The Mythmaking of Kings and Capitalists:

Sovereignty, Economy, and Human Rights

Along the U.S.-Mexico Border

by

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ABSTRACT

In The Archive and the Repertoire, Diana Taylor discusses how performance, gestures, resistances within a community holds an embodied memory and enacts the transmission of knowledge within that community. Taylor discusses how this embodied memory is alternative to the written archive of history, history of interaction, history of meaning, history of language. Through the consideration of performance, Taylor urges her reader to reconsider oral and performative transmission of culture, knowledge, customs, traditions, and resistance. This project considers whether this reconsideration can be extended or expanded to oral and performative transmission of law within a community. Specifically, this research explores the conflict between the project of nationality and the reality of social organizing on a community/collective level. It asserts that this conflict is manifested most dramatically within border communities. The dissertation examines how the role of written law in the borderlands divides land and inhabitants and reconstructs a new understanding of the borderlands through oral histories and resistance by border communities. The overall goal of the dissertation is to challenge current scholarship to address the conceptual and sociopolitical task of a world in which legal representations and abstractions supersede the complex reality of community relations. As legal anthropologist Sally Falk Moore identified, we must consider carefully whether or not law controls the social context and what this means for our own definitions of

community, what are the boundaries and borders of communities, and the seemingly limitedness of social interaction that becomes based on such legal definitions. The dissertation examines the defining disconnect of law from the social context that manifests itself amongst border communities along the U.S.-Mexico border. By exploring how law creates, sustains, molds, and connects the phenomenon of sovereignty, economy, and international borders, we can begin to understand how actions of border communities along the U.S.-Mexico border define the disconnect of law from the social context by redefining community itself.

DEDICATION

To my Mother and Father for all the love and support they have given me

and for instilling in me a greater sense of humanity by teaching me how to

cross out borders...

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Chapter 1

INTRODUCTION

> The border is a very violent space. It strikes at you from every angle.
> The fact is that the United States is right next to us and the Migra is
> constantly watching our coming and going. The border is the way
> which we dwell and walk through all its spaces. We all swarm
> through the air and intertwine: rich and poor, Mexicans and
> Chicanos, cholos and preppies, men and women, heterosexuals and
> homosexuals, First and Third World. The border is violent but
> fascinating. When you discover every nook and cranny, you cannot
> stay away from it. (Castillo, 2002 p. 8)

The French philosopher Etiene Balibar (2003) wrote that in his

discussion with an indigenous fisherman from Patzcuaro, he became

aware of how diverse borders operate and are understood by different

people. Balibar writes that the indigenous fisherman explained to him that

after several attempts to cross into the U.S., his attempts failed because,

> He told me, "there is a letter missing" in Tarasca (his maternal
> language); "hace una letra, entiendes amigo." This letter, lost from
> time immemorial, can never be recovered. And this letter is the one
> you have to have to cross the northern border. (p. 227)

In his essay, Balibar continues to ponder how the missing letter prohibits

this fisherman from crossing into the land north of him. From this, he

makes an astute observation that travel for everyone is not always

prohibited:

> For never in his life will the gringo tourist recover the letter that is
> missing in English, or French, or German, and nonetheless he will
> cross the border as often as he wants for as long as he wants, to the
> point that it will lose its materiality. (p. 227)

There is much to consider in the words of this indigenous

fisherman, about a missing letter and about imaginary, metaphorical, and

material borders (Castillo, 2002). Furthermore, there is much to consider

about Mexican migrants that are not allowed to cross the border and the

gringo tourists who are. About how the border serves as a metaphorical and incorporeal line to one side of its inhabitants and a real barricade for the other side (Castillo, 2002). What Balibar uncovers is the vacillating nature of borders (Castillo, 2002). The abstract and material significance of the border that serves as points of departure for fixed socioeconomic statuses, privileged identities, and documented, written, and mapped out consciousnesses. For as Luis Humberto Crosthwaite (2003) suggested in his poem "La Fila," the border "es algo natural, cosa de todos los dias," it is natural, normalized, and reified and the stark differences that makeup either side of the border are only found in missing letters. What this project seeks to uncover is the significance of the missing letter as described by the indigenous fisherman, the movement and non-movement of peoples, the economy that sustains a borderline, and the stories of human rights that neatly fit into an allegorical articulation of a hierarchically arranged world.

This dissertation demonstrates how the role of written law in the borderlands divides land and inhabitants and reconstructs a new understanding of the borderlands through oral histories, organizing, and resistance by border communities. This project fills a void in academic scholarship about the border by examining the gap between written law in books that maintains a dividing line between nations and the reality of communities located along the border. It also seeks to uncover how the historical underpinnings of the economy along the U.S.-Mexico border are

impacted by the construction and configuration of "race" and the world economy. In addition, the research focuses on developing an understanding of human rights that relates to the borderlands while unveiling an alternative history, development, and practice of human rights.

The primary questions addressed in the project are threefold: 1) Taking into consideration the universal application and enunciation of human rights and given that human rights jurisdictional spaces are maintained by the notion of sovereignty, do international human rights allow for a peaceful existence? 2) How are sovereignty, economy, and international borders interrelated? 3) How are sovereignty, economy, and international borders woven into (and create) a discourse on the use, development, understanding, and implementation of rights across communities and nations?

This dissertation contributes to existing research on law and border studies by delving into notions of oral "laws" maintained by local communities versus the efficacy and development of written laws maintained by international and national institutions. Specifically, the dissertation reveals how dominant interpretations on the practices of border economies hide the impact of "race" and the accumulation of capital that both contribute to the uneven development in the region. Furthermore, this project differs from existing research by utilizing the legal and theoretical framework of human rights to explore the

borderlands. First, while a large portion of border studies focuses on the metaphorical and theoretical attributes of the life along the U.S.-Mexico border (Anzaldúa, 2007; Castillo, 2002; Mora, 2008; Saldívar, 1997; Vila, 2000; Welchman, 1996), the remaining portion of scholarship focuses on the historical (Acuna, 2010; Barrera, 1989; Martínez, 1994; Truett & Young, 2004; Zolberg, 2008), social (Arteaga, 1994; Martínez, 2006; Vila, 2003; Vila, 2005; Wilson & Donnan, 1998), and political aspects of border issues including issues of immigration (De Genova, 2005; Garcia, 1981; Jacobson, 1997; Navarro, 2008; Tichenor, 2002), security (Andreas, 2009; Brunet-Jailly, 2007; Dunn, 1996; Payan, 2006), globalization (Herod, Tuathail, & Roberts, 1998; Ortiz-Gonzalez, 2004; Sadowski-Smith, 2008) and labor (Armbruster-Sandoval, 2004; Harvey, 2006; Massey, 1995).

This dissertation challenges current scholarship to address the conceptual and sociopolitical task of a world in which legal representations and abstractions supersede the reality of community relations (Gutiérrez-Jones, 1995) and by doing so, trades a variegated world filled with pluriversal understandings of interrelatedness and social organizing in exchange for homogenous "lawful" interaction and economic interdependence. In other words, as legal anthropologist Sally Falk Moore (1973) identified, we must consider carefully whether or not law controls the social context and what this means for our own definitions of community, what are the boundaries and borders of communities, and the

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seemingly limitedness of social interaction that becomes based on such

legal definitions (also see, Nader, 2005; Black, 1976).

As Moore (1973) explains:

> The "law" is a short term for a very complex aggregation of
> principles, norms, ideas, rules, practices, and the activities of
> agencies of legislation, administration, adjudication, and
> enforcement, backed by political power and legitimacy. The
> complex "law," thus condensed into one term is abstracted from the
> social context in which it exists, and is spoken of as if it were an
> entity capable of controlling that context. (p. 739)
> Given Moore's understanding of "complex law," this dissertation

also examines the defining disconnect of law from the social context that

manifests itself amongst border communities. By exploring how law

creates, sustains, molds, and connects the phenomenon of sovereignty,

economy, and international borders, we can begin to understand how the

actions of border communities define the disconnect of law from the social

context by redefining community itself. Whether or not law controls the

social context along the border is best understood when asking whether or

not sovereignty, economy, and international borders combine to formulate

a narrow definition of community. In other words, the types of social

interactions that rely on legal definitions become lived scripts that control

and maintain social organizing practices that in turn are used to define

community and community boundaries.

Because Western law and legal procedures hold their basis in

Western rationality, the champions of this rationality are often considered

to be based in Western philosophical canonical figures as John Locke

(1997, 2003), Thomas Hobbes (2009), Adam Smith (2011), etc. The tenets

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and foundations for nation-state development is in the writings of these Western philosophers, that introduced such notions as the entrance into the "social contract," the "invisible hand," and the "leviathan." However, in order to analyze the site, location, and space in our consciousness in which "complex law," as described by Moore, dovetails nation-state development and becomes abstracted from the social context, we must situate ourselves outside a single rationality and consider a world as described by scholar Catherine Walsh (2005), as existing with multiple rationalities, epistemologies, cosmologies, and understandings. In order to achieve this, we engage in a critique of the model of rationality that both Sousa Santos (2000) and Leibniz (2009) describe as "lazy reason," i.e. Western rationality that is founded within particular conception of totality, linear conception of time, dichotomous thinking, and is attributed by Sousa Santos for the concealment and discrediting of new social analyses that enables a new "theory or procedure of translation" or "mutual intelligibility" of social experiences (Santos, 2000).

Therefore, this research reveals what Boaventura De Sousa Santos explained, "the social experience in the world is much wider and varied than what the western scientific or philosophical tradition knows and considers important" (Santos, 2000). Other scholars have commented on this experience and lack of dialogue that takes into account the gap of social wealth that derives from alternative ideas, initiatives and movements from local communities that cannot be translated, studied, or

analyzed in Western social sciences or legal theory (Dussel, 2003; Gordon, 2008; Illich, 2000; Lauderdale & Cruit, 1993; Esteva & Prakash, 2008; Santos, 2004; Santos, 2008; Smith, 1999). This variation and complicated experience that cannot be grasped and written about in western epistemology and social science is the center of debate for this project.

Overview and literature review

According to legal scholar James Nickel, human rights of today are no longer the human rights of philosophers but of lawyers (Nickel, 2007). In other words, the idea of human rights are now expressed and archived as written law that describe specific norms. The underlying goal of human rights is to promote peace and security. However, do human rights really allow for a peaceful existence? In The Archive and the Repertoire, Diana Taylor (2003) discusses how performance, gestures, resistances within a community holds an embodied memory and enacts the transmission of knowledge within that community. Taylor discusses how this embodied memory is alternative to the written archive of history, history of interaction, history of meaning, history of language within a community. Through the consideration of performance, Taylor urges her reader to reconsider oral and performative transmission of culture, knowledge, customs, traditions, and resistance (Taylor, 2003). This research considers whether this reconsideration can be extended or expanded to oral and performative transmission of law within a community.

For this reason, this research is important because it demonstrates how communities construct laws that are maintained by embodied memory. By examining how communities construct laws through embodied memory reconceptualizes the ontology of law and redefines how laws operate within society. Furthermore, this research is important because it examines how oral and performative law redefine community outside dominant perceptions by demonstrating how communities organize using local knowledges for the preservation of a unique way of life. Embodied memory also informs historical memory of economic practices along the border region that contest dominant interpretations of border economies. In addition, deeply embedded in embodied memory is a unique way of life that informs a unique approach to human rights, an approach that allows for a more peaceful existence than universally applied concepts of human rights. In order to understand further understand how my research differs from previous literature on human rights and borderland studies, we must first look at current trends in literature in these areas.

Literature on Borderland Studies

As Gloria Anzaldua (2007) states, "A border is a dividing line, a narrow strip along a steep edge. A borderland is a vague and undetermined place created by the emotional residue of an unnatural boundary" (Anzaldúa, 2007, p. 25). There is no more concrete example of written law than national borders. The socially constructed and reified

"unnatural" border embodies archival attempts to separate communities and people. The emergence of the U.S.-Mexico border as a geopolitical, cultural, and psychological space dates back to late 1800's as illustrated below, however, study into the borderlands as a discipline in the University has received attention only in the last twenty years.

Scholars have used the border trope to explain the emergence of new subjectivities in postcolonial studies (Lunsford & Ouzgane, 2004), the renegotiation of gender identity, masculinity, and sexuality (Castaneda, Hart, Weathermon, & Armitage, 2007; Fregoso, 2003; Horswell, 2006), in recent philosophical theories such as queer theory (Luibheid & Jr, 2005; Munoz, 1999). In addition, the border trope has also been used to discuss new spaces of cultural politics, performance, and identity (Burke, 2003; Rivera-Servera & Young, 2010; Saldívar, 1997). All animate the social productivity of "border" conditions demonstrating how often the border and border conditions have been theorized by scholars. However, despite proliferation of border theories in the last two decades, displacement, disempowerment, and polarization of violence experienced by communities along the U.S.-Mexico border remains a traversed space of reality. The impoverishment and violence along the border suggests that regardless of all the theorization on the border and "border" conditions, the multiple forms of violence that are inflicted upon particular border communities remains the same.

The U.S.-Mexico border has often been characterized as a place of hybridity and cross-fertilization. Anzaldua's famous formulation of the border is characterized as "una herida abierta" (an open wound) where the first world grinds upon the third world (Anzaldua, 2007), has found similar metaphorical characterization by numerous authors. Throughout academia, many disciplines have carved unique perspectives of the border region and its inhabitants outlining the diverse and multiple facets of life at the nation's edges.

Historians Rudolfo Acuña (2010) and Mario Barrera (1989) have recorded the history of this region focusing on the subjection of communities to invasion, colonization, and racialized inequalities. In political science, scholars such as Tony Payan (2006), Peter Andreas (2009), Timothy Dunn (1996), and others have examined how border policies and border security measures have impacted this region. Social scientists have compiled ethnographic research documenting the lives and mentalities of border residents and how the inherent division that the border represents has been carved into a collective psychology of residents in the region (Dunn, 1996; Dunn, 1996; Dunn, 1996). While economists have examined the impact of NAFTA, labor, and trade relations along the border and between the U.S. and Mexico (Bacon, 2004; Bacon, 2004).

The recent growing interest in borderland studies have corresponded with increased border security, dawn of the "war on terror," globalization, free trade, and immigration issues (Ortiz-Gonzalez, 2004).

The border as a cultural phenomena is best described by scholar Jose Saldivar (1997) who suggests that the borderlands is transnational by nature which sheds light on the nation as a whole, "as a site with many cognitive maps." These cognitive maps are outlined not only by the line that runs along the border separating nations, but is also as legal scholar Linda Bosniak reminds us "the line that runs within us" as well (Bosniak, 2008).

Bosniak (2008) writes on the multiple understandings of citizenship as membership and the multiple memberships we inhabit which cuts across identities we inherit. The line between us, as so aptly named by Bill Bigelow in his book Teaching about the Border and Mexican Immigration also discusses the multiple identities we inherit as citizens, which according to the author defines the single most crucial aspect of our lives because this line divides those with rights and those without (Bigelow, 2006). Seyla Benhabib's (2004) understanding the importance of rights, grounds her solution to the dilemma of human rights violations to a misunderstanding of political membership. Relying on Kant's notion of cosmopolitan, as it is articulated by Hannah Arendt, she develops a human rights of national political membership and democracy, that is based in a deeply set notion of transnationality and cosmopolitanism (Benhabib, 2004). Similarly other scholars are taking notice of the need to further investigate transnationality and its meaning in a globalized world of today.

Emmanuel Brunet-Jailly (2007) discusses the gap between increased border security over the last two decades in North America and a separate emerging voice of understanding borders and the borderlands. The author identifies two elements that conflict with border enforcement policy-making, first being "human activities" of individual ties between communities and peoples on either side of the border. The second being, "broader social processes" from market forces to regional culture that spans across borders. These two elements interrupt border security as Brunet-Jailly contends that borders have emerged historically and geographically as "variable expressions of human ties" that operate within political social structures and it is within the interplay and interdependence of these political structure that borderland culture has arose (Brunet-Jailly, 2007). According to Brunet-Jailly, a culture that actualizes border porosity poses the greatest problem for border security policy makers.

Political geographer John Agnew (1995) talks about the "territorial trap" that scholars fall into when linking national integrity to physically bounded territorial spaces. According to Agnew, giving a state-centered account of spatiality assumes bordered/enclosed territories without giving notice that these enclosed spaces are socially constructed (Agnew & Crobridge, 1995). Other political geographers have discussed the implications of the "territorial trap" and its implications on the construction of everything from geopolitics (the balance of nation-state

power-politics) (Tuathail, 1996) to rules and rhetoric of global governance controlled by international organizations (Herod et al., 1998). By discussing the relationship between geography and politics, political geographers have linked borders to the centrality of political orders, in other words, how the centrality of power and resistance is linked to the operations of geographical borders (Agnew, Mitchell, & Toal, 2007). Political geography has made significant progress opening dialogues concerning "how world orders based on different geographic organizing principles (such as empires, state systems, and ideological-material relationships) arise and collapse; and how material processes and political movements are re-making how we inhabit and imagine the "world political map." (Agnew et al., 2007, p. 2). Political geography research has allowed us to reconceptualize how barriers and borders operate along national edges and also conceptually and ideologically within and between neighborhoods within countries.

Subsequently, in Legal Borderlands, legal scholars have applied political geography theories to discuss how national borders are not only material and territorial through laws, but also rhetorical (Dudziak & Volpp, 2006). These scholars discuss the construction of American borders from everywhere along the U.S.-Mexico border to shores and beaches of the Philippines and Guantanamo bay. In addition, they investigate law's role in constructing American borders, American identities, and American global power (Dudziak & Volpp, 2006). They

explain that legal borderlands function not only as literal physical spaces, "but as contact zones between ideas, as spaces of ideological ambiguity that can open up new possibilities of both repression and liberation" (Dudziak & Volpp, 2006, p. 3). Similarly, Austin Sarat (2005) has explored the issues of borderlands through the dilemmas associated with sovereignty and sovereign prerogative. Sarat examines the ways courts and judges maneuver around the boundaries of legality in association with sovereignty. The author uncovers a central problem of borderlands in relation to sovereignty, specifically, how "sovereignty troubles the rule of law by being at once prior to, and yet a product of, it" (Sarat, 2005, p. 613).

While legal scholars delve into issues of law and borders, sovereignty, and rhetoric, others have focused on how national narratives of immigration and naturalization, birthright citizenship, casts tales of membership and identity located in the stories and in the concepts of "Americanism," "Mexicanismo," and "Paisanos" (Bosniak, 2008; Chavez, 2008; Meeks, 2007; Perry, 2003; Renshon, 2005). These narratives shed light on the production and reproduction of national identity that exchange transnational associations for constructed division of community and laws. Susan Bibler Coutin (2003) explores an aspect of the borderlands dealing with unauthorized immigrants. She defines the interstitial social location of unauthorized immigrants in relation to U.S. law as "a space of nonexistence." The author contends that unauthorized

immigrant status equates a space largely of subjugation and exploitation (Coutin, 2003).

Production of the concept "illegality" has played a role in establishing national identity. Nicholas De Genova (2004) gives insight into the production of "illegal" status for transnational migrant workers. De Genova claims that U.S. immigration authorities have never pretended to achieve complete mass deportation of all migrant workers labeled as "illegal" (De Genova, 2004). According to De Genova, this is evidenced by the current U.S. immigration system that has ensured U.S. employers cheap labor to have at their disposal. The need for a legally exploitable workforce has consumed the purposes of capital accumulation in the United States, from the indentured servitude of African slaves, to the justification of a prison industrial complex. According to De Genova, "Mexican/migrant "illegality," per se, is not new...the U.S. nation-state has historically deployed a variety of different tactics to systematically create and sustain "illegality," and furthermore has refined those tactics in ways that have ever more thoroughly constrained the social predicaments of undocumented Mexican migrants" (De Genova, 2004, p. 165). De Genova remarks that Mexico has provided U.S. capitalism with a labor force that is pliable and exploitable, and yet, necessary for capital accumulation and thus cannot be fully replaced.

While De Genova charts the economic impact of the notion of "illegality," Joseph Nevins (2001) examines its rise and implementation

through U.S. Immigration and Naturalization Services (INS) creation of Operation Gatekeeper. Nevins explores historical and legal establishment of boundary enforcement and immigration control in the U.S. as it leads to the emergence of Operation Gatekeeper in 1994. The author examines the effects and significance of "bounding" the U.S. through law, and discusses the ideological roots of the notion of "illegal" (Nevins, 2001). Other authors have discussed the importance of borderland studies to the development of scholarly work on immigration issues. Notably, Mike Davis and Justin Akers Chacon (2006) discuss the rise of the "crisis" of immigration in the U.S. and its link to racism. The authors reveal the roots of anti-immigrant sentiment in the U.S. and its connection to vigilante violence and modes of repression all stemming from racist ideology throughout the history of the U.S (Chacon & Davis, 2006).

In a similar fashion, Mae M. Ngai (2005) outlines the advent of illegal immigration in the U.S. by examining U.S. immigration laws and policies. Ngai examines the judicial genealogies that illuminate the hierarchical arrangement of ethnicities and nationalities that were allowed entrance and immigration into the U.S. through policies and laws. Ngai traces the roots of deportation, illegal status, criminalization of unauthorized entry, and racial requirement to citizenship in the early part of American history to unveil American racial ideology embedded in U.S. law and policies that justified discrimination of certain immigrants in order to proceed with the conviction that the "American nation was, and

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should remain, a white nation descended from Europe" (Ngai, 2005, p. 27). Ngai also examines the motives and intentions of U.S. immigration laws, starting with the Johnson Reed act of 1924 to the influence of Cold War (Ngai, 2005).

Tony Payan (2006) in The Three U.S.-Mexico Border Wars: Drugs, Immigration, and Homeland Security, discusses the history of policies in the U.S. that tie all three elements of drugs, immigration, and security together. The backdrop for his book closely examines the evolution of economic trends in the 1990's with the introduction of NAFTA, increased trade, investment and economic integration in North America (Payan, 2006). The pertinence of the three border wars, according to Payan, are only understood when assessing the political economy that results and is revealed from the flow of goods and money and not individuals. The particular economy established by borders, hierarchically arranges the world creating a social class of individuals that fit into a global economic model of exploitation. Similarly, this project contends that human rights also adhere to the hierarchical arrangement by universalizing rights for some and denying rights for others.

The borderland region is a place of hybridity where new subjectivities are formed resulting from the impact of immigration, globalization, economic free trade, border security, drug wars, and the concepts of "illegality," colonization, and citizenship. What is missing in these key findings is the development of a new understanding of

community that is formed from local knowledges located along the U.S.-Mexico border that contest mainstream and state-centered accounts of the border as a physical and geopolitical space. This project differs from previous literature in that rather than examining the psychological and cultural spaces that the border creates within individuals, it focuses on the story that border communities tell about a unique way of life that de-centers paradigms that have naturalized concepts such as citizenship, border security, state sovereignty, and economic free trade. I will explore later in the paper a detailed critique of the borderland studies literature that highlights how border communities reveal an alternative narrative about the border region and border economies.

Literature on Human Rights

As Louis Henkin has put it, we have now entered into an "Age of Rights" (Henkin, 1990). In anthropology, the study of human rights has evolved over the last three decades. First, with anthropologists focusing on the political and legal aspects of human rights (Messer, 1993; Renteln, 1990; Varennes, 1996). Shortly after the end of the Cold War there began a growing body of ethnographic research on human rights in anthropology (Binford, 1996; Fabian, 1990; Gourevitch, 1999; Nash, 2001; Wilkinson, 2004) that revealed how the implementation and application of human rights was too broad based not accounting for cultural and religious practices of communities throughout the world. Specifically, ethnographic research uncovered, according to Mark Goodale, how human rights are

"becoming transnational and increasingly hegemonic" (Goodale, 2009, p. 13) which has sparked debate over the relationship between human rights applied internationally and its effects and/or devastations at the local community level. This has resulted in re-engaging anthropologists to re-orient the study of human rights in anthropology in order to investigate it at the conceptual level (Goodale, 2009; Mamdani, 2000; Riles, 2006).

