured the conflict in a more open, inclusive, and communitarian manner, whereas La Cueva perceived the dispute as an individual, small group, or private issue. Generally throughout the research process, residents of La Cueva were more hesitant to trust me than people in Santa Rosa due to a variety of reasons. Mostly I believe this is because La Cueva is a smaller community composed of close kin, as opposed to Santa Rosa which is larger and more diverse. In addition, more members of La Cueva were involved in perceived “riskier” contraband than those in Santa Rosa. Since the conflict occurred at the end of my fieldwork, I was lucky to have already cultivated a sense of trust and nonpartisanship in both communities, but I acknowledge that how the communities and groups perceived me and the conflict may have influenced by interpretations.

Conclusion: Gas, Power, and Knowledge

“[Oil’s] power to awaken fantasies enables state leaders to fashion political life into a dazzling spectacle...State representatives, the visible embodiments of the invisible power of oil money, appear on the state’s stage as powerful magicians who pull social reality, from public institutions to cosmogonies, out of a hat.”-- Fernando Coronil on oil and the Venezuelan state (1997: 2).

What was so special about gasoline that it caused such a large conflict? I have continued to wonder this as I have returned from the field and received phone calls from informants about the difficulties they continue to face with this business. Why did traffic in gasoline evoke strong emotions and outcries from residents, officials, and regional actors?¹⁷ Although such denouncements, in-fighting, and manipulations by powerful smugglers or state officials might be

expected in the realm of contraband, this is generally not the case. Rather, contraband in most items (of those products considered non-illicit by border residents) remains relatively open to border residents, unproblematic, organized, and institutionalized in daily life. Since the late 1990s, relations between border residents, producers, merchants, smugglers, and state officials are generally regularized and calm. The disputes that developed around gasoline did not represent the rule, but rather, the exception. Perhaps it is in the exception, in the ruptures of shared norms about business, that individuals are beginning to question the whole perceived system on which their modes of governance and economy are based.

The breaking point for “The Transporters” to demand their inclusion in the gasoline business was the fact that the gasoline smugglers were not using their own vehicles, and that anyone could provide a ride. Yet the process of consciousness raising that “The Transporters” experienced as they organized and learned about business, led them to challenge businesses that were not just based on truck rides. Whereas most residents accepted the notion that they could not demand inclusion in businesses that required long-established relationships and larger amounts of capital, like coffee and sugar, the organizing experience led many border residents to question their exclusion in these businesses. Based on their land and road ownership, many residents of Santa Rosa began to suggest that they should receive a “commission” for all goods that traversed *their* road. The contributions to the *cadena* were no longer sufficient in their eyes; they believed that they had “the right” to insist on a more meaningful share of the profits. Although the tolls perform a redistributive function, and many smugglers employ residents with otherwise limited opportunities, many border residents are beginning to critique what they see as the increasing concentration of contraband wealth and control in the hands of a few. As treasurer of the *cadena*, Alonso is beginning to locate trends of inequality as he examines toll records, engages in business, and learns of the stability of toll prices for a decade despite increasing commerce.

The product of gasoline, due to its nature and what it symbolizes, is important to examine. After all, countries and individuals wage war for it and militaries guard oil pipelines

throughout the globe (Peluso and Watts 2001; Klare 2005). What is noteworthy is that Mexico's oil industry is nationalized, and much of Mexico's petroleum originates from its southern states, like Chiapas. Rumors abound at the border that "the U.S. wants to buy Chiapas for its oil." Plan Puebla-Panama and other regional investment and development projects are proposing additional pipelines, including extensions to Central America (Villafuerte Solís and Leyva Solano 2006). In Mexico, the state-owned company PEMEX dominates the distribution and production of petroleum. Meanwhile, Guatemala imports most of its petroleum and transnational companies, like Shell, distribute gasoline and diesel (OCR 2006). In addition, Guatemala's petroleum reserves are underdeveloped, even though multinational companies and the Guatemalan government are currently pursuing developments to exploit and access the potential of new petroleum regions. Many Mexicans at the border believed that as a national product, they had the right to buy, sell, and distribute gasoline. In contrast, others espoused a nationalist argument, which associated preventing contraband with the protection of a national resource. As one man said, "[Smuggling gasoline] risks depleting our national resource" [and then] we may not have any left for us."

Guatemalan residents' relative lack of knowledge and control over gasoline begins to help explain why they perceived the gasoline business as riskier than the Mexicans. At first, Guatemalan border residents had no interest in getting involved in the gasoline business, aside from charging the minimal fee at their *cadena*.¹⁸ David from San Pedro told me that only rich and powerful Guatemalans could participate since it was much riskier to transport smuggled gasoline in Guatemala than for the Mexicans in Mexico. First, contraband is treated more strictly by governments in the country of entry rather than exit. Furthermore, many Guatemalan border residents believed that the gasoline business (through multinational companies) and the gasoline contraband in Guatemala involved powerful individuals and companies beyond their control and access. On the Mexican side, people knew the local gas station owner well, the gas station owner had relative autonomy over ordering his own shipments, border residents themselves often

worked at the gas station, and the traffic occurred in the daytime, giving it the appearance of legitimacy. In contrast, Guatemalan smugglers waited until nighttime to transport gasoline. None of the smugglers were border residents, but rather, specialized businessmen from the interior.

Guatemalan border residents speculated that gasoline smuggling was either tied to more formal and violent organized criminal networks, or to various multinational companies and their enabling state officials and paramilitaries. Some believed that the gasoline companies in Guatemala arranged the smuggling, hiring the smuggler to bear risk for them to supplement their expensive gasoline. On the other hand, other residents speculated that the companies in Guatemala powerful individuals that would hurt them if they captured smugglers interfering with their business. A *La Prensa* newspaper article from 2007 cited the death threat that the mayor of La Democracia received for attempting to intervene in gasoline smuggling.¹⁹ Nevertheless, at this point, Guatemalan border residents did not want to participate in a business in which they saw the smuggler, or trucker, as the pawn and violence as the mode of operation.

At first, Guatemalan police were vigilant since gasoline companies complained that contraband interfered with their business, but Mexican officials benefited from the bribes. Only in 2008, when the situation became publicized in the media, did gasoline smuggling become very risky in Mexico.²⁰ On the Mexican side of the border, residents reasoned that gasoline was a national product to which they had rights. Gasoline was a product they felt strongly about, whether this meant they felt they could smuggle it themselves, or that its consumption should be limited to Mexicans. In contrast, Guatemalan border residents were unfamiliar with the gasoline business in which they feared was linked to transnational companies, powerful foreign investors, and organized mafias. The Guatemalans treated this traffic much like they do traffic in “illicit” items like drugs, migrants, and arms, which are businesses beyond their ability and desire to control or participate. They looked away.

Increasing international demands for energy, especially for ethanol-based fuels, have ironically enveloped contraband of corn and gasoline into a similar desire for control over power

and sovereignty. Border residents, especially in Mexico, associate the ownership and control of gasoline and corn with their land ownership and national identity. Both products, however, are increasingly valuable on the transnational market in an atmosphere where energy translates into power. The high premium for gasoline, and the multiplicity of actors involved in its trade and distribution worldwide have transformed gasoline contraband from a local issue into a larger transnational process that reaches beyond border residents and their everyday crossings. As private companies, foreign investors, militaries, criminal gangs, and long-distance powerful smugglers enter the mix of actors the situation becomes less “knowable” to border residents.

In order to thrive, or cope, in an increasingly unpredictable situation, border residents rely on their strategic location, cross-border networks, and historical knowledge of how the border works to engage in, manipulate, and benefit from, contraband and cross-border flows. Yet the strategic positionality that previously gave border residents an advantage over more powerful actors is eroding as “local knowledge” becomes a transnational commodity increasingly accessible to individuals beyond the border. The border has always inherently been transnational, but the intensity with which transnational forces and effects are experienced has increased as economies, politics, and ideologies rapidly spread and intertwine. As some truckers told me, for anyone engaged in smuggling, this passage is infamous.

Will the disputes over gasoline spread to the corn business as corn becomes an integral transnational political and economic issue? At this juncture, however, it is currently not the external transnational actors that directly threaten the control of border residents over the route and contraband, but border residents themselves, who increasingly compete with one another. Some border residents attempt to control this diffuse “knowledge” in order to exert power and legitimacy. They seek to define the terms: what is valuable, what is risky, how business is done, and who has the right to work. At the same time, however, the diffuseness of knowledge also threatens the ability of border residents to predict and act. Local struggles are evolving over what it means, what is at stake, and what are the rules of engaging in contraband or business in an

arena increasingly occupied by more diverse, seemingly invisible, and powerful actors. How these actors and “transnational forces” will be felt or will insert themselves into the situation continues to unfold.

ENDNOTES

¹ See *El Fronterizo* September 4, 2007 Trafican con gasolina en la zona fronteriza con Guatemala. Comitán de Domínguez, Chiapas, México

² Generally the local head of each police or bureaucratic agency is paid and he/she distributes bribes to his/her operatives.

³ See Gluckman (1958) on situational analysis and Gledhill (1994) for a history of studies of micro-politics.

⁴ See Barth (1966) and description in Gledhill (1994).

⁵ See [http://www.elperiodico.com.gt/es/20070524/actualidad/39945/Los precios del combustible llegaron a su nivel más alto de la historia en Guatemala](http://www.elperiodico.com.gt/es/20070524/actualidad/39945/Los%20precios%20del%20combustible%20llegaron%20a%20su%20nivel%20m%C3%A1s%20alto%20de%20la%20historia%20en%20Guatemala). Quinto, Ricardo May 24, 2007. *El Periódico*, Guatemala.

⁶ This contrasts with price increases in the rest of Central America. In Honduras the price of gasoline in the summer of 2007 increased by 2.8%, by 1.99% in El Salvador, 1.14% in Nicaragua, and by .93% in Costa Rica (*El Fronterizo* 9/5/2007).

