

GLOBAL APARTHEID, COYOTAJE AND THE DISCOURSE OF CLANDESTINE MIGRATION: DISTINCTIONS BETWEEN PERSONAL, STRUCTURAL, AND CULTURAL VIOLENCE



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ABSTRACT: In this essay I propose a re-orientation of the public and scholarly discourse about international migration that takes place autonomously, beyond the pale of state regulation. This discourse typically features a terminology and a framing of issues that privileges the perspective of state authorities regarding the phenomenon of cross-border migratory movements. In its stead, I offer an alternative framework that views autonomous migration as a form resistance to global apartheid enforced at nation-state borders. I focus my analysis on *coyotaje*, the social process by which migrants hire professional service providers to help them cross international boundaries in the face of states' attempts to exclude them. In particular, I direct my attention to how we should understand the question of violence inflicted upon migrants and how to assess who or what is responsible for that violence. In so doing, I make use of Galtung's (1969 and 1990) concepts of personal violence, structural violence, and cultural violence to interpreting the tragedies that too often befall migrants as they pursue coyotaje as a border-crossing strategy. Discussion of these issues is based primarily on my field research on the clandestine border-crossing experiences of Mexican nationals in the Northeast Mexico-South Texas migratory corridor in the late 1990s and early 2000s.

KEY WORDS: Global apartheid; international migration; human smuggling; human trafficking; U.S.-Mexico border.

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¹ The author thanks Trinity University and the John D. and Catharine T. MacArthur Foundation for generous support of the research and reflection that made the publication of this essay possible. In addition, he acknowledges the helpful comments on this paper received from participants in the conference titled "Migration and Human Rights in the North American Corridor" held at the University of Chicago in October 2007, as well as the critical comments from two anonymous reviewers from *Migración y Desarrollo*.



In this essay I propose a re-orientation of the public and scholarly discourse about international migration that takes place autonomously, beyond the pale of state regulation. This discourse, whether engaged in by immigrant advocates or immigration restrictionists, typically uses a terminology and a framing of issues that privileges the perspective of state authorities regarding the phenomenon of cross-border migratory movements. In its stead, I draw upon several concepts in the extant literatures on migration, development, and human rights to offer an alternative framework that views autonomous migration as a form resistance to global apartheid enforced at nation-state borders. More specifically, I focus my analysis on the social process by which migrants hire professional or semi-professional service providers to help them cross international boundaries in spite of states' attempts to exclude them. In place of the state-centric terms "smuggling" and "trafficking," I refer to this process as *coyotaje* [from *coyote*, the most commonly used Mexican term for these service providers] and highlight the ways in which it constitutes a survival strategy pursued by migrants. In addition, I direct my attention to how we should understand the question of violence inflicted upon migrants as they traverse the Mexico-U.S. border and how to assess who or what is responsible for that violence. In so doing, I make use of Galtung's (1969 and 1990) concepts of personal violence, structural violence, and cultural violence to interpreting the tragedies that too often befall migrants as they pursue coyotaje as a border-crossing strategy. Discussion of these issues is based primarily on my field research on the clandestine border-crossing experiences of Mexican nationals in the Northeast Mexico-South Texas migratory corridor in the late 1990s and early 2000s.²

CONCEPTUAL FRAMEWORK

In both the scholarly and wider public discourse, clandestine border-crossing by migrants is typically discussed in ways that emphasize how it violates laws expressing the right of sovereign nation-states to exclude non-nationals from their territories as they see fit. This framing of the issues fails to recognize how such laws also express international power relations in ways that frequently impose great suffering and deprivation on the part of those whom they exclude. Here I propose

² This qualitative research was limited to the experiences of Mexican migrants from sending regions in Mexico with a longstanding migratory tradition, especially small towns and rural communities in the states of Guanajuato, Nuevo León, and Guanajuato. It was carried out between 1998 and early 2006 in a part of the Mexico-U.S. border region whose characteristics differed substantially from those obtaining in other parts of the region, such as the Alta-Baja and Arizona-Sonora corridors. My informants did not include migrants working in agriculture, where relations between migrants, coyotes, and farm labor contractors may involve considerably higher levels of abuse and exploitation than I encountered in my field work (see Krissman 2000). For these reasons, the findings and interpretations reported in these pages may not be readily generalized to other populations in other settings.



an alternative framework that emphasizes how the forcible exclusion of migrants from certain national territories in the world-system operates as an instrument of labor control and exploitation, while migrants' clandestine border-crossing practices represent a form of resistance to such control and exploitation.

The division of the world into high-wage, high-wealth, high-well-being regions and low-wage, low-wealth, and low-well-being regions has long preoccupied social scientists. One of the most provocative concepts for interpreting this division to have emerged in recent decades is *global apartheid* (Alexander 1996; Booker and Minter 2001; Kohler 1978 and 1995; and Richmond 1994), which emphasizes how the mal-distribution of resources and well-being worldwide is strongly correlated with race and nationality. In this perspective, control over the mobility and labor of non-white populations at the international level is treated as analogous to the treatment of blacks under the apartheid regime that was in place in South Africa from 1948 to 1994. As the authors employing the apartheid concept have noted, border enforcement, or what Heyman (1999b) refers to as *interdiction*, plays a crucial role in maintaining global inequalities insofar as it maintains separate social, political, and economic spaces in the world-system and also restricts the ability of impoverished residents to move from one region to another in search of higher income and a better standard of living. As I have argued elsewhere (Spener 2006 and forthcoming), the historical and contemporary operation of the Mexico-U.S. border with regard to Mexican labor can be taken as a specific example of the general operation of a global system of apartheid. Here it is also important to recognize that apartheid operates not only by restricting the physical movement of Mexican workers, but also by denying them rights and rendering them vulnerable to exploitation by designating them as illegal if they manage to enter U.S. territory in spite of state efforts to halt them at the border (De Genova 2002:429). Thus, global apartheid expresses itself in North America as a militarized segmentation of the labor market within a transnational region characterized by a highly integrated market for other goods, services, and capital.

A second concept that guides my research on clandestine border-crossing is *autonomous international migration*, proposed by Néstor Rodríguez (1996:22) to refer to “the movement of people across nation-state borders outside of state regulations.” According to Rodríguez, migrant autonomy means that “working class communities in peripheral countries have developed their own policies of international employment independent of interstate planning.” Mexicans pursue this type of migration as a survival strategy in which they actively resist their territorial confinement to a low-wage region of the world economy by crossing the border to work into the United States in spite of the considerable efforts by that country's police forces to prevent their entry. By working in the United States, Mexicans are able to retain a far greater absolute amount of the surplus value their labor creates than they could in Mexico, even as their illegal status and stigmatized racial and cultural characteristics render them vulnerable to



super-exploitation relative to other U.S. workers. This type of resistance does not have system-change as a conscious political goal. Rather, it is a household and community reproduction strategy, i.e., it permits workers to support their families above the bare minimum of subsistence that would otherwise be possible in their home countries.