Mark Goodale (2009) argues for an anthropology of human rights that stresses the importance of what Sally Engle Merry (Merry, 2006) would call the "vernacular," i.e. the numerous spaces in which ethical theory and social practice are symbiotic and emergent. By doing so, Goodale contends that human rights must be both "theorized and legitimated in terms of the groundedness of social practices" (Goodale, 2009, p. 14). Resulting in the focal point of human rights to be on the ordinary and commonplace occurrences in communities, or what Michel de Certeau (2002) has phrased the "practice of everyday life." By focusing on the "practice of everyday life" Goodale, like many scholars in his field (Cowan, Dembour, & Wilson, 2001; Farmer, 2004; Goodale & Merry, 2007; Wilson, 1999) seek to re-order the hierarchy of importance played to the legal and political institutions of human rights and instead calls attention for the implementation, enforcement, and adjudication of human rights to be derived from the "spaces of vernacularization, which do reveal certain cross-cultural patterns or modes of normative engagement" (Goodale, 2009, p. 14).

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A critical perspective of the postwar human rights project has come from postcolonial scholars that have attacked the mainstream historiography of human rights discourse as being predominantly Western. Dating back to the formation of the human rights project found in the 1948 Universal Declaration of Human Rights, postcolonial scholars point out how ratification of the Declaration was limited to an "international" community that consisted of only colonial powers at the time (Anghie, 2007; Denemark, 2010; Mutua, 2008; Rajagopal, 2003). Consequently, postcolonial scholars contend that because Western liberal legal and political theories formed the foundation of human rights discourse, meaning and frames of reference of human rights are embedded in Western epistemology that entails a vestigial set of philosophical assumptions about human nature, which in turn inform "proper" social organizing practices (Lauderdale, 2009). This project will be a variant of this strand of literature, however, focusing on the Western philosophical assumptions of the way knowledge operates informing social organizing practices within communities.

Antony Anghie (2007) argues that colonial encounters throughout the world were central in the formation of the international community and international law. He demonstrates how colonial powers needing to control and govern non-Western territories established legal protocol such as the Mandate System in the League of Nations in order to remain in power (Anghie, 2007). By examining the legal history of relations between

the Western and non-Western world, Anghie reveals how the early development of international law was concerned with the project of "civilizing" non-Western "backward" peoples (Anghie, 2007). Anghie's analysis of legal history sets out to prove how international law has always been constitutive of the "civilizing" discourse, which has resulted in the economic exploitation and cultural subordination of the non-Western world.

Upendra Baxi (2008) analyzes the contemporary debates concerning efficacy of human rights in a globalizing world. Baxi approaches the human rights discourse by placing at the center "people in struggle and communities of resistance" to understand how institutions such as the United Nations serve the interests of subaltern populations (Baxi, 2008). By critically examining the nature and history of human rights from a subaltern perspective, Baxi gives future prescriptions for effective human rights projects based on an alternative understanding of human rights (Baxi, 1998; Baxi, 2008) that uncovers colonial past of international institutions such as the United Nations.

Balakrishnan Rajagopal (2003) discusses the relationship between human rights projects and the Third World. Rajagopal analyzes how the idea of human rights has emerged as a liberating language of progressive politics and resistance in the Third World. However, Rajagopal discusses the dangers of allowing human rights discourse to remain the sole language of emancipation for people located in the Third World

(Rajagopal, 2003). He identifies main themes that expose the limitations of "constituting the human rights discourse as the only language of moral currency and resistance for the oppressed" (Rajagopal, 2003, p. 173). The investigation into the role of the state in human rights discourse; the relationship between development and human rights; the politics behind the production of knowledge about human rights; and the tension between universality and cultural relativism scaffolds Rajagopal's argument to reject human rights discourse as the "next grand discourse of emancipation and liberation" (Rajagopal, 2003).

Makau Mutua (2008) contends that the human rights discourse was constructed from a Eurocentric paradigm, which continues to pervade the scope, understanding, and imagination of what the human rights movement could be. Similar to what Upendra Baxi (1998) describes as "logic of exclusion and inclusion," Mutua argues that the human rights discourse is Eurocentric subsequently totalizing universal truths that are culturally biased and prejudiced in favor of Western ideals, traditions, and philosophical assumptions. Mutua calls for an inclusive, multicultural human rights movement that accounts for indigenous and non-European practices and sets of beliefs. This is salient for this project because this research attempts to reveal what this multicultural human rights movement would look like by revealing it in communities located along the U.S.-Mexico border.

Seyla Benhabib develops the concept of democratic iterations in order to resolve the conflict between application of universal human rights and democratic sovereignty of a nation. Benhabib discusses how the problem with the human rights discourse is found in the theoretical justification of democratic space of enclosure erupting into practices of exclusive membership within a nation. For this reason Benhabib focuses on the politics of membership and asserts that practices of democratic closure are open to debate. According to Benhabib, because the control of territorial borders is coeval with the sovereignty of the nation-state, national borders become a sight of tension continually seeking to "ensure the purity of the nation in time through the policing of its contacts and interactions in space" (Benhabib, 2004, p. 18). Consequently, the history of citizenship demonstrates nationalist aspirations to reduce the complexities of relations found in communities and transform an unruly reality into a "simple governing principle of reduction, such as national membership" (Benhabib, 2004, p. 18). This allows the state to control identity and regulate relations of an individual according to national membership. Subsequently, Benhabib creates the concept of democratic iterations that reveals how "commitments to context-transcending constitutional and international norms can be mediated with the will of democratic majorities" (Benhabib, 2004).

Literature on human rights exposes the human rights discourse to be an undertaking deeply embedded in Western assumptions, traditions,

and epistemology. What is missing is the investigation into alternative human rights practices that are deeply embedded in new understandings of community and economic practices that are shaped by local knowledges. This project differs from previous literature on human rights in that rather than solely critiquing how human rights has become homogenous and universally applied, this dissertation focuses on the creation of human rights at the local community level. To understand the contributions of this dissertation a detailed critique of literature on human rights and borderland studies is discussed in the next section.

Critique of literature

A unique contribution to the idea of human rights comes from following the lead of Johanes Fabian (Fabian, 2002) in Time and the Other: How Anthropology Makes Its Objects. Here Fabian changed the way anthropologists related to their subject from their standpoint as "here and now" to the object of study as "there and then." A parallel conundrum can be made applying an understanding of human rights from the political and legal aspect as making its object within which an identity and set action can be maintained and/or anticipated by social control mechanisms. In other words, the implementation of human rights in law and policy assumes a particular understanding of human nature and social interactions (Lauderdale & Natividad, 2009). Therefore, this projects explores how human rights creates and makes objects for social control as the "there and then" that Fabian (2002) describes instead of a "here and

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now" standpoint. This is similar to what Sousa Santos (2000) calls "metonymic reason." Metonymic reason, according to Sousa Santos, has contracted the world and at the very same time expanded it, according to its own system. He utilizes the understanding of the idea of "development" and "progress" which creates an understanding of totality, whereby only within this world of totality—which consists of its own reasoning, understanding, and valorization—can creation and existence of concepts exist (Santos, 2000). The toll of the idea of progress and totalizing concepts and paradigms has impacted our understandings of human rights. Furthermore, multiple and heterogeneous concepts of time, space, place, socializing practices and communications within communities are not fully addressed in human rights literature nor in borderland studies. As a result, the idea of progress has a seething presence to misconstrue the interpretation of acts of humanity and humane social interaction.

Take for instance Sousa Santos' (2000) discussion of a person ploughing land. Under a metonymic reasoning one would define, label, and understand this person as a "premodern peasant." This not only limits the individual to the temporal and location of social categorizing, but also establishes denigrated meaning attached to their act, the person, and its existence. The idea of linear timeline paralleling the hierarchical notion of progress, dovetails to produce a singular, universal understanding of this person and act. Both operate purely within the realm of Western model of rationality, which negates various

interpretations, experiences, understandings, and rationales encompassed globally. Many of the scholars writing on human rights and the border do not address different understandings of linear time, nor how hierarchical arrangement of societies due to the idea of progress has effected the implementation and action or inaction of human rights throughout the world. Furthermore, what is lacking in recent human rights scholarship is a detailed analysis of the understandings of human rights in relation to social organizing practices of communities. In other words, how human rights can be integrated into an alternative cosmology that is embedded through oral mediation of social organizing practices in communities throughout the world. This would necessary entail a complete acknowledgement of an alternative narrative of social organizing practices; however, this acknowledgement might reveal a different treatment of national boundaries by border communities that see borders as a threat to their human rights.

What is also problematic with recent scholarship on the border and human rights is how social experiences are treated as if they are capable of being quantified and compartmentalized in a linear fashion. Sousa Santos (2000) also discusses this issue by acknowledging that a variation of social experiences that become negated in the West is due to the universalizing tool used to establish one model of rationality (Santos, 2000). What results in scholarship, is what is deemed important and what is not becomes utilized to establish beliefs and establishes hierarchical

structuring toward the acceptance of ideas and reasoning that is in accordance solely with Western understanding. The establishment of hierarchy becomes a precursor to understanding social relations, an understanding that holds onto a quantification of human behavior and acts in order to scientifically manage rule and domination under the guise of consistency within human behavioral patterns. Similarly when discussing the missing letter that the indigenous fisherman from Patzcuaro discussed with Balibar, he identified that the world is hierarchically arranged to give privileges to certain people and not to others (Balibar, 2003). These privileges include being able to cross back and forth across borders and not being able to cross back and forth across borders. Particular behavior, actions, and set identities become normalized under a single model of rationality that has built in beliefs of citizenship status, while random acts outside the norm of society are determined to be "deviant," (Lauderdale, 2011) such as crossing the border without authorization. Although some scholars focus on the deviance of "illegality" and living—what is termed as "illegal" in the U.S., the majority of them do not elaborate on the action of crossing borders as a form of political deviance or possibly to conceptualize this action as a form of resistance.

What is also missing in recent literature on human rights and borderland studies is an investigation into the relationship and differences between oral laws and written laws. Johannes Fabian (1990) discusses

how colonial expeditions in Africa during colonization were not just a form of invasion but were determined "efforts at in-scription." His book gives the best evidence for understanding the impact of the transition from orality to the written word. This transition marked a decline in social organizing practices in areas of Africa that relied and focused on oral mediation (Fabian, 1990). It also erased cultural practices that because of oral transmission of knowledge and culture, recognized and understood the diverse relationships that comprise social interactions in communities (Fabian, 1990). By denying this heterogeneity one denies the complexity of member relations in a community and limits them to "efforts at in-scription" through certain written laws and other forms of social control. In addition, it also denies the multiple knowledges, rationales, and realities that differentiate these communities from one another. The transition from orality to the written word is a very significant point that is absent from recent scholarship. This transition reveals how the "efforts at in-scription" in written laws do not reflect or recognize how social organizing practices in communities rely on methods of orality. What tools this project uses to convey the reality of oral mediation in communities along the U.S.-Mexico border is covered in the next section.

Methods

Michel Foucault asked the following: "I think that the central issue of philosophy and critical thought since the eighteenth century has always been, still is, and will, I hope, remain the question: What is this Reason

that we use? What are its historical effects? What are its limits, and what are its dangers?" (Foucault, 1984, p. 249) How we establish methods is entirely dependent on what is reasonable for coming about truths, facts, or realities. Some scholars contend that methods are the process of rationalizing claims. Therefore, this methods section is to be considered "practicing a rationality." Specifically, I follow Linda Tuhiwai Smith's analysis of research gathering (Smith, 1999). She suggests, "it is much easier for researchers to hand out a report and for organizations to distribute pamphlets than to engage in continuing knowledge-sharing processes" (Smith, 1999, p. 16). Tuhiwai Smith makes it a point to distinguish between the process of knowledge-sharing rather than the term sharing information, placing importance on sharing "theories and analyses which inform the way knowledge and information are constructed and represented" (Smith, 1999, p. 16). Tuhiwai Smith is concerned with not only sharing theories, but also understanding the structure of knowledge that informs those theories. This is a significant aspect for this project because it is concerned with conveying a theory about the border from border residents about the history of the region, economic practices of the region, and human rights within the region, however in order to convey this, we must also take into consideration the structure of knowledge that informs the theories by border residents. In other words, for this project we must pay close attention and understand the way knowledge is constructed, presented, and operates, because all

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three help to legitimize knowledge. According to Tuhiwai Smith, by being

cognizant of the fact that knowledge creation is directly related to the ways

knowledge is legitimized, we begin to understand how techniques, tools,

and methods in the past that have been used as colonial tools for

legitimizing particular knowledge while silencing other knowledges

(Smith, 1999). This is why Tuhiwai Smith's understanding of research and

research methods is pertinent to this dissertation because this dissertation

is about revealing the knowledge that has been silenced along the U.S.-

Mexico border and about the U.S.-Mexico border.

Considering Tuhiwai Smith's argument, that academic research in

the past has been one of the ways in which the "underlying code of

imperialism and colonialism is both regulated and realized" (Smith, 1999,

p. 7), I propose two research methods that emphasize the ways political

and social domination are reproduced in language and in knowledge

creation. The research approaches are useful in understanding the way

knowledge is constructed, presented, and who (or what) allows it to be

legitimized or not. Critical discourse analysis here focuses upon the way

discourse often reproduces social and political inequalities (Lakoff, 1992).

Similarly, the narration of history and ethnographic insights also can give

us crucial information about local knowledges and unique ways of life.

Both methods are used for this project because of their unique ability to

assist in the process of knowledge-sharing. The two methods also help to

explore knowledge and language, specifically how their creation, use,

meaning, technique, and equivalence play a major role in discovering and translating border cultures. James Paul Gee contends that any use of language gains its meaning from the practice of which it is a part and which it is enacting (Gee, 2010). My methods seek to uncover a deeper meaning of practices and performances along the border and reveal alternative understandings of dominant interpretations of what the border is and how it operates, in order to understand that what is enacted by border communities differs from what is enacted by border creators. In other words, the methods used hope to unveil a narrative about the oral histories, border economies, and human rights along the border that informs resistance by border residents to dominant definitions of the border and dominant definitions of community.

Discourse Analysis

In Nietzsche's essay "On Truth and Lies in a Nonmoral Sense," he ponders the notion of truth and the creation of language as a result of the step toward man's "truth drive: to wit, that which shall count as "truth" from now on is established" (Nietzsche, 2008, p. 3). So convention is formed from within human relations so that the invention of designating things through the legislation of language becomes the "first laws of truth." He questions whether language is an accurate expression of realities, and concludes that in the human context there are no essences only constructions (Nietzsche, 2008). The notion of social constructionism has

played a major role in critical discourse analysis studies (Phillips & Hardy, 2002).

Critical discourse analysis not only seeks to uncover the broader underlying meaning in text but also the underlying social and political issues that underlie texts and discourse by conveying motives and influences for their creation and construction (Brown & Yule, 1983; Fairclough, 2003; Gee, 2010). In other words, as Roland Bleiker (2000) states "the manner in which a text is written, a speech is uttered, a thought is thought is integral to its content" (p. 289). Construction of a national border, legally, theoretically, physically, is entirely dependent on the language used to justify, reify, and control the understanding of a border, i.e. the content (Arteaga, 1994; Castillo, 2002; Sadowski-Smith, 2008). Given this, critical discourse analysis allows us to view how the border is constructed in numerous dialogues from lawmaking to storytelling and understand how the language being employed creates, hides, or erases its existence. As George Lakoff (1992) reminds us that all language is politics, the production and reproduction of a discourse involving a language of borders, human rights, sovereignty, and economy, gives us insight into the way power is organized in a sociopolitical context.

Critical discourse analysis lends itself readily to this project because it focuses on how and when meaning is created within language. To understand how meaning is produced in language, requires an understanding of the way power is organized within society. For this

reason, critical discourse analysis is important because this project is about understanding the underlying social and political motives that create an understanding and interpretation of the border. One of the ways to understand these motives is to understand how they are deeply embedded in the meaning of language and how these meanings reveal the way power is organized in a sociopolitical context within the border region. Critical discourse analysis also allows us to view how communities along the border create meaning of their own within language and deploy a discourse on the border region, border economies and human rights that is in opposition to mainstream understandings of the region.

I heavily rely on Jacques Derrida's (1982) understanding of deconstruction as a specific method of discursive analysis. Deconstruction has introduced a way of conceiving meaning in language. Because deconstruction challenges how meaning cannot exist outside or before a specific context, the transferability of words through translation becomes problematized due to the complexities of extracting equivalent meanings outside of context (Derrida, 1982). In deconstruction, meaning is an effect of language and the pursuit of it requires the "unloading" of words, thus placing a signifier within relation of other signifiers. The process of signification becomes a play of differences. In other words, in all language the "systemic movement" or play of differences by words produces meaning and that meaning can only be located within a specific context (Derrida, 1982). Differance refers to the movement, but cannot be

conceptualized since it is the "condition of possibility of meaning" (Davis, 2001, p. 14). Differance for Derrida is this "systematic play of differences, of the traces of differences, of the spacing by means of which elements are related to eachother" (Derrida, 1982, p. 27). As a result, "pursuing meaning is not a matter of revealing some hidden presence that is already 'there'; rather, it is relentless tracking through an always moving play of differences" (Davis, 2001, p. 15). In other words, it is a tracing of the genealogy of the word or words. Meaning is never present and "there" since the play of differences does not allow for the element to be present, or in and of itself, but rather must refer to another element that itself is neither present.

This approach readily lends itself to this project because it focuses on how meaning in language exists within a specific context. My project attempts to reveal the underlying social and political influences that create meanings within language used to describe and understand the border region. However, this approach also shows how different genealogies of words differ according to specific contexts and social situations. This allows for us to understand how the idea of "crossing borders" is conceived differently by individuals in Washington D.C. versus individuals in Nogales, Arizona, because the genealogies of the words reveal different lineages that register differently in individuals because they live in different social situations and contexts. Said differently, Derrida's deconstruction helps us to understand how the idea of "crossing borders"

is different to someone in Washington D.C. than someone in Nogales, Arizona because the specific social contexts attach different meanings to the words being used. Specific social contexts attach different meanings because social experiences of the border are lived differently by individuals in Washington D.C. than individuals in Nogales, Arizona. For this reason, what the border is and what it represents will never be identical to individuals living in Nogales, Arizona or in Washington D.C. because they experience differently. Furthermore, deconstruction also shows how it is more complex to assume that this idea is transferable across contexts. Because deconstruction utilizes the "play of differences" to understand how meanings within language can be fluid and constantly changing, transferability of concepts such as border crossing becomes more complex than assumed. In other words, to understand how, when, and where the act of border crossing became an act of deviance, we must understand how meanings in language changes over time and for what purposes these changes occur.

According to Derrida's deconstruction, there is no spatial presence of the element that is "present" nor of the traces that carry the mark of other elements, there only exists differences and traces of traces making language and literature as Umberto Eco would describe it as open and internally dynamic. This allows for different readings of the same text to occur or multiple meanings of a cultural phenomenon, such as the border, to exist (Eco, 1989; Robinson, 1997). Given the dominant narrative of how

the border functions and what are its uses from the nation-state perspective, without the use of deconstruction to place the tendrils of meaning situated within an understanding of border, creates what Umberto Eco would describe as a closed text. This closed text would be the understanding of the border strictly from the dominant narrative.

However, deconstruction allows me to place emphasis on language as a social practice consisting of social actors. Just as Maria Lugones (Lugones, 2003) argued that community is fluid, so too, meaning within language and discourse can also be considered fluid, existing free-flowingly and open-ended within communities (Dijk, 2011; Scollon & Scollen, 1998). This is in opposition to the dominant discourse of the border region through law and legal procedures that requires a stagnant and static border to exist. Uncovering local knowledges within the border region through deconstruction emphasizes, as Derrida argued, that meaning is not located in the text or discourse, but in the community, history, as well as those that produce conventions. Deconstruction allows for a better understanding of language as an irreducible part of social life, and as Norman Fairclough would describe language as, "dialectically interconnected with other elements of social life" (Fairclough, 2003, p. 2). Therefore understanding the border region and the language that is used to describe, reify, and place it in a social practice via deconstruction allows us to understand differences between the dominant narrative of the border

from the nation-state perspective and alternative narrative from the local knowledges being asserted.

By not understanding the role of language in creating and reifying the border region and its many social practices (i.e. border crossing), what is at stake is not being able to understand the dynamics of community formation, creation, and maintenance outside state-centered processes including but not limited to embodied law that creates meaning within language for control of the social context. This project reveals social practices produced by communities along the border from protest, storytelling, and litigation to tap into the multiple ways border residents conceive of the border.

Narration of History

When analyzing how border communities experience the border region, this project is more interested in the depth of the data rather than the breadth of the data and the requirement of the researcher to expand on large samplings of data collection. Randy Stoecker (2005) in Research Methods for Community Change, explains that "for many poor and underserved communities, simply making their existence known is one of the hardest tasks of all" (p. 148). Stoecker discusses that the task is made difficult because academic researchers have a narrow understanding of what is considered legitimate research practices and legitimate research data. Because of the belief among academic researchers that objectivity is required and attainable, Stoecker challenges this assumption by blurring

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the lines of subjective versus objective perceptions of research. Stoecker argues that it is possible for research practices to be recognized and legitimized that are outside traditional academic practices (Stoecker, 2005). He asserts that because researchers strive for objectivity in their research they adopt research practices that are generalizable in order for their results and findings to be applicable to a wide range of circumstances and social contexts. However, Stoecker argues that it is possible and more accurate to have research practices be particular to a set of circumstances and within a particular social context (Stoecker, 2005). In other words, it is possible to tailor research practices to and for a particular social context.

Correspondingly, Sousa Santos discusses the complexity of social experiences and their untranslatability within the social sciences. According to Sousa Santos, social experiences become untranslatable because they occur within particular social contexts, within particular set of circumstances, and within a particular community (Santos, 2000). According to Sousa Santos, in order to translate and render knowledge about social experiences one must address their complexity in relation to a specific social context and specific locale. Similarly, Avery Gordon (2008) in Ghostly Matters: Hauntings and the Sociological Imagination also argues for a change in the social science epistemology. She claims that because we have very simplistic ways of rendering knowledge the production of knowledge on social life is more complicated than we purport it to be. The complexity of social experiences is not capable of

being rendered as a result of the simplistic research practices that become generalizable and universal. As a result, according to Stoecker, traditional academic research practices that rely on generalizability and universality for their applicable outcomes and results become most problematic when researching communities.

Because this dissertation is aimed at producing knowledge about a particular community in a particular social context it will not rely on traditional academic research practices. Specifically, this project is aimed at placing in dialogue oral histories and life stories of border residents to law and legal creation of the border. Furthermore, this dissertation is also aimed at highlighting discrepancies that result from this dialogue. As a result, this dissertation requires a research method that adheres to making the existence of border life stories known. In order to account for the numerous ways border communities express their experiences, this project relies on analyzing unstructured interviews that act as a form of storytelling or narration of history.