⁷ See Chapter 3 for effects of NAFTA and neoliberal reforms on the Mexican countryside, especially in Chiapas.

⁸ I appreciate the comments of Cathy Lutz for making this observation on securitization.

⁹ This comment is reminiscent of George Foster’s (1965) work on the “theory of limited good.” I would like to thank Matthew Gutmann for this reference. However, residents do not simply view goods as limited commodities, but their notions of value and quantity are fluidly influenced by their own socioeconomic position, as well as by their particular histories, social networks, and moral-legal norms that balance cooperation and justice with profit. Nor does this notion account for the internal diversity that animates such conflicts.

¹⁰ See Nader (1990) on harmony ideology. This dynamic appears to apply here. A front of community unit, or “harmony,” allows the communities to exert degree of independence and resistance to the state, but also serves to marginalize and control community members through the notion of the “collective” goods.

¹¹ When I returned to Girasol in August of 2008, David was no longer the preacher. Rumors said that he had abandoned the church for a larger role in contraband. Some residents suspected he had joined a relative in more “illicit” contraband, such as cocaine smuggling.

¹² Article from *El Fronterizo*. September 4, 2007. I do not copy the article to protect the author as well as the names of the actual border communities.

¹³ They are also critical economic and social actors to the contraband system. They socially reproduce the ethics and economics of contraband and the kin and social networks that shape, and are shaped by it. Many women also work alongside their husbands to guard businesses from their homes.

¹⁴ See *El Financiero*, 9/7/2006. Frontera Sur, Paraíso de Contrabando <http://www.caaarem.com.mx/COM/SPRENSA.NSF/404a7d57034b383806256c6700691180/c4e289a329bbe924862571e200633e85?OpenDocument&Click=>

¹⁵ “The Transporters” began to work in the gasoline trade following my departure in September 2007. While some members of the original gas groups joined them, most of “The Gossips” decided to work in another route, whereas César and Edgar moved into other businesses. In the winter of 2008, military officers from Comitán (they suspect they were not local) captured five Guatemala trucks with canisters of gasoline in the passage, holding the trucks ransom for 200,000 Mexican pesos (about US\$20,000). Since this episode, members of “The Transporters” have called me to lament about the problems they have been having with the military that Alonso said, “Sees the gas traffic as a type of contraband.” Many of “The Transporters” blame wealthier local smugglers and some of “the Gossips” either for reporting them to the officials or for making their relationship with officials difficult.

¹⁶ Ironically, Bierce disappeared in 1913 while traveling in Mexico with rebels during the Mexican Revolution. http://deathby1000papercuts.com/2008/12/ambrose-bierce-sixty-ambrose-bierce-quotes/?referer=sphere_search

¹⁷ See discussion in Peluso and Watts (2001) on how conflict over environmental resources, such as gasoline, does not necessarily reflect issues of scarcity, but rather, is embedded in political and historical contexts. Concerns over fuel not only have to do with supply, but with perceptions of power and influence.

¹⁸ When fuel prices rose sharply in 2008, the gasoline trade expanded. When I returned in August of 2008, the Guatemalan border communities organized to participate as corn brokers after learning about the business and the smugglers. Somewhat paradoxically, as oil prices hit a premium in the summer of 2008 and Mexican surveillance of gasoline smuggling all but halted the traffic, local groups lifted restrictions on who could transport gasoline. The business became more open and less restricted. In opposition to theories that would posit conflict over a limited resource, individuals applied an ethic that allowed people to benefit from a dwindling opportunity where few others existed.

¹⁹ http://www.prensalibre.com/pl/2006/septiembre/07/lectura_dept.html#151072. Amenazado por denunciar contrabando: Francisco Hidalgo, alcalde de la Democracia, Huehuetenango. Mike Castillo. 9/7/2006.

²⁰ Newspapers began publicizing this traffic in late 2007 through 2008. For example see *El Herald*. Cierran Frontera Sur a traficantes de diesel. August 6, 2008. Rubén Zúñiga, Diario del Sur: 63.

CONCLUSION

ON VIOLENCE AND THE LAW

What about Violence?

Upon hearing about my field-site: an unpatrolled border crossing where contraband is a way of life and residents erect informal toll-booths and “make the law,” the first thing that anyone in Mexico, Guatemala, or the U.S. asked me was, “Wasn’t it dangerous?” I repeatedly struggled with this question. Yet after living in the border crossing for one year, I only heard two accounts of violence. They involved two shootings by unknown actors. The crimes were never solved. Both victims fully recovered and only one was a border resident. Thinking of the dozens of friends mugged in front of my apartment building in Boston or the tragic murder of two Dartmouth professors in their Vermont home while I was an undergraduate, these occurrences did not seem out of the ordinary. They could have occurred anywhere. So I had to explain the *absence* of violence. But did I? After all, informal and illegal transactions rely on trust and informal exchanges to which violence can be detrimental. Furthermore, locals distrust official security officials and policies, which, in many instances, they directly associate with violence.

I needed to reconsider two points: (1) why are violence and illegality *expected* to go together, especially in border zones? And (2) what is *considered* violence? When I thought about marginalization, law-making, and exclusion in the border region, I could not find another way to categorize these processes, but as types of symbolic and structural violence, complicated, although not necessary aggravated, by the local political economy of contraband, (il)legality, and the appropriation of a language of rights.

Thinking about the blurring of illicit and legal activities, I also found it critical to differentiate between different types and contexts of violence and illegal activities. While border residents asserted that their pathway was safe, the media and local rumors cautioned of the drug and gang violence spreading throughout the Mexico-Guatemala border. While I was writing this conclusion, a series of recent newspaper articles were published, which brought the tension between local assertions of tranquility and the actualities of growing regional violence to the fore. On November 30, 2008, nearly twenty people were murdered in the nearby border town of Agua Zarca, Guatemala. The murders were associated with a drug-related shootout rumored to be part of a growing turf war between the northern *Mexican Gulf* cartel and the recent arrival of *The Zetas* cartel at the Mexico-Guatemala border. The conflict occurred at a track during a horse race which, are locally notorious sites for providing cover for drug exchanges. Many border residents not only attended horse races there during my year of fieldwork, but many had relatives in Agua Zarca. Upon seeing the news articles,¹ I quickly called some border residents on my cell phone. While it is difficult to assess the extent of the conflict without being present, one woman from La Cueva, Mexico, whose sister-in-law is from Agua Zarca told me, “Everyone is fine. Nobody went there. It is tranquil here.” Francisca from San Pedro, Guatemala also informed me, “No one from here went. We *knew* not to go.” The last comment is particularly illustrative of the importance of border knowledge and networks. Border residents could assert that they were safe and not worry extensively about violence since they were intimately familiar with the occasions and places where violence was prone to occur. A *Prensa Libre* article articulated similar responses, whose title stated that the residents of Agua Zarca preferred not to speak. According to the article, residents either said they did not know anything, were not present, or shut off their cell phones.²

The article, however, failed to examine silence as a strategic survival strategy that border residents use to maintain safety while benefiting from the opportunities of an open border, even if this means growing impunity for drug smugglers and gangs. Silence is largely not generated out

of fear of reprisal, but is a strategy of knowing where and when to go places and with whom, and when to “cover one’s eyes.”

Without sensationalizing or discounting this violence, this conclusion examines how individuals perceive violence, how they use local knowledge to maintain safety, and how border residents distance themselves from drug and gang violence in order to draw support for their control of an open border despite signs that this system may be quite fragile. The situation of a relatively safe border free from official interference represents an historical moment since the late 1990s, and is not a defining characteristic of the region. This historical moment enables an understanding of how sovereignty and authority are being contested and created. Sovereignty is unsettled and constantly in motion as new power actors like gangs and smugglers stake their claims on the border.

I ask: whose interests are served by an open border and how do individuals differentially experience victimhood and violence? By blaming outsiders, or distancing their border community from growing violence, local powerful smugglers not only maintain local support for the contraband economy, but also indirectly keep their community members relatively safe. As long-distance drug smugglers, cartels, and gangs have increasingly arrived at the border in the past four or five years, these individuals are beginning to lose control over what remains an essentially open border. Furthermore, in order to capitalize on new economic opportunities, residents are evading the ethical strictures of the local moral-economy. Individuals now invoke rights-based language not only to seek justice, but to justify exploitation and the right to make a profit.

Violence, Power, and Inequality

It is critical to assess the forms of exclusion and oppression obscured by local discourses of autonomy, being “free,” and rights in order to understand how everyday violence is naturalized in the language and modes of everyday habitus (see Bourdieu 1977; Taussig 1993). At the same

time, however, ideas about rights and equality motivate excluded actors to demand a stake in a limited economy. For example, Chapter 5 illustrated how residents formerly excluded from the contraband arena insurgently asserted their local citizenship (see Holston 2008) and “rights to the border” by holding norms of equality, freedom, and rights accountable in order to enter the gasoline smuggling business. As they gain a foothold in the contraband economy, will they abide by their own definitions of rights, or use “rights” as a form of regulation and exclusion? When I returned in 2008, the association of Transporters had grown to the point that the group began to require an entrance fee despite asserting that “all border residents were free to work.”

Law and rights are not necessarily connected to exclusion or empowerment (Brown 1995; Goodale and Merry 2007), but rather, it is necessary to examine the polysemic nature of these terms and how they are contested, enforced, and re-imagined in relation to processes of social, economic, and political inclusion and exclusion. The study of law and rights should therefore mirror Gutmann’s (2002: xviii) depiction of democracy, whereby

the elusiveness of the term democracy is symptomatic both of the range of aspirations wrapped within its multiple meanings, and ultimately of its imprecision....Democracy’s very multivalence is a key reason for the zeal with which so many people have employed the term to drastically different ends.