Autonomous international migration can be understood an example of what James C. Scott (1985) refers to as *weapons of the weak*, the term he uses to describe the indirect, surreptitious, everyday forms of resistance to domination and exploitation engaged in by subaltern populations around the world.³ Synthesizing the concepts of *autonomous international migration* and *weapons of the weak* and translating them into Spanish, I have given the name *resistencia hormiga* to autonomous Mexican migrants' clandestine border-crossing strategies (Spener 2006 and forthcoming).⁴ As has been well-documented in the literature on Mexican migration to the United States, the resources that migrants draw upon in order to engage in this type of resistance are principally social and cultural. In this sense, we can think of *resistencia hormiga* as being underwritten by a combination of what Bourdieu (1986) called *social capital* and Vélez-Ibáñez (1988) has referred to as *cultural funds of knowledge* that have been accumulated in migratory communities.

Mexican migrants have hired coyotes to assist them with entering and/or obtaining employment in the United States since early in the 20th century. This assistance—*coyotaje*—has taken two basic forms that have formed integral elements in migrants' practice of *resistencia hormiga* over the years. *Bureaucratic-evasion coyotaje* refers to coyotes helping migrants get around the paperwork requirements and/or applicant queues imposed by the U.S. government to enter and work in the country with its official authorization. We see this type of *coyotaje* in operation when coyotes sell migrants false or impostor documents such as alien registration or Social Security cards to present to employers or when coyotes pay U.S. immigration inspectors to allow migrants to pass through ports of entry or highway checkpoints without presenting documents. *Clandestine-crossing coyotaje* refers to migrants hiring coyotes to guide them across the border and transport them clandestinely some distance into the U.S. interior (Spener 2005 and forthcoming). At the beginning of the 21st century a variety of more specific

³ I am not the first scholar to see the utility of Scott's concept to analyzing Mexican migration. Anthropologist Rachel Adler has also described some of the "weapons of the weak" used by the Yucatecan migrants she has studied as they pursue what she refers to as their migratory *agendas* (Adler 2000:173 and Adler 2004:57-59).

⁴ My use of this neologism was inspired by two sources. First, in an interview I conducted in San Antonio, a Mexican man described to me how U.S. border enforcement was ineffective because migrants were like ants, and would always find "some little hole" in the border to get through. Second, the term *contrabando hormiga* is often used in Mexico and elsewhere in Latin America to describe the small-scale, extra-legal movement of merchandise across national borders. *Resistencia hormiga* nicely parallels this usage. In addition, the term *resistencia hormiga* can be seen as a peaceful analog to the *war of the flea* tactics (Taber 1965/2002) practiced by guerrilla fighters in 20th century anti-imperialist struggles around the world. See Heyman 1999a for a more extensive exploration of the analogy between clandestine border-crossing and guerrilla struggles.



types of both *bureaucratic-evasion* and *clandestine-crossing coyotaje* were being practiced in the Northeast Mexico-South Texas migratory corridor. In my field research, I found that these types varied considerably in terms of their cost, complexity, availability, safety, and likelihood of success, as well as the extent to which relations between migrants and coyotes were embedded in social relations of trust or involved transactions between anonymous parties with no past or future relationship with one another (Spener 2008a, 2008b, and forthcoming). Regardless of the specific type of strategy pursued, it is important to bear in mind that coyotaje as a social process involves autonomous migrants seeking out coyotes in order to carry out migratory agendas they set for themselves. Thus, coyotaje is an essential element of migrants' *resistencia hormiga* to global apartheid enforced at the Mexico-U.S. border.

THE DOMINANT DISCOURSE: THE STATE'S VIEW OF "ALIEN SMUGGLING" AND THE ROLE OF THE MEDIA IN DISSEMINATING IT

The story that U.S. government officials have told about the phenomenon of coyote-assisted border crossings over the last 15-20 years contains a number of recurring elements, which have been widely disseminated in the media. First, coyotes are not referred to as providers of navigation, transportation, and housing services actively contracted by migrants, but rather as "smugglers" or "traffickers"⁵ of passive "victims" whom they treat as "cargo" or "commodities." This rhetorical construction links coyotaje with other phenomena, such as slavery, indentured servitude, and drug-trafficking, that are seen by the public as violent, threatening, and morally reprehensible.

A second element in the official discourse is that "smugglers" are motivated purely by greed and behave accordingly, showing little to no compassion or concern for the well-being of the migrants they transport, especially if showing such concern would reduce their profits. We find this element at play in accounts of failed border-crossings in which migrants are left behind on the trail to die of thirst by "smugglers" that have lied to them about the rigors they would encounter on the journey, or in which too many migrants are loaded into an old and poorly

⁵ These two terms are often used interchangeably in public discourse, in spite of the fact that they are defined differently under international law. According to the 2000 United Nations Protocol to Prevent, Suppress, and Punish Trafficking, "human smuggling" referred to situations where migrants paid another party to help them gain illegal entry into a state in which they were neither a citizen nor a permanent resident (Laczko 2002). It defined "human trafficking" similarly to "smuggling," with the added ingredient of the "traffickers" taking control over the persons being trafficked in order to exploit them against their will (Laczko 2002). Although "smugglers" hired by Mexican migrants sometimes in reality turn out to be "traffickers" as defined by the U.N. Protocol, such is not the case for the vast majority of the many thousands of Mexicans who hire a "smuggler" to cross the border annually.



maintained vehicle leading to a fatal accident when the vehicle is chased by the Border Patrol.

A third element is that as U.S. border enforcement activity has intensified over the last two decades, “smuggling” has become a much more sophisticated, large-scale, and profitable business that is controlled by a small number of organized-crime syndicates. Smaller-scale and more community-based coyotes are presumed to have been driven out of business by the increased difficulty of the crossing as well by as competition and/or intimidation from organized crime groups. These organized crime groups are said to be involved in prostitution, drug-trafficking, and weapons trafficking as well, connoting that the “alien trafficking” business is becoming more like those nefarious businesses in terms of the ruthlessness of its entrepreneurs and their willingness to resort to violence to defend their interests. Some scholars (see, for example, Andreas 2000) have argued that U.S. border enforcement policies and tactics have unwittingly produced this undesirable transformation of the “smuggling industry.” Elsewhere, I have criticized this portrayal as having prematurely announced the demise of smaller-scale and more community-based coyotaje enterprises and failing to acknowledge that U.S. officials made similar claims about “smuggling” in the 1920s, 1950s, and 1970s, leading one to wonder how many times this “industry” can be “transformed” into something much more sinister than what it had theretofore been (Spener 2004, 2005, and forthcoming).