Storytelling as data tells an alternative narrative of the border region that has been traditionally conveyed (also see, Esteva & Prakash, 2008). In addition, not only does storytelling help to convey the alternative narrative of the border region by border residents, but presenting storytelling as data also coalesces with Tuhiwai Smith's assertion that the only way not to reproduce colonized research methodologies is to unearth research methods from within a community

(Smith, 2006). The narration of history, as a research method in this dissertation, is presented as a way to unearth and organic understanding of the border region. To try to explain the experiences of individuals and communities living along the border through traditional and generalizable academic research practices elides the multiple ways border communities express their experiences of life along the border. By using storytelling as a method, it strives to bring awareness to what Vine Deloria, Devon Abbott Mihesuah, and other authors from the edited book Indigenizing the Academy (Mihesuah & Wilson (2004) sought to challenge: the ultimate source of authority on the history and social experiences of a community should not be solely determined by academic gatekeepers but by the communities themselves (also see, Lauderdale & Natividad, 2009).

For this reason, by analyzing oral histories by border residents that convey an alternative message about what the border is, how it operates, and its history, we can understand how local knowledge is formed in multiple expressions that often gets omitted by researchers relying on strict and narrow methodologies. Furthermore, storytelling recognizes the voices of community members along the border and brings importance to their understanding, analysis, and recollection of history, as a recognized and legitimate form of knowledge.

The narration of history in this project uses an ethnographic framework of interviewing and is exploratory. To rely on traditional interviewing techniques would belie the goal of the project, which is aimed

at showing the discrepancies between oral histories of the border region (border resident's understanding of the border) and law (legal definitions of the border). This project demonstrates how historical memory of the border and legal definitions of the border convey two different interpretations of what the border is and how it operates. To understand how traditional interviewing techniques from standard research methods belie the goal of this dissertation, one just has to ask what would occur if storytelling was allowed in the courtroom? In other words, how can oral histories be related or translate into law? If oral histories are not allowed in the courtroom through traditional interviewing techniques, it would not be productive for this project to use the same interviewing techniques as a practice of rationality. In other words, legal practices and law require a particular practice of rationality that this dissertation demonstrates is limited in because it cannot account for oral histories. This dissertation instead uses storytelling and narration of history in order to uncover local knowledges about the border and draw attention to the discrepancy found in relating oral histories to law. As Mike Fortun and Herbert J. Bernstein (1998) remind us in Muddling Through: Pursuing Science and Truths in the 21st Century, the sciences are made through an arduous and diverse political processes. Stoecker demonstrates that part of the process is to omit particular forms of knowledge production and hierarchically arrange the practices associated with producing knowledge as part of the biased and political process of knowledge production (Stoecker, 2005).

Because the goal of this research is to uncover local knowledges along the border that contest traditional/formal/institutionalized knowledge that creates and reifies the border, traditional/formal/institutionalized methods and techniques for gathering information and research about how border residents experience the border would prevent this project from achieving this goal. Life along the border (and local knowledges) cannot solely be explained through traditional research gathering. In an effort not to reenact colonial endeavors through dominant research methods, this project seeks out the alternative technique of storytelling in order to render an organic understanding of life along the border from voices of community members located at the border.

The narration of history and storytelling lends itself readily for this project for two reasons: first it allows this project to ground life stories as expressed forms of local knowledge and as legitimate data for research purposes. Second, it allows this project to not refer to border residents as objects of study, but rather to highlight their expression of life along the border and the resistance that ensues to other narratives of border life in order to focus on the alternative narrative of history that border residents are conveying that cannot be conveyed in a legal setting. By using a non-traditional technique as the narration of history and storytelling, allows the historical memory of the border, in its multiple expressions, to be unveiled an alternative narrative of the border region. Furthermore,

storytelling and the narration of history as a tool helps to feed and foster a consciousness, agency, and definition of what life is like along the border that is embedded in local knowledge of border communities. Given the alternative narrative of what life is like along the border as told by border residents we can better analyze and understand resistance by border residents that is housed in an alternative genealogy of the border region.

Conclusion

The U.S.-Mexico borderlands region lends itself readily to studying the role of written law in dividing communities and the effects of local knowledges redefining community. Due to the history of colonial and imperial endeavors that have left a toll on the region's inhabitants, we look toward the region's communities to unveil deeper realities that convey emancipatory practices outside dominant mainstream perspectives and paradigms. Liberatory processes in this region are of particular importance because they reveal a contested orientation to deep structures of colonial endeavors. In addition, because the nation-state and the many mechanisms and devices used to reify its existence preclude any de-naturalizing of its epistemic hold on individuals, the inhabitants of the border region, in the midst of this process of reification, hold clues to fracture and break such an impoverished constructed nation-state realities. The many acts of resistance toward colonial epistemological domination are captured in the organizing abilities of community members that harness local knowledges for the protection, containment,

and maintenance of a unique way of life and unique perspective on human rights. In addition, the communities in this region serve as sites of theoretical possibility. By examining the border region, and specifically the cosmology that is born out of it, new tools of hermeneutic and discursive analysis can be revealed de-centering mainstream paradigms and shifting the epistemic foundations born out of colonialism and domination that have naturalized such concepts as nations, citizenships, nation-state borders, national "lines of demarcation," and national identities.

This project is a model for reconceptualizing what knowledge is, where it is located, how it operates, and how it has been used in the past. It questions whether knowledge is stagnant/static or whether it can be fluid and constantly changing. The dissertation problematizes the way modernity has portrayed knowledge as a (motionless/stationary/immobile/frozen) stagnant framework(s) that inform governing and social organizing practices. Instead my work views knowledges as in a state of constant flux. This state of flux accurately depicts the reality of social relationships within communities that are complex and heterogeneous. Walter Mignolo (2002) writes how Western thought hides and suppresses the variety of local histories that sustain the heterogeneous social relationships within communities. In other words, the way knowledge flows, passes through, is malleable within communities, mirrors the complex social relationships that create heterogeneous social organizing practices. What is most important here,

however, is how these relationships comprise of an oral mediating element by which social organizing practices manifest.

Chapter II constructs the border through litigation, protest, and storytelling by border residents. The chapter asserts litigation, protest, and storytelling by border residents tells an alternative narrative of the border that has been traditionally conveyed. The chapter reveals how alternative narratives by border residents inform protest and opposition to increased border security and construction of a border wall. It concludes that border residents through litigation, protest, and storytelling reveal a historical memory that contradicts legal juridical definitions of the border. Furthermore, this chapter demonstrates how border residents reveal the ways the border is socially constructed, specifically by contesting state-centered accounts of spatiality as a legitimate social arrangement.

Chapter III explicates the historical foundations of impoverished conditions along the U.S.-Mexico border. It examines how the idea of race has created hierarchies of labor and impacted the accumulation of wealth in the United States. It also examines how underdevelopment is related to core-periphery relations globally and to the world-economy. This chapter seeks to reveal how economic inequalities and uneven development present themselves in their most concentrated forms along the border as a result of the intersection of underdevelopment and the racial wealth gap. It concludes that border economy is significantly impacted by both the strategic inclusion and exclusion into the world-economy and the control

of labor through the hierarchical arrangement of social identities within the world capitalist system. This chapter hopes to demonstrate how we can imagine that another world rooted in an alternative economic reality can be possible along the U.S.-Mexico border.

Chapter IV examines sovereignty and examines stories of transborder solidarity and organizing that help to illustrate Jens Bartelson's (2001) understanding that the state is a historically limited phenomena. The chapter focuses on organizations that create new patterns of relations across the national border that help to fragment and break dominant paradigms and notions of state sovereignty that interrupt and inhibit community relations. The chapter sheds light on how individuals, organizations, and communities along the U.S.-Mexico border are creating new spaces of social organizing that challenge state sovereignty.

Chapter V examines how transborder indigenous communities pose a unique understanding for comprehending the role of human rights along the U.S.-Mexico border. The chapter discusses the formation of indigenous rights in international law to give an alternative understanding of the human rights discourse and the human rights framework. By examining how indigenous rights in international law is used as a form of assimilation of indigenous populations by the international community, this chapter concludes that part of the assimilatory measures by the human rights discourse includes adherence by indigenous populations to

state territorial borders and boundaries. This chapter demonstrates that resistance by transborder indigenous communities to the division of communities through national boundaries reveals a resistance embedded in an alternative reality and epistemology that challenges a state-centered account of history and laws that create and reify national borders. Furthermore, this chapter demonstrates how the creation and reification of national borders and state-centered accounts of sovereignty is also embedded in aspects of the human rights discourse (Lauderdale & Natividad, 2009).

These chapters intend to transition/translate/mediate theoretical aspects and understandings of border life for a new discourse of "mutual intelligibility" and knowledge-sharing that highlight the gap between law in the books and oral law within communities across borders and boundaries of nationality. What is at stake by not conducting this research is to continue to perceive the U.S.-Mexico border region as having only one genealogy of community formation that is based on state-centered accounts of history, state-centered accounts of economy, and state-centered accounts of human rights. Therefore, this research challenges this state-centered account of community formation by tracing alternative genealogies that reveal how local knowledges (that form from liberatory practices outside dominant state-centered processes) redefine community in the region.

Chapter 2

HISTORY

History

Introduction

Benedict Anderson (2006) in Imagined Communities, discussed the
differences between what he calls an imagined community versus an
actual community. In an imagined community members assign a mental
image of other members in the community even though they are never in
direct contact. Communion in an imagined community is formed in the
mind. In actual communities, individuals know most of their fellow-
members because they are in direct contact and understand their
communion based on interactions. According to Anderson, a nation-state
is an imagined community because members are never in direct contact.
Connection to other members in an imagined community becomes
conceived in the mind allowing commonality to form. However, what
other mechanisms help to create the nation-state and better imagine its
existence? Do they best present themselves at the crossroads of the
border?

Border theorists have characterized the U.S.-Mexico border region
as a place of hybridity and cross-fertilization (Canclini, 2005; Romero,
2007). Gloria Anzaldua's (2007) famous formulation of the border is
characterized as una herida abierta (an open wound) where the first world
grinds upon the third world. What the majority of authors understand is

that the border region consists of unique attributes that result in a unique consciousness that arises from its many features. These unique features are impacted and created by laws that in turn influence the development of consciousnesses. According to Nancy Reichman, Pierre Bordieu's theory of law argues that the "social practices of law are in fact the product of the functioning of a field, a site of competition over the right to determine meaning" (Reichman, 1998). The competition over the right to determine meaning is demonstrated through the litigation, protest, and storytelling of border residents that convey a different meaning of the border. Through legal-juridical practices, the U.S.-Mexico border represents a divided space between two different national communities. However, through the historical memory of border residents, the border does not represent the division of communities and any attempts to further divide communities along national lines has been met with fierce opposition by border residents.

This chapter seeks to display the battle over determining the meaning of the border. On one side, it positions legal juridical definitions of the border that portray a particular narrative of the border, and on the other side, it positions the historical memory of the border that provides an alternative narrative of the border. The chapter looks at how border residents through litigation, protest, and storytelling construct and develop local knowledges on what life is like along the border. The chapter grounds these life stories in relation to the law and explores how memory

informs an understanding of the border and community by border residents.

The first section covers recent litigation filed by border residents in Texas with the assistance of the University of Texas Working Group to legally oppose construction of the border wall that was built in 2008. The Working Group declares that the border wall is a human rights violation and points out that historically a physical barrier has never divided the U.S.-Mexico border. The Working Group was formed as a result of border communities in Texas seeking legal redress for indignities and harms that the border wall posed should it be built in their communities. The litigation against the border wall represents the struggle by border residents to impose an alternative solution to increased border security along the U.S.-Mexico border, one that is aligned with border residents conception and understanding of the border. The next section deals with opposition of the increased border security and the proposed border wall by public officials and border residents. This sections highlights protest that has ensued by mayors located in south Texas border towns that opposed construction of the border wall. This section also looks at the struggle of border residents in the El Paso region to oppose increase border security and highlights how city officials and border residents view the city of El Paso in the United States and Ciudad Juarez in Mexico as one big city that is joined together and not separate. The last section views the narration of history in order to understand why border residents oppose

the border wall and implementation of increased border security. The last section is a narration of history of the border region in El Paso and Ciudad Juarez as told by two life long residents of the region. This section of the chapter deals with the oral histories of the border region from the point of view of two of its community members and seeks to uncover how the border has been experienced over time. It examines the stories about this region in order to emphasize how local knowledges are located within the historical memory of life long border residents. The oral histories and life stories of the individuals reveal an alternative narrative and understanding of the border region and help to demonstrate how national laws and policies that treat the border in a legal juridical manner do not account for oral histories of the region by border residents. The overall goal of this chapter is to reveal how border residents understand the history of this area and how this history informs their resistance to increased border security and implementation of the border wall.

It is important to note my own intimate understanding of the border as a life-long border resident. I grew up and have spent the majority of my life living along the U.S.-Mexico border. My family has lived in the border region for six generations, before there was a border to cross (or as the saying goes, "the border crossed us, we didn't cross the border"). My upbringing included hearing oral histories and stories of the border region not explained in my education. Later in life I became aware of the contradiction between the meaning of the border in oral histories

and the meaning of the border as it was taught in school. Through the constant ritual and performance of crossing the border throughout my life, I have developed a deep connection to this region and have come to understand that border life is unique and develops a unique consciousness.

Litigation Along the Border

On June 13, 2008 the University of Texas Working Group (Working Group), a multi-disciplinary group composed of faculty and students at the University of Texas at Austin, submitted briefing papers to the Inter-American Commission on Human Rights declaring that "massive" human rights are being violated by the United States through construction of a wall on the Texas/Mexico border (Gilman, 2008). In the report the Working Group analyzed the impact the border wall posed to Texas border residents and requested that the Inter-American Commission on Human Rights consider an immediate investigation of these violations.

In their report to the Commission, the Working Group emphasized that historically most of the U.S. and Mexico border has never been divided by a physical wall or barrier (Gilman, 2008). The report noted that physical barriers began to be placed along the United States southern border in the early 1990's but were mostly limited to the San Diego, California area (Gilman, 2008, p. 3). The most significant change in the implementation of physical barriers along the border came with the Secure Fence Act of 2006.

Pursuant to the Secure Fence Act of 2006 (Congress, 2006) passed by United States Congress, a border wall was to be built along the United States southern border. The Act mandated the Department of Homeland Security (DHS) to construct reinforced fencing in "priority areas" stretching from the Pacific Ocean to the Gulf of Mexico. The Act did not stipulate the complete distance of fencing that was approved for construction; however, in December 2007 Congress amended the 2006 Act and ordered construction of at least 700 miles of fencing. In addition, the new legislation mandated that approximately 370 miles of fencing must be constructed by the end of the following year.

The 2006 Act was purported by White House officials to be an effort in reforming the immigration system in the United States (Archives, 2006). In addition, the border wall was meant to safeguard U.S. citizens. Former President George W. Bush noted during its signing, "This bill will make our borders more secure. This bill will help protect the American people" (Secretary, 2006).

Conversely, the Working Group reported that the proposed Texas/Mexico border wall does not fulfill objectives of the border wall statutes. Contrary to legislative goals established by U.S. government officials, the border wall is an ineffective measure to curb unauthorized entry by immigrants and protect against international terrorist threats. They indicate that government officials have not provided sufficient evidence that terrorists are and have been using the Texas/Mexico border

to cross into the United States (Gilman, 2008). Previous government attempts to control the flows of immigration along the Texas/Mexico border by using physical barriers have merely resulted in redirection of crossings. In lieu of this evidence, the report questions any validity for constructing the border wall and points out that U.S. immigration legislation that focuses on the physical border as the fundamental component for immigration control does not reflect "the reality of global migration" or recognizes "the needs of United States employers an immigrant workers" (Gilman, 2008, p. 11).

Consistent with this analysis, The Pew Hispanic Center records that half of all unauthorized immigrants now in the United States entered and resided in the country legally and remained in the country after violating their status as legal residents (Center, 2006). Unauthorized immigrants violate their legal status because of the relationships that become established between themselves and family, friends, community, and work (Chacon & Davis, 2006). For this reason, there is a discrepancy in the U.S. immigration system that does not account for community and familial ties that become established by migrant populations. Instead, the proposed border wall focuses only on securing territorial integrity of the nation's borders by separating communities and individual identities to national classifications and arrangements. Consequently legislation as the Secure Fence Act of 2006, makes obsolete transnational community ties obsolete

and denies the reality of the immigrant experience of solidifying social locations within communities.

Protest Along the Border

Although the border wall was to enclose a national space for protection and immigration control, instead, it has produced widespread opposition amongst Texas border residents and local government officials. Immediately following completion of 70 miles of new border fencing in Arizona at the end of September 2007 (Press, 2007b), the DHS began focusing its attention on stretches of land for construction of the wall in Texas. In an associated press article dated October 2, 2007, two days after completion of the first part of the border wall in Arizona, protests by Mayors along the Texas/Mexico border began (Press, 2007a).

The Mayors of Brownsville, Del Rio, and El Paso refused access to parts of their city to federal employees that were assigned to begin surveying and conducting preliminary work on the new fence along the Texas border (Press, 2007a). Brownsville Mayor Pat Ahumada, who one-month prior refused to sign documents granting permission for government workers to enter city property, stated, "This is exercising out rights. This is our property. We are not going to make it easy for them" (Press, 2007a). Eagle Pass Mayor Chad Foster added, "All of us are in opposition to physical barriers" (Press, 2007a). And they are not the only ones. Protests erupted on both sides of the border as thousands of border residents both in Texas and Mexico began demonstrating in the streets in

opposition. A litany of lawsuits objecting construction of the border wall also ensued.

Not surprisingly, local community opposition to construction of the border wall was the impetus behind the formation and implementation of the investigation by the University of Texas Working Group. They note in their report to the Inter-American Commission on Human Rights that Texas border residents were the first to contact the University of Texas regarding the "severe impact that the border wall will have on their human rights" (Gilman, 2008). As a last means for support against construction of the wall, border residents, via the Working Group, appealed for international support.

In the press release by the University of Texas Working Group explaining the reasons for their submission of their report, they include a quote by Margo Tamez, a local Texas border resident, in order to exemplify frustration undergone by local border residents in making their voice heard about the local realities of the proposed border wall as a human rights violation and its relation to a national agenda. Tamez stated, "while it is a shame that we must go before an international body to address the actions of the United States on its own border, I'm pleased that this crucial human rights perspective on the wall will be brought to bear and I am hopeful that the United States will reverse its course of action."

But understanding defiance by local border residents to the proposed border wall is emblematic of a larger dilemma concerning the relationship between state, law, and territory. Giving a state-centered account of spatiality assumes bordered/enclosed territories without giving notice that these enclosed spaces are socially constructed (Agnew, 1994). The stories of protest and litigation against construction of a physical border wall are unique because they reveal how the border is socially constructed by contesting state-centered accounts of spatiality as a legitimate social arrangement. At one end, objection to the physical wall is based on pragmatic reasons. For example, the wall divides land and denies a rancher from getting water from a stream for their horses just yards away. It divides families and friends from being able to gather and associate. It interrupts businesses by limiting their consumers. Yet, at the same time objections to the wall also represent ideological resistance by border residents concerning the reality of the region. Namely, Washington officials uphold in law that there is an existence of a firm divide between "the domestic" and "the foreign" (Bosniak, 2007). However, experiences and history of the border region convey a different reality. Is there something about this reality that is not being communicated to Washington lawmakers?

A city caught in the middle of border security and community unity

An article published in the Washington Post, entitled "Border Crackdown Has El Paso Caught in the Middle" (Hsu, 2007), discusses the

complexities new increased border security and the border wall has brought to the lives of citizens living in El Paso. El Paso and its sister city Ciudad Juarez are geographically located side by side on a map and combine for a population of over two million people. El Paso is the largest U.S. city on the border and is often referred to as a city at the crossroads of two nations. The relationship developed over the decades between these two cities has resulted in, as Gloria Anzaldua describes, "the lifeblood of two worlds merging to form a third country—a border culture" (Anzaldua, 2007).

However, border residents contend border culture can only be understood by its inhabitants. The best indication of this can be heard in the voices of border residents. The Washington Post article indicates the strong bond El Paso local officials, residents, and leaders of the community have with their own understanding of the border that is not aligned with broader national politics and policies. "Most people in Washington really don't understand life on the border, they don't understand our philosophy here that the border joins us together, it doesn't separate us" (Hsu, 2007). In this quote, El Paso Mayor John Cook describes his frustration with construction of increased border security measures implemented on behalf of Washington officials. For many living in El Paso, harsher enforcement along the border translates into eruption of violence (such as previous fatal Border Patrol shootings), longer waiting times at the border, and increased difficulty to visit loved ones on the

other side. The reality of the situation is, El Paso (unlike the city of San Diego which is located thirty minutes from the actual border ports of entries) sits parallel with Juarez along the border "line of demarcation." The boundary line runs directly across the center of these two cities, separating homes, businesses, schools, hospitals, restaurants, etc. When viewing an aerial map of the El Paso/Juarez region, it is difficult for most people to see any "line of demarcation" located between these two cities.

New increased border security for El Pasoans means more repressive measures of separation between families and friends (Staudt & Coronado, 2002; Staudt, Fragoso, & Fuentes, 2010). It also represents hardships for individuals who live transnational lives, whether it is due to work, leisure, or schooling. For all border residents who represent a large percentage of the 250 million crossings each year, border life, an already difficult terrain to maneuver, just became more difficult. Just as Mayor John Cook stated in an interview in 2007, El Pasoans and border residents understand the border as a uniting factor, this understanding is enhanced by a closely guarded border culture that does not take kindly to outsiders influence (Hsu, 2007).

Much of the frustration coming from El Pasoans and other border residents is due to a long history of disparity between imagined interaction and exchange amongst nations and the reality of the situation, represented in the lives of border residents. This reality is best understood by examining the processes that create and reify "a border," and the

performances by individuals that result from these processes. In an attempt to understand this reality, I recorded stories told by El Paso/Ciudad Juarez natives in order to uncover the conditions that coalesce to form an understanding of the border, and locate the performances that operate to deepen these conditions (Esteva & Prakash, 2008).

Storytelling Along the Border

Guadalupe has spent her entire life living along the border. Born in Ciudad Juarez in 1923, and later moving to El Paso and becoming a U.S. citizen, she has experienced how the border has changed over time. In her modest stories regarding education along the border, race, social class, and border officials, she constructs a border not known to many who have not spend their entire lives crossing back and forth. Her insight into what it means to live along the border now, and in the past, shakes the foundations of many preconceived notions people have of border life.

Salvatore has also spent his entire life along the border. Born in Ciudad Juarez, and later moving to El Paso and obtaining U.S. citizenship, Salvatore has seen aspects of the border that reflect his more than sixty years living along it. Salvatore's unique perspective of border life is heightened by his experiences selling food and candy on the bridges between El Paso and Juarez as a young child. His discussion of border officials is eye-opening as it is engaging, as he challenges the framework of logic behind the concept of the border. His awareness of the role border

officials play in establishing boundaries, questions our own understanding of the political space that supports the founding project of nations. Salvatore provides insight into the relationships and connectedness between law, discipline, power, and surveillance which as we will see, all run parallel with the creation of citizenship.

When examining the stories told by Salvatore and Guadalupe, I sought to find out whether the U.S.-Mexico border is more strongly reinforced by the thinking of individuals than its physical presence. In addition, I sought to uncover the processes that allow for this reinforcement of the border in the minds of individuals. The insights from the stories told describe a history of worlds caught between cultures, nations, languages, authorities, identities, and a unique perspective on what it means to be on the border. This perspective includes the reification of two imagined communities which has become lived by one stretched community and its inhabitants always existing "in the middle."

Authority

The most consistent theme that emerged in the stories told by Salvatore and Guadalupe dealt with the role authoritative figures and systems of barriers had upon conceiving the border. Both individuals could not talk about life in the region with out discussing immigration officers, border patrol agents, and other border related security features. Salvatore discussed that his earliest memory of the border was approaching the fence at age four and seeing the U.S. on the other side

(Natividad, 2010). Guadalupe similarly described having to show immigration officers passports at age ten, when crossing over to the U.S.