Ideals of equality and rights that support exclusion and inequality must be analyzed alongside the increasing local depiction of the “other” and “outsider.” While I have argued that local rights discourses subtly perpetuate internal inequalities, border residents more drastically and violently define “rights” for insiders (border residents) versus outsiders. The increasing spread of ideas of a “dangerous other,” whether migrants, business competitors, state officials, or delinquent youth, must be taken seriously as states and elite manipulate perceptions of “danger” to justify militaristic and violent actions that subvert the “rule of law” that they claim to embody (Agamben 2005; Mattei and Nader 2008).

Scheper Hughes and Bourgois (2004) stress the importance of examining the everyday forms of naturalized power and inequality that socially, psychologically, and structurally mobilize

populations to commit violence, or as Lutz (2002) illustrates in her study of military bases, to be constantly prepared for war. Similar to Lutz's (2002) study of how a military economy affects social norms by privileging certain kinds of economic development while marginalizing others, what effects does a contraband economy have on perceptions of violence? The following section details the tensions between ideals of tranquility amidst growing uncertainty.

Tranquility and Violence

“There are few problems here [at the border] because members of all of the communities are united to support one another. We are united behind the businessmen [smugglers] because they help the communities. Toll profits help fix the road and contribute to local projects. We all agree to support business [contraband]. If a businessman has a problem in the pathway, the whole community will help that person since they are from here and we all benefit from business.” -Mexican border resident.

“There are not many problems here because people are good and know one another. Business [contraband] helps people by providing jobs. Twice, though, people tried to rob us. Maybe they thought we had money because my husband works in business, but he makes very little. This has not happened to wealthier businessmen... Their houses have better security and guard dogs. We used to have guard dogs, but the robbers poisoned and killed them. They were looking for money... all of our clothes and mattresses were torn, but they didn't take anything. When this happened again, neighbors came out with their pistols to defend us. People here look out for one another. Many have guns and cell phones. The police, though, don't help. They just pass through here, that's all.” --Wife of small-scale corn coyote in La Cueva.

These comments illustrate how residents perceive violence and its relation to the moral-legal economy. Most continue to support local smugglers at the expense of growing insecurity. They do not expect smugglers to personally protect them, but believe that the larger community and norms of the local moral-legal economy provide them with a degree of safety and support. At this point in time, these informal measures have worked relatively well, but as wealthier local smugglers and long-distance smugglers acquire guns, it will become more difficult for people to defend themselves using the power of numbers, sticks, and/or the occasional small pistol. The risk of experiencing violence and insecurity is inflected by class position. Wealthier smugglers, who are the most likely residents to be engaging in illicit activities, have the resources to protect

themselves and their homes. The woman describing the robbery doubts that her wealthy coffee smuggling brother-in-law would have been robbed. The next case highlights the vulnerability of less powerful members of the contraband economy. Yet many still believe that the system is advantageous and that their patrón, or boss, will bear the risks.

January is the height of the corn smuggling season. Truckers, *coyotes*, and cargo loaders travel daily to purchase corn in the canal region to deliver to Guatemalan brokers to sell to Guatemalan merchants. One January day the exception occurred in what border residents refer to as a “safe route” for business. Upon delivering corn for his patrón (boss), my neighbor, a truck-driver I refer to as Julio, was shot in the eye at the border near the international monuments. Rumors spread on both sides of the border as to why he was shot and the status of his condition. I visited his wife, Felicia and his mother-in-law, Magdalena. According to the women,

“Someone shot Julio while he was delivering corn to La Libertad. They shot him in the eye. We hear things, but we do not know who did it. Sometimes bad things happen here, but we usually don’t know about it or just hear rumors. It is rare for someone to be hurt like this. Generally people here are calm and quiet.” Julio had been working as a *chofer*, or truck driver, for three years for a relatively wealthy smuggler in Santa Rosa who I refer to as Antonio. Although some residents told me that Antonio, who has four trucks, a dry-goods store, and a two-story home, also smuggled migrants, Julio only transported his corn. Julio’s wife said that Antonio was a good patrón and was paying for Julio’s medical expenses. Felicia continued,

Now Julio is not working so Antonio has the truck. But maybe he will begin working again when his eye heals. We aren’t afraid because Julio does not owe anyone anything. We are sometimes scared to live at the border because we don’t know everyone traveling through here. You don’t know who is good and bad. Usually no one does anything bad since they are just passing through. The only bad thing I know of is what happened to my husband. This had never happened before.

Felicia’s comment that Julio did not “owe anyone anything” reflects how border residents perceive risk and danger. They believe that *business* risks are born by the owner of the product, or by the *negociante*, or businessperson (see Chapter 4). The businessperson deals with the money,

and is therefore vulnerable to theft or encounters with officials he has not bribed. As I illustrated in Chapter 4, border residents generally do not believe that “trucking” is risky because the businessperson is responsible for the product, bribes, and money. Therefore, when Julio was shot, rumors spread regarding his personal integrity. According to one woman, a friend of Antonio’s family, “Maybe he was shot because he had personal problems with someone. It has nothing to do with him being a *chofer*. Antonio only hires people who don’t have any vices so that he does not have problems.” Others reasoned that whoever shot Julio mistook him for the truck’s owner, Antonio, since they suspect Antonio of involvement in illicit businesses like migrant smuggling.

Border residents expressed ambivalent views about violence. The media and state governments depict national borders as dangerous places characterized by lawlessness, especially the Mexico-Guatemala border. Yet, as I have shown throughout the dissertation, most images of “The Mexico-Guatemala Border” are drawn from the single urban border crossing of Tapachula, Chiapas and Tecún-Umán, Guatemala (see **Map C, E**). Stressing that Tapachula and Tecún-Umán are dangerous because they are large urban cities, border residents assert that living in small rural communities protects them from violence. Media reports and local discourse state that those most likely to be involved in violence are gang members. Yet, the vulnerable, such as dislocated migrants, often get caught in the cross-fire. The media asserts that gangs and smugglers prey on border zones. Deportees and frustrated migrants often remain in Tapachula due to perceived work opportunities and large flows of money, goods, and people. In contrast, at their particular crossing, border residents argue that “people just pass through.” Those migrants who do stay work in the contraband business, mainly as cargo loaders, and enter local social networks. Yet other migrants are treated with suspicion, especially as their presence has increased in the past five years. Tensions are beginning to manifest, as evidenced by Santa Rosa assembly’s recent ban on migrant settlement in the community. Nevertheless, on an individual level most people help migrants, empathizing with their plight due to their own similar migrant experiences.

As perceptions and instances of crime, insecurity, and unemployment increase, residents are beginning to blame outsiders and/or newcomers rather than examining internal inequalities. Recent accusations also focus on wayward youth, creating the figure of the “delinquent” as international gang symbols such as baggy clothing and rap music become popular at the border (Hagedorn et al. 2007). Rap music, slick-backed hair, earrings, baggy jeans, violent DVDs, video games, and toy guns are all part of the development of a border youth culture that older residents associate with delinquency. Simply dressing in this fashion, in addition to an increasing marginalization of poor youth worldwide due to the polarization of the global economy and rising youth unemployment (Hagedorn 2007; Sassen 2007), makes youth suspect. Most youth are not in gangs, but are mimicking the style of popular U.S. movies, music videos, and video games. Yet some residents have suspicions of the increasingly unemployed youth in Santa Rosa, whose clothing styles and forms of association are beginning to mirror street gangs straddling the urban-rural divide. Santa Rosa is the largest border community and the proliferation of *business* and its associated culture positions many youth between, but in neither, rural and urban lifestyles. Involvement in the transnational market place, media, and migration bring urban images and desires to locations that can no longer be classified as urban or rural. Recently, Santa Rosa’s assembly argued to close a local *cantina*, arguing that such urban-like influences would bring crime, delinquency, and prostitution. Residents in La Cueva claim that close family ties and a small community impede the development of youth delinquency, but their youth face the same constrictions of a rural community that has increasing urban characteristics, which is open but closed and legal yet illegal. The fact that their relatives own the more lucrative smuggling businesses, however, provides an outlet for them to pursue their goals in contraband or the resources to attain higher levels of formal education and employment.

In their assessments of crime, residents also meld the politics of the post-war period and current gang violence in Central America (see Zilberg 2007; Snodgrass-Godoy 2006). Many

associate Central American migrants from Nicaragua, Honduras, and El Salvador with crime and delinquency, since, as they note, “they come from conflictive countries.” There are also widespread rumors that drug cartels are recruiting former *kaibiles*, or special operations forces of the Guatemalan military trained in counterinsurgency warfare. Although they have never encountered gang members of the infamous *Mara Salvatruchas*, border residents, especially Guatemalans, hear about their violent attacks in Guatemalan cities through the media. Politicians capitalize on the spread of violence in Guatemala to cultivate support for their platforms that demand a “tough stance on crime.” As one resident of La Libertad told me, “There is violence in Guatemala, but now by the *Mara* gangs. We have not seen any here, but people are beginning to realize that they pose a danger. For example, a man from Santa Rosa delivering corn was shot a few months ago. We do not know who did it.” Many blamed the amorphous concept of the “gang member” despite the lack of knowledge of who this was and what this meant. Whether the communities will enforce their fears of migrants by reporting them to the authorities or forcing them to leave remains to be seen. Meanwhile, Nicaraguans, El Salvadoreans, and Hondurans have become scapegoats for fears of insecurity and fodder for the political platforms of national militaristic candidates and a U.S.-led security agenda. Sowing fear and constructing risk, argues Mexican scholar, Robinson Salazar (2006), is part of a U.S. military strategy to create the image of the border as a place “where there are always terrorists, injustice, and danger. The *Maras* are part of the discourse,” playing a powerful role in this imagery.