A fourth discursive element that has come into play since the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001 is that the “transnational organized crime” groups engaged in “human trafficking” pose a dangerous and imminent threat to U.S. national security. Given these groups’ reputed willingness to abandon migrants, execute rivals, sell poisons to children, and force women into sexual slavery, it is suggested that such groups would not hesitate to help terrorist organizations move their members across the border to engage in additional attacks on “American” soil. This element of the official discourse about smuggling/trafficking found its highest expression in the policy report *A Line in the Sand: Confronting the Threat at the Southwest Border*, whose dubious findings were published in Fall 2006 by the majority staff of the U.S. House of Representatives Committee on Homeland Security, Subcommittee on Investigations. Here again, it is worth noting that anti-immigrant organizations and politicians made similar claims about the national security threat posed by the “smuggling” of “subversives” across the United States’ “open border” with Mexico in the 1920s and 1950s, when the subversives were said to be Bolsheviks (see American G.I. Forum of Texas and Texas State Federation of Labor 1953; Samora 1971; and Slayden 1921). Already by the early 1980s, U.S. officials from President Reagan on down to the sector chief of the Border Patrol in South Texas were warning not only about infiltration by Marxist guerillas from Central America, but also by agents of state sponsors of terrorism in the Middle East (see Dunn 1996 and Loh 1985).

It is not surprising that government officials, especially law enforcement agents, have a very negative opinion of coyotes, given that coyotes so directly undermine what these officials regard to be one of states' basic prerogatives—the regulation of the movement of people across their frontiers. The success of coyote-assisted migrants in penetrating state borders discredits government claims of effectively protecting national territory against foreign incursions and calls into question the competence and efficacy of officials charged with the enforcement of customs and immigration controls (see also Heyman 1999a). Thus, coyotes represent not only a challenge to state authority, but also a threat to the credibility of state bureaucrats concerned with keeping their jobs and advancing their careers. At the same time, government officials can find the threat posed by coyotes to be a useful tool in protecting or even expanding their personnel and budgets. To the extent that coyotes, along with smugglers of weapons and illegal narcotics, can be successfully portrayed as a substantial and growing threat to national security that “out-gun” law enforcement authorities on the border, state bureaucrats can justify ever-increasing budgets for their agencies to combat the threat. This has been done quite successfully by U.S. law-enforcement agencies on the border since the 1980s (see Andreas 2000 and Dunn 1996).

Beginning with Operation Blockade in El Paso, Texas in 1993, U.S. authorities have greatly intensified vigilance along the country's border with Mexico by launching a series of military-style operations designed to deter autonomous migrants and their coyotes from staging border-crossings in populated urban corridors. In South Texas, this took the form of Operation Rio Grande, launched in Brownsville in the summer of 1997 and subsequently extended upstream towards Laredo (see Maril 2004 and Spener 2000, 2001, and forthcoming). As a consequence, migrants began to traverse new, longer routes through less populated, more inhospitable country that lay between heavily-patrolled urban corridors along the border. Predictably, migrant deaths due to drowning, dehydration, and exposure rose dramatically, as did deaths from accidents occurring when vehicles laden with migrants emerging from the brush after walking around highway immigration checkpoints raced away from the border region, often with Border Patrol vehicles in hot pursuit (Cornelius 2001; Eschbach, Hagan, and Rodríguez 2001 and 2003; Stop Gatekeeper 2004). When human rights organizations blamed rising deaths on immigration authorities' new enforcement tactics, the authorities attempted to shield themselves from these attacks by pointing to “alien smugglers” as the party responsible for the tragedies befalling growing numbers of migrants. For example, when I interviewed a public affairs agent of the Border Patrol in South Texas in May 2001, shortly after 14 migrants perished while trekking across the Arizona desert near Yuma, he had this to say:

The Border Patrol did not take those people through Yuma. We don't want them to cross! We don't want them to risk their lives. ... I mean we're not pushing the people



to cross in some other places. It's the smugglers who are the ones deciding where to cross. And they're deciding that they want the group to die rather than get arrested by the Border Patrol. It's up to them! In so many ways.

Moreover, this same agent averred that migrants, far from being the victims, had been the main beneficiaries of the Border Patrol's enforcement operations since the early 1990s. Having more agents guarding the border, he insisted, meant that the Border Patrol could do a more effective job in protecting migrants against victimization by their "smugglers" and other "border bandits" that worked in collusion with them. Identifying "smugglers" as the principal source of violence inflicted on migrants not only distracted attention from the authorities' responsibility for the dangers facing migrants, it also enabled these same authorities to cast themselves in the role of the protectors of migrants rather than as their persecutors. Speaking about the question of human "trafficking" elsewhere in the world, Wong (2005) contends that the state-sponsored discourse about the phenomenon emphasizes the need to protect women and other victims of trafficking, whose prevalence is greatly exaggerated to generate moral panic in the public, while state practice in attacking the problem serves first and foremost to reinforce the boundaries that migrants turn to "traffickers" in order to overcome.

My field research on Mexican migrants' clandestine border-crossing experiences in the Northeast Mexico-South Texas migratory corridor at the beginning of the 21st century has led me to conclude that these relentlessly negative portrayals of coyotes and coyotaje offered by official sources and published in the press are often simplistic and exaggerated, and sometimes even quite misleading. In interviews and observations conducted in the Northeast Mexico-South Texas corridor during the 1998-2005 period, I found that *a*) coyotes' behavior often could not be neatly categorized as virtuous or villainous; *b*) coyotaje took a variety of different forms, many, if not most of which took place outside the direction of organized crime syndicates; *c*) relations between migrants and coyotes at times could be relatively friendly and cooperative rather than anonymous and abusive; *d*) more than a few migrants were reasonably satisfied with the services provided by their coyotes; and *e*) migrants did not necessarily blame their coyotes for hardships and dangers encountered on their cross-border journeys.⁶ Nevertheless, negative characterizations of "smugglers" and "traffickers" by government offi-

⁶ Other recent research appears to corroborate several elements of this assessment. A 2006 survey conducted in migrant-sending communities in the Yucatán by a team from the University of California-San Diego found that 92 percent of respondents reported that their coyotes had fulfilled the terms of their agreement with them on their last border-crossing, while only 8 percent reported having been abused by their coyotes. Unpublished data from the Mexican Migration Field Research and Training Program, Center for Comparative Immigration Studies, University of California-San Diego, 2006 survey in Yucatán. Received in personal communication from Wayne Cornelius on August 11, 2006.