Fences, cement obelisks, bridges, 10 foot cement walls, and other physical barriers are constantly discussed when referencing the border as well as border patrol agents, immigration officers, and checkpoints. Similarly, passports, permits to work, identification cards, and other reinforcing documents are used in support of discussing the border. However, has this region, always consisted of such devices? The stories told by the two individuals reveal how the border may have been conceptualized differently throughout time.

Salvatore commented that when he was a young child he remembers traveling across the Zaragoza crossing into El Paso. At the time there was only one immigration officer at the checkpoint that would say hello as him and his family walked through. Guadalupe similarly recalls during her youth how walking back and forth from Juarez to El Paso didn't require the use of bridges or regulated crossing points, she stated "crossing the bridge or not using the bridge, it was the same thing." Both narratives of history gave startling accounts of the hassle-free/lackadaisical and even non-existent border security checkpoints between Juarez and El Paso, which spanned from the 1930s to the 1970s. When asked what changed about the border, both referenced how easy it was to cross in their youth, and how over the years, there has been tighter security and increased presence of authorities. Guadalupe explains, "It was so easy to go back and

forth, they didn't check us for anything…we would just come when we were little, get things you needed and then go back." Salvatore also explains how the border has changed, "yes, a lot of changes a lot more strict, they can see a lot of people who can cross and people have to obey the laws."

Guadalupe told the story about how her parents would cross back and forth between the nations, when there were no bridges in the area. In her opinion, as a result of no border checkpoints, border patrol agents, and bridges, she stated "during that time there was no difference between Mexico and United States." During her parent's time, traveling from Juarez to El Paso was like going from city to city according to Guadalupe. There was little indication of the differences between the two nations and crossing back and forth was frequent. She discussed how there weren't immigration services when her parents lived in the region.

Guadalupe, now eighty-nine years old, talked about her experiences crossing the border at a young age. She discussed how her entire family thought that El Paso and Juarez was one big city. She consistently asserted that there was no immigration back then. She replied that the only difference between the cities consisted of stricter laws in the U.S. She even claimed how there was a lot of Mexicans on both sides and that everyone on both sides spoke Spanish. This is still the case as it was reported that the border region as of 2000, consists of 45% speakers whose first

language is Spanish. This percentage rises in Texas to 75% indicating the influence of language in the region (Anderson, 2003).

In "The U.S.-Mexico Border: a Half Century of Change" Joan B. Anderson (2003) notes that the first man-made barriers were constructed in 1853 along the border West of El Paso, and consisted of cement obelisks in order to demarcate the boundary. The Rio Grande was used as a point of demarcation for the border East of El Paso all the way to Brownsville, Texas. Border patrol towers were put into place in 1930, but were taken down in 1950 as a result of U.S. Ambassador Hill declaring them an "insult to Mexico" (Anderson, 2003). In 1975 a chain-link fence was constructed in only two highly crossed areas: between San Diego and Tijuana, and El Paso and Ciudad Juarez (Anderson & Gerber, 2007). Though the 1990's brought a brand new economy along the border due to the implementation of the North American Free Trade Agreement (NAFTA), free flow of goods did not translate into the free flow of travel. Increased pressure for the U.S. to control the flow of immigration and drugs coming from the South, resulted in chain-link fences being replaced with 10ft steel fences, along with hi-tech surveillance instituted by Washington sponsored programs as Operation Gatekeeper, Operation Rio Grande (Anderson & Gerber, 2007; Nevins, 2010; Payan, 2006).

To further understand how authority has shaped the border region and the minds of its inhabitants, we turn to an article entitled "Notes from an Unrepentant Border Crosser" by Santiago Vaquera-Vasquez (Vaquera-

Vasquez, 2006). Vaquera-Vasquez tells a story about living "in/on/across" the U.S.-Mexico border. The author describes many ways the border is conceptualized through differing accounts of crossings and stories of growing up along the border. He attempts to shed light on the complexities of border life. The underlying theme in the article is found in the last story told by the author. In the absence of legal authorities and physical barriers, the author recounts how he freely moved back and forth across the border, thus successfully, "crossing out" the border (Vaquera-Vasquez, 2006). In other words, had the enforcement of laws via a physical structure and legal authority been present, then, the border would be present as well. In this example, the process of crossing the border no longer becomes repetitive or patterned by legal mechanisms. Similar to the stories told by Guadalupe and Salvatore, the border coalesces with physical structures, authoritative figures, and performances of crossing to create a meaning of what the border is. Vaquera-Vasquez notes how "crossing out" the border means ridding the border of these mechanisms. His story exemplifies how legal hegemony operates within the minds of border residents establishing the process of border crossing as a naturalized event.

Susan Sibley writes, "legal hegemony derives from long habituation to the legal authority that is almost imperceptibly infused into the material and social organization of ordinary life" (Sibley, 2006, p. 331). She gives examples of traffic lanes, parking rules, and sales receipts. Similarly,

bridge lanes, chain-linked fences, national flags, armed border patrol agents, and security checkpoints all become symbols for structures of legal hegemony that become internalized by border residents in their everyday lives. These mechanisms attempt to manufacture two separate communities and cultures along the border. Even the positioning logic, that fixates in one's mind "this side of the border" versus "that side of the border," culminate and embody the institutionalization of power that manufactures hegemony through the routinized everyday transactions involved in crossing the border. Vaquera-Vasquez describes this well when he states, "yet the people continue toward the border, for crossing the border, as the narrator states, "es algo natural, cosa de todos los dias" (is something natural, an everyday occurrence). Some do it in cars, some do it by swimming, some by running. But to cross the border, any border, is a natural thing, and everyday occurrence" (Vaquera-Vasquez, 2006). When individuals become socialized to an everyday transaction, it runs the risk, according to Sibley, of obscuring the sources of power and hiding the forms of subordination that individuals are subjected to (Sibley, 2006). In this instance, legal hegemony serves as an invisible constraint in one's life, it becomes increasingly difficult to understand from where restrictions are being placed, and from whom the restrictions derive (Oliverio, 1998). Similarly, Annamarie Oliverio (1998) in The State of Terror discusses how state hegemony employs ideological constructions of terms (such as

"terrorism") that obscure the sources of power yet establish habituation to legal authority as an ordinary everyday occurrence.

The increase in the presence of authority and security along the border over the years is not just imagined by the Guadalupe and Salvatore, but is reflected in the history of Washington sponsored efforts. The presence of authority serves as a constant reminder to the inhabitants of the border region of an international boundary, a reminder that has become habituated in actions and internalized by border residents. However, with the internalization of increased border security measures also comes internationalization, habituation, and naturalization of other aspects that correspond to these measures. The increase in security and authority along the border over the years has resulted in the establishment of a legal hegemony that has sought to enclose national spaces.

Contrary to the increase in border security, the local knowledge as exemplified in the oral history of Guadalupe and Salvatore reveal an alternative narrative of the border region. Rather than a state-centered account of an enclosed border always existing in this region, Guadalupe and Salvatore talk about the history of the border as a fluid and constantly open border with little to no control over what or who passes in the past. Author Vaquera-Vasquez asks what it would be like to "cross out the border." What Vaquera-Vasquez is asking for is what it would be like to have experienced what Salvatore and Guadalupe experienced and explained in their stories about the non-existent control of the border by

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authoritative figures, mechanisms, and laws. Because of the long

habituation of border security measures in the border region, younger

generations cannot conceive of the border in any other way, however the

oral history of the region, as revealed by Guadalupe and Salvatore,

demonstrates what the border was like without long habituation to legal

authority. The narrative of the history of the border as a space without

legal authority did not require any "crossing out" of the border but rather

demonstrates how the border has changed as a result of the presence of

authority and the establishment of legal hegemony.

Definitions of the border

It is not only the physical border that has changed over time, but

also definitions that are used to describe this region have also changed. In

stories about the border it is necessary to use a particular terminology that

goes hand in hand with border transactions. Border terminology not only

refers to the definitions of border processes, but also includes the

performative function that is attached to these words. Border inspections,

wetbacks, crossings, passports, work permits, bridges, ports of entry,

illegal immigrants, illegal aliens. These words point out the discourse that

has developed over time regarding ways to describe border transactions

and ways to define border life. This discourse has established a vocabulary

of terms associated with the border, border crossing, and border life.

These terms are well understood by border inhabitants that have to grasp

the meaning of these terms in both English and Spanish, but what is most

important to understand, is that these terms have evolved. These terms are not stagnant and the majority of them have ceased to exist at one point in time.

Guadalupe described that when she was younger that there were only two bridges between El Paso and Juarez. She and her family would cross at different parts of the border regardless if there were bridges present or not. This was common practice according to Guadalupe in those days. She noted how people crossed not using the bridge back then, there was no such thing as wetbacks. So not only has the physical presence of the border changed according to the Guadalupe, but what can be further uncovered from this statement, is that numerous terms linked to ideologies and logics that have become embedded in language and disseminated for a particular use, have also changed. Pat Lauderdale and Randall Amster in their piece "Power and Deviance" defined power as the following: "the ability or capacity to exercise social control; often conceived as the ability to define, categorize, or label" (Lauderdale & Amster, 2008). The ability to define is an important feature to consider. How a word is defined, under what context it becomes employed, and with what associations does it link to—all impacts an individual's conceptualization of a situation, place, or action.

In order for Guadalupe to reference the word "wetback," she would have to place it in context, in association with other words—i.e. nation, border crosser, citizen, immigrant, etc. Guadalupe can recall a point in

time in which the word and idea of wetback did not exist. We can therefore ask, what did not exist with it? As she pointed out with her laugh that followed, the logic and ideology that was attached to it did not exist either. Unfortunately, in the present day language, we must live in a world where all four aspects (idea, word, logic, and ideology) of the word, wetback, and other words (not only derogatory by nature) exist. Therefore, our own perspective is shaded/jaded/dented/hybridized/impacted to form our own perception of the world, with such a thing as "wetback." In other words, along with the word wetback came other words that formed a base of knowledge we place in association with the border. This provides evidence that power of words affects the mind and perspectives of individuals. However, as Sibley reminds us in her concept of legal hegemony, it is important to uncover where the power to define, design, implement, and maintain meanings is housed (Sibley, 2006). In other words, whoever has the ability to exercise social control along the border is related to how concepts and words are integrated into the vocabulary of border residents. Therefore language plays one of the most significant roles in reifying borders (Arteaga, 1994; Fabian, 1991; Saldívar, 1997). How language reifies borders can be exposed by examining the use of "the river" to demarcate boundaries between nations in El Paso and Juarez.

Anzaldua writes, "borders are set up to define the places that are safe and unsafe, to distinguish us from them" (Anzaldua, 2007). The ways borders are set up and the language used in association with them is an

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elaborate and detailed aspect for their functioning. In one of the stories told by Guadalupe, she describes how the concept of a "river" works in conjunction with establishing separate communities along the border in Texas. Guadalupe told the story that her mother was born in San Elizario, Texas in 1881 and her father was from Ciudad Juarez. Her parents would see one another and travel back and forth across the border without checkpoints, border patrol agents, immigration officers, etc. She stated, "my mother told me they used to go to Mexico in little horse carriages, and used to cross the river by carriage, there was no bridge to Mexico at that time." Her mother and father would cross back and forth across the river, and Guadalupe made it a point to emphasize that back then, there was a river, unlike now. "When I was born it (the Rio Grande) was already depleted so then they made some kind of deal which side belonged to Mexico and which side to the U.S." To many current El Paso/Juarez residents, the Rio Grande resembles a small reservoir or dried up irrigation ditch. This is due to the extensive irrigation systems that have been constructed at the base of southern Colorado which began in the mid-1890s. What resulted from these irrigation systems implemented over the span of a century, was the drying up of the river, Robert Autobee (1994) explains,

> During the 1890s, a series of official reports confirmed what common knowledge along the borderlands was -- the river was going dry by the time it reached El Paso. In 1896, an International Boundary Commission report estimated the flow of the Rio Grande had decreased by 200,000 acre-feet a year since 1880. By the time it reached El Paso, one sarcastic remark suggested the Rio Grande

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was the "only river with its bottom side up." The article continues to discuss the demise of the river over the years as it has not only dried up but now turned into, "a running cesspool. In 1993, a conservation group listed the Rio Grande as the country's most imperiled river (p. 5).

The Rio Grande River has served for many map onlookers as a clear distinctive factor in establishing the international boundary lines in the U.S. state of Texas and Mexican states of Chihuahua, Coahuila, and Tamaulipas. In referencing the river, people discuss using a bridge to cross back and forth between the U.S. and Mexico. To understand ports of entry at international crossings as, "bridges," is remarkable when considering the majority of the points of entry into the U.S. from Mexico are not constructed over a river. Even the elaborate lengths of the construction of bridges, in the midst of a dried up Rio Grande, are examples of the effort to re-establish a "foreign land" requiring the use of "bridges" to connect two nations. Ortiz-Gonzalez writes that "the bridges are massive, bow-like concrete structures about a quarter of a mile long and about sixty feet tall at their highest points. At these high points, the two national flags hang from their poles, ten feet apart" (Ortiz-Gonzalez, 2004).

The deployment of the word "bridge" becomes interlocked with a definition that has an added sense of a natural boundary separating land, but most importantly, helps to reify a definition of separate nations, communities, and peoples along a stretch of land. This can be seen when viewing the history of the border explained by Guadalupe. She explains that according to her parents, even with the river dividing land, there was no difference between the U.S. and Mexico. Not only was there no

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difference, there were no bridges, henceforth there was no deployment of the definition—an international bridge, which creates in the minds of the inhabitants an area that is divided. This division can only be created later, with established border security, checkpoints, and fences. Salvatore commented how his first experience of the border was "going all the way to the fence and seeing the other side of the U.S." It is difficult to ponder the concept, that if there was no fence, would there be another side to peer into, or another side of the fence that is perceived and reified as "different."

Rehearsal and repetition of a word that connotes so many various associations, draws attention to the importance terminology has in its relation for establishing definitions in the minds of individuals that, from conditions and conditioning, become internalized. Beatriz Gonzalez Stephan (2003) in her essay "On Citizenship: The Grammatology of the Body-Politic" described this process best, she writes,

> Constitutions, grammars, and manuals are all forms of discourse that as laws, rules, and regulations not only prevent infractions and mistakes, punishment and guilt, but also form a subjective police corps that is systematically assumed by each individual through constant use, a repression that is internalized... Although there were many complex factors exhibited in the creation of citizenship, one of the most critical was grammar, because as Andres Bello said, it is one of the ethical, legal, and political authorities with the greatest power of intervention to create citizenship and the founding discourse of the modern state (p. 189).

For Gonzalez-Stephan, grammar was one of the most important factors for establishing citizenship and creating identities and roles associated with those identities. Defining the domestic and the foreign was essential for

the establishment of the modern state, and as Stephan-Gonzalez asserts, language significantly contributed in expanding and limiting relationships and interactions amongst individuals. For Guadalupe, in her story about her parents she explains that in her memory the border did not have any bridges. To represent the history of the border without bridges and ports of entry and exit is to reconceptualize the border region altogether including reconceptualization of actions such as border crossing. Oral history of the border reveals that there were no bridges and points of entry and exit, which also reveals that the idea of crossing borders has been conceptualized differently over time.

Language and identity

As discussed previously, language plays a major role in creating conditions conducive to legal-political practices. Gonzalez-Stephan writes that the creation of an identity has to be built as a homogenous space in order for governance to occur (Gonzalez-Stephan, 2003). In other words, the same understanding of terms related to transactions of crossing the border as well as etiquette associated with crossing, has to be understood homogeneously by everyone in order to reify the idea of citizenship and the division of citizens along a demarcated boundary/line. According to Gonzalez-Stephan, the creation of citizenship/identity is the founding discourse of the nation-state, and the language that is used within this discourse must be imprinted homogeneously and universally, so that no

room is allowed for the freedom to alter definitions (Gonzalez-Stephan, 2003).

Grammar plays an important role in the creation of citizenship. It allows for social control via socialization of its citizens under controlled terms, vocabulary, legitimate language, that establishes, reinforces, organizes, manages, and controls social organizing. Language serves as the medium from which power can be distributed in the mind through the control of ideas and thoughts that become validated in speech, writings, and communication (Arteaga, 1994; Fabian, 1991). Salvatore acknowledged the role of grammar and language in the creation of citizenship when telling the story of when he became a citizen. He stated,

> April 16 uhhh, sixteen years old. I had to take a little test, but what they really wanted to know if you knew English, I didn't even have to take a test, this was during Vietnam, and they asked me if I was going to serve in the military. They just wanted to see your level of English. (Natividad, 2010 p. 3)

Guadalupe too talked about her desire to become a U.S. citizen and the lengths she went through to assume this role by learning English. The creation of homogenous linguistic space is so important that any measure to reinforce this is allowed. Salvatore, like many his age that grew up along the border, were forced through physical abuse to speak English in the U.S. elementary, middle, and high schools. He understands the use of language for indoctrination and assimilation as they are inseparable for legal-political practices in the power of the state.

Salvatore told a story about when he was younger he was being physically abused in elementary public school, by school officials for

speaking Spanish. He stated, "it was hard because they would take us to the principal and they would swat us for speaking Spanish, but how am I supposed to speak English, I don't know it. A few kids would translate, 'I cant talk English...I don't know it!' And they would still swat us."

In this instance, Gonzalez-Stephan (2003) notes how education was used as a mechanism for this forced assimilation. Standardizing language through education helped to assimilate children. Gonzalez-Stephan explains that the logic behind this brutal form of assimilation can be historically traced back to assimilation efforts colonizing states during the 18th and 19th centuries. She quotes a 19th Century philosopher and politician that describes why standardizing language is so important to the state and developing nationalism. The philosopher stated that standardizing language would, "not only eradicate "nasty habits," "defects," and "rude barbarisms" from "people with little education," but also prevent the proliferation of a host of irregular, licentious and barbaric dialects...which block the diffusion of enlightenment, execution of the law, administration of the state and national unity" (Gonzalez-Stephan, 2003). Gonzalez-Stephan explains that standardizing language enables execution of the law and administration of the state, both of which are dependent on homogenous language that defines homogenous social organizing practices and homogenous social relationships that become limited and defined within a standardized and modified language. When Salvatore was forced to learn English, it demolished ideas, logics, and ideologies attached

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with another language, but most importantly, set the stage for a fixed identity that revolved around language, hierarchy, and authority controlled by the state. His memories of these experiences reveal the violence of law in creating homogenous conditions by standardizing language in schools. Salvatore's story of wanting to speak Spanish in school demonstrates the multiple ways of knowing in multiple languages that become standardized for implementation of homogenous social organizing practices.

Pablo Gonzalez-Casanova (1965) discusses in his article "Internal Colonialism and National Development" colonial practices that become ascribed not only by the colonizers but naturalized in the minds of the colonized. These colonial practices become naturalized by the use of immutable terms that have an embedded colonial logic that de-legitimizes all other language and terms that oppose its existence. In other words, not only does language become de-legitimized, but logic attached to an imposed language controls the reasoning and capable thoughts of individuals.

Some of the hallmarks of colonialism identified by scholars like Gonzalez-Casanova, have included labeling, classifying, and organizing social groups in order to hierarchically arrange them. This hierarchical arrangement not only produces economic social classes, but dictates a much broader importance of hierarchically arranging epistemologies, logics, language, and ideas. This arrangement gave repressed voices, what

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Paulo Freire described as, a duality in the innermost being of individuals. This duality, according to Freire, resulted in the following: "They are at one and the same time themselves and the oppressor whose consciousness they have internalized" (Freire, 2000, p. 48). In other words, the established hierarchy of knowledges via a colonial society, controls the thoughts and vocabulary of individuals by placing importance on some thoughts over others as part of the "civilizing" process and as a result controls the movement and behavior of colonial subjects (Oliverio, 1998).

Conclusion

Beatriz Gonzalez-Stephan (2003) wrote that the founding project of the nation was to "civilize," she identified two ways in which this was accomplished, first, "by endowing the written word with the power to legalize and standardize practices and individuals whose identity was limited to written space" (Gonzalez-Stephan, 2003, p. 189); and by controlling individuals interactions by making them citizens of the polis, "restraining them within an invisible web of laws, rules, and policing texts" (Gonzalez-Stephan, 2003, p. 189). The written word according to Stephan was to be the decisive civilizing tool. Scholars have noted the variegated ways written word has impacted civilizations, from language and colonial powers (Fabian, 1991) to the writing of history (Certeau, 1992) to the development of a juridical unconscious born out of trials and decisions of legal events (Felman, 2002).

In order to understand how the written word is used as a mechanism for control of the social context, we must examine points of contact in which written laws become contested and in opposition to social organizing practices and social interaction amongst communities. Oral histories and resistance in the border region serve as points of contact that reveal an alternative narrative of the border that comes in contrast with dominant narratives of the border found in written law. For Stephan-Gonzalez, the written word legalizes and standardizes practices and interactions of individuals limiting them to written space. Oral histories and difference expressions of an alternative narrative of the border contradicts this written space.

This chapter demonstrates that oral histories break the mold of written spaces by contrasting dominant narratives about the border and legal practices and interactions that are allowed at the border. The way the oral histories in this chapter contrast dominant narratives and legal practices is by portraying the history of the border as open and fluid. Rather than state-centered accounts of the division of communities along national lines that are codified in written laws, historical memory by border residents reveal that the border does not, and historically has never divided communities along national lines. Furthermore, protest and litigation by border residents against mechanisms that divide communities along the border through border security measures, demonstrate how law and policy contributes to dividing communities, rather than

understanding the reality of border communities. Even though legal practices and interactions seek to limit interaction between individuals located on either side of the border, oral histories demonstrate that the reality of individual and community relations is not limited to written spaces of passports, citizenships, and identification cards. Instead historical memories of border residents reveal that community relations and identities that form are more complex than written spaces of law wish to maintain.

In addition, this chapter demonstrates that by examining narration of history we come to understand how language serves as a catalyst for modern state projects, including the creation of a stagnant identity/citizenship. These projects are embedded in terminology/words that are used as beacons for assimilation and indoctrination of individuals into the many umbrella-like foundations for social control. In other words, what is allowed to be communicated coalesces with what is allowed to be thought. By examining the stories about the history of the border we find how language becomes the gateway through which ideas, concepts, and logics become reified. Identity is employed to add to the subordination of individuals, but what fractures this system is how multiple understandings of a nation come alive by viewing the participation of border residents in their expressions of protest and resistance to one single narrative of what a nation and border are.

As Gloria Anzaldua (2007) reminds us, the border is an unnatural boundary that is there to represent a separation of us and them, where the us, becomes defined by an imagined community that dispenses identification cards, and if you wish to visit them, then it also dispenses passports. The established conditions to allow for a "border crosser" to exist, is best understood at the point of its creation—in a web-like interconnected reification of concepts, and from the vantage point between reality and imagination. It is best described by Salvatore when he talks about the treatment of immigration officers when he crosses back and forth, "Its funny because they (immigration officers) claim if you don't want to get in trouble then don't go to Juarez, but if we don't then they don't have a job."

Chapter 3

ECONOMICS

Introduction

> "Really, Socrates," Glaucon commented, "that's just the fodder you
> would provide if you were founding a community of pigs!"
> "But how would you do it, Glaucon?" I asked
> "Give them the ordinary comforts," he replied. "Let them recline in
> comfort on couches and eat off tables, and have the sort of food we
> have today."
> "All right," I said, "I understand. We are to study not only the
> origins of society, but also society when it enjoys the luxuries of
> civilization" (Plato, 2007 p. 61)
> Plato's The Republic is often regarded as a monumental text in

philosophy and political theory. The Republic seeks to define justice by

embarking on a journey to uncover a perfectly "just" city and a perfectly

"just" individual. Whether justice is defined as nothing but the interests of

the strong in society or the claim that an individual is to be just for the

sake of justice, Plato's theory of justice lends itself to current debates

regarding the economic and social order of society and paradigmatic

formulas for defending dialectical forms of government (Annas, 1981;

Pappas, 2003; Santas, 2010).