In sum, border residents depict “their border” as relatively safe, but increasingly recount stories of robberies, fear, and violence. Many impressions of border insecurity, however, originate in the media and not in personal experience. Local appeals to “community” unity downplay internal inequalities and violence, influencing “insiders” to characterize violent occurrences as anomalies or to blame invisible “outsiders,” or “newcomers,” often categorized as “gangs,” migrants, and “criminals.” Locals believe that *businessmen* “are responsible for their

cargo” and the risks associated with contraband. They continue to support *businessmen* since they believe that their work supports the communities and provides employment, but most frequently marginal residents are the ones affected by robberies and violence, as well as the unpredictability of employment in a precarious business environment. Some days, cargo loaders will wait all day without work. Furthermore, historical experiences with the corruption of official security, detailed in Chapters 2 and 3, leads residents to support the businesspeople at all costs. The notion that contraband has more benefits than costs maintains a local system where official security is refused and local laws and allegiance take precedence.

Residents abide by the “local laws,” meaning supporting the contraband system and *businesspeople*, in exchange for the protection, toll revenue, and employment they believe that “the community” and the contraband economy provide them. Much like allegiance to the state, they internalize the system as a moral-legal code that shapes behavior and judgments of value. Yet also similar to state power, hegemony is never complete and residents constantly debate ideas of law and morality with one another and state agents. As local inequalities and competition increase, however, communal aid is dwindling. In the past few years, as more distant and wealthier armed smugglers enter the pathway, local businesspeople have less control over maintain a “secure” border and its laws. Unlike the mafia, or illicit protection rackets (Andreas 2008; Schneider and Schneider 2007; Sampson 2003; Tilly 1985), border businesspeople never purported to be able to provide this level of security. They do not consider their work dangerous, obviating the need for real security provisions beyond the community patrols common to most rural communities. Most businesspeople justify their work to their fellow community members by claiming that they make small profits and have relatively few resources. They do not hide their wealth, but instead make concerted efforts to help community members. They will also stress how their luxury acquisitions took time, hard work, and savings. For example, Fernando, the Guatemala sugar smuggler described in Chapter 4 rationalizes what might otherwise be suspected

as rapid, ill-gotten success. Not only does he help community and family members, but as he said, “I don’t have much money. I put everything back into the business. I have this nice house [he used to live in a cement shack] because it took a lot of hard work and savings. I took five years to build. It was not overnight...so I don’t have much money now. It went to build the house.”

In the past few years, transnational criminals rely on wealthier border residents to conduct business. The connection of local businessmen to transnational criminals disrupts the established kinship, economic, and social networks of smuggling. Not only do wealthier smugglers escape violence, but some are beginning to profit extensively from it. As border residents told me, “Criminals come to the border looking for someone to transport their goods. They look for people who they think have money and trucks who can, therefore, work with them.” Since locals and officials view migrant and drug smuggling as more illicit, some individuals cut themselves off from traditional community and business networks to engage in these activities. As border residents increasingly clandestinely participate, rather than “close their eyes” to illicit smuggling, will the border become more dangerous? Will they redefine these activities as tolerable or necessary rather than “illicit”? Will local businesspeople provide any insurance for their community members against the eruption of crime and violence? Or will high-profile smugglers displace border residents as they gain knowledge of the border and obviate the need for local brokers?

The relation of violence to illicit business requires further examination. Not all (il)legal activities are perceived, organized, and justified in the same way, despite their overlap in everyday transactions. It is therefore important to note border residents’ legal-moral ideology that separates illicit activities of migrant, cocaine, and arms trafficking from the smuggling of daily basic goods. As these activities become intertwined some definitions of (il)legality shift as some smugglers increasingly isolate themselves from the local moral economy to engage in illicit activities. Chapter 4 provided an example of shifting moral ideologies as migrant smuggling

shifted from a local (il)legal practice to illicit trafficking since the militarization of the border in the 1990s.

From an economic perspective, Naylor (2002) asserts that violence is counterproductive to illegal transactions which depend on trust and relationships. Nordstrom's (2007) research illustrates how trust, rather than violence, is necessary for illicit exchanges. As Nordstrom (2000: 45-47) writes,

One of the answers to the questions of how these vast international extra-state networks operate as coherently as they do is that people in these systems generally 'trust' that the transaction will occur as predicted, and that they will remain safe (Gambetta 1988). The fact that large-scale massacres, wars, and trails of dead bodies take place with far less regularity in these shadow networks than in and among states' wars attests to the fact that the systems do work.

The lack of any legal contract or enforcement mechanism for illegal transactions, however, always makes violence an option for seeking recourse.

Andreas' (2008) work in Bosnia and Nordstrom's (2004; 2007) ethnographies of war zones illustrate the complex relation between illicit networks and the interrelation of violence and peace (Scheper Hughes and Bourgois 2004). Specifically, Nordstrom (2004; 2007) applies the terms il/legal and extra/state³ to argue that the legal and illegal cannot be easily distinguished, as global networks profit from their blurring. Nordstrom illustrates the links across arenas of politico-economic activity that are usually politically and conceptually divided in order to illustrate the complex "sociocultural and political as well as economic organization in these networks of exchange and association" (2004: 39). In Bosnia, Andreas (2008) shows that while illicit businesses may have their own violent norms and fund ethnic conflict, they may also encourage individuals to eschew violence and cross ethnic and political lines in order to make a profit and/or acquire the necessities of daily survival. The collaboration between La Libertad and San Pedro are an example as residents put aside ethnic and political differences still salient in post-war Guatemala in order to collaborate in the contraband arena. However, race, politics, and class continue to infuse everyday transactions in subtle ways. For example, there is little

intermarriage between the communities, who also keep their business depots separate.

Understanding that activities in the legal and illegal realm intertwine clarifies how the global economy functions, but it does not go far enough to examine the local contexts and effects of these activities. I argue that it is necessary to disaggregate heterogeneous types of activities and how they are locally perceived as actors differentially experience them according to class, gendered, and ethnic inflected subjectivities.

Scholars like Comaroff and Comaroff (2006)⁴ add a political-economic approach to understanding shadow economies, detailing the violence that results from contests over authority and resources in zones of ambiguity and displacement. Scholars depict border zones, regions of lawlessness, or “gaps” in overlapping sovereignties as places ripe for bandits, smugglers, and the privatization of justice and violence (Sampson 2003). Castells (1998) and Van Schendel and Abraham (2005) link such “gaps” of lawlessness to weak states. Yet, as Andreas (2000) illustrates, illicit activities may strengthen certain sectors of the state, making distinctions between strong and weak states problematic. Sampson (2003: 312) describes how global civil society, which he calls “project society” (or transnational NGOs and civil society organizations) and global organized crime and banditry, which he refers to as “mafia,” undermine the state in the age of globalization. While recognizing the violence and “network of interests” that legitimate themselves as “the state,” Sampson (2003: 312-13) argues that,

project society and bandit society seem to compete to fill the gap of providing security and redistributing resources... This competition for resources brings with it its own form of violence, in the form of intimidation, kidnapping, and murder of officials... Those places we now call ‘trouble spots’ are places in which various mafias are battling each other and where state resources are nonexistent... [where] project society and bandit society compete for sovereignty.

In this particular historical moment at the border, gaps in state power have been filled by a local moral economy that seeks to create an alternative utopia-like society to that offered by two unjust states. In Chapters 2 and 4, however, I illustrated how “gaps” are never quite gaps and the invisible economy plays a key role in the reproduction of the official political-economy. Ferguson

(2006: 16) also warns about the utility of the “shadow” concept, which he argues “implies...a type of doubling” parallel to the formal state and economy where the official becomes inherently associated with legitimacy and the “shadow” is depicted as a failed or corrupt copy. At the border, copies like illegally acquired citizenship documents (Chapter 1), the *cadena* toll booths (Chapter 2), and false certifications for contraband (Chapter 3) are linked to their official versions, but expose the arbitrariness involved in the designation of the “legitimate” and “the real.” Therefore, it is also necessary to critically assess the nature of “the official” in order to understand the context within which (il)legal practices develop and merge. The following section details the violence and contradictions in official security and development policies.

Security or Development?

“There is a lot of violence in Guatemala. There is still a lot of discrimination against indigenous people. The government has not complied with what it promised. There is no security. There is more fear, robbery, and murder. Human rights agreements did not accomplish anything....Free Trade policies [with the U.S.] will aggravate the situation. We will become poorer. Small businesses will be put out of work and unemployment will rise.”-- Guatemalan border resident.

Residents weigh the desire for official security with the economic opportunities provided by an open contraband border economy. As I detailed in Chapter 2, historically residents have viewed security and economic opportunities as inextricably linked, but opposed. They currently prefer to pursue their own systems of development through the *cadena* tolls. Despite state attempts to obscure the connections, border residents recognize the farce of official rhetoric and policies that propose development alongside security.

Current border policies like the Central American Free Trade Agreement, The Mexico-Northern Triangle Free Trade Agreement, and Plan Puebla-Panama (PPP) specifically associate regional development with border security. Initiated by Mexican president Vicente Fox in 2001, PPP intended to promote regional development and integration from Southern Mexico to Colombia (Villafuerte Solís and Leyva Solano 2006). Large projects integrating highway

construction, telecommunications, hydroelectric plants, and gasoline pipelines have been planned, but few projects have been completed, making the program more about rhetoric than action. PPP has also been widely critiqued by human rights activists, indigenous organizations, anti-neoliberal movements, and environmental activists for its focus on multinational corporations at the expense of local residents, actual development, and the environment. It also carries a strong U.S.-dominated security component.

Security and development was the topic of a conference I attended in San Cristóbal, Chiapas in November-December of 2006.⁵ At the conference, Mexican scholars Daniel Villafuerte Solís and Xochitl Leyva Solano (2006) promoted their new book on Plan Puebla-Panama, which illustrated how PPP is connected to wider hegemonic projects in the U.S.'s hemispheric fight against terrorism. Villafuerte Solís discussed how Plan Puebla-Panama and associated programs like Plan Sur, ASPAN,⁶ and the Free Trade Area of the Americas claim to promote economic development, but actually focus on geopolitical security, influenced by a U.S. agenda that fuses control over borders and security with the fight against terrorism. Scholars asserted that the lack of information about Plan Puebla Panama is strategic. Projects under its mandate are referred to by other names and multilateral financing is obscured so that, as Carlos Beas (2006) argued, "The population will not see it and will not realize what is happening."