cials dominated media coverage of border issues during this period. There are several reasons why the state's perspective on the phenomenon is disseminated by the media to the exclusion of perspectives that might be offered by other actors knowledgeable about the practices associated with autonomous migration by Mexicans. These are important to understand, since the only knowledge that most U.S. and Mexican citizens have of the social process of clandestine border-crossing comes from what they see, hear, and read in the media.⁷

One of the chief reasons that the views of government officials predominate in news coverage of border issues is that their views are taken by the press as news-worthy by virtue of the positions of bureaucratic authority they occupy. In addition, the U.S. Department of Homeland Security is the only institution in South Texas concerned with issues of immigration and border enforcement to have a well-developed public relations infrastructure at its disposal. Needless to say, autonomous migrants and their coyotes have no such public relations apparatus to rely upon to get out their side of the story. Indeed, rather than seek to influence public opinion about their activities, they do everything possible to protect their anonymity and clandestinity in an effort to evade capture and prosecution by the law enforcement authorities. Thus, while reporters working under deadline on tight budgets find it easy to obtain interviews and information from the Border Patrol, they have to work hard to even locate migrants and coyotes that have information relevant to the news events they are covering, much less interview them in depth. Relatedly, most coyote-assisted border crossings never make the news at all unless they involve a death, an accident, or an arrest of some kind. In other words, successful crossings in which coyotes render services to migrants competently and without abusing them are not called to the public's attention except in those few instances where journalists are allocated funds and time to undertake special investigative reports. Even in such cases, the legitimating force of the law itself influences reporters' perspectives, especially if some of the most voluble and articulate people they find to interview are law enforcement officials who emphasize the criminality of "smuggling" as an activity and their own role in upholding the "rule of law."⁸ In some cases, reporters may defer to law enforcement officials' framing of "smuggling" issues so as not to jeopardize their access to them as valuable sources of breaking news. In other cases, reporters may not be able to interview migrants and coyotes that have been apprehended by U.S. authorities, since most are returned to Mexico quickly after they have been de-

⁷ Several of the points I make in this section echo similar arguments Klinenberg (2002) made about press coverage of a heat wave that took place in Chicago in 1995, in which over 700 people died. See also Gans (2003) regarding the relationship between reporters and government officials.

⁸ Nevins (2005) has written cogently about the legitimating power of the law with regard to generating U.S. public support for more stringent border enforcement measures. Here I suggest that reporters are no less likely to have been socialized into the default position that the law represents what is right and just than other U.S. residents and that their reporting reflects and reinforces that worldview.



tained.⁹ The legal jeopardy faced by those who remain in custody as suspects or material witnesses gives them little incentive to speak with reporters.

ASSIGNING RESPONSIBILITY FOR VIOLENCE SUFFERED BY MIGRANTS

As they resist the territorial confinement and material deprivations imposed upon them by the system of global apartheid, migrants confront a variety of forms of violence, both direct and indirect. In order to comprehend and properly contextualize the types of violence suffered by autonomous Mexican migrants who cross the U.S. border clandestinely with the assistance of coyotes, we must employ a definition of violence as an analytic concept that is at once capacious and concise. Following Nevins (2003 and 2005), here I employ the definition and typology offered by Johan Galtung that fulfills these two conditions. Galtung's definition has the advantage of its consistency with many human rights concepts, such as those codified in the Universal Declaration, that contemplate not only acts of physical aggression against persons, but also persons being systematically deprived of things vital to their health and development, regardless of whether or not an identifiable individual perpetrator or set of perpetrators is responsible for such deprivation. For Galtung (1969:168), "violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations." To address the question of responsibility, Galtung (1969:170-171) splits this general concept of violence into two types—*personal (or direct) violence*, where there is an identifiable individual actor or set of actors that directly commits acts of violence against a victim or set of victims, and *structural violence*, in which no individual perpetrator commits a discrete act, but rather the organization of society is such that "violence is built into the structure and shows up as unequal power and consequently unequal life chances." Structural violence, he argues, is roughly synonymous with "social injustice," a concept that is also congruent with policies or acts that violate universally acknowledged human rights. In a subsequent article, Galtung (1990:291) added the concept of *cultural violence* to the two types discussed above, which he defined as "those aspects of culture—the symbolic sphere of our existence—exemplified by religion and ideology, language and art, empirical science and formal

⁹ This has always routinely happened with Mexican migrants, who typically are "voluntarily returned" to Mexico within a few hours of their detention by the Border Patrol. Now, with the launching of the binational *Oasis Program*, Mexican nationals who are purportedly engaging in "alien smuggling" and are captured by U.S. authorities on U.S. soil can be turned over to Mexican authorities for prosecution in Mexico. The reason for doing this is that legal requirements for prosecuting "smuggling" defendants in Mexico do not include prosecutors having to produce "material witnesses" to their "crimes," as is the case in U.S. federal courts. This aspect of the program may remind readers of the practice of "extraordinary rendition" of terrorist suspects by the United States to third countries where legal protections of defendants are less stringent than in the U.S.A. See Cano 2006; Diario de Juárez 2007; Secretaría de Relaciones Exteriores 2005.



science (logic, mathematics)—that can be used to justify or legitimize direct or structural violence.”¹⁰

Using Galtung’s framework, we can see that most of the attention given to the question of violence against migrants in the public discourse about immigration and border issues in recent years has focused on personal violence inflicted on them by specific actors, especially “smugglers.” While this public discourse includes a general recognition of lack of adequate economic opportunity in Mexico and ongoing demand for low-wage migrant labor in the United States, it does not typically contemplate these issues as examples of structural violence or social injustice. Nationalist ideology and belief in the “rule of law” operate as cultural violence to legitimate the prevailing inequalities between Mexico and the United States and provide a rationale for policing the movement of people back and forth across the border between the two countries.¹¹ Indeed, they combine to “naturalize” the militarized separation of national territories and populations. As I will argue below, the discourse about security on the border that focuses on acts of personal violence committed by coyotes against migrants can also be understood as an aspect of cultural violence, insofar as it distracts our attention from migrants’ resistance to structural violence that takes the form of global apartheid enforced at national borders.