However most scholars tend to miss a significant aspect and

contribution of Plato's Republic. They tend to regard Plato's Books I & II

in the Republic as being a part of his earlier work and therefore not having

an intelligible and rational place in his overall argument (Pappas, 2003;

Reeve, 2006). While discussing Plato's most celebrated and canonized

question, "what is justice?" scholars delve into the nature of what they

understand to be the greatest matter of deep moral interest, the creation of

a just society (Annas, 1981; Reeve, 2006). However, what gets overlooked

in this book is a brief alternative viewpoint into the nature and

relationship of wealth to society (Lotter, 2003). What seems at first, to be

a moral dialectical quandary into the superiority of just actions, really

begins with an economic model that becomes abandoned by Plato at the

beginning of the book.

Plato begins The Republic in Book I by introducing the main

characters and themes of the book. The beginning of the book is filled with

elliptical speakers and hyperbolical anecdotes. However, Book I serves as

departure for Plato to engage in a discussion away from a conception of

justice that merely features the actions of an individual, toward a

conception of justice as a characteristic of the person performing them

(Stauffer, 2000). This enables Plato to go from analyzing justice on a small

scale of the individual, to focusing on the characteristics of justice within a

large community or society. Plato does this in order to set up the

remainder of the book to be able to analyze and formulate an ideal city or a

perfectly just city.

Plato starts his inquiry with the community by having his main

character, Socrates discuss the origins of a just society. Socrates discusses

the basic needs of a just society including provisions for food, shelter, and

clothing and formulates an imaginary sketch of the state based on these

needs. He discusses all aspects of a society that are created from human

needs, including the creation of specialized professions such as builders,

craftsmen, and farmers (Plato, 2007, p. 59-63). Plato's main character

Socrates takes a total of four pages to explain a just society or an ideal city.

However, his interlocutor Glaucon questions the validity of the state

created by Socrates. Glaucon asserts that the state that has been described

by Socrates is not valid because it is too simplistic. Glaucon comments,

"that's just the fodder you would provide if you were founding a

community of pigs!" (Plato, 2007, p. 63). Specifically, Glaucon demands

that the state has the comfort of luxuries.

With the advent of needing to consider a society with luxuries

entering the text, Plato goes from an apolitical discussion of ethical theory

on the origins of a just society to a political discussion on a state with

luxuries (Pappas, 2003). Socrates states, "We are to study not only the

origins of society, but also society when it enjoys the luxuries of

civilization" (Plato, 2007, p. 63). In the conversation, Socrates brings to

Glaucon's attention that the state he is asking for requires more

complications than he realizes. Socrates even comments that the society

without luxuries is a healthy society, and the introduction of a society with

luxuries introduces a society that is "unhealthy." He states, "the society we

have described seems to me to be the true one, like a man in health, there

is nothing to prevent us, if you wish, studying one in a fever" (Plato, 2007,

p. 64).

Out of a 361-page book of The Republic, it took Plato four pages to

describe a perfectly just society or as he describes it, a "healthy" society,

for his inquiry into justice. Seemingly, the book could have ended within the first seventy pages, being that Plato covered the basics on the origins of a "healthy" society and sought out justice within it. However, with the inclusion of luxuries into the state Plato writes over three hundred pages of dialogue seeking out an ideal city that has included in it, luxuries of all types. In addition, Plato notes that because of the introduction of luxuries, the complex nature of the ideal city hides within it, the true nature of justice requiring a new and different in-depth analysis of justice (Plato, 2007). Plato repeatedly makes it a point to distinguish between the two societies he describes, one with luxuries, and one without. One without luxuries is a healthy state, whereas one with luxuries is not a healthy state.

This is the most significant aspect and contribution of Plato's The Republic. Not only does it give insight into the complexities that arise from a relationship of society to the accumulation of wealth, but it also gives insight into another circumstance that surfaces in a society with luxuries. Plato terms this circumstance as one of the most difficult problems to arise in society. As Plato's main character Socrates continues to include new luxuries at the demand of his interlocutors into the conversation, he immediately addresses the most significant luxury that is required for the accumulation of wealth…land. According to Plato, what results from a state with luxuries significantly impacts the allocation, distribution, and struggle over the control of land. Plato (2007) writes,

> "We shall have to enlarge our state again. Our healthy state is no longer big enough…And the territory which was formerly enough to support us will now be too small."
>
> "That is undeniable"
>
> "If we are to have enough for pasture and plough, we shall have to cut a slice off our neighbours' territory. And if they too are no longer confining themselves to necessities and have embarked on the pursuit of unlimited material possessions, they will want a slice of ours too."
>
> "The consequence is inevitable." (p. 64)

According to Plato, with the accumulation of wealth and the introduction of new luxuries comes the pursuit of unlimited possessions and therefore the establishment of land boundaries and land disputes. This leads Plato to hint at the origins of a police state when discussing the consequence of the pursuit of unlimited possessions.

From The Republic, we understand that the pursuit of unlimited material possession requires forces that will limit the possession of land by securing boundaries of private ownership. Perhaps Plato called the state with limited luxuries the healthy state because of his insight into the accumulation of wealth or pursuit of unlimited material possessions would lead to, as he describes it, "a slicing of the neighbors' territory." Or perhaps Plato projected and feared that the accumulation of wealth would lead to the slicing of land in general. Whichever is the case, one thing is for certain, Plato set forth how a rise of the state and its "monopoly on violence," coincides with struggle over land and the unequal accumulation of wealth which is now present throughout the world today.

This chapter uncovers the role of the state in creating border economies and how border economies contribute to the accumulation of

capital. It discusses how the accumulation of capital requires the "slicing

of land" through national borders in order to dispossess populations along

the border region while underdeveloping the region at the same time. This

chapter also reveals how historically populations along the U.S.-Mexico

border region have been subjected to extreme impoverished conditions

and how these conditions are related to the world-economy and to the

concepts of the racial wealth gap and underdevelopment. The chapter

illustrates that dominant interpretations and practices of border

economies do not take into consideration the impact race has on the

accumulation of capital and how underdevelopment has created core-

periphery relations globally.

By unveiling how dominant interpretations of border economies

omit histories of race relations and processes of underdevelopment, this

chapter connects to the previous chapter by unveiling an alternative

economic history about the border. When combining oral histories of the

border region conveyed through local knowledges with an understanding

of a non-dominant interpretation of the economy along the border, a more

thorough analysis of the border region is portrayed. In addition, this

chapter links to the next chapter on sovereignty, to give clear evidence that

the legal economy of the nation-state is different than the local economy of

the U.S.-Mexico border region. This chapter therefore proceeds to

demonstrate how the legal juridical makeup of the border impacts the

economy of the border region and how this economy supports the accumulation of capital.

Key findings by the chapter include, providing evidence that the border economy is significantly impacted by both the strategic inclusion and exclusion into the world-economy and the control of labor within the world monetary system. What makes the border region a unique economy is how it is strategically included and excluded into the world economy, which is highly influenced by the following three factors: the correlation of border security along the border and who is allowed in and who is not; the intersections of race and underdevelopment on the polarization of rich and poor; and the impact of the myth of non-state intervention into the world-economy and the myth of "free-trade" along the border. The first section discusses the racial wealth gap in the U.S. and its relation to Anibal Quijano's concept of the coloniality of power. The next section discusses how global inequality and wealth gaps between nations have developed throughout the world. To understand how these global inequalities have developed, this section uses Andre Gunder-Frank's understanding of underdevelopment to explain how the accumulation of capital has occurred (Lauderdale and Harris, 2008). The next section focuses on John Friedmann's (1986) work on how cities are connected to the world-economy and how national borders serve as endogenous conditions that modify economic relations in order to support the accumulation of capital. The last two sections discuss the myths of state intervention and free trade

in the world market to create conditions conducive for the accumulation of capital. The sections seek to reveal how economic inequalities and uneven development present themselves in their most concentrated forms along the border as a result of underdevelopment and the racial wealth gap.

Racialized People and Wealth in the United States

According to the 2010 U.S. Census, the average median income for households in the U.S. was $49,445 (DeNavas-Walt, Proctor, & Smith, 2010). Broken down by race, the median income for non-Hispanic White households was $54,620; for Black households, $32,068; and for Hispanic households, it was $37,759 (DeNavas-Walt et al., 2010). Non-Hispanic households exceeded the median income for households in the U.S. by $5,175, whereas Hispanic households were below the median by $11,686 and blacks were below the median by $17,377. According to experts, the wealth gap in the U.S. between whites and ethnic and racial minorities is at the highest level it has ever been in over a quarter of a century (Yen, 2011). According to recent analysis released by the Pew Research Center, the median wealth of white U.S. households in 2009 was $113,149. In comparison, the Hispanic median wealth was $6,325 and for blacks it was $5,677 (Taylor, Kochhar, & Fry, 2011). That means that the median wealth ratios for whites to blacks is roughly 20 to 1, and for whites to Hispanics is 18 to 1. This far exceeds the 7 to 1 ratio for both groups in 1995. The white-black wealth gap is currently also the widest since 1984 when it was a ratio

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of 12 to 1 (Taylor et al., 2011). The wealth gap can only be calculated from 1984 onward when the U.S. census began tracking such data.

The impact of the recent economic downturn in the U.S. from 2005 to 2009 has also had a significant impact of the wealth gap between each of the groups. The median wealth of Hispanics fell by 66 percent from $18,359 in 2005 to $6,325 in 2009. Among blacks, the median wealth fell 56 percent from $12,124 to $5,677. Contrastingly, whites median wealth fell only 16 percent from $134,992 to $113,149 (Taylor et al., 2011). The findings are attributed to several factors including the housing real estate bubble and median home equity held by homeowners. Regardless, Paul Taylor, Director of Pew Social Demographic Trends and co-author of the study stated it best that "the findings are a reminder – if one was needed – of what a large share of blacks and Hispanics live on the economic margins...when the economy tanked, they're the groups that took the heaviest blows" (Yen, 2011).

A recent article by Pam Fessler (2011b) in NPR titled "Making it in the U.S.: More than just Hard Work" discusses how study after study shows that white families are more likely than blacks and Hispanics to have certain economic advantages. The article describes how the racial wealth gap between white families on one end, and blacks and Hispanics on the other, has grown wider in the last 25 years and right now is at the widest point it has ever been (Fessler, 2011a; Fessler, 2011b). The article explains that the racial wealth gap is more complex than simply attributing

it to unequal incomes between the racial groups. Instead the article examines how subtle differences, such as the amount of financial wealth a family starts with, contribute to widening the racial wealth gap. According to race and wealth expert Tom Shapiro, the larger amount of wealth a family starts out with, whether it be from inheritance or other sources, the more accumulation of wealth can occur over time for that family (Fessler, 2011b). Taking this into consideration, Fessler explains "in other words, it's easier to get richer if you already are. Since blacks and Hispanics are less likely to have much wealth to begin with, they're less likely to have money to invest in the stepping stones to success" (Fessler, 2011b). These investments, or stepping stones to success, according to Fessler include small businesses, homes, or education which makes the difference between the accumulation of wealth and economic advantages experienced by white families and the disenfranchisement and deprivation experienced by black and Hispanic families. According to the article, one figure shows that "the typical white family has 20 times the wealth of the median black family" (Fessler, 2011b). What Fessler's article and other articles on the racialized wealth gap reveal, is that all scholars agree that the racialized wealth gap is growing at an exponential rate and right now is at the worst it has ever been since data on race and wealth has been collected.

To make matters worse, a recent study by the Pew Hispanic Center found that as of 2010, more Hispanic children are living in poverty than

children of any other racial or ethnic group in the United States (Lopez &

Velasco, 2011). This is the first time in the history of the U.S. that an ethnic

group other than whites has exceeded the total number of children living

in poverty. Even though Hispanic children comprise of 23.1 percent of the

nation's children, the study found that 37.3 percent of poor children in the

U.S. were Hispanic. That is 6.1 million Hispanic children were living in

poverty according to the study (Lopez & Velasco, 2011). In addition, of the

6.1 million Hispanic children living in poverty, more than two-thirds or 4.1

million are the children of immigrant parents and of the 4.1 million

children born to immigrant parents 86.2 percent were born in the U.S. The

study also found that even though Hispanics comprise of the largest group

of children living in poverty, the poverty rate among black children in the

U.S. is the nation's highest. According to the study, "in 2010, 39.1% of

black children lived in poverty, while 35% of Latino children and 12.4% of

white children lived in poverty" (Lopez & Velasco, 2011). By comparison,

53.5 percent or more than half of all children in the U.S. are white, and of

those 53.5 percent only 12.4 percent of the population is living in

impoverished conditions. The poverty rate for children was higher than

the poverty rates for adults between 18 and 64 years of age and adults over

65 years of age. In addition, children accounted for 35.5 percent of people

in poverty, but only 24.4 percent of the total population (DeNavas-Walt et

al., 2010).

However, poverty rates for children in regards to race and ethnicity also reflect the poverty rate for adults in the U.S. According to the U.S. Census the poverty rate for 2010 was 15.1 percent or 46.2 million adults were living in poverty (DeNavas-Walt et al., 2010). That is an increase of around 6 percent since 1970. Out of the 46.2 million living in poverty 9.9 percent or 19.6 million were non-Hispanic White, whereas 27.4 percent or 10.7 million were black, 26.6 percent or 13.2 million were Hispanic, and 12.1 percent or 1.7 million were Asians (DeNavas-Walt et al., 2010). In a study by the Institute for Health Policy Studies at the University of California at San Francisco in 2000, they found that Latinos that are employed are eleven times more likely to live in poverty than whites to live in poverty (Bacon, 2004). In addition, the study found that blacks are five times more likely to live in poverty than whites. Journalist David Bacon attributes this disparity to the trend undertaken by large corporations recently to abandon traditional permanent jobs in the world place. He explains, "only a third of white workers now work in traditional jobs--with permanent, full-time status, working directly for the company rather than a contractor. And only 25 percent of Latino and African American workers hold traditional jobs" (Bacon, 2004, p. 58).

Further data analysis reveals the toll that racism has had on the accumulation of wealth in the U.S. Blacks and Hispanics are approximately two and a half times more likely than whites to have zero or negative net worth (Jaggar, 2008). Less than half of blacks and less than

half of Hispanics own their home, compared to over three quarters of whites that are home owners (Jaggar, 2008). In addition, recent studies have shown that white Americans have greater access to assets and on average more assets than blacks or Hispanics (Jaggar, 2008; Nembhard & Chiteji, 2006). Recent scholarship highlights how this is resultant from historical underrepresentation of ethnic minorities in civic participation. For example, the book, The Color of Wealth: The Story Behind the U.S. Racial Wealth Divide, demonstrates how historically "people of color have been barred by laws and by discrimination from participating in government wealth-building programs that benefit white Americans" (Lui, Robles, & Leondar-Wright, 2006).

At this point we must ask, how does the data and analysis help us to understand why it is that along the U.S.-Mexico border, on the U.S. side, three of the 10 poorest counties in the United States are located in the border region? In addition, why is it that twenty-one of the twenty-four counties along the U.S.-Mexico border have been designated as economically distressed areas (Commission, 2003)? Furthermore, why is it, that the socio-economic gap between the U.S.-Mexico border counties and the rest of the United States is the widest in the nation? To understand these three questions we turn to Anibal Quijano's writings on the coloniality of power.

Coloniality of Power

Despite the data and recent scholarship on the racial wealth gap in the U.S., what is taking effect in the U.S., and in particular along the U.S.-Mexico border, is best understood by turning to sociologist Anibal Quijano and his theories on the "coloniality of power" and the division of labor along racial lines.

Anibal Quijano developed the concept of the "coloniality of power" which maintained that the political and economic spheres of colonialism are linked with the idea that knowledge is part of the processes of colonialism (Quijano, 2003). Anibal Quijano's coloniality of power explains how racial classification of the population was used to control labor and develop a new global power around capitalist-wage labor relations. Quijano's coloniality of power explains how the invention of race has impacted world history and the development of the world-economy.

Quijano discusses how historically new identities were produced around the idea of race during the time the colonization of America (Quijano, 2003). These newly defined identities produced a milieu of social relations that became configured around domination, hierarchically arranged societies, and colonial expansion for the exploitation of labor. Race became the identifying categories that separated the dominator from the dominated, i.e. colonizer from the colonized. Racial identity became the instrument that would construct society's structure of power by placing individuals in social roles from birth. These invented social roles were determined by the color of one's skin.

The link of racial classification with capitalist-wage labor processes
is described by Quijano as, "new historical identities produced around the
foundation of the idea of race in the new global structure of the control of
labor were associated with social roles and geohistorical places. In this
way, both race and the division of labor remained structurally linked and
mutually reinforcing, in spite of the fact that neither of them were
dependent on the other in order to exist or change" (Quijano, 2003, p.
536). Quijano notes that systematic racial division of labor was utilized
throughout the colonization period to subjugate both physically and
epistemically the colonizer as well as the colonized.

Quijano's notion of coloniality of power contributes to
understanding the labor relations along the U.S.-Mexico border because it
identifies the relationship the idea of race had to a new global structure of
the control of labor specifically linked to social identities and geohistorical
places (Quijano, 2003). For the border region, the created "social roles"
and "geohistorical places" identified by Quijano, resulted in the division of
labor and the idea of race to be structurally linked and mutually
reinforcing allowing a systematic racial division of labor in the region.
However, what is interesting about Quijano's explanation of the systematic
racial division of labor as a new model of power is that it developed
alongside the configuration of the nation-state. Quijano's explanation of
the new model of global power is embedded and fortified in what he calls
the "logic of coloniality" (Quijano, 2003). The logic maintains and

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supports exploitative and imperial-state practices by asserting modernity's rationality that justifies their existence. This is the aspect of Quijano's research that is most relevant to our understanding of border economies, namely, that the configuration of the nation-state, and specifically the construction of its borders, become justified in relation and in support with the logic of coloniality. This is important, because in becoming justified, the configuration of the state locates valorizing mechanisms and logics that further state projects such as the reinforcement of national borders. The logic of coloniality extends justification not just to the physical border, but also into epistemological frameworks that legitimate a legal-political functioning of the border.

Even though scholars have discussed the impact race relations have had on establishing hierarchically arranged societies along the concept of ostensible race, most notably Charles Mills (Mills, 1999) in The Racial Contract (Cobas, Duany, & Feagin, 2009; Goldberg, 2001; Omi & Winant, 1994), what makes Quijano's research pertinent, is that it includes a discussion of both the physical and epistemic detrimental toll that justification for the racial classification of populations for the division of labor have had historically.

Since Quijano's work on coloniality of power, the modernity/coloniality research project, which includes scholars as Walter Mignolo (Mignolo, 2000; Mignolo, 2003; Mignolo, 2011), Catherine Walsh (Walsh, 2007), Arturo Escobar (Escobar, 2011), Santiago Castro-

Gomez (Castro Gómez, 1996; Castro-Gómez, 2000), Ramon Grosfuguel

and others, have extended the concept of the coloniality of power (political

and economic) to the "coloniality of knowledge" and of "being" (gender,

sexuality, subjectivity, and knowledge). The modernity/coloniality

research project uses Quijano's concept of coloniality of power because of

its ability to open up, according to Walter Mignolo, "the re-construction

and the restitution of silenced histories, repressed subjectivities,

subalternized knowledges and languages performed by the Totality

depicted under the names of modernity and rationality" (Mignolo &

Escobar, 2009). Mignolo maintains that, because it has opened up these

knowledges, Quijano's work moves to demonstrate the analytic of

coloniality and at the same time the notion of de-coloniality that is

different from eurocentered projects of post-modernity and post-

coloniality.

Building on the work of Quijano, I assert, in a similar vein, that the

analytic of coloniality that constitutes and legitimates the notion of the

border is a configuration that separates land, people, histories, and

knowledge. Instead of viewing the historical components of the coloniality

of power like Quijano, I argue that the "new global model of power"

continually produces new historical identities around politics of territory

in order to support a racial division of labor along the border region. What

we find at the border is the crossroads of the coloniality of power. Viewing

the racialized wealth gap in the U.S. helps to reveal the logic of coloniality

and by locating and identifying this gap along the U.S.-Mexico border

contextualizes the intersection of both peripheral relations of the region

and the impact of race. Placing this intersection into context gives a more

accurate depiction of the current political, social, and economic conditions

lived by individuals in the border region.

Crossroads of the Coloniality of Power

Now let's examine the U.S.-Mexico border region, which is at the

intersection of racism or racialized processes and core-periphery relations,

or at the crossroads of the coloniality of power, within the United States.

As of 2007, more than half or 54 percent of the country's Hispanic

population lives in states along the U.S.-Mexico border (Research, 2008).

New Mexico has the highest population of Hispanics at 44 percent while

Texas has the third largest percentage of Hispanic population of 36

percent. Even though Hispanics only comprise of 16 percent of the U.S.

total population, Hispanics along the border comprise of 52.7 percent or

3.8 million of the Border Counties population and 35.7 percent or 24.6

million of the Border States population (Research, 2008). In addition, if

the border counties were to be taken as a state, it would rank 13 largest in

the Union and would rank second among all states in the U.S. for

percentage of population under the age of 19 (Research, 2008). Of the

population under the age 19, 66 percent of children in Border Counties are

Hispanic.

According to the United States Border Health Commission, the socio-economic gap between the border counties and the rest of the United States is the widest in the nation. In 2007 the annual per capita income for residents in border counties was $26,842. This was only two-thirds the level of annual per capita income in their respective border states which was $39,013 and the overall U.S. population which was $38,839 (Commission, 2010). Also, in 2007 the poverty rate in border counties was almost twice as high in the border region at 25 percent, compared to the overall poverty rate in the United States which was 13 percent. In 2000, the unemployment rate along the U.S. side of the Texas-Mexico border is 250-300 percent higher than in the rest of the country (Commission, 2003). In addition, 25-30 percent of the population is uninsured and on average inhabitants have less private health insurance than the rest of the nation.

According to the U.S. Health Resources and Services Administration, "if the border region were to be made the 51st state, the U.S.-Mexico border region would: rank last in access to health care; second in death rates due to hepatitis; third in deaths related to diabetes; last in per capita income; first in the numbers of school children living in poverty; and first in the numbers of children who are uninsured" (Commission, 2010). As of 2000, if the border counties were a state, it would rank 50th in the nation in the percent of population at age 25 or

above who completed high school (66.1% for border counties, excluding San Diego County, compared to 80.4% for the U.S.) (Commission, 2010).

In addition, according to the United States Health Commission, the lack of access to appropriate health care is even greater for Hispanics living in the border region compared to non- border Hispanic residents in the border states and the overall U.S. population (Commission, 2010). According to a 2009 study published in 2010 by the National Center for Health Statistics,

> Hispanics who live on the border are less likely than the average U.S. Hispanic to have a usual source of care (31.9% vs. 28.4%); Less likely to have seen a doctor during the previous year (45.2%) compared to the non-Hispanic border population (64.2%); Less likely than non-Hispanics to report contacts with a specialist (11.7% vs. 25.2%); and Twice as likely to report that they could not afford dental services (16.8%) compared to non- Hispanic border residents (8.1%). (p. 4)

What the crossroads of the coloniality of power reveal, is that racial inequality, in its most concentrated forms, manifests itself most evidently among populations along the U.S.-Mexico border.

Racialized inequality in the Southwestern U.S.