Despite the wealth of data and theory presented, however, few panelists detailed the lives of people at the border. Research remained largely speculative and/or theoretical. Hugo Ángeles Cruz (2006) noted the fluidity of the Mexico-Guatemala border, stating that "people do not see the border as a dividing line, but as one place." Cruz Burguete (2006) added the need to see "the border" as a region of multinational interests. While both of these statements resonate in the border pathway, where there is a larger concept of "border identity" and recognition of the importance of multinational flows, analyses failed to capture the complexity of border interactions and identities. Those who recognized the presence of "borders within borders"

(Villafuerte Solís 2005), however, provided few case studies to detail how these multiple borders intersect in daily practice, contributing to a static conception of “the border region” as one place or of “the borders” of class, ethnicity, and nationality. These borders were never constant, but strategically crossed and contested, as evidenced in Chapter 5, which shows how border residents situationally positioned themselves across class, ethnic, community, and national boundaries in the gasoline conflict.

Villafuerte noted that the government obscures the details of Plan Puebla-Panama in order to prevent knowledge, and therefore, resistance. In contrast to these policies’ goals, however, border residents are intimately aware of the security focus and the illusions of development policies. Even when residents misinterpret policies, they understand and feel their effects. Ironically, as I illustrate in Chapters 2 and 3, lack of knowledge about the details of official Free Trade policies led border residents to create their *own Free Trade* by establishing *cadenas* and legitimizing smuggling as the real “Free Trade.”

At the border, government policies intended for security cloaked in the language of development reveal their inverse: that the establishment of official security and surveillance negatively impact development. Border residents acknowledge that official Free Trade and neoliberal policies have drastically reduced their employment opportunities. Farmers no longer receive guaranteed corn prices or agricultural credits. The promised arrival of *maquilas* and new industries never materialized in this region and only minimally in Tapachula. A division of Wal-Mart was established in Comitán, but residents lament the strict prerequisites for employment and the low wages. Yet many make weekly trips to buy discounted household goods and food, thereby further undermining local stores and producers. Furthermore, the few new employment opportunities created were not sufficient to make up for the displacement and agricultural crisis of the past decade (Villafuerte Solís 2004). Moreover, transnational companies, bolstered by Free Trade policies, make it difficult for small businesses to compete. Moreover, the U.S. and Mexican

governments concurrently pursued stricter border policies alongside these neoliberal economic policies, whose disastrous economic effects further fueled northward migration. The conjunction of these policies hinders the ability of migration to provide an outlet for survival amidst neoliberal restructuring and economic crisis.

Smuggling agricultural products and goods that supplement the profits of small businesses provide an alternative form of development and investment in a region where agriculture has nearly disappeared, outmigration rates have soared,⁷ and investment is low. *Cadena* revenues contribute to community projects as state budgets have been curtailed. Smugglers invest in local businesses and small companies. Due to their evasion of import taxes on international commerce, small businesses that engage in contraband can expand and create employment. Patrolling the border would seriously hamper these flows, and with them, forms of local, regional, and national development and employment. Simultaneously, however, the contraband economy stifles the development of alternate legitimate enterprises like farming cooperatives and small stores. For example, strictly legal businesses and small producers have difficulty competing with the lower prices of smuggled goods.

Due to an open border, “legitimate contraband” in everyday goods creates connections for more illicit and profitable trades. Despite notions that locals “look out for one another,” border residents realize that they are vulnerable to transnational armed criminals. Mexicans cite the problems of Mexico’s gun prohibition law whereby criminals’ possession of weapons gives them power. Yet they are weary that a more tolerant gun policy may increase overall violence. Mexican border residents often connect Guatemala’s more permissive gun laws with higher levels of violence in Guatemala.⁸ Perceptions of vulnerability influence some residents, especially those not involved in contraband, to debate the benefits of establishing official security forces at their border. Some, especially those who literally believe they are engaging in Free Trade, rationalize that perhaps security officials would permit the flows of daily goods to continue. Yet most

recognize the close connection between official security, economic exclusion, and violence. In fact, many border residents argue that official surveillance might increase violence. They suggest that officializing the border will create increased visibility and the route will therefore become “known” to legitimate and illegitimate merchants alike. They fear that recognition would stimulate more flows, many of which could be dangerous. Furthermore, residents are aware of corruption and state violence that position high profile criminals above the law. In many respects, criminals merge with, and become the law (Aretxaga 2005).⁹ As Alonso in Santa Rosa reminded me, “The military occasionally enters the route to search for drugs, arms, and migrants. They say they are here to provide security. But you will see...they are usually working directly with the criminals. The drug smuggler will drive down the road right behind the military vehicle.” Official security is not about safety, but control over law, resources, and violence.

The relation between violence and illegality is not predetermined, but depends on the conjunction of specific historical experiences, local power relations, socio-cultural logics, and differential access to economic and political opportunities. Violence may be associated with illegality, but Benjamin (1978) and Mattei and Nader (2008) remind scholars to consider the fundamental relation between law and violence.

Lawlessness, Law, and Violence

“When I tell someone I am working on a project I call “Law in a Lawless Land,” they laugh and exclaim, “Lawless?!”-- Michael Taussig (2003: 16), writing on violence, illegality, and the multiplicity of actual laws in Colombia.

“[The power of the law] has the possibility to drive people mad, madness that comes from being ‘oversaturated with law (Berlant 1991), with the force of law without signification.”-- Begoña Aretxaga (2005: 266).

Scholars and regional actors depict border regions as zones of lawlessness, suspended at the margins of power and law and order. Lawlessness is often associated with violence without much investigation. Like Taussig (2003) and Aretxaga (2005), however, I encountered an excess

of law, official and its copies, that governed the divide between legality and illegality, life and death, and profit and exclusion. State power benefits from associating *illegality* and border regions with violence, since these areas are where state authority is most vulnerable. Historically, the definition of the “frontier” was designated to legitimate state expansion and the boundaries of law and “civilization” (Frederick Jackson Turner 1920). Scholars (Wilson and Donnan 1998; Heyman 1994; Benjamin 1978; Das and Poole 2004) note that the state is simultaneously most present and absent in the borderlands as it attempts to control its physical and symbolic boundaries that are remote from the centers of power. Das and Poole (2004: 8) write of the margins, of which border regions are symbolically and politically emblematic,

And what about the lawlessness and wilderness imagined to reside outside the state?...Located always on the margins of what is accepted as territory of unquestioned state control (and legitimacy), the margins we explore...are simultaneously sites where nature can be imagined as wild and uncontrolled and where the state is constantly refounding its modes of order and lawmaking.

Rather than lawless, I argue that the border is characterized by an excess of law, an interweaving web of legalities spun by state, international, and local actors that individuals navigate. As they evade official laws, border residents create new laws, often quite similar to the official ones they protest. They levy taxes on cross-border commerce, create documents to certify commerce, and often judge claims to citizenship on the basis of documents. By rejecting official laws and creating new ones, they reproduce state effects (Trouillot 2001) of identification through documents and forms of control and exclusion justified in legalistic terms. The following case illustrates how efforts to remedy unjust or inefficient laws results in the promulgation of more laws, leaving the relation between law-making and power-making unquestioned.

A recent New York Times article entitled, “For Redress of Grievances, Mexicans Turn to Bureaucracy Contest” (Malkin: 1/8/09) depicts a state-sponsored contest held to identify problems of Mexican bureaucracy, reflecting the efforts of President Calderón to clean-up government inefficiencies. The author recounts,

Mexicans have learned to arm themselves for any government encounter. They turn up for even the simplest transactions with folders filled with year's worth of documents, pretty much any piece of paper they have ever had stamped or notarized. Birth certificates have become so essential that some families order scores of them...The bureaucrats have, over generations, developed a particular brilliance for inventing new ways to drive them to distraction...Some Mexicans respond by offering bribes...but most people...learn to seek out sympathetic officials to help speed them through the requirements. (Malkin 2009).

The contest winner was a woman who could not acquire medicine for her gravely ill son due to layers of bureaucracy. She had proposed creating a government database to streamline the ability of patients to receive medicine. She received \$22,000 to cover her son's expenses, as well as a promise from the government to fix the bureaucratic issues. The article, ironically, posits a state-sponsored solution to the problems of too many layers of state-craft. Will the solution be a new set of "anti-corruption" or anti-bureaucracy laws? New layers of documents?

Similarly, at the border the solution to excess layers of government bureaucracy has been the promulgation of local laws and the forgery and creation of more documents. Fighting the excesses and inefficiencies of law often begets new types of law-making, concealing how state power benefits from ever-spinning webs of legalities, uncertainty, and documents. As Benjamin (1978: 295) asserts in his thesis connecting law to violence (also see Comaroff and Comaroff 2006: 35) "power is guaranteed by all lawmaking violence." Furthermore, according to Comaroff and Comaroff (2006: 41), seeking recourse in the law, like the discourse of crime, "displaces attention away from the material and social effects of neoliberalism, blaming its darker undersides on the evils of the underworld" or bad laws. Layers of law, or what Comaroff and Comaroff (2006: 33) refer to as "the fetishism of the law," prevent people from challenging the status quo, or encourage them to change it through law itself, thereby increasing state power to determine the modes of appropriate resistance. Comaroff and Comaroff (2006: 35) invoke Benjamin's association of law and violence to refer to how postcolonial politics are reduced to "lawfare," which circumscribes the possibility of action to that afforded "legal subjects." Inefficient legalities lead to the creation of new bureaucrats, law enforcement agencies, and

simply redistributed, yet often inflated government budgets. For example, I learned that the new state border police, created to provide better border security, was composed of officials recycled from existent police units. Excess bureaucratic procedures that push people into pursuing informal and illegal solutions with state agents further deepen local dependence on officials, uncertainty, and through bribes, the salaries of government agents.