Personal violence *committed against migrants:*
Coyotes and the U.S. Border Patrol

There have been numerous documented incidents of personal violence committed against migrants by their coyotes in the South Texas-Northeast Mexico border region reported in the press since the launching of Operation Rio Grande in the summer of 1997. These have included cases of abandonment on the trail, rape, sodomy, beatings, kidnapping, shootings, and fatal vehicle accidents caused, at least in part, by reckless driving on the part of coyotes (Burnett 2001; Hegstrom 2001; Davis 2004; King 2001; Winingham and Schiller 1999). The most horrific example of this type of violence was the death by hyperthermia and asphyxiation of 19 migrants who were being transported in the sealed trailer of a tractor-trailer rig near Victoria, Texas in May 2003 (see Ramos 2005). It should not come as a surprise that some coyotes would routinely or on occasion commit

¹⁰ Galtung’s definition of cultural violence overlaps considerably with Bourdieu’s (1977:191) concept of *symbolic violence*, which adds the ingredient of euphemization or mystification to Galtung’s formulation. In other words, symbolic violence serves to not only to legitimate but at times to *mask* other types of violence by attributing responsibility for them to other than their true sources (see also Imbusch 2003). In this article, I use the term *cultural violence* to refer to instances of euphemization, mystification, or ignoring of violence, as well as its legitimation.

¹¹ Galtung (1996:203) himself identified nationalism and legal systems more generally as forms that cultural violence could take.



acts of personal violence against migrants, given that *a*) most coyotes are young males in their prime criminogenic years; *b*) they guide, transport, and house migrants clandestinely in socially and legally unregulated situations in which migrants are inherently vulnerable to abuse; and *c*) they may have real incentives to commit violent acts if they believe they can do so without being subjected to immediate retribution. These incidents, documented in the press, are taken as *prima facie* evidence of the increasingly violent character of coyotes in the contemporary period of ever-intensifying border surveillance, although we should also remember that coyotes in this region have been characterized as ruthless and violent for many decades (see Samora 1971; Spener 2005 and forthcoming). Indeed, in spite of the absence of any quantified research data tracking changes in the relative frequency of violent acts committed by coyotes against their customers, coyotes are typically regarded by government officials and the press as intrinsically and uniformly abusive of the migrants they guide and transport, a view that has gone largely uncontested by scholars or human rights advocates. As I have argued elsewhere (Spener 2008a and forthcoming), relations between coyotes and migrant communities are often sufficiently socially-embedded and characterized by what Portes (1995) has called “bounded solidarity” and “enforceable trust” that migrants are at least somewhat protected from malfeasance by coyotes, though such is not always the case.

During this same period, human rights activists and the press have reported numerous abuses of migrants by U.S. border and immigration enforcement authorities in this region that also fall under the personal violence rubric. These have included beatings and sexual assaults, as well as threats, verbal abuse, shootings, and arbitrary detentions based on ethnicity, including of U.S. citizens (Amnesty International 1998; Gregor 2000; Houston Chronicle 2007; Maril 2004; Pinkerton 2000; Selzer 1998; Valley Movement for Human Rights 2005). Unlike the case with coyotes, U.S. Department of Homeland Security agents are portrayed in the press as non-abusive under normal circumstances, while personal violence committed by agents against migrants is generally portrayed as exceptional. Nevertheless, we should also not be surprised that at least some Homeland Security agents commit acts of personal violence against migrants, given *a*) the inherently confrontational nature of their encounters with migrants; *b*) the cultural differences between agents and migrants; *c*) agents’ socialization towards nationalist and even subtly racist attitudes towards migrants; and *d*) the fact that agents increasingly apprehend migrants in isolated rural areas in situations in which they may be able to abuse them undetected by other members of their chain of command.

Human rights activists on both sides of the border are well aware of the types of violence that befall migrants at the hands of coyotes, Border Patrol agents, and other law enforcement officials. An activist I interviewed in South Texas in



2001 did not offer an opinion as to who committed more or worse acts of violence against migrants, recognizing only that both coyotes and Border Patrol agents seriously abused migrants on occasion. He did, however, note that it was only the coyotes who were branded as criminals:

Who are the coyotes? They're people. Just like Border Patrol agents. They're all people. They're both people in a situation where they wield a great deal of power over others. And in such a situation, some will take advantage of that, and some won't. We have some Border Patrol agents who do some really terrible things and some who don't at all. It's just a job, they're going in and putting in their time. I don't see coyotes as a lot different. ... But as soon as someone is labeled as a criminal, that's used to dehumanize them, no? ... You apply that to immigrants, hey, they're law-breakers, they're criminals, they're not human! So, a whole process of dehumanization is opened up. I think it's the same thing with coyotes. If you call them all "evil" then you can do anything you want to them.

No discussion of violence committed against migrants would be complete without a consideration of gender. Mexican women who cross the border clandestinely face serious risk of sexual violence being committed against them by coyotes, law enforcement officials, and other migrants, especially if they are unaccompanied by male family members. Although committing sexual abuse against women is no more intrinsic to the male coyote role than it is to the male Border Patrol agent or male migrant roles, coyotes are typically assumed to be sexual predators, while other migrants and law enforcement agents are not. In this regard, we would do well to recognize that coyotes or Border Patrol agents who commit sexual violence against women do not do so as coyotes or Border Patrol agents *per se*, but rather as *men*, whose attitudes and behaviors have been forged in a wider culture of violence towards women. In addition, we should bear in mind that there are *coyotas* as well as coyotes, some of whom specialize in bringing other women across the border. Coyotaje may also on occasion serve as a strategy for helping women escape violence in their home communities, as was the case with a young Mexican woman I interviewed who had fled across the border with her toddler son to get away from her battering husband. The woman's mother had arranged for daughter to cross with the same coyotes that had safely brought her to the United States several years earlier. The woman had found the experience frightening, but was delivered unharmed to her destination as promised to her mother by the coyotes. Finally, it is worth noting that in spite of the growth of migration to the United States by Mexican women in recent decades, crossing the border clandestinely without documents appears to remain an overwhelmingly male practice: Between 80 and 85 percent of the adult migrants apprehended annually by the Border Patrol in the first five years of the 21st century were men (data supplied to author by the U.S. Border Patrol on May 24, 2007).



Structural violence: *The context within which personal violence against migrants occurs*

U.S. law enforcement authorities, especially the Border Patrol and the Immigration and Customs Enforcement (ICE) unit of the Department of Homeland Security, play an active and indispensable role in the maintenance of global apartheid with regard to U.S.-Mexico relations. Although global apartheid as a system does not normally involve state agents inflicting direct violence on autonomous migrants, it clearly fulfills Galtung's definition as a form of structural violence against actual and potential migrants insofar as it constitutes an aspect of social structure that denies them access to the means to meet their minimal subsistence needs and/or forces them to engage in high-risk behaviors—such as trekking on foot through deserts—in order to meet them. The immigration and border control apparatus of the U.S. Department of Homeland Security as well as the U.S. attorneys and courts that prosecute the migrant practitioners of *resistencia hormiga* are indispensable elements in the institutionalization of global apartheid, i.e., they form part of the structural violence imposed on migrants.