Even though statistics compiled since 1984 by the U.S. census reveal racial inequality in the U.S. and along the U.S.-Mexico border in numbers, historians have been writing about this inequality for quite some time. Most notably, Mario Barrera (1989) wrote a monumental book in 1979 on racial inequality in the Southwestern United States, five years before census data on minorities in the U.S. would be gathered to support his claims. Barrera's findings confirms Quijano's understanding on the

coloniality of power and uses Chicanos in the Southwestern U.S. to understand the economic foundations of inequality and the establishment of a racially subordinate labor force in the U.S.

Barrera introduces the concept of a colonial labor system existing in the Southwestern United States starting at the beginning of the nineteenth century (Barrera, 1989, p. 39). He defines the colonial labor system as a system that exists "where labor force is segmented along ethnic and/or racial lines, and one or more of the segments is systematically maintained in a subordinate position" (Barrera, 1989, p. 39). He demonstrates the existence of a colonial labor force by systematically and thoroughly identifying five aspects in which racial minorities were treated unequally in the work force throughout this time period (Barrera, 1989). Barrera asserts that this structure of labor force was largely shaped by large employers in the Southwest, particularly in the mining companies, transcontinental railroads, and large agricultural businesses. Each of the companies helped create and shape a colonial labor system that systematically maintained Chicanos in a subordinate position. According to Barerra, as a result this shaped the Chicano work force and defined the role of the Chicano in the economy in this region. What is most important to note, is that from this shaping, Barrera writes, "at the same time, the formation of a racially subordinate labor force in the nineteenth century provided the structure and the baseline which has influenced the entire twentieth century experience of the Chicano" (Barrera, 1989, p. 5). In

other words, the creation of a subordinate Chicano work force throughout the nineteenth century, has subsequently manifested and is in direct connection to the experience of economic and income inequality experienced by Chicanos throughout the twentieth century. The consequences of the constellation of forces that designed a colonial labor system in the nineteenth century were endured by Chicanos living the Southwest in impoverished conditions throughout the twentieth century. The U.S. census data gathered about Chicanos beginning in the mid-1990's simply confirms Barerra's predictions about what the income and wealth disparities would be like along racial lines throughout the remainder of the twentieth century. As the data demonstrates, these predictions of racial inequality and wealth gaps along racial lines are still true today and still being experienced by Chicanos living in the Southwest. Barrera's work provides a deeper history into the reasons behind the economic order that has produced racial inequality in the U.S. Southwest.

The second important contribution by Barrera deals with land and labor and the rise of capitalist enterprises in the Southwestern U.S. in the early nineteenth century. Barrera writes, "There was an important connection between the establishment of a colonial labor system and the displacement from the land that had preceded and partly overlapped it" (Barrera, 1989, p. 48). He continues, "in a way, what was going on in the Southwest was a variation on the theme closely associated with the coming of capitalism in many other areas. The changes that were brought about by

the penetration of monetary enterprises into the area resulted in a displacement of the rural population from the land, or at the very least a considerable shrinkage of the land base on which the rural population depended" (Barrera, 1989, p. 48). This dependency resulted in displacing populations that were subsequently available for employment in a new economic order of capital enterprises in the region. Barerra asserts that the displacement from land can be viewed as part of a broader movement of downward socio-economic mobility of Chicanos in the region (Barrera, 1989). The dispossession of traditional economy established by rural populations in the region resulted in large populations that were thrusted into a colonial labor system that had at the heart of the system the interests of its employers. These interests included creating a group of workers that could be identified as low-wage earners in order to keep labor costs to a minimum. Thus, establishing a monetary class structure along racial lines.

Underdevelopment and the Accumulation of Capital

Though Barrera introduced how "capitalist" class structure along racial lines impoverished racial communities living along the U.S.-Mexico border, the uneven development of the world has resulted in global polarization between rich and poor. Mike Davis (2007) writes that the rise in inequalities throughout the world, has been the most staggering in the last few decades. Davis notes that an extremely impoverished "urban proletariat" is emerging throughout the world today. Davis illustrates that

the increase in poor urban proletariat is a phenomenon not even neoliberal theory nor classical Marxism can account for, nor explain (Davis, 2007). This urban proletariat comprises of, what Davis regards, as the creation of a "planet of slums," where disenfranchised barrios, favelas, ghettos, shantytowns, have formed into "megaslums." According to Davis, the individuals living in these megaslums have become disconnected and separated from the world economy. These megaslums epitomize the geo-political makeup of the enormous unequal distribution of wealth in major cities throughout the world (Davis, 2007).

World Bank economist Branko Milanovic (2010) is considered the leading expert in global inequality. Milanovic gives us three ways of measuring inequality, first is inequality amongst individuals in a single nation, next is inequality in income amongst countries or nations, and last is global inequality or as Milanovic terms it, inequality among all citizens of the world (Milanovic, 2010). Milanovic's statistics for understanding global inequality or inequality amongst citizens throughout the world are staggering. Milanovic asserts that 60 percent of a person's income is determined by where the person was born (Milanovic, 2010). To give a concrete understanding of the wealth gap between nation's, Milanovic gives an international comparison between an average wage earner in the U.S. and an average wage earner in India. According to Milanovic, the top 5 percent of the Indian population makes the same as or less than the individual in the bottom 5 percent of the U.S. In other words, the poorest 5

percent in the U.S. are, on average, more wealthier than India's wealthiest

(Milanovic, 2010). In addition, the level of wealth of their parents

determines 20 percent of a person's income. This 20 percent also

contributes to the overall accumulation of wealth within regions by

wealthy families throughout the world. Milanovic notes that regardless of

how one measures global economic inequality, the increase in the unequal

distribution of wealth and income between nations' and citizens

throughout the world has become increasingly worse (Milanovic, 2007;

Milanovic, 2007).

In fact, according to a study by economist James B. Davies (2008),

he found that there are immense intra-country differences in the level of

household wealth. Davies study seeks to estimate the world distribution of

household wealth and view the international differences in the

composition of wealth. Davies article asserts that wealth is highly

concentrated in all but a few wealthy countries throughout the world

(Davies et al., 2008). He notes, that the U.S. is the richest country, "with

mean wealth estimated at $144,000 per person in the year 2000" (Davies

et al., 2008, p. 3). When comparing citizens in the U.S. to other citizens

throughout the world, Davies notes that what is most interesting about

household wealth from country to country, is that there is an enormously

expansive range. He writes, "at the opposite extreme among countries with

wealth data, we have India with per capita wealth of about $6,500 in

purchasing power parity (PPP) terms. Other countries show a wide range

of values. Even among high income OECD countries there is a range from figures of $56,000 for New Zealand and $66,000 for Denmark to $129,000 for the UK (again in PPP terms)" (Davies et al., 2008, p. 3). Davies writes that this wide range in the levels of household wealth is also demonstrated in other data collected, which provides more evidence that extreme wealth accumulation has historically and consistently occurred in only a few of the world's nations. For example, Davies writes how per capita wealth in the U.S. is 8.8 times as great as that of South Africa on the purchasing power parity basis. In addition, Davies notes that the U.S. "supplies 25 percent of the world's top 10 percent of wealth-holders on an official exchange rate basis" (Davies et al., 2008, p. 32).

Davies assertions are accurate and provocative when examining the number of billionaires located in each country. When examining the top ten countries with the most billionaires, we find the last four of the top ten countries have only the total number of billionaires in the twenties (Bradford, 2011). At number 10, Canada has 22 billionaires, number 9, Japan with 23 billionaires, number 8, Switzerland with 27 billionaires, number 7 Hong Kong with 29 billionaires. At the opposite extreme, the number 1 country with the most billionaires is the U.S., with 396 billionaires. Even when you combine the total number of billionaires in the top nine countries in the world with the most billionaires, it still does not equal the total number of billionaires in the U.S. (Bradford, 2011). Study after study has demonstrated that the wealth of the world is accumulated

in just a few countries. Because the U.S.-Mexico border is located in the middle of this immense intra-country wealth difference, i.e. between the U.S. and Mexico, we must understand what the factors are that effect intra-country differences in wealth. To understand this phenomena, we turn to two economists that claim that geography is the most important factor for capital accumulation.

Economists Stephen Redding and Anthony Venables (2004) give us important insight into how wealth becomes unevenly spread throughout the world. They assert in their article, Economic Geography and International Inequality, that the geography of access to markets and sources of supply is directly concomitant in explaining cross-country imbalances in per-capita income (Redding & Venables, 2004). The authors assert that geography is significantly important in understanding the imbalances and variations in per-capita income in different countries and quantitatively unveils how geography contributes to increasing income gaps between nations. In other words, as Gunder-Frank emphasizes, "location, location, location," really does matter when considering one's involvement in the world-economy (Chew & Lauderdale, 2010). We will revisit how the location of communities along the U.S.-Mexico border affects their role in the world-economy, but first we must look at what toll does capital accumulation throughout the world has had on populations.

David Harvey (2005) wrote that capital accumulation only occurs by dispossession, and today the global toll of dispossession is startling. The

U.N. health and food organizations estimate that throughout the developing world 25,000 people die every day from hunger, malnutrition, and related diseases (Thurow & Kilman, 2010). As of 2010, it is estimated that 925 million people are undernourished (FAO, 2011). Of the 925 million people, it is estimated that over half are in Asia and the Pacific and about a quarter are in Sub-Saharan Africa (Programme, 2011). The most devastating toll of hunger and malnutrition has been on children throughout the world. According to scholars Roger Thurow and Scott Kilman, "hunger's grip on children is particularly cruel, contributing to 6 million young deaths annually at the beginning of this century. Of the children who survive, 300 million are classified as "chronically hungry," which means that night after night they go to bed with an empty stomach; 150 million children under the age of five are stunted from malnourishment, which means they likely never will reach their full potential, physically or mentally" (Thurow & Kilman, 2010, p. xiv).

However, with the increase in overall hunger, there has also been steady increase in the food production index as it is demonstrated by the World Bank analysis of food production throughout the world. In addition, according to the United Nations World Food Programme there is enough food in the world today for everyone to have the nourishment necessary for a healthy and productive life (Programme, 2011). To understand the disparity between wealth gaps globally we must turn to Andre Gunder-Frank's writings on dependency and underdevelopment. Gunder-Frank

gives the most explicit historical explanation of the dependent economic

relations of Latin America.

Underdevelopment

Teotonio dos Santos (1970) explained dependency as the situation

in which the economy of particular countries is conditioned by the

expansion and development of another country, to which the former is

subjected. What develops is a relation of interdependence between the two

countries in which the economy of the developed countries can expand

and be self-sustaining while the underdeveloped countries only can do this

as a reflection of the expanding country (Santos, 1970). Similarly,

Fernando Henrique Cardoso and Enzo Faletto explained that dependent

countries must play an "interdependency game" in order to move forward

with economic expansion (Hirschman, 1979).

However, of the dependistas, Gunder-Frank provides the most

useful historical explanation of the dependent economic relations of Latin

America to (what he terms) the world capitalist metropolis. His analysis of

dependency in Latin America is extremely relevant for understanding the

underdevelopment of border economies because it emphasizes the

multifaceted ramifications of dependence, including the economic,

cultural, social, and political consequences of dependence (Frank, 1967).

He outlines a "satellite metropolis model" in order to explain the

established hierarchy of linkages between the external economic relations

of Latin America to the imperial nations and the domestic hierarchy

established within dependent nations resulting from internal colonialism

(Frank, 1967). Gunder-Frank (1967) writes,

> Dependence is the result of the historical development and contemporary structure of world capitalism, to which Latin America is subordinated, and the economic, political, social, and cultural policies generated by the resulting class structure, especially by the class interests of the dominant bourgeoisie. It is important to understand, therefore, that throughout the historical process, dependence is not simply an 'external' relation between Latin America and its world capitalist metropolis, but equally an 'internal,' indeed integral, condition of Latin American society itself, which is reflected not only in internal domestic economics and politics, but also has the most profound and far-reaching ideological and psychological manifestations of inferiority complexes and assimilation of the metropolitan ideology and 'development' theory (p. 19-20).

Gunder-Frank emphasizes the importance of differentiating

between classes within dependent countries in order to shed light on how

a few Latin American elites or Latin American Bourgeoisie are directly tied

to external "neo-imperial" economic penetration of Latin America by

imperial nations. Because Gunder-Frank emphasizes the toll of internal

colonialism, we can begin to understand how, what he calls, "neo-

imperialist monopoly capitalism," has increasingly become less and less

Latin American nationalist and more aligned with metropolitan

bourgeoisie. Gunder-Frank (1967) writes,

> Almost the entire Latin American bourgeoisie is thus thrown into political alliance with--that is into the arms of--the metropolitan bourgeoisie. They have more than a common long-term interest in defending the system of capitalist exploitation; even in the short run, the Latin American bourgeoisie cannot be national or defend nationalist interests by opposing foreign encroachment in alliance with Latin American workers and peasants--as the Popular Front rule book would have them do--because the same neo-imperialist encroachment is forcing the Latin American bourgeoisie to exploit its supposed worker and peasant allies even more and is thus

forcing bourgeoisie to forego this remaining source of political support" (p. 313-314).

In other words, even if the Latin American bourgeoisie wanted to support workers rights in Latin American countries, they cannot, because of the deep structural entrenchment of the Latin American economy within the development of monopoly capitalism in the region. This development not only includes tying Latin American bourgeoisie to the metropolis economically by satellizing its industrial, commercial, and financial establishments, but also contributing to reinforcing dependency of the Latin American region to other nations. This alliance creates the centralization of money within major metropolitan cities throughout Latin America and also forces smaller Latin American businesses to become complicit and actively involved in exploitative practices in order to keep up with centralized capitalist metropolis.

This alliance becomes most evident is along the U.S.-Mexico border, where exploitative practices on the Mexico side of the border are sanctioned and become dependent upon economic expansion by U.S. economy. The dominant bourgeoisie in Mexico centralize money in metropolitan cities throughout Mexico and situate border cities in Mexico as satellizing or peripheral zones of production that become backed and sanctioned by the Mexican government even with the use of military force if needed. Gunder-Frank's insight into the dependency of Mexico's economy to the U.S. becomes more vivid, when we explore how he identifies uneven development of world capitalism that results.

Gunder-Frank analyzes the production and exchange relations within the world process of capital accumulation. He asserts that "differential transformation of productive, social, and political relations" combined with the unequal exchange between regions in the world, resulted in capitalist development and accumulation in some regions in the world and underdevelopment in other regions (Frank, 1979). Gunder-Frank notes that uneven development was not partnered by balanced trade or growth between nations. He states that it was on the contrary, the uneven development of the world resulted in an underlying imbalance of international trade between the developing "metropolis" and the underdeveloping, "colonialized countries" (Frank, 1979).

Gunder-Frank writes that historically the "secular excess of the underdeveloped countries' exports over imports has throughout this period made a fundamental contribution to the accumulation of capital, technological progress and economic development of the now developed countries; and the generation of this exports surplus from the now underdeveloped countries has there developed the mode of production which underdeveloped Asia, Africa, and Latin America" (Frank, 1979, p. 172). According to Gunder-Frank, this in no way overshadows the importance of the internal mode of production in each country and its relationship with exchange in developing underdevelopment (Frank, 1979). Nor does "the imbalance of trade belittle the importance of unequal exchange, or vice versa" (Frank, 1979, p. 173). Instead each one underpins

and strengthens the other thus resulting in export surplus significantly contributing to the development of underdevelopment. In the mid 1990s Gunder-Frank's work demonstrated even deeper structural analyses of the global economy and the relationship between export surplus and the development of underdevelopment (Lauderdale and Harris, 2008).

The imbalance in production and exchange relations in the world can be viewed in the relationship between Mexico and the U.S. Mexico has become an export-oriented country and currently is the 15th largest export nation in the world. In its trade relationship with the U.S., as of 2009, Mexico is the second largest export country to the United States, making 12.2 percent of U.S. total exports (Watch, 2010). This percentage has steadily increased since the implementation of the NAFTA in 1994. Mexico's trade economy is so heavily linked with the U.S. that it is estimated that as much as over 80 percent of exports from Mexico go to the U.S (Watch, 2010).

As a result, Mexico has become "underdeveloped" through a sort of inverse relationship to the historical "development" of the U.S., which has become the core region of global capitalism. With Mexico becoming increasing export oriented, it developed an export surplus, that Gunder-Frank identifies, in turn undermines trade balances. As Gunder-Frank (1979) explained,

> If the underdeveloped countries have a persistent export surplus when their exports are measured, as in the sources mentioned above, in world market prices, then they have a much greater real export surplus if their exports are measured in terms of the real

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value, of more than their market prices, as suggested by
Emmanuel's and Amin's analysis of unequal exchange. Similarly, if
the underdeveloped countries suffer from unequal exchange even if
their merchandise trade balances (as orthodox theory assumes),
then their exchange is all the more unequal and their loss greater if,
as is the case, they persistently export more goods than they import
at market prices (p. 173)

Therefore, the export surplus contributes to the devaluation of the

product and thus creates a cyclical process occurring between Mexican

businesses needing to profit, and do so, by utilizing exploitative practices

that feed an economy that is dependent on the U.S. economy, that in turn

increasingly develops interdependent relations between the two countries.

What results from this relationship is that the communities along the U.S.-

Mexico border become products of the crossroads or intersections of

underdevelopment.

Crossroads of underdevelopment

We can view the outcome of this cyclical process just by looking at

the crossroads of underdevelopment that has occurred at the U.S.-Mexico

border. The economic disparity between the U.S. and Mexico is most

evident along the U.S.-Mexico border. In 2005 the World Bank estimated

United States per capita income to be $42,006, approximately six times

greater than Mexico's per capita income at $7,449 (Bank, 2005). The

World Bank uses a method for classifying world economies based on gross

national product. According to the World Bank, Mexico is one of 48

economies classified as "upper-middle-income," or countries which have a

per capita GNP of $3,946 to $12,195 per year (Villareal, 2011). The United

States is one of 69 economies classified as a "high-income," or countries

which have a per capita GNP of more than $12,195 per year (Villareal, 2011). According to a recent Congressional Research Service Report to U.S. Congress, Mexico's gross domestic product (GDP) was an estimated $1.0 trillion in 2010, about 7% of U.S. GDP of $14.6 trillion (Villareal, 2011).

In addition, "approximately 432,000 people live in 1,200 colonias in Texas and New Mexico, which are unincorporated, semi-rural communities characterized by substandard housing and unsafe public drinking water or wastewater systems" (Commission, 2003). Whereas the situation is worse on the Mexican side of the border where residents have less access to basic water and sanitation services than the rest of Mexico (Commission, 2003). These statistics reveal that the border region and border communities on the U.S. side of the border are underdeveloped in relation to the U.S. as a whole. In addition, the gross economic disparities and the significant impact underdevelopment of Mexico has had on populations is intimately experienced by border residents that deal with issues extreme impoverishment everyday.

However, to delve deeper into how the U.S.-Mexico border represents the crossroads of underdevelopment, it is important to talk about John Friedmann's (1986) work on the relationship between urbanization processes and the world economy. Similar to Davis (2007) that discussed the emerging urban proletariat in major cities, Friedmann's famous article, the "World City Hypothesis" discussed how cities are

connected and integrated into the world economy (Friedmann, 1986). Two of Friedmann's seven theses on historical movements of industrial capitalism are important for understanding its relationship to the development of border economies. Friedmann utilized the work of David Harvey and Manuel Castells in understanding the connection between cities structural changes and processes to larger historical movements of industrial capitalism. Namely, Friedmann's article theorizes on spatial organization of the "new international division of labor" or the new transborder economies of globalization. His first thesis declares that "the form and extent of a city's integration with the world economy, and the functions assigned to the city in the new spatial division of labour, will be decisive for any structural changes occurring within it" (Friedmann, 1986, p. 70). In other words, a city's involvement and inclusion into the world economy, is dependent on "structural changes" or changes within the city that closely align with goals of globalization, in particular transnational economic development. Friedmann notes that the economic influences are modified by "endogenous conditions" in major cities, such as spatial patterns of accumulation, national policies, and social conditions such as Apartheid in South Africa. In this case, national borders serve as an endogenous conditions enabling modification of the economy by creating economic relations that are conducive for the accumulation of capital.

Saskia Sassen (1999) work highlights how a shift from manufacturing jobs to financial services is the most important change in

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major cities. According to Sassen, the employment base of major global cities in the world have shifted from manufacturing oriented core of activities and production, to financial and service sectors. With this shift came an embellished employment hierarchy that resulted from "information technologies advance and investment strategies (that) seek to create growth machines through high-tech and financial industries" (Fuentes, 2010, p. 97). These industries created employment for highly skilled and trained employees while at the same time giving declining importance to manufacturing sectors. This declining importance is reflected in the earning gaps between the manufacturing and financial/service sectors and set up the current employment hierarchy of low wage "unskilled" manufacturing jobs and high wage "highly skilled" financial professional careers.

Now taking into consideration the U.S.-Mexico border. On the Mexican side of the border, populations experienced the opposite structural changes of major global cities. Instead of an increase of new urban economic core financial services, it underwent a transformation from service-oriented jobs to manufacturing jobs. Fuentes writes, "Mexican border cities have experienced a tremendous expansion in the number of maquiladoras plants and workers over the last four decades" (Fuentes, 2001; Fuentes, 2010, p. 99). What has resulted from this is the placement of a large population into the lower wage earner or "unskilled" brackets designed by globalization as subsequently a lower status within,

what Fuentes terms, the "transnational urban hierarchy." In turn, this urban hierarchy is maintained and gauged by the world economy. The world economy that determines hierarchical arrangement of labor forces and the amount of capital they can produce, also classifies labor on the Mexican side of the U.S.-Mexico border. As a result of lower status within the transnational urban hierarchy, communities along the U.S.-Mexico border on the Mexican side become impoverished (incapable of accumulating capital) as a result of the labor force being placed on the lower status of the hierarchy within the world economy. Now lets take a look at Friedmann's other thesis to see how the two theses combined, give a strong argument for understanding how national economic policies on both the U.S. and Mexico side underdeveloped the U.S.-Mexico border region.

The other thesis uncovers the "contradictions" that industrial capitalism brings in the form of egregious constructions of economic and income inequality. Friedmann writes that the "world city formation brings into focus the major contradictions of industrial capitalism - among them spatial and class polarization" (Friedmann, 1986, p. 76). Friedmann sets up the framework for understanding the levels and dimensions of polarization between rich and poor, and combined with Gunder-Frank's understanding of the role of the state (Lauderdale and Harris, 2008), gives us a clear understanding of how and why the U.S.-Mexico border region does not epitomize the "free trade" and "laissez-faire" market that has

been touted by politicians and lawmakers, but instead, is the hallmark of

Friedmann's concept, i.e. the major contradiction of industrial capitalism-

spatial and class economic polarization.

Friedmann claimed that polarization can occur on three levels.

First, is the global level and relates to gaps in wealth and power between

central and peripheral economies or a few rich countries and the

peripheral poor countries. The next level is in the interior of countries

regardless of the region's integration into globalization processes

(Friedmann, 1986). The last level can be broken down into three parts.

Border Economist Carlos Fuentes (2010) explains,

> The last level of polarization can be seen in three dimensions. First,
> there is a widening gap of income between elites and the group of
> employees with lower levels of income and skills. Second,
> polarization is caused by the migratory movements of rural
> population. Third, this polarization can also present structural
> tendencies to changes in employment as a result of tertiarization of
> the economy, considering the last as the base for the presence of
> social polarization in developed countries. (p. 96)
> The three levels of polarization are present along the U.S.-Mexico

border. First on the global level, we see the wealth gaps increase between

the nations as transborder economies become more and more developed

and codified in law. Next, we see the polarization between the rich and

poor within the interior of each of the respective countries as the increase

of the financial sectors create a core and centralized location within the

countries and away from the border cities. The last level of polarization is

demonstrated along the border where, as Barrera demonstrated in his

work, there has been mass displacement of rural population along the

border over the last century. This combined with the new hierarchy of wage labor and employment resulting from globalization and transborder economies reinforces the employment hierarchy and income disparity. The endogenous condition codified in law that creates a hierarchy of wage labor and enables spatial patterns of accumulation is enforcement of the border.