Commenting on the spread of a culture of legality, Comaroff and Comaroff (2006: 33-34) write,

Not only are government and public affairs becoming more legalistic, but so are 'communities' within the nation-state...in regulating their own internal affairs in dealing with others. Everything, it seems exists here in the shadow of the law, which also makes it unsurprising that a 'culture of legality' should saturate not just civil order but also its criminal underside, its camera obscura, and the ambiguous, gray, alegal zones that infuse both, drawing them together into an intricate weave of practices, relations, and mediations.

In many regions of Latin American, due to the inadequacies, or what I argue may be excesses, of the state under neoliberalism, scholars depict how communities “take the law into their own hands,” often resulting in violent local systems of vigilante justice and policing (Goldstein 2003, 2004; Rus and Vigil 2007; Manz 2008; Caldeira 2000). Scholars depict the spectacularization, or carnivalization of the law by mocking its intense capacity for violence and disorder (Goldstein 2004; Comaroff and Comaroff 2006). The Zapatistas, in contrast, opt out of what they view as an unjust legal system by creating their own autonomous communities with their own governance councils. The Zapatista focus on consensus decision making, however, represents another legal discourse that may reproduce and/or create new inequalities, especially gendered and generational ones.

Specifically, border residents copy the law and state power by “making their own laws,” levying taxes, controlling the border economy, and informally acquiring and/or forging citizenship and commerce documents. Yet there is little recourse if the laws are not followed, effectively disassociating the law from its enforcement base. Residents agree that “most people

respect their laws,” but if not, there is not much they can do. Each community has a volunteer community police force, outfitted by the municipality to outsource the work of community vigilance. They arrest people in the streets at night past community curfew, especially those who are drunk, commit robberies, and/or disobey community laws. Community authorities, however, rarely take action with the municipality, preferring to hold unruly members overnight in the local jail until they come to an agreement or simply “sober up.” These actions enforce standards of conduct within the community, but have little effect on officials or outside smugglers.

The communities will attempt to prohibit the entrance of uncooperative smugglers or officials by detaining them or “taking them hostage,” but these solutions are usually temporary and *ad hoc*. “Taking hostage,” in fact was the term used by scholars and outsiders. Locals simply state that they “held the [officials] there until they resolve the problem.” To actually *use* the threat of force would undermine the moral underpinnings of their claims to local border authority. Instead, as illustrated in Chapter 5, residents insist on dialogue and compromise with insiders to maintain order and control (see Nader 1990 on harmony ideology) and with outsiders to maintain their own safety and moral claims to authority.

When border residents mimetically copy the law, they create new forms of belonging and justice. Yet like the state system they decry as corrupt, their law-making language also prefigures who is considered a member, as well as their rights and benefits. Chapter 2 highlights the forms of graduated border citizenship (Ong 1999; Holston 2008), where evaluations of social difference justify access to the contraband economy. For example, the Mexican communities do not allow the former Guatemalan refugee community of Maravilla to erect a toll booth based on newcomer status, which is inflected with ethnic, national, and political stereotypes. They have little chance to transform from newcomers into “residents” in a context where many still view them either as “Guatemalans” or former subversives that abandoned their own country.

Chapter 5 illustrates how border residents are beginning to challenge a moral economy that claims that “all have the right to work” when in practice, participation is segmented along class, gendered, national, and ethnic lines. The truckers excluded from the gasoline smuggling business, The Transporters, used a language of the “right to work” to contest their exclusion. Yet the gasoline smugglers asserted their “right” to make a living in a business they had built. The conflict illustrated the polysemic nature of “rights” language in a context where a notion of “rights” is applied in diverse contexts including the right to land, the right to work, the right to free movement in one’s country, the rights of citizenship, and the right to commercialize one’s own products.

Despite the fact that a language of “rights” is not indigenous to the region (Warren 1998), in Mexico, notions of “rights” are clearly expressed in the agrarian reforms of the early 20th century, which stressed the “right” to land and subsistence. The Mexican Constitution of 1917 was influenced by the U.S. Constitution and French Declaration of the Rights of Man. Rights-based language entered local lexicon in the 1980s when human rights organizations worked in the region stressing the “right to refuge” for Guatemalans fleeing counter-insurgency violence (Speed and Leyva 2008). “Rights,” locally termed *derechos*, have since been heterogeneously appropriated from the Constitution, indigenous rights movements, human rights movements, the Zapatistas, evangelical churches, and even Alcoholics Anonymous. Tracing how residents experience, give meaning to, and use a language of “rights” illustrates the contingency of rights-based language and how people appropriate diverse discourses to achieve different and often contradictory purposes. Through the struggle to determine the meaning of “the right to work,” the gasoline smugglers and their communities reveal the changing political and economic stakes in the local legal-moral system.

Local Law-Making and State Power

Not just a neoliberal concept or a product of gaps in surveillance at the border, the Mexican and Guatemalan states have historically relied on communities and their elite to govern themselves, allowing a degree of autonomy as long as local practices did not directly challenge state authority (Gledhill 1996; Cornelius 1992; Watanabe *forthcoming*). Limited autonomy results from the intersection of deliberate state policies of control and the realities of state absence and widespread marginalization.¹⁰ However, the most common pattern of limited in autonomy in Mexico was a system of *caciquismo* whereby local elites' clientelist relations with the state established control over the peasantry (Gledhill 1996; Nuijten 2003; Sieder 2002).¹¹ After 1994, the Zapatistas unveiled the exclusion and oppression behind the illusion of corporatist autonomy, arguing for a new type of locally-constructed autonomy (Sieder 2002; Hernández-Castillo 2001).

The border communities, rejecting the principle of powerful *caciques*, challenge the state to live up to its promises of *ejido* and community autonomy. They do not reject the authority of the state, but reason that Constitutional laws, which define *ejidos* as “self-governed and legally recognized corporations,” give them the *right* to govern their communities (Duhau, n.d.).¹² The 1992 agrarian reforms were denounced by most peasants and activists for destroying the communal nature of *ejido* land and ending the right to petition the state for land. Border residents, however, capitalize on a discourse that was never quite officially enacted. The reforms stressed the importance of freeing communities of the state on agrarian issues, asserting that “agrarian bureaucracy cannot intervene in the internet life of *ejidos*” (Duhua, n.d). Despite intending to deal with land matters and bureaucratic obstacles of land policies, border residents use the same language to justify a general mode of self-government. For example, when I asked border residents how state officials reacted to their control over the border, he told me that “officials must respect the internal laws of *ejidos*” and that “the *ejido* is free to make its internal laws.”¹³

Residents' strategies complicate notions of resistance or oppression since they embrace an old form of domination by reifying state-community relations, but debate how, and by whom, community autonomy should be practiced. Rather than assimilation and corporatism, Guatemalan governance historically followed a model of direct oppression in the face of rebellion, genocide, and/or assimilation of the peasantry and indigenous population (Sieder 2002). Despite these differences, throughout the 19th century the Guatemalan state relied on local elite to govern *de facto* communal and municipal autonomy due to the limits of central government control (Sieder 2002; Watanabe, *forthcoming*).

Local governance in Mexico and Guatemala, therefore, has always been exercised by competing authorities and sovereignties, but this fragmentation has become more pronounced with the increasing presence of transnational gangs and drug cartels and the privatization and outsourcing of state services and resources. Border residents view their own legal practices as an extension of a long established tradition of state-community relations, albeit transformed. Do the state and its agents, however, feel threatened by this local law-making? Benjamin (1978: 282-3) notes that the state characterizes an act as violent "if it [as enacted by an external actor or citizen] exercises a right in order to overthrow the legal system that has conferred it... where violence is feared simply for its lawmaking character." As Chapter 2 argues, while state officials may capitulate to local demands out of fear of a "mafiaization of rural communities," most benefit from this lawmaking. Not only through bribes to individual agents, the state benefits from the community self-vigilance and contraband-generated employment opportunities that the state is unwilling or unable to provide. Resistance to the larger legal order of state power is locally contained, while local communities take on the role of patrolling the dangerous, or more illicit, elements the state professes to, yet cannot or will not, combat. Local laws that facilitate contraband benefit the regional economy while allowing the state to absolve itself from involvement, to be able to "close its eyes" to invisible flows in illegal routes that are not under its

jurisdiction (see Chapter 2). “Law-making is power making” (Benjamin 1978), but alternative local law-making may not be challenging or threatening to state power, but rather, constitutive of it. Disputing and enforcing alternative laws critiques the legitimacy of the law, but “not the presence of the law...they are a commentary on that law and the social order it upholds” (Snodgrass-Godoy 2006: 21).¹⁴

At this juncture, border residents recognize that their sovereignty is not complete, but rather depends on other overlapping modes of authority, state and otherwise. They do not see full control or autonomy as possible, or even desirable. It is specifically in these gaps where there are opportunities for flexible identity construction, profit, and violence. Border residents’ unique ability to navigate the ambiguity of living in-between the borders of both and neither nation-state, the legal and illegal sphere, and morality and authority, depends on these contradictory intersections with state and transnational power configurations. Yet, in the conflicting webs of legalities and sovereignties, those who are not well versed in, the multiple legal discourses suffer increasing violence and insecurity. This is especially the case for illegal Central American migrants, some low-level bureaucrats who originate from more distant cities and increasingly, marginal border residents.

What is Violence? Rights and Inequality

“Violence can never be understood solely in terms of its physicality-force, assault, or the infliction of pain alone. Violence also includes assaults on the personhood, dignity, sense of worth or value of the victim. The social and cultural dimensions of violence are what gives violence its power and meaning... What constitutes violence is always mediated by an expressed or implicit dichotomy between legitimate/illegitimate, permissible or sanctioned acts.” -- Scheper-Hughes and Bourgois (2004: 1-2).