Some analysts have suggested (see, for example, Andreas 2000:21-26) that there exists a perversely symbiotic relationship between the Border Patrol and “smugglers” insofar as escalation of border control by the state expands the market and increases revenues for “smugglers.” This raises the question of how to interpret the role played by coyotes in the structure of global apartheid. Clearly, intensified border enforcement induces more migrants to contract the services of coyotes than might otherwise be the case. In addition, at least some coyotes make mutually beneficial arrangements with agents of the U.S. immigration enforcement bureaucracy to allow them to bring their migrant customers across the border. One could argue, on this basis, that to the extent that migrants are increasingly obliged to contract the ever-more expensive services of coyotes and that, as a consequence, coyotes profit from state escalation of border enforcement, the interests of coyotes and the state are somehow allied against migrant interests, i.e., that coyotes also form an integral part of the repressive structure of global apartheid.

There are three reasons why I believe such a conclusion is misplaced. First, generally speaking, U.S. law enforcement authorities do not collaborate with or tolerate coyotes, but instead dedicate significant personnel and resources to actively pursue, prosecute, incarcerate, and, ultimately, exterminate coyotes and eliminate the practice of coyotaje. Second, coyotes do not monopolize clandestine crossing of the border, standing in the way of migrants seeking to enter the United States and extracting a “toll” from them if they wish to pass. Available data suggest that at least through 2003, a large percentage of autonomous Mexican migrants continued to cross the border without contracting coyotes. Third, in spite of the rip-offs and failures that occur, coyotes generally fulfill the terms of their contract with migrants and deliver them to their U.S. destinations after



successfully evading apprehension by the authorities in the border region. For this reason, migrants seek the services of coyotes, often based on recommendations from their peers or on personal familiarity with coyotes that operate in their communities, in order to advance their migratory agendas in spite of the obstacles placed in their path by the U.S. government. It is also for this reason, combined with the deprivations and dangers that they face if they stay home, that migrants generally ignore government warnings not to trust coyotes and continue to transact business with them to cross the border.

Instead of concluding that coyotes participate in the enactment of global apartheid and thus in the production of structural violence against migrants, I believe it is more accurate to view the relationship between migrants and their coyotes as a strategic alliance in the social field¹² of border-crossing, one of the principal fields in which migrant resistance to global apartheid takes place. This structurally-produced alliance is an uneasy and frequently conflictive one that is entered into for practical reasons rather than moral, affective, or political ones. Nevertheless, it is fostered by shared class and cultural characteristics between migrants and coyotes and their confrontation with a common enemy that persecutes them both in nearly equal measure. The fact that some coyotes take advantage of the vulnerability of the migrants that hire them in order to commit serious and unpardonable abuses—and some do—does not contradict the overall argument that migrants and coyotes share common interests and objectives in their everyday battles with apartheid at the border. In this regard, we should remind ourselves that many forms of *personal violence* are inflicted upon victims by people with whom they are engaged in close relationships—husbands abusing wives, parents abusing children, union shop-floor stewards abusing machine operators, sergeants abusing enlisted men—within societal institutions generally characterized by high levels of in-group solidarity.

We may better understand acts of personal violence committed against migrants by coyotes if we place such acts in the context of the structural violence generated by the escalation of border interdiction by states as part of the system of global apartheid. The escalation of border enforcement affects the relations between migrants and coyotes and the behavior of coyotes towards migrants in several ways. First, as Heyman (1999a) and others have noted, it makes migrants more likely to enter into relations with coyotes get across the border. Second, escalation obliges coyotes to guide migrants through more remote, hazardous terrain for longer distances than was previously the case, with consequent increased danger of accident and death to migrants and coyotes alike. Third, intensified prosecution of coyotes by the authorities with increased penalties upon conviction may give added incentives to coyotes to engage in violent behaviors to protect themselves at the expense of migrants. This may help explain, for example, some of

¹² My use of the term *social field* follows Bourdieu and Wacquant (1992).



the high-speed chases initiated by Border Patrol and other law enforcement agents where coyotes at the wheel attempt to escape capture by “bailing out” of the vehicles in which they are transporting migrants and escaping into the brush. Escalation may also lead some coyotes to try to exert more direct physical control over migrants in an effort to avoid detection by authorities, both while in transit and in safe houses, as well as to instill more fear in migrants about the potential consequences of identifying their coyotes to the authorities. Thus, government efforts to prosecute coyotes, far from protecting migrants, may actually have the effect of placing them at greater risk. Speaking about the escalation of state border control efforts in Canada and Europe as well as on the U.S. Mexico border, Sharma (2005:96-97) notes that the main result of anti-trafficking/anti-smuggling campaigns has been to “make illegalized migrations much more dangerous” and to make “the emergence of modern-day Harriet Tubmans even more unlikely.”¹³

One of the forms of personal violence for which coyotes are most commonly blamed is leaving lagging migrants behind on the trail while trekking across the border on foot. Several ambiguities have arisen in my interviews with migrants that complicate assigning blame for such incidents. One issue is whether migrants themselves also share responsibility for leaving a comrade behind, especially given that they typically considerably outnumber their guides in the brush and their guides are not usually armed. Indeed, I have interviewed migrants in San Luis Potosí state, who told me of having over-ruled their coyote when he proposed leaving someone behind on the trail: Either he waited for the lagging member of their group or none of them would continue with him, meaning the coyote and his collaborators would lose all the money they expected to collect from the group, not just the amount corresponding to the individual who would have been left behind.¹⁴ To my surprise, several other Mexican men I interviewed in rural Guanajuato, San Luis Potosí, and in Texas told me they did not necessarily hold coyotes responsible when they left someone behind on the trail. In their opinion, migrants knew that the trek across the border and through South Texas was dangerous and that they needed to be physically strong in order to make it. They knew that coyotes were prone to understating how long a trek might take and they also knew people from their area who had died making the attempt, even when crossing with “good” coyotes. In their opinion, whether you made it or not depended upon how prepared your own body was for withstanding

¹³ For readers who are not familiar with details of the history of slavery in the United States prior to the Civil War, Harriet Tubman was an African American woman who is revered for having helped southern slaves escape to freedom in the north as a leader of what was known as the “Underground Railroad.”