Myths of the World-Economy

Myth of state intervention

Friedmann's work becomes insightful when you combine it with Gunder-Frank's articulation on the significant role states have had historically on influencing the world economy. A common held belief was that the world economy operates on its own rules gathered solely from world market trends without the influence of state intervention. The myth that Gunder-Frank "debunks" in his analysis of steering scholars away from a Eurocentric paradigm, was, how historically, the world was not regulated solely by a world market or under the guise of a free-trade economy (Chew & Lauderdale, 2010). Similar to the economic determinism that Clastres rejected, Gunder-Frank shows how modifications and influences by the state help create, shape, and mold the world-economy. He writes, "the world economy was organized by and through a world market, and imperialism of free trade operated on its own by laissez-faire without the need for significant state intervention. NOT SO" (Chew & Lauderdale, 2010, p. 249).

Gunder-Frank, in ReOrient, argues that Asian countries historically relied on nation-state and imperial state involvement in the world-economy (Gunder-Frank, 1998; Lauderdale and Harris, 2008). This is present in the history of Asian regions in their involvement and creation of the world-economy long before the European claims to establish the first "international world-economy" (Chew & Lauderdale, 2010). He asserts that it is not the case that the world market functioned and operated without state intervention. He writes, "arguably, interstate relations and competition has been more important than their domestic functions, except to the extent that their domestic control serves international ends" (Chew & Lauderdale, 2010, p. 250). This understanding of state involvement in the world-economy coalesces with Friedmann's concept of endogenous conditions, such as national policies that, according to Gunder-Frank, "have been major actors in the global economy to promote and protect important economic interests at home and abroad both by peaceful means and military ones" (Chew & Lauderdale, 2010, p. 250). National policies such as increased border security measures through military presence and increased border patrol and technologies to safeguard and strengthen the endogenous condition that reinforces capital accumulation and further inclusion and influence in the world-economy.

Gunder-Frank notes how state and imperial state interventions in the world-economy have been occurring for centuries, but due to Eurocentric viewpoint in understanding the world-economy, has placed

Europe as the center for the world-economy and its development, a concept ill conceived according to Gunder-Frank (Chew & Lauderdale, 2010; Lauderdale & Harris, 2008). Many scholars today agree with Gunder-Frank's assertion. David Harvey discusses how the strong backing by state powers created avenues for capital accumulation by dispossession. Harvey writes, "the state, with its monopoly of violence and definitions of legality, plays a crucial role in both backing and promoting these processes and, as I argued in Chapter 3, there is considerable evidence that the transition to capitalist development was and continues to be vitally contingent upon the stance of the state" (Harvey, 2005, p. 145). Furthermore, Harvey adds, that "accumulation by dispossession can here be interpreted as the necessary cost of making a successful breakthrough into capitalist development with the strong backing of state powers" (Harvey, 2005, p. 154)

The state intervention in this case becomes clear, the state needed to regulate the world market and influence the world economy. The state accomplishes this through the creation, reinforcement, and reification of a border or the creation of an endogenous condition such as the separation of communities along national lines. The U.S.-Mexico border exemplifies Gunder-Frank's assertion that significant state intervention organizes and influences the world-economy.

Myth of free trade

The second myth that Gunder-Frank provides for understanding underdevelopment at the U.S.-Mexico border is myth of free trade. This myth according to Gunder-Frank has two parts. Gunder-Frank writes how the common belief that nineteenth century epitomized the "golden era" of free trade is not true (Chew & Lauderdale, 2010). Furthermore, that laissez-faire provided the "rise of the west" and the impetus behind the so called superiority of the West is also not true. Gunder-Frank notes that the idea that the best government is the least government in economic affairs (a very prominent neoliberal belief) and provided immense progress in the nineteenth century for the West is also false (Chew & Lauderdale, 2010). He argues that private entrepreneurship could not have sustained itself without the intervention of the state.

Gunder-Frank and the myths of state intervention and "laissez faire" reveal two most important concepts for understanding underdevelopment, poverty, and inequality at the U.S.-Mexico border. First, that public expenditure by the state intervenes in the world-economy. What is the public expenditure by the U.S. government that intervened in the world economy? Money spent on reinforcing the border to keep employment hierarchies, global economic polarizations, and identities intact. As North American countries sought out ways to involve themselves in transborder economies as a result of globalization, spending on transnational development increased, however, so did spending on border security and reinforcing of physical barriers along the border.

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Spending on physical barriers and efforts to make stark contrasts between the U.S. and Mexico along the border has steadily increased since 1970 to the present (Andreas, 2009; Nevins, 2001; Vila, 2000). But the biggest jump on spending in the border separation and segregation mechanisms came in the mid-1990's during the same time the biggest economic reform plan for economic integration of the North American continent came into existence, NAFTA (Nevins, 2010).

NAFTA idealized the world city hypothesis of Friedmann by centering economic financial sectors within the interiors of Mexico, Canada, and the U.S. at the detriment of underdeveloping the border communities that largely served as the manufacturing base and subsequent laboratory for establishing low wage hierarchy of employment. In addition, NAFTA was only going to be successful in accumulating wealth for the few, if the control of labor via controlling migratory movement of individuals was coupled with the free flow of goods across borders. Private entrepreneurship only flourished as a result of state intervention that created a labor force that was legally paid extremely low wages. This labor force needed to be geographically located in close proximity in order to safeguard private capital accumulation with the help of state mechanisms put into place that reduced costs. In addition, it was not a subset of class, as the proletariat that Marx envisioned that comprised of this labor force, but rather a juridical border that created a labor force by splitting communities through new geo-spatial politics and

identity. NAFTA epitomized Harvey's description of capitalist development via accumulation through dispossession, with the backing of the state mechanisms that enabled the free flow of goods and not people.

Conclusion

Albert Hirscman (1997) provided a new interpretation for the rise of capitalism in The Passions and the Interests: Political Arguments of Capitalism before Its Triumph. In his book, Hirscman wrote that the rise of capitalism can be traced back to the seventeenth and eighteenth century, when an ideological transformation took place that suggested it is possible to control the "unruly destructive passions of man" by pursuing other activities, namely, the pursuit of material interests (Hirschman, 1997). Hirscman, like Gunder-Frank, represents a departure from both Marxian and Weberian thinking about the lengthy endogenous process of capitalism in the West.

Similarly, Ivan Illich (1990) in Toward a History of Needs, picks up where Hirscman left off when he outlines how the extreme pursuit of material interests has become so ingrained in society that it has lead to the commodification of everything from education to medicine. Illich writes how the growing dependence on mass-produced goods and services manufactures what he calls the "modernization of poverty." According to Illich, the modernization of poverty is different from the increasing wealth gap between rich and poor (Illich, 1990). The impoverished condition that is represented in the wealth gap, is a poverty due to the lack of basic needs.

For Illich, modernized poverty instead appears when "the intensity of market dependence reaches a certain threshold. Subjectively, it is the experience of frustrating affluence which occurs in persons mutilated by their overwhelming reliance on the riches of industrial productivity...And precisely because this new impotence is so deeply experienced, it is with difficulty expressed. We are the witnesses of a barely perceptible transformation in ordinary language by which verbs that formerly designated satisfying actions are replaced by nouns that denote packages designed for passive consumption only" (Illich, 1990, p. vii).

What Illich articulates in this quote is what has been consumed as the story of economics (market dependency) along the border region. This story includes the necessity of division between communities for the accumulation of capital and material wealth. A story that has replaced verbs of community action that extends beyond national borders, for nouns that limit boundaried relations between people and communities. However, what this chapter has sought to uncover are the myths related to the economy of the border region and the history that has produced its current situation. As Illich reminds us, we have become persons "mutilated" by our dependence on capitalist market relations. As we have discussed, re-analyzing structures of knowledge helps us to understand how limiting history has legitimated inequality, and also how we can begin to uncover an alternative history and movements by persons along the

border region that do not demonstrate the "mutilated" dependence that Illich warns us about.

What this chapter has sought to do is demonstrate how the history and analysis of racial wealth gap through the lens of Quijano's coloniality of power provides us with evidence that the historical underpinnings of the economy along the border is situated around the construction and configuration of race. Furthermore, the centering of the race relations along the U.S.-Mexico border reveals the impact racial classification had on the development of the region, but also on the social configuration of global capitalism within this classification. This construction determined so many levels of social relations, political structures, epistemic outlooks, and many other elements related to social organizing. Race as a central component of world capitalism is an important conjecture to take up in order for decolonization of epistemologies to take place that escape the domination of a model of western rationality or as Quijano terms it, the logic of coloniality.

This chapter has also shown that when examining Gunder-Frank's concepts of dependency and underdevelopment, we understand the development of intra-country wealth differences between the U.S. and Mexico and factors that contribute to increased polarization between rich and poor demonstrated in the citizens of each respective country. Furthermore, when understanding this underdevelopment, we can view how the communities along the border region are located in a geo-political

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space in-between these two nations and in-between the dynamics of underdevelopment and dependency of one nation upon another. As a result of this "in-betweenness" this region was forced into social roles that contributed to this dynamic and became the geo-historical place for contributing to the accumulation of wealth at the detriment of dispossession and underdevelopment in the region.

What is in need of further analysis is how national laws that are created, sustain the endogenous conditions that Friedmann discusses for the sole purpose of capitalist accumulation. For example, the production of racial knowledge through immigration laws throughout the history of the U.S. enabled and enforced the coloniality of power. Historically immigration restriction laws in the U.S. have consistently produced racial knowledge and new categories and hierarchies of racial difference (Ngai, 2005). The Johnson Reed Act of 1924 attempted to modify the racial makeup of the U.S. and contributed to the eugenics movement by enabling immigration restrictions on ethnic minorities allowed entrance into the U.S (Ngai, 2005). In addition, this law also propelled understandings of racial differences that contributed to the inferior status of workers that were deemed racially different. This hierarchical arrangement of races was apparent in the history of U.S. immigration laws, but it is rarely discussed how it also became reflected and/or influenced wage-labor relations between races in the U.S. Further research needs to be done into how these new categories and hierarchies of racial difference contributed to

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capital accumulation, division of labor along racial lines, and how national borders were used as a mechanisms that further enabled these projects.

What also needs further attention is how the centrality of sovereignty in immigration policy enables the sovereign right to determine national membership. When you combine how national membership has been determined throughout the history of the U.S. with the increase in national laws and policies, such as NAFTA, a policy that enables world flow of capital across borders but not people, then it becomes easier to understand how the accumulation of wealth from a low-wage labor class has been codified in national laws and policies in the U.S. The importance for understanding how the world flow of capital across borders but not the people will be discussed in Chapter 4 when uncovering how unauthorized immigrants represent a threat to the concept of sovereignty. Both discussions on how national laws and policies impact the capital accumulation contribute to the overarching question of the role of the state establishing national written laws that create endogenous conditions and the role of community oral laws that come in opposition to such written laws.

Borders create legal stratification and cheap wage labor. It is important to recognize the levels of stratification taking place from the local, state, regional, national, continental, global regional, and international level. It is also important to understand how historically the border has represented an endogenous condition for the increase in capital

accumulation and how national laws and policies by both the U.S. and Mexico have historically contributed to reinforcing this endogenous condition. Even though endogenous conditions, such as increased border security, are ideologically constructed through terms and concepts such as "terrorism" to support and perpetuate an established order (Oliverio, 1998). We must ask in what ways does this portrayal mask our understanding of how the border operates as a mechanism for the accumulation of capital. Now that we have viewed traditional narrative of border economies and their myths, we now turn to alternative narratives of economics along the border and alternative social organizing that highlights the transborder reality of communities along the border. Both, the alternative narrative of border economies and transborder organizing demonstrate an alternative understanding of the concept of sovereignty.

Chapter 4

SOVEREIGNTY

Introduction

On August 6, 2004 former President George W. Bush was

questioned by journalists at the Unity Conference in Washington D.C.

(Goodman, 2004). The Conference was one of the largest conferences in

U.S. history with more than 7500 journalists in attendance. However, one

question in particular gained majority of attention by the press for the

manner in which it was received, thought over, and answered by former

President Bush (Goodman, 2004). Mark Trahant who is the Editor for the

Seattle Post-Intelligencer and a member of Idaho's Shoshone-Bannock

Tribe and former president of the Native American Journalists Association

questioned Bush about Native American sovereignty and tribal issues.

Trahant asked the following question:

> Most school kids learn about government in the context of city,
> county, state and federal, and of course, tribal governments are not
> part of that at all. Mr. President, you have been a governor and a
> president, so you have unique experience looking at it from two
> directions. What do you think tribal sovereignty means in the 21st
> century and how do we resolve conflicts between tribes and the
> federal and state governments? (Goodman, 2004)
> Former President Bush, when trying to explain the conundrum that

federally recognized tribes in the U.S. find themselves in, with respect to

their relationship as sovereign nations, stumbled over his response. Bush

stated: "Tribal sovereignty means that, it's sovereign. You're a — you're a

— you have been given sovereignty and you're viewed as a sovereign

entity...And therefore, the relationship between the federal government

and tribes is one between sovereign entities" (Goodman, 2004). The short question, what do you think tribal sovereignty means in the 21st century, left the former President unable to give a definition of tribal sovereignty.

The former President's inability to give a coherent explanation and understanding of tribal sovereignty left the crowd both amused and concerned. However, Mark Trahant in an interview with Amy Goodman about the question and response that caught the media's attention in the days following the Conference, noted that Bush's response fits perfect into a much longer pattern of U.S. President's not being well-informed about such issues and having difficulties describing the notion of tribal sovereignty and sovereignty in general (Goodman, 2004). With his stumbled words and incoherent definition, former President Bush's response epitomized the dilemma that politicians, scholars, lawyers, and government officials find themselves in when trying to define, explain, and justify the concept of sovereignty.

The concept of sovereignty has puzzled scholars throughout its history. From Jean Bodin (2009) and Thomas Hobbes (2009) first attempts at developing the concept of sovereignty to Roussaeau's (1997) understanding of popular sovereignty to the multiple views on sovereignty coming from the realist, rationalist, anarchist and other schools of thought. The concept of sovereignty has been and remains a highly complex and inexplicable idea.

Political Scientist Stephen Krasner (1999) in Sovereignty: Organized Hypocrisy explains that in order to understand the concept of sovereignty we must delve into its multiple meanings. The author identifies four ways the concept has been used historically. The first way deals with the processes and practices that enable mutual recognition of states that have formal juridical independence. This meaning of sovereignty he calls "international legal sovereignty." Next is "westphalian sovereignty" which refers to the manner in which political organization is based on the exclusion of external actors from authority structures within the territory of a state. Next, Krasner identifies "domestic sovereignty," which refers to the formal organization of "political authority within the state and the ability of public authorities to exercise effective control within the borders of their own polity" (Krasner, 1999, p. 3). Last is "interdependence sovereignty" which refers to the ways "public authorities regulate the flow of people, information, capital and ideas across the borders of the state" (Krasner, 1999, p. 4).

Krasner's work on the meanings of sovereignty is relevant to this project and for an understanding of sovereignty along the border for the following reasons. First, Krasner identifies how each of the meanings has historically involved issues of authority, control, and legitimacy. However, some of the meanings include issues of legitimacy and authority but not control while others include issues of authority and control but not legitimacy. For example, Krasner explains how international legal

sovereignty and Westphalia sovereignty involve issues of authority and legitimacy but not control. We see this when a state can have mutual recognition from other states and exclude external actors from intervening within the state, however, have no domestic authority or control within the state. Whereas domestic sovereignty involves both authority and control in order to have a legitimate authority and in order to determine to what extent that authority can be effectively exercised (Krasner, 1999).

Secondly, Krasner recognizes how a state can exercise one kind of sovereignty but not another. He explains, "a state such as Taiwan can have Westphalian sovereignty, but not international legal sovereignty. A state can have international legal sovereignty, be recognized by other states, but have only the most limited domestic sovereignty either in the sense of an established structure of authority or the ability of its rulers to exercise control over what is going on within their own territory...A state can have international legal, Westphalian, and established domestic authority structures and still have very limited ability to regulate cross-border flows and their consequent domestic impacts, a situation that many contemporary observers conceive of as a result of globalization" (Krasner, 2009, p. 180). Due to the nature of state's exhibiting one kind of sovereignty but not another, Krasner focuses on two of the four meanings outlined because according to him, these two meanings are the most problematic to deal with because both epitomize "organized hypocrisy" in

the ways they have been repeatedly violated and modified throughout time.

Krasner writes that international legal sovereignty and westphalian sovereignty both are recognized but not always respected. Which brings us to the third and last aspect of Krasner's work that is useful for understanding sovereignty along the U.S.-Mexico border. Krasner identifies how troublesome the concept of sovereignty can be. Because these two meanings are constantly violated, Krasner asserts that organized hypocrisy pervades the international system when concerning the concept of sovereignty. Westphalian sovereignty and international legal sovereignty are constantly violated for numerous reasons and underlying motives. One of the most significant motives that Krasner identifies is transborder movements. Krasner discusses how transborder movements limit domestic authority and control. Transborder movements, according to Krasner "impinge on questions associated with recognition and the exclusion of external actors from domestic authority structures" (Krasner, 2009, p. 180).

In fact, scholars agree that the concept of sovereignty has historically been open-ended and subject to constant modification. Jens Bartelson (1995) asserts in his book the Genealogy of Sovereignty that the relationship between the term sovereignty, the concept of sovereignty, and the reality of sovereignty is historically open, contingent and unstable. He insists that the history of sovereignty is more "a matter of swift and partly

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covert epistemic discontinuity" and that its history should not be studied

in isolation, but rather in terms of "its multiple relations with other

concepts within larger discursive wholes, these not being necessarily

confined to political ones" (Bartelson, 1995).

This chapter examines the concept of sovereignty specifically in its

multiple relations. Because of the concept's constant modification and

open-ended nature, we will look at the traditional concept of sovereignty

in relation to two aspects along the border. First, this section seeks to

highlight and emphasize the mistake that many scholars make by

assuming that sovereignty is possible only within the framework of a

nation-state (Benoist, 1999). This viewpoint is best represented by realist

(Hinsley, 1986; James, 1986) and neo-Marxist (Rosenberg, 1994)

perspectives and schools of thought that assume that the concept of

sovereignty was formulated only in terms and in relation to theories of the

nation-state. On the contrary, by analyzing how cross border protests,

international community coalition building, and new understandings of

food and land sovereignty exhibited by movements along the border, we

view the second aspect of this section which demonstrates that the concept

of sovereignty is not related to any particular form of government or to any

particular political organization.

The overall goal of this section to provide evidence that the

"organized hypocrisy" of the concept of sovereignty as described by

Krasner, manifests itself most evidently along the border. It demonstrates

how we can conceive of ways that border communities are demonstrating the hypocrisy and danger of the concept of sovereignty. I assert that the concept of sovereignty is tied into a myth of leadership that exchanges community relations for control and conquest. In addition, we find that the "organized hypocrisy" that manifests itself along the border, is concomitant with and resultant from Clastres assertion that the history of peoples without history is the history of their struggle against the State (Oliverio, 1988).

The Border Speaks Back to Sovereignty

Sons of Zapata

On May 11, 1967 a strike formed on both sides of the U.S.-Mexico border at two international crossings (Workers, 1967). Strikers from the Mexican Confederation Workers formed picket lines on the Mexican side of the border at the Roma-Ciudad Miguel Aleman International Bridge and the Rio Grande City-Camargo International Bridge in the Mexican state of Tamaulipas. At the exact same moment, strikers picketed on the American side of the two bridges in the U.S. state of Texas, resulting in successfully initiating a full-blown international picket line at the U.S.-Mexico border (Workers, 1967). The culmination of this moment was preceded by a history of protest by farmworkers in the Starr County Texas region, that opposed exploitative and low-wage practices by large farm growers in South Texas. After years of enduring egregious treatment in South Texas, the farmworkers began organizing to form unions in order to

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fight for better wages and for better working conditions. In a speech by activist, writer, and labor leader Eugene Nelson, while addressing workers at a rally in South Texas in late May 1966, he proclaimed that the farmworkers "must be brave, for you (farmworkers) are the sons of Zapata...in the tradition of the Mexican and American revolutions, and as citizens of the U.S., you should stand up for your rights" (Workers, 1967, p. 4). Henceforth, the farmworkers along with their struggles, protests, and attempts to combat the egregious treatment at the hands of their employers, became known as the "Sons of Zapata." The farmworkers were fighting the low wages that were paid to farmworkers in the region, on average between 40-85 cents per hour, as opposed to industrial workers throughout the U.S. that were paid several dollars an hour. Unlike industrial workers at the time, agricultural workers were not allowed to bargain collectively with their employers. The low wages paid to farmworker communities resulted in Starr County Texas, a predominantly agricultural community, to be ranked as one of the poorest counties in the U.S. at the time. The average annual income of around 70 percent of county's populations lived on less than $3,000 annually, well below the poverty line as defined by the "War on Poverty" policy launched in 1964 (Workers, 1967). In addition to impoverished conditions, residents of Starr County endured harsh working conditions and inadequate educational systems. However, May 1966 marked the first rally of a little over 60 workers in the region and resulted in the workers agreeing to be

represented by a union that declared the workers modest demand for $1.25 per hour and the right to bargain collectively.

As a result of the farmworkers organizing, a backlash from the large farm growers in the region ensued. In a unanimous decision that came forth from the five large farm growers from the South Texas region, they adamantly refused to recognize the farmworkers newly formed unions. Melons were the biggest cash crop harvested in Starr County during this time period. To give an idea how much profit the crop produced, the 1967 melon harvest from the region totaled $5,000,000. However, the growers refused to meet the demands of the farmworkers in the region, even declaring as one grower did, "that he would rather see his crops rot and the workers starve, than recognize the Union" (Workers, 1967, p. 5).

Because of the grower's response, in June 1966 over 400 farmworkers went on strike against the melon growers of Starr County. The growers immediately responded by turning to county law officials to break the strike, and as it is documented, "county employees sprayed union members with insecticide. County cops forcibly pushed workers into the fields, and made threats to keep them there. One District Judge outlawed all picketing" (Workers, 1967, p. 8). However, the strike continued and at the end of the spring harvest season there was a decrease in the amount of crops harvested. The growers blamed the weather for their poor harvest, despite the fact that strikers had directly effected the outcome of the harvest and were capable of declaring a partial victory. As a

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result, farmworkers in the region continued to organize and strengthen unions in the area, the mobilization of people in the area evolved into a march beginning along the U.S.-Mexico border and continuing to Corpus Christie, San Antonio, and finally ending in the Texas state capital of Austin. Though no contract or agreement had been made between the growers and the farmworkers by the end of 1966, the repercussions of the organizing was felt in the last day of marches where over 15,000 people joined in solidarity with the farmworkers movement for better wages and working conditions (Workers, 1967).

Protest across borders

The beginning of 1967 brought a new year of struggle for the farmworkers in South Texas. To combat the farmworkers union and organizing, large farm growers in South Texas turned to immigrants in the U.S. that possessed "green cards," enabling a work force of non-U.S. citizens to work in the fields harvesting the crops for low wages. The Alien Registration Receipt Form (I-151) allowed new immigrants to have permanent residence status in the U.S. and seek employment. The identification card of the immigrants became informally referred to as the "green card" and enabled immigrants to reside and work in the U.S. as a permanent residents of the U.S., but not as a full citizens. Because "green card" holders were not full citizens of the U.S., this developed a worker class in the U.S. that could be granted work in the U.S. but not entitled all the rights of a U.S. citizen (Brotherton & Kretsedemas, 2008; Ngai, 2005).