Despite emphases on trust and equality, the border contraband economy does exclude many and exacerbates inequalities as some businessmen begin to acquire large profits, build two-story homes and swimming pools, buy new cars, and even purchase ATVs. Contraband provides employment to residents who are otherwise excluded from a limited economic atmosphere, but its

embeddedness in the neoliberal economy and its logics contributes to increasing income gaps in much the same fashion as legal neoliberal businesses. Perhaps the exclusion in the local contraband economy is all the more violent since residents justify it with a language of rights and morality. The term symbolic violence, or the “internalized humiliations and legitimizations of inequality and hierarchy” describes how border residents often support a legal-moral system that marginalizes them (Bourdieu and Waquant 1992: 162-73, 200-5, cited in Bourgois 2004: 426).¹⁵ Despite the justification of inequality supported by an ethics of “rights,” it is important to note that the current legal-moral system seems to offer a better alternative than that posed by either state or the growing influence of drug cartels.

Success and survival at the border depends on navigating the gaps of multiple (il)legalities and ambiguities, where power over uncertainty and diffuse knowledge govern the small distance between violence and profit. Much like the state, the naturalization of the local legal, moral, and economic system creates a type of self-disciplining (Foucault 1991) whereby the “law operates more and more as a norm, and that the juridical institution is increasingly incorporated into a continuum of apparatuses... whose functions are for the most part regulatory” (Foucault 2004: 82). Such “apparatuses” at the border include the community assemblies, the *cadenas*, and local discourses that imply equal rights for all border residents. As I have shown in the dissertation, however, control is never monolithic or simply internalized. Rather, individuals appropriate local norms in creative ways that continually reshape the local legal-moral economy.

Most border residents, however, tend to associate violence with direct physical harm or threat. When talking about violence, almost all of my field-notes and quotes referred to the period of violence experienced during the Guatemalan counterinsurgency war or to current gang violence in urban Guatemala. Even state officials critical of border residents who called them “mafia-like,” never specifically characterized them as violent. However, can a road blockade be

construed as an act of violence? Is prohibiting the entrance of new residents and migrants into the community?

Despite appeals to equality and consensus, local *businesspeople* increasingly restrict the participation of outsiders, as well as new internal members, as they compete for profit.¹⁶ I could not help but view this dynamic as structural and symbolic violence, especially the use of discourses of the “right to be free to work” to justify exclusive access to the economy. While contraband may provide an outlet for those suffering from entrenched oppression and inequality, or structural violence (Bourgois 2004: 426), opportunities to engage in contraband rely on these inequalities as a base-line for entry. For example, landowners and individuals with socio-economic capital have more resources to invest or sell to become smugglers, whereas those with few resources may be able to participate, but in marginal positions like cargo loaders. Often preferable to their previous employment opportunities and supported by discourses of autonomy, poorer residents on the lowest rung of the contraband ladder with few opportunities for mobility continue to be strong proponents of a system in which they are marginal. A structured violence of inequality rationalized with a universal rights discourse seemed to parallel border residents’ own critiques that official “Free Trade” was not actually “*free*.” As described in Chapter 3, official Free Trade did not mean that border residents were actually “free” to sell their products over their border, just as the dictum “all border residents have the right” to work belies the ethnic, class, and legal-moral ethics that determine who can capitalize, and to what degree, on these rights.

I also wondered about the relatively peaceful relations between members of La Libertad and San Pedro, given their distinct interpretations of the Guatemalan war and the atmosphere of impunity continuing to govern Guatemala. Members of La Libertad and San Pedro state that original tensions subsided and they currently maintain friendly relations. I noted, however, the subtle ethnic and political borders that developed, but, like the war, were rarely discussed. Despite appeals to unity between the two communities, their work practices (farming and

contraband depots) remain largely separate. Putting aside differences for the sake of the contraband economy silences unresolved tensions, mirroring the landscape of silence and impunity that has reproduced violence in many regions of Guatemala (Manz 2008). These differences began to surface in divergent opinions regarding the presidential candidate in 2007, with the majority in La Libertad fearing the association of the *Mano Dura* party with past military atrocities. In contrast, most residents of San Pedro, directly unaffected by or choosing to forget and ignore the violence of the 1980s, welcomed a militaristic approach to combat crime.

Violence and the Gray Zone

Bourgois (2004: 428) states that “violence operates along multiple, overlapping planes along a continuum that ranges from the interpersonal and delinquent to the self-consciously political and purposeful.” Citing Auschwitz survivor Primo Levi (2004), Bourgois (2004: 428) notes the salience of the “gray zone,” where those

who are condemned to survive under conditions of extreme hierarchy and cruelty jockey for survival at one another’s expense. The gray zone itself is a continuum permeating to a greater or lesser extent any social setting where inequality and suffering is imposed by structural and symbolic forces.

The gray zone and a diffuse culture of uncertainty may apply to social life structured around contraband, where the management of ambiguity, silence, and inequality instills a sense of everyday fear, obedience, and even strong allegiance. Powerful smugglers manipulate a “border identity” that stresses that “all are free” and “all have the right to work” to maintain their positions at the top of a political-economic system with growing class divides. Simultaneously, appeals to a larger border identity contributes to uncertainty and vast income inequalities, cements the categories of “us” versus “them” in an atmosphere where in practice, relations of “us” and “them” are constantly shifting as the real power brokers remain invisibly outside and above these distinctions. Knowledge is diffuse and the legal and illegal, official and nonofficial,

and corrupt and legitimate blur. Control over knowledge in an uncertain atmosphere translates into power with the potential to marshal support for violence.

Conclusion

Throughout the dissertation, I have argued that through their (il)legal practices, border residents rethink concepts such as state power, morality, and legality. How residents attribute value and negotiate the (il)legitimacy of distinct illegal, legal, and illicit activities illustrates how local moral-legal economies emerge and intersect with official legal discourses to redefine how people reproduce, experience, and reconfigure notions of the law and the economy through everyday interactions. Participating in informal/illegal activities may provide the basis for more inclusive and democratic values as residents meld diverse local, regional, and global discourses of neoliberalism, and rights with local moral-legal logic. Yet old patterns of inequality based on gender, land ownership, generation, ethnicity, and nationality intertwine with the inequalities generated by a contraband economy operating in the age of neoliberalism. Some patterns of exclusion are surmounted, new ones develop, and others are deepened. Seeing contraband as a form of “resistance” to the formal political-economy is problematic because it remains embedded in it, often sustaining the prevailing power arrangement by helping corrupt politicians remain in office, bolstering the profits of corporations, and supporting patron-client relations while inhibiting alternative forms of development. Smuggling goes hand in hand with neoliberalism, which in fact, is inherently neoliberal.

The illegal is predicated on its relation with the legal. The creation of local laws to supplement or replace corrupt official laws may enable residents to justify their activities and earn a living, but it continues to support the cycle of law, violence, and exclusion. Residents may experience moral norms, justice, and rights through (il)legal practices, but as they infuse these values with the power of “law,” they risk reproducing the same system they protest.

ENDNOTES

- ¹ Manda el narco en la otra frontera. 12/7/2008. Demócrata del Norte. By Isaín Mandujano <http://democratanortedemexico.blogspot.com/2008/12/manda-el-narco-en-la-otra-frontera.html> and : Detienen a mexicanos por narcomatanza en Guatemala. 12/4/2008. El Orbe. By María de Jesús Peters, http://elorbe.com/index.php?option=com_content&task=view&id=493&Itemid=19. Also see Pobladores de Agua Zarca prefieren callar. Prensalibre.com. December 2, 2008. <http://www.prensalibre.com/pl/2008/diciembre/02/280467.html>
I would like to thank Josh McCloud for alerting me to these articles. Yet these events have the tendency to be sensationalized by the media, which does not examine the distribution and context of violence and risk at the border. For example, a video showing the aftermath of the murders is now on YouTube. Matazón en Agua Zarca en You Tube. PrensaLibre.com <http://www.prensalibre.com/pl/2008/diciembre/12/282777.html>, by Claudia Acuña.
- ² Pobladores de Agua Zarca prefieren callar. Prensalibre.com. December 2, 2008. <http://www.prensalibre.com/pl/2008/diciembre/02/280467.html>
- ³ Nordstrom (2007: 21, n4) asserts that she uses the slash in these terms to refer to the interconnected and relational nature of both terms. “The slash is a reminder that legality and illegality, state and extra-state, take their definitions in relation to one another (2007: 211, n4). As stated in the introduction, I prefer to use the term (il)legal.
- ⁴ Also see Ferguson (2006).
- ⁵ Congreso Internacional sobre Integración Regional, Fronteras, y Globalización en el Continente Americano. 2006.
- ⁶ ASPAN- La Alianza para la Seguridad y Prosperidad de América Norte. The Alliance for the Security and Prosperity of North America. At the conference, Alejandro Villemar Calderón and Juan Manuel Sandoval Palacios showed how the agreement was designed to foster the U.S.’s hemispheric security agenda. They argued that the agreement’s reduction to economic terms obscured its political motives and interests.
- ⁷ Although Chiapas was one of the last Mexican states to send migrants to the U.S., it now has one of the highest out-migration rates. The rate is especially pronounced in the Comalapa region after the collapse of the international coffee market in 2000 and damage from storms like Hurricane Mitch in the late 1990s (CIEPAC, Pickard 2006; America’s Program at IRC, Ross 2002). There is now an “*agencia de viaje*” (travel agency) that arranges weekly migrant bus trips to the U.S. on almost every corner in Frontera Comalapa. Pickard’s data estimates that nearly 40 buses leave each week for the U.S.-Mexico border.
- ⁸ Recent coverage of narco-wars and intense violence in Mexico has not yet been witnessed in this region. Especially since their media often comes from Guatemala, Mexican and Guatemalan border residents are more aware of gang violence in Guatemala. Mexicans tend to view Mexico’s violence as drug and gang related (or coming from Central America), whereas all perceive the danger of a seemingly out of control, pervasive, and inexplicable culture of violence in Guatemala.
- ⁹ See Zilberg (2007 on mimesis between police and criminals in El Salvador).
- ¹⁰ For example, Gutmann (2002: 178) notes how the rural countryside and urban poor in the *colonias populares* of Mexico City, in contrast to middle class and wealthy citizens, were “accustomed to the regular exercise of limited self-government” due to marginalization from the state.
- ¹¹ Sieder (2002:191) argues that Mexico’s corporatist governance model tolerated a limited degree of *de facto* communal autonomy, “which permitted the persistence of customary authorities and legal practices

(*usos y costumbres*) at local community level,” but depended on the ruling party’s (PRI’s) co-optation of local *caciques*, or strong-men, to facilitate central control through such local “autonomy.”