¹⁴ Another example of migrants exerting control over their coyotes on the trail comes from a newspaper report from the Arizona desert. 77 Mexican and Central American migrants overpowered their guide, who had gotten lost while leading them and attempted to abandon them, took his cell phone and called 911 to be rescued (Mural 2005).



the rigors of the trek. Coyotes and other migrants in the group had an obligation to try to help their comrades along as they were able, but it wasn't always possible. If you were traveling with a close friend or a relative, he would stay back with you and help you get out to a road, but you couldn't expect everyone else to give themselves up to the Border Patrol. In the extreme conditions of the South Texas brush country, that friend or relative might not even be able to do much to help you. A *potosino* I interviewed in a Texas city in 2004 had this to say about two men he knew from his hometown:

Arnulfo: Well, there are stories like ours where people didn't suffer too much and there are other stories where people suffered tremendously. For example, about four or five years ago, a friend of mine from home began working as a coyote. Work was scarce, so he began to take people across. And once he brought a family member with him, another one of my friends. It was his uncle. And he died on him on the trail. He had to leave him there in the *monte*. He was an older guy [*era un señor*].

Spener: Was it the coyote's fault or was it simply so difficult that ...

Arnulfo: No! It's that it was his family member. I don't think it was his fault. He was bringing him along as a family member. He says he left him behind because he just couldn't go on any further. The man himself [i.e., the dying uncle] told him he should just leave him there, he couldn't go on.

Under conditions such as these—imposed by an apartheid state and its agents—we might question whether assigning blame to individuals for these tragedies is actually as straightforward as it is typically made out to be.

In order to better understand why migrants sometimes pardon what outsiders might regard as unpardonable abuses committed against them by their coyotes, we should also consider the way that the way in which global apartheid as a form of structural violence contributes to the world view and attitudes that migrants hold about life generally and about autonomous migration strategies in particular. In this regard, Bourdieu's (1977) concept of *habitus*¹⁵ proves useful. Migrants' habitus conditions their border-crossing practices in terms of the risks they are willing to assume and the types of behaviors on the part of their coyotes that they are willing to tolerate. Several generations of migratory experience in Mexico have led to the accumulation not only of considerable stocks of migration-related social and human capital (Phillips and Massey 2000; Singer and

¹⁵ For Bourdieu (1977:72), the *habitus* possessed by individuals consists of a system of "durable and transposable dispositions" that serve as "principles of the generation and structuring of practices and representations" that enable them "to cope with unforeseen and ever-changing situations." People are not typically conscious of the principles that constitute their worldview and guide their actions—their habitus—because they are socialized into them unconsciously. The type of habitus possessed by an individual depends upon the social positions she has occupied (class, gender, race, ethnicity, nationality, sexual orientation, and the like) as well as the history that has produced those social positions and their relations to other social positions that exist in the fields of activity in which those positions are located.



Massey 1998), but also a set of expectations about border-crossing into which aspiring migrants are socialized. This socialization takes place not only at the face-to-face level among members of the same social network, but also through popular culture and the media, where a variety of forms (e.g., *corridos*, films, *telenovelas*, public service announcements on television and radio) warn of the dangers of the crossing and of placing one's faith in a coyote.

Other aspects of migration-habitus are attributable to migrants' day-to-day experiences of general living conditions as members of the Mexican working class or peasantry. One of the main aspects of these general living conditions is *precariousness*, as manifested in inadequate and unreliable income, diet, health care, water supply, sanitation, transportation, and security, as a consequence of the prevailing international political economy and the State's neglect of its most basic obligations to its citizens. Thus, migrants learn to expect and then bear bad conditions as a matter of course in their lives, including as they make heroic efforts to improve their condition by heading north. This, too, we might consider as part of a migratory habitus arising from the historical lack of adequate economic opportunities in Mexico for its working class and peasantry, intensified by the state's pursuit of neoliberal policies that are one of the corollaries of global apartheid. It is in this socialized context that migrants transact business with coyotes. They have been warned that crossing the border is dangerous, that conditions will be harsh, that Border Patrol vigilance is intense, that they may have to make several attempts before reaching their destination, and that some people die on the way. In this sense, the generalized situation of structural violence that constitutes their lived experiences can prepare migrants to "pardon" all but the most egregious abuses committed against them by their coyotes.

CULTURAL VIOLENCE: COYOTAJE AND THE MYSTIFICATION OF STRUCTURAL VIOLENCE IN PUBLIC DISCOURSE

The taking of personal responsibility for one's actions is a fundamental tenet of modern Western morality, especially where harm to another is involved. As the late University of Chicago political philosopher Iris Young noted, the assigning of blame to individuals or discrete groups of individuals for harms caused to others is also a fundamental tenet of Western legal systems. She refers to this approach to assigning responsibility as the *liability model*:

Under this liability model, one assigns responsibility to a particular agent (or agents) whose actions can be shown to be causally connected to the circumstances for which responsibility is sought. ... When the actions were voluntary and were undertaken knowingly ... it is appropriate to blame the agents for the harmful outcomes (Young 2006:116).



When migrants are injured or die as they attempt to enter the United States with the assistance of coyotes, the U.S. legal system typically holds coyotes criminally responsible for these harms. Even in cases where coyotes are apprehended but no actual harm to the migrants that hired them has occurred, the penalties assigned by U.S. courts are greater if prosecutors can prove that the coyotes knowingly endangered migrants in some way. The rhetoric employed by U.S. law enforcement officials that capture and prosecute coyotes often emphasizes the coyotes' moral culpability for actions that harmed or had the potential to harm migrants. In so doing, they cast themselves in the role of the protector of migrants and the avenger of wrongs committed against them. Law enforcement officials are able to do this because any consideration of the contribution to the harm to migrants by the broader structures of global apartheid of which they form a part is inadmissible in the legal debate over assessing culpability in such cases. In other words, the law enforcement system and the agents that enact it operate with a liability model of justice that prepares them to address problems of personal violence but not the problems of structural violence in which problems of personal violence are so deeply embedded.

The most dramatic example of prosecutorial rhetoric regarding the moral culpability of coyotes not surprisingly comes from the most tragic case involving the deaths of autonomous migrants attempting to enter the United States. In May 2003, nineteen people died from hyperthermia and asphyxiation in Victoria, Texas as they were being transported from the border to Houston in the back of a sealed tractor-trailer rig. U.S. and Mexican authorities identified and successfully prosecuted 14 defendants that had participated in organizing this fatal journey in one way or another. Prosecutors sought the death penalty for the driver of the rig, a Jamaican immigrant named Tyrone Williams, that they said was the defendant who was most responsible for the deaths of the migrants. In announcing that his office would seek the death penalty for Williams, U.S. Attorney Michael Shelby said "Where an act, intentionally undertaken in reckless disregard for human life, directly results in the single largest loss of life in any contemporary smuggling operation, justice and the law demand the accused face the ultimate punishment upon conviction" (quoted in Rice 2004).