It was at this point that the farmworkers realized, for their strike and protests to be effective, they must have "green card" holders to join their cause. Though green card holders, by law, are granted immigration visas enabling immigrants to work in the U.S. and giving them a "permanent resident status" within the U.S., along the U.S.-Mexico border, many "green card" holders worked in the U.S. but lived in Mexico. Because of the lower cost of living in Mexico, "green card" holders could commute to the U.S. and work for lower wages and maintain a decent standard of living for themselves and their families in Mexico. Because "green card" holders represented a working class of individuals that could be used as strikebreakers for the large farm companies, the newly unionized farmworkers in Starr County, where the population was well over 85 percent Hispanic in the region, had to align their cause with Mexican immigrant workers in order to be effective (Workers, 1967). In other words, the farmworkers were faced with the task of persuading Mexican "green card" workers not to work for the large farm companies and instead join the strike and protest.

The farmworkers formed picket lines at the U.S.-Mexico border persuading cars filled with "green card" workers to turn around and not cross into the U.S. to go to work. As the picket lines successfully formed along the U.S.-Mexico border, arrests were made by Sheriff's deputies for an alleged traffic violation that the farmworker strikers represented. The alleged traffic violation that the Sheriff's deputies charged the protestors

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with, was "obstruction of an international bridge" (Workers, 1967). Increased efforts by union workers to convince "green card" holders not to work for the large farm growers in the U.S. resulted in the growers and county officials retaliating by deputizing more than 40 new Sheriff's deputies. The new Sheriff's deputies were charged with the task of arresting picketers along the U.S.-Mexico border.

As the new year of 1967 continued, it brought more arrests of union members and organizers throughout the Spring. But as it is documented in the "Sons of Zapata: A Brief Photographic History of the Farm Workers Strike in Texas," in spite of the increased arrests in the spring of 1967, as the big melon harvest in May neared, "The Union was hopeful of a great breakthrough. If only the green carders could be prevented from taking the jobs..." (Workers, 1967, p. 22). Months of planning by farmworkers and leaders of the state and national labor confederations on both sides of the U.S.-Mexico border lead to the May 11, 1967 international strike, the largest strike on both sides of the U.S.-Mexico border by the Sons of Zapata. Despite waves of arrests and intimidation at the hands of the local police officials which disrupted organizing efforts, the farmworkers were successful in picketing across international boundaries and claimed numerous victories for their efforts.

Though the strikes did not have the immediate effects that the farmworkers had hoped for, the long term effects of their efforts were clearly visible. A contract by one of the law farm growers was agreed to

and signed following the May 11th strike. Most importantly, due to the farmworkers efforts, the U.S. Immigration Department issued a ruling forbidding the recruitment of foreigners to break a certified strike (Workers, 1967). Furthermore, following the strikes, the U.S. Department of Labor began an investigation into the strikes and concluded that the strikes had legitimate cause and certified the strikes against the six major growers in Starr County Texas. The increased attention gained by the farmworkers strikes significantly impacted all future organizing efforts by farmworkers along the entire U.S.-Mexico border. In addition, as it is reported, the events of May and June in 1967 gained so much attention that immediately following the strikes in May, four U.S. Senators traveled to South Texas to investigate the struggles that the farmworkers were enduring (Workers, 1967, p. 27).

What the Sons of Zapata demonstrated in their protests, organizing, and resistance, was a break in traditional conceptions of what a national border represents and is capable of providing, namely, separating people and not allowing organizing, communities, and networks to be established across international lines in order to maintain and sustain a nation's sovereignty. The Sons of Zapata by organizing across international borders blurred the lines of sovereignty and claimed a victory for alternative ways of understanding what sovereignty is, how it operates, and what it maintains. Specifically, in contrast to increased literature on the ways globalization blurs the lines of sovereignty for nations, the Sons of Zapata

represented a new form of resistance. By recruiting foreign nationals to join their cause, the farmworkers in South Texas epitomized what Lynn Stephen would call "cross-border hybrid organizing" (Stephen, 2007, p. 23-24). Matt Kearney identified that cross-border organizing constitutes transnationality and thus "challenge(s) the defining power of the nation-states which they transcend...members of transnational communities similarly escape the power of the nation-state to inform their sense of collective identity" (Kearney, 1998, p. 126). Cross-border organizing highlights the creative border hybridity that is represented in the works of Gloria Anzaldua and Nestor Garcia Canclini. Cross-border organizing stems from the hybrid cultural production along the border and emphasizes the alternative collective identity outside the nation-state. The Sons of Zapata demonstrated innovative possibilities for cross-border organizing. Furthermore, at the crossroads of consumption and production they challenged the larger context of a political economy that relies on national borders to fracture collective identities of communities across boundaries. Future struggles like the ones endured by the Sons of Zapata, would have to deal with new national laws and policies put into place that further stratified identities and socio-economic statuses across national borders. The most impactful national policy that has been implemented along the border is NAFTA (Andreas, 2009; Bacon, 2004; Bayes & Kelly, 2001; Hanson, 2003).

Economy of Maquiladoras

Myths of NAFTA

In 1994 Mexico became the laboratory to test economic reforms. These reforms went from transforming national policies that encourage national development efforts, to policies that open up the economy for transnational investors. In 1994 the North American Free Trade Agreement (NAFTA) was implemented and was designed to make it easier for companies to move goods and money across borders and improve standards of living on both sides of the border (Hufbauer & Schott, 2005; Mayer, 1998).

NAFTA purportedly was put into place to help businesses of all sizes from small to large to grow and expand and take advantage of capital investments across borders in order to increase wealth for lower and middle classes by increasing job opportunities throughout the region (MacArthur, 2001). When we take a look at politicians advocating in support of NAFTA on the eve of its implementation we see a wide range of lauding and promoting its benefits. However, the study conducted by El Colegio de la Frontera Norte (COLEF) painted a different account of the projected impact NAFTA would have. In a study of 800 small businesses in Ciudad Juarez and Nuevo Laredo and 700 small business chamber members in El Paso, Laredo, and San Antonio found that small and local businesses did not have the contacts, technology, capital, nor networks to enable growth in the upcoming years and take advantage of the free trade agreement (Staudt & Coronado, 2002). Instead, large multinational

corporations whose financial centers were located away from the border region, were predicted to benefit the most from the free trade agreement. In fact according to the study, Staudt and Coronado write that "in El Paso and Laredo, small businesses had focused on retail and wholesale trade, taking advantage of what was in principle "unfree trade" (Staudt & Coronado, 2002, p. 118) In other words, small and local businesses in the U.S. thrived on the Mexican citizens crossing to purchase products in the U.S. and vice versa, rather than have the products readily available for purchase in their respective country. The authors continue to add that the study provided evidence that local and small businesses would reap the least benefits from the free trade policies. They write, "local business, without loose but potentially resource-rich ties to the regional, national, and global levels are also at some disadvantage in the changing free-trade regimes" (Staudt & Coronado, 2002, p. 118). So who was to benefit from the multilateral free trade agreement?

NAFTA was supposed to bring more jobs to Mexico and provide increased opportunity for the poor thus decreasing migration of immigrants from Mexico to the United States (MacArthur, 2001). How effective has NAFTA been in accomplishing its goals. As of 2001, the number of Mexicans living in severe poverty or less than $2 a day has increased since 1994 by four million (CorpWatch, 2001). In addition, prior to Mexico's liberalization of the economy, 49 percent of the total population lived in impoverished conditions in 1981. After the

implementation of NAFTA, the percentage grew to 75 percent of the population living in impoverished conditions in 2001 (CorpWatch, 2001). As a result of the impoverished conditions, there has been substantial increase of immigrants entering the U.S. since NAFTA was implemented and there has also been an increase in underground economies developing in Mexico since the mid-1990's that is directly attributed to NAFTA. According to scholars, the underground economies have produced unprecedented violence along the border. And, "since the mid-1990's when NAFTA was first instituted, organized criminal smugglers of narcotics, people, and guns, in particular have increasingly constructed the Arizona-Sonora borderlands as a battleground of rival criminal networks, gangs, warring drug cartel, and execution squads" (Erfani, 2009, p. 71-72). The decrease in wage labor in Mexico coupled with the rise of underground economies and subsequent violence that supports these economies, gave way to an increase of Mexican immigrants to the U.S.

       According to the most recent census, in 2008 there was a record 12.7 million Mexican immigrants living in the U.S., an increase of 17-fold since 1970 and an increase of 5 fold since 1980 (Passel & Cohn, 2009). Mexicans are the largest immigrant group in the U.S. accounting for 32 percent of all immigrants living in the U.S. More than half, or 55 percent, of all Mexican immigrants live in the U.S. unauthorized (Passel & Cohn, 2009). In addition, between 2000 and 2007 the number of foreign born Mexicans living in the U.S. increased by 28.1 percent from 9 million to

close to 12 million (Dockterman, 2009). Furthermore, nearly one-third of all Mexican foreign born in the United States arrived in 2000 or later. As of 2007, 31.3 percent of the 11.4 million Mexican foreign born entered the country in 2000 or later. Another 32.0 percent entered between 1990 and 1999, 20.0 percent between 1980 and 1989, 10.9 percent between 1970 and 1979, and the remaining 5.7 percent prior to 1970 (Terrazas, 2010).

Mexican born immigrants comprise about six-in-ten or 59 percent of the estimated 11.9 million unauthorized immigrants in the U.S (Passel & Cohn, 2009). According to the Pew Hispanic Center, "No other country in the world has as many total immigrants from all countries as the United States has immigrants from Mexico alone" (Passel & Cohn, 2009). Mexican immigrants make up the largest number of undocumented immigrants in the U.S. at 7.0 million as well as the largest number of legal immigrants at 5.7 million, or, 21 percent of the total population of immigrants.

In 1996 1.1 percent of the U.S. population consisted of undocumented Mexican migrants. In addition, only 15 percent of the Mexican-origin population of the U.S. was in the country unauthorized (Bean, Corona, Tuirán, & Woodrow-Lafield, 1998). By 2005, a little over ten years after NAFTA was implemented, 2.2 percent of the U.S. population consisted of undocumented Mexican migrants and the percentage of Mexican-origin population of the U.S. that was in the

country unauthorized rose from 15 to 23.1 percent (Fry & Hakimzadeh, 2006; Passel, 2006).

The rise of Mexican immigrants as a result of poor living conditions, low wages, and increased crime in Mexico has resulted in increased border security by the U.S. government. The increase in border security by the U.S. government amplified the violence associated with the underground economy by giving rise to the U.S.-Mexico border of today, where the number of deaths resulting from underground drug and criminal activities has increased three-fold along the border since 2008 (Campbell, 2009; Gibler, 2011). In one city alone, Ciudad Juarez, in three and a half years the violence has claimed the lives of over 8,000 people. When you couple this death toll with the total number of people that have disappeared, residents of Juarez place the number of deaths and disappeared closer to 20,000. In the entire nation of Mexico the death toll from drugs and organized crime related deaths is startling. Estimates range that 35,000 to 60,000 people that have died as a result of the drug war and organized crime since 2006 (Tuckman, 2011).

The rise in migrants from Mexico to the U.S. and increase in violence in Mexico demonstrates that the architects of NAFTA disregarded to design a economic integration of the North America to generate "sufficient investment flows, wage improvements, or fairer trade provisions to protect Mexicans' basic human rights to a living wage" (Erfani, 2009). What has resulted is the migration of nearly one-tenth of

the entire population of Mexico because workers in Mexico can no longer earn a decent wage to sustain themselves or their families. To put it simply, NAFTA failed to diminish the wealth gap between the U.S. and Canada on one side, and Mexico on the other, and instead, further impoverished Mexicans to try to survive on the lowest wage levels in North America without assistance from the government (Bacon, 2004). In addition, what has occurred with NAFTA is the increase in wealth and income by large corporations in Canada and the U.S., and mass migration of migrants to the U.S. from Mexico with or without authorization (Staudt, Payan, & Kruszewski, 2009). The failure of NAFTA to deliver higher wages and more job opportunities has resulted in forcing Mexicans to relocate within the interior and along the border region to work for underground economies maintained by organized crime. What has further intensified border security and violence along the border is the post 9/11 militarization of the border frenzy that the U.S. government has undertaken. Rather than legalize immigrants in the U.S., the government has tried to curb immigration by "cracking down" on unauthorized immigrants resulting in furthering the underground economy to further go "underground" (Andreas, 2009).

Maquiladora, NAFTA, and violence

NAFTA has created a mass migration of refugees from Mexico that are fleeing extreme violence and egregious impoverished conditions. Since 2006 it is estimated that over 100,000 people have fled one city alone,

Ciudad Juarez. The Mexican government claims that 90 percent of those killed are individuals linked to cartels and the remainder of deaths are security forces (Tuckman, 2011). In fact, there is widespread disagreement as to the number of deaths in Mexico. The Mexican government claims that according to their database, the death toll from "criminal rivalry" at the end of 2010 was 34,612. However, critics of the government claim that the government is underestimating the number of deaths and under reporting and under investigating the real number of murders in Mexico since 2006 (Omer, 2011; Tuckman, 2011). Other estimates, including political scientist Eduardo Guerrero, who maintains his own count, based on media reports and government database, estimates the death toll at 47,500 at the end of October 2011 (Tuckman, 2011). The Tijuana-based magazine Zeta, which is an outspoken media outlet against cartel violence, investigated publicly available figures for all murders in Mexico. The magazine identified cases that claimed should be included to produce a figure of 50,490 until the end of July 2011. This would suggest the current figure at the end of 2011 was closely approaching 60,000 (Tuckman, 2011).

It is indisputable that Mexico has seen an increase in violence over the last three decades. Specifically, violence associated with maquiladora plants has gained much attention since the 1990's. Most notably, femicide along the U.S.-Mexico border since the mid-1990's has gained scholarly and international attention (Alba & Guzmán, 2010; Fregoso & Bejarano, 2010; Karubian, 2011; Lowe, 2006). Much of the killings are located in

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Ciudad Juarez and the throughout the Mexican state of Chihuahua. Since

NAFTA was signed in 1994, Juarez has attracted over 500 foreign-owned

assembly plants. Currently, there are 336 maquiladora plants operating in

Juarez, 488 operating in the Mexican state of Chihuahua, and 5,252 plants

operating throughout Mexico employing close to 2 million individuals

(Magazine, 2011). The maquiladora plants in Juarez alone employ close to

200,000 workers (Magazine, 2011). However, there has been no

infrastructure set up in Juarez to coincide this population growth, which

includes mass amounts of migrants from all over the Americas seeking

work. Instead, due to extreme low wage levels, inexistent infrastructure,

and ineffectual government action to curb homicides, many locals,

activists, and human rights organizations claim that over 5,000 deaths and

disappearances of women have occurred in Juarez since 1993 (Alba &

Guzmán, 2010). The Mexican government has been reluctant to report

accurately the total number of women that have been killed in association

with the maquiladoras in Juarez. The government estimates that the

number of deaths since the 1990's is close to 400. However, in 2010 alone,

more than 465 women were murdered in Ciudad Juarez, with most of the

women's bodies found severely mutilated, sexually assaulted, and tortured

(Rizzo, 2011). Denial by the Mexican government to acknowledge the

systematic killings of women in Juarez, has led to a recent ruling by the

Inter-American Court of Human Rights that declared that the Mexican

authorities failed to adequately investigate the murders of three

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maquiladora women workers whose bodies were discovered in 2001 in a cotton field across the street from the Association of Maquiladoras in central Juarez (Valdez & Flores, 2009). Furthermore, the Court's 167-page document, reported that the Mexican government has failed to protect victims and that the government must acknowledge publicly its responsibility (Valdez & Flores, 2009). The ruling reflects Mexico's overall failure to adequately address the femicide taking place in Juarez. Several human rights organizations including Amnesty International, the United Nations, the European Parliament, and the Inter-American Commission for Human Rights, declared that the recent ruling brought attention for the call for justice in Ciudad Juarez and the need for the Mexican government to end the femicide. However, the violence has continued.

Scholars Cynthnia Bejarano and Julia E. Monarrez Fragoso describe the murders as "sexual killings" (Fragoso & Bejarano, 2010). They note how over the years the murders have increased and now extend throughout the Mexican state of Chihuahua. The authors assert that despite media and international human rights organization's attention, the violence against women continues without the assistance from government authorities to help solve or bring to justice the murderers. They write,

> One of the most compelling forms of crimes against women was the systematic and specific assassination of girls and women committed by unknown killers. The murders of more than 117 impoverished young women bore a signature of tortuous kidnappings, rapes, and mutilations; the murderers then dumped their bodies on the outskirts of the city or in empty lots within the city. Out of this

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figure, authorities claimed that they solved ten cases. These systemic sexual femicides (Monarrez, 2009) are constant atrocities that have had no precedent in the history of Ciudad Juarez, yet they continue. (Fragoso & Bejarano, 2010, p. 44)

The deaths and violence in Ciudad Juarez coincides the implementation of NAFTA and the increase in the presence of the maquiladora industry in the region. Wages and purchasing power has fallen for most Mexicans in the last 17 years. But even more so, for those working in the maquiladora industry. In 2000, executive director for the Center for Reflection, Education, and Action, Ruth Rosenbaum conducted a Purchasing Power Index Study in Mexico (Rosenbaum, 2000). The results provided evidence that the minimum wages that were paid to maquila workers was well below the standard for a sustainable living wage. Despite that fact that maquiladora companies claim that their wages met all minimum wage standards, the study provided evidence that taking into account cost of living in regions where maquiladoras are located, wages paid to workers did not enable them to meet basic human needs of their family for nutrition, housing, clothing, and non-consumables (Rosenbaum, 2000). For example, the study demonstrated that "in Matamoros, across from Brownsville, Texas, a family of four needs 193.86 pesos a day to reach a sustainable living wage. Based on pay slips collected from a number of maquiladora workers, a majority takes home less than 55.55 pesos a day, which is 28.6% of what a family of four needs. One minimum wage salary in Matamoros provides only 19.6% of what a family of four needs" (Westfall, 2009). The immediate impact of NAFTA on

wages was demonstrated in the Tijuana maquiladora plants. Just two years after its implementation, wages declined 70 percent. In December 1994 the average wage for maquiladora workers was $1.20 per hour. Two years later, in March of 1994 the average wage of workers was recorded at $.42 per hour (Workers, 2011). Economist Gordon Hanson (2003) in his working paper for the National Bureau of Economic Research concluded that it is indisputable that two significant changes have occurred in Mexico since the implementation of NAFTA. First, "overall wage levels have had large temporary declines, usually following a macroeconomic contraction" and second, "there has been a sustained increase in the returns to skill in the country, leading to an overall increase in wage inequality." (Hanson, 2003, p. 26-27)

Furthermore, the right to labor union participation, enshrined in the Constitution and federal labor laws located in the Constitution de los Estados Unidos Mexicanos and the Ley Federal del Trabajo (Articles 356 - 403), has been nonexistent since the advent of the maquiladora industry along the border. It is estimated that only 10 percent of the workers in this sector are union members (Palafox, 2010). Furthermore, the growing health concerns for workers safety and health risks associated with maquiladora plants have garnered increased attention over the last ten years. Healthcare scholars Martin Ruiz-Beltran and Jimmy K. Kamau (2001) in their article "The Socio-Economic and Cultural Impediments to Well-Being along the U.S.-Mexico Border" analyzed underdevelopment of

health and well-being in the U.S.-Mexico border region. They concluded that "both the Mexican and U. S. health systems are characterized by large gaps in the health care coverage and accessibility, and the Border States strongly reflect these factors. Economic development along the border has stimulated a series of problems including occupational injuries, communicable diseases and illness due to lack of potable water and air pollution. But without a doubt, the major and more complex factor in the economic development of the border areas is the explosive growth of industry on both sides of the line" (Ruiz-Beltran & Kamau, 2001, p. 129).

The health concerns surrounding maquiladora plants are epitomized in a statement by Elsye Bolterstein in her environmental case study titled "Maquiladora Workers and Border Issues." Bolterstein stated that the 2000 mile stretch of U.S.-Mexico borderland, has become what the American Medical Association called, "a virtual cesspool and breeding ground for infectious disease" (Westfall, 2009). The study notes how workers in the maquiladora industry endure horrific working conditions that includes exposure to hazardous materials and that one-fifth of a surveyed group of workers suffered from work related illnesses (Westfall, 2009).

Low wages, cheap or non-existent health care, loosely-enforced and non-existent environmental and labor laws, has created a more than 79 billion dollar per year industry. The concentration of wealth in the hands of few multinational corporations has left a traumatic toll on border

residents and small and local businesses in the region. Even though NAFTA was purportedly meant to bring more wealth to individuals living in the northern states of Mexico, instead it has contributed to increased poverty on one hand and increased wealth in the other. Advocates on behalf of NAFTA, often cite economists that foretell a future in NAFTA of fortunes and prosperity for all, while at the same time ignoring the trail of history of inequality and unspeakable horrors of violence that have been produced since its implementation. Proponents for NAFTA do not address its impact on both sides of the border increasing impoverished conditions and creating an environment conducive to underground economies. Opponents to NAFTA provide evidence how it has served as legal prescription for the accumulation of wealth at the hands of large companies and the detriment of poor people left with no other choice than to turn to lives of violence.

However, when searching for an alternative solution to economic integration of North America other than NAFTA, a transborder solidarity group aims to fight inequality, low wages, poor working conditions, and the violence that has erupted in Mexico and along the border. The Coalition for Justice in the Maquiladoras serves this exact purpose.

Coalition for Justice in the Maquiladoras

To combat NAFTA and the violence perpetuated by Maquiladoras along the U.S.-Mexico border, the Coalition for Justice in the Maquiladoras formed in 1989 (Prieto, 1999). In the same manner that the

Sons of Zapata envisioned cross-border support for workers rights and working conditions, the Coalition seeks to form solidarity across international boundaries to address the violence experienced in Mexico and for the outcome of better working wages and better working conditions for workers in the maquiladora industry. The Coalition originally consisted of organizations and individuals in Mexico, U.S., and Canada. Since its inception, it has grown to include members from South and Central America and the Caribbean Islands (Coalition, 2011). The Coalition is an international, non-profit, non-governmental organization that brings together more than 100 organizations including: labor unions, human rights groups, environmental justice groups, women's rights organizations, Latino groups, and religious organizations (Coalition, 2011; Prieto, 1999). The Coalition was originally founded in 1989, when Sister Susan Mika organized the meeting of organizations in Matamoros, Mexico. The groups that attended the founding meeting included: The Benedictine Sisters and Sisters of Mercy, the American Friends Service Committee Border Program, the National Toxics Campaign, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), the Despacho Obrero of Juarez, and the Interfaith Center of Corporate Responsibility (Bayes & Kelly, 2001). The Coalition seeks to "pressure U.S. transnational corporations to adopt socially responsible practices within the maquiladora industry, to ensure a safe environment along the U.S./Mexico border, safe work conditions inside the maquila plants and a

fair standard of living for the industries workers (Workers, 2011). One of the ways they have achieved this, is by developing a "Maquiladora Standard Practices of Conduct" document.

The document outlines four main goals that companies must abide by in order to alleviate critical problems created by the maquiladora industry along the U.S.-Mexico border. The standards from the document are all derived from U.S. and Mexican labor and environmental laws, as well as the labor standards as outlined by the United Nations International Labor Organization. The first standard focuses on environmental contamination and stipulates that "pollution from the maquiladora industry threatens the health of citizens both in Mexico and the United States. illegal hazardous waste dumping pollutes rivers and aquifers and can contaminate drinking water along the US./Mexico border Corporations