¹² See www.law.leiden.edu/general/img/Mexican%20case%20study%20Duhau_tcm19-38774.pdf

¹³ Despite the fact that Santa Rosa is the only *ejido* of the border communities, the others link the language of internal governance and decision-making to their *rights* as property owners.

¹⁴ Also see Goldstein on lynchings, violence, and popular justice (2003, 2004).

¹⁵ Also see Bourdieu (1997; 2001).

¹⁶ When I returned to the border in August of 2008, gas shortages were acute and officials had cracked down on transporting large quantities of gasoline due to recent government attention to gasoline smuggling on the Mexico-Guatemala border. When gas was plentiful, the gas group in Santa Rosa had developed an elaborate system to distribute work, give *commissions* of gasoline sales with La Cueva (who no longer participated), and to work with Guatemalan residents newly organized as brokers of gasoline to Guatemalan merchants from Huehuetenango. The previously “open” gas group in Santa Rosa was now charging new members to join since the group had gotten so large. Ironically, however, when shortages and restrictions ensued, the group abandoned its controlled system, allowing others to freely enter the business as long as they gave them a commission of the sale (for using the road in addition to the *cadena* toll). They reasoned that since the business was ending, anyone might as well work. Also, large trucks could more easily hide extra diesel in their tanks (they have two tanks which they began to siphon to canisters in Guatemala) than pick-ups transporting the visible canisters. Most of these trucks belonged to wealthier businessmen the group could never quite control. Instead of tightening their control as might be expected when resources contract, they loosened their hold on the business. Further research is needed to understand the specific moral and socio-cultural logics, in addition to the understandings of risk and benefit that led to this decision. It remains to be seen how this dynamic has changed given subsequent falls in fuel prices.

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APPENDIX A: SURVEY PERMISSION FORM AND QUESTIONS

(Note: I have changed the names of the communities. Translation provided below. After child and parents consent, these questions were given to all 5th and sixth graders in the five communities. I was present during all of the surveys and/or had the help of teachers to explain any questions).

Hola, me llamo Rebecca Meyers. Vengo de una universidad en los EEUU que se llama Brown. También soy una estudiante huésped con El Centro de Investigaciones y Estudios Superiores en Antropología Social (CIESAS) en San Cristóbal, Chiapas, México. Estoy viviendo en la frontera desde el Septiembre de 2006 hasta Septiembre de 2007. Soy una estudiante antropóloga, estudiando las relaciones sociales y culturales en la zona frontera México-Guatemala para mi tesis de la escuela. Les invito participar en mi estudio. Tu participación es voluntaria No tienes que participar si no quieres. También sus respuestas van a ser anónimas, y no voy a usar sus nombres ni los nombres de los pueblos en la tesis. Mi primera obligación es a Uds., sus comunidades, y protegiendo sus identidades.

Lo que quiero es para hacerme un dibujo de lo que piensas, o como te sientes de “Vivir en la Frontera” o “La Vida en la Frontera.” Si no quieres dibujar, puedes escribir frases o un poema, también, la forma de expresión es libre, o puedes combinar palabras con dibujos. También, quiero que contestes unas preguntas básicas que sigue como pequeña encuesta.

Necesito tu permisión para participar y también el permiso de un familiar mayor de edad, como un padre, abuelo, tío, por ejemplo.

Aquí tu firma y la de un familiar significan que quieres participar y los dos de Uds. entienden que su participación es voluntaria y puedes salir del estudio después cuando quieres. Sólo voy a tener sus nombres en clave si quiero hablar contigo más sobre sus dibujos y respuestas de las preguntas más tarde. Después de eso, voy a destruir la clave para que las identidades de las encuestas y dibujos permanezcan anónimas.

Tu Firma

Firma de un Familiar mayor de edad

Si tengas preguntas o deudas puedes buscarme en La Cueva o llamarme por celular Guatemalteco a 536-99732. Si estoy en México o los EEUU, puede llamarme por celular a 001-917-991-8255.

También tengo un asesor de una universidad se llama CIESAS en San Cristóbal, Chiapas. También puedes dirigir sus preguntas a él, Profesor José Luis Escalona Victoria, a 0052-529676740632

Encuesta: Círcula la letra(s) apropiada o escribe en la línea que proveo.

1) Su género: A) Hombre B) Mujer

2) Edad: _____

3) En que grado de escuela estás? A) 5 B) 6

4) Nombre de tu escuela _____

4) En que país naciste?: A) México

B) Guatemala

C) otro, escribe el nombre del país

aquí _____

D) no sé

5) En que pueblo vives ahorita? A) Santa Rosa

B) Maravilla

C) La Cueva

D) San Pedro

E) La Libertad

F) Otro, escríbalo aquí_____

6) Tu identificas con una identidad indígena (por ejemplo, eres Mam?)

A) Sí

B) No

C) A veces

D) No sé

7) Hablas una lengua indígena?

A) Sí, hablo y entiendo

B) Entiendo, pero no hablo.

C) Hablo, pero no entiendo

D) No, no hablo y no entiendo

E) Un poco

8) Tu mamá habla una lengua indígena? A) Sí B) No

9) Tu papá habla una lengua indígena? A) Sí B) No

10) En que país nació tu mamá?

A) México

B) Guatemala

C) Otro, escríbalo aquí_____

D) No sé

11) En que país nació tu papá?

A) México

B) Guatemala

C) Otro, escríbalo aquí_____

D) No sé

12) De cuales países tienes tú identificación o acta? Puedes circular más de uno si tienes más de una.

A) México

B) Guatemala

C) EEUU

D) Otro, específica_____

E) No sé

13) Yo me siento, o me identifico como_____....

A) Mexicano(a)

B) Guatemalteco(a)

C) Mexicano(a) y Guatemalteco(a), los dos

D) otro, escríbalo aquí_____

E) nada

English Translation of Permission Slip

Hi, my name is Rebecca Meyers. I am from Brown University in the United States and a guest student at CIESAS in San Cristóbal de las Casas, Chiapas, Mexico. I am living at the border from September 2006 until September 2007. I am an anthropology student conducting research for my thesis on social and cultural relations on the Mexico-Guatemala border. I am inviting you to participate in this study. Your participation is voluntary and you are not obligated to participate. Your answers will be kept anonymous and I will not use or release your names or the names of your communities in my thesis. My primary obligation is to you, your communities, and protecting your identities.

I would like you to draw a picture of what you think of the phrase "Life on the Border." If you do not want to draw, you can also write a few phrases, a poem, or combine words with a drawing. The form of expression is up to you. I would also like you to answer a few basic questions in a short survey.

In order to participate, I need your permission and the permission of one adult (family member or guardian who is of age), such as a parents, grandparent.

Below your signature and that of an adult family member certifies that you both agree to your participation and that you understand that participation is voluntary and that you can leave the study at any time. I am only going to have your names in a key if I want to speak to you at a later date about your survey and drawing. After this, I will destroy the key so that your identities remain anonymous.

Your signature

Signature of an adult family member

If you have any questions, you can look for me in La Cueva, where I am living or call me on my Guatemalan cell phone at 536-99732 If I am in Mexico or in the U.S., you can reach me on my cell phone at 001-917-991-8255

I also have an advisor at CIESAS in San Cristóbal who would be glad to answer any questions. For any questions, please contact Professor José Luis Escalona Victoria at 0052-529676740632.

Survey: (English translation)

Circle the appropriate letter(s) or write your answer in the space provided.

1) Gender: A) Male

B) Female

2) Age: _____

3) What grade in school are you in? A) 5

B) 6

4) Name of your school _____

4) What country were you born in?: A) Mexico

B) Guatemala

C) Other, write in here _____

D) I don't know

5) What community do you live in? A) Santa Rosa

B) Maravilla

C) La Cueva

D) San Pedro

E) La Libertad

F) Other, write in here _____

6) Do you identify with an indigenous identity? (For example, are you Mam?)

A) Yes

B) No

C) Sometimes

D) Not sure

7) Do you speak an indigenous language?

- A) Yes, I speak and understand
- B) I understand, but I do not speak
- C) I speak, but I do not understand
- D) I do not understand or speak
- E) A little

8) Does your mother speak an indigenous language? A) Yes B) No

9) Does your father speak an indigenous language? A) Yes B) No

10) What country was your mother born in?

- A) Mexico
- B) Guatemala
- C) Other, write in here _____
- D) I don't know/unsure

11) What country was your father born in?

- A) Mexico
- B) Guatemala
- C) Other, write in here _____

D) I don't know/unsure

12) In what countries do you have a birth certificate or national identity document? You may circle more than one if you have more than one.

A) Mexico

B) Guatemala

C) US

D) Other, write in here _____

E) I don't know/unsure

13) I feel, or I identify as... _____

A) Mexican

B) Guatemalan

C) Both Mexican and Guatemalan

D) Other, write in here _____

E) Nothing/neither