In his opening statement in the first of Williams' two trials,¹⁶ Assistant U.S. Attorney Daniel Rodríguez characterized the "smugglers" as constituting a "criminal enterprise that treated people worse than cattle on the way to the slaughterhouse," and said that Williams was "the most heartless, evil and cruel member of the organization" (quoted in Lozano 2005a). In his closing statement in Williams' second trial, Rodríguez argued that the "legal status, national origin, and race" of the victims in the case were immaterial to what had happened to them because "the value of a human life in this country is the same." Further, he argued, jurors

¹⁶ The first trial ended in a mistrial.



should “send a message to [Williams]—and not just to him, but to people of his ilk, that justice in this country means justice for all. . . . The only justifiable decision in this case is death. Those people didn’t deserve to die” (quoted in George 2007). Williams’ attorney, on the other hand, in his closing arguments before the jury in his client’s first trial, maintained that “The government has overcharged Tyrone Williams. They looked around and saw a tremendous tragedy, a humongous waste of human life. They saw the sorrow and shame and said somebody needs to pay with his life” (quoted in Lozano 2005b). At no time in the trial was there any significant discussion of the policies of the U.S. government or the governments of the countries of the dead migrants that prompted nearly one hundred of them to board that truck after stealing across the Río Bravo under cover of night. Neither of the U.S. Attorneys quoted above, whose office worked closely with the Border Patrol and ICE to prosecute and jail thousands of migrants for “illegal entry” of the United States through South Texas (see Transaction Records Clearinghouse 2005), acknowledged any aspect of the government’s own apartheid policies in producing the situation leading to the deaths of the migrants. Furthermore, little, if any, of the news coverage of the tragedy itself and the trials that followed it suggested that the policies of the U.S. government were implicated in these deaths in any way. Galtung’s concept of cultural violence helps us understand how the omission of a public consideration of the extent of the state’s responsibility for the migrants’ deaths is possible, insofar as it calls our attention to the ways in which nationalist ideology and the belief in the rule of law as sacrosanct have come to “naturalize” the militarized separation of territories and peoples. It also helps explain how the state and the media have been largely successful in their attempts to assign unique responsibility for migrant deaths to the coyotes that guide and transport them.

Ultimately, jurors in the second and definitive trial accepted Williams’ attorney’s argument and rejected the death penalty, although they did find him guilty of “alien smuggling,” for which he received a life sentence. One of the jurors in that trial reported that although the jury had the victims “first and foremost” in their minds, they rejected the death penalty because they believed that Williams expected the people to live, given that he had successfully transported migrants in his trailer before (George 2007). The jury foremen told reporters that “at no point in time . . . was there intent for anyone to die.” Moreover, he said, “As a group, we feel good and at peace with ourselves [and] with our decision” (quoted in Hart 2007). The decision regarding the death penalty was unanimous and reached without discord among the jurors (Blumenthal 2007). The journalist Jorge Ramos, in his 2005 book *Morir en el intento*, published almost two years before the jury’s decision to spare Williams, believed that the U.S. authorities’ attempt to convince a jury of the coyotes’ intent to kill the migrants who died in the trailer was destined from the outset to fail:



...this was obvious to those who followed the phenomenon of undocumented immigration to the United States. It was very clear that the Victoria case was, simply, an operation that turned out badly, very badly. It is not in the interest of any coyote, no matter how insensitive he is, to have the migrants that he is trying to transport die. As cold as it may sound, coyotes don't get paid for dead migrants. They need them alive (Ramos 2005:134, translated by Spener).¹⁷

Although the jurors in the Williams trial found the prosecutors to have overreached in seeking the death penalty for the defendant, no public reconsideration took place in the aftermath of the Victoria tragedy of the role played by *structural* as opposed to *personal* violence in producing the migrants' deaths. Instead, a few months after the tragedy occurred, the Texas legislature passed HB 2096, a law making certain aspects of human smuggling/trafficking crimes under state law as well as under federal law. The U.S. and Mexican governments, though they could reach no agreement on reforming a broken immigration system between the two countries, launched the Oasis Program to redouble their efforts to dismantle "alien smuggling" and "human trafficking" organizations. The U.S. Border Patrol and the U.S. Attorney's office in the Del Rio, Texas area began a policy of "zero tolerance" of "illegal entry," meaning all migrants captured by the Border Patrol would be prosecuted and sentenced to jail time before being formally deported to their country of origin. This included Mexican nationals, who theretofore had been routinely "voluntarily returned" to Mexico immediately following apprehension (Contreras 2006). Over the next several years, the themes of a border "out of control" and under "assault" by organized bands of criminals, many of whom purportedly were Mexican and Central American "illegals" that entered the country by sneaking across the border, came to dominate the public discourse about migration. Not surprisingly, immigration reform efforts in the U.S. Congress foundered, while calls to build new walls along the border were heeded, the National Guard was called out to assist the Border Patrol in arresting autonomous migrants, and ICE agents were unleashed in raids on immigrant workplaces around the country. The rhetoric that prosecutors employed against the "smugglers" in the Victoria case is of a piece with this broader discourse of cultural violence that variously serves to justify, mystify, and distract our attention from the underlying structural violence that at once motivates autonomous migration and endangers those who engage in it.

In her theoretical work about global justice, Iris Young (2006) argued that the personal liability model described above was inadequate to address problems of "structural injustice" that transcended international boundaries. To address

¹⁷ None of this, of course, absolves the defendants in the case of any individual responsibility they bore for failing to take sufficient measures to ensure the safety of the migrants they were transporting. Rather, it reminds us to also recognize the role that structural violence imposed by apartheid policies played in the migrants tragic and needless deaths.



problems of structural injustice, she proposed developing a *social connection model*. Such a model would recognize the ways that individuals together bear responsibility for “unjust outcomes” insofar as they contribute to them as a consequence of actions they take within the “diverse institutional processes” that constitute social structures that inflict violence on others (Young 2006:119). Steps taken towards applying such a model of justice would represent a turn away from a vision of the world in which individuals are uniquely responsible for their own welfare and violence is recognized only insofar as it involves overt acts committed by one individual party against another individual party. It is the type of model we will need if we are ever to begin to dismantle systems of structural violence such as global apartheid. Its adoption and application to the situation facing migrants at the U.S.-Mexico border would also represent a turn away from the cultural violence that criminalizes their non-violent survival strategies, promotes the demonization and persecution of anyone who assists them in their practice of *resistencia hormiga*, and masks the underlying causes of their suffering.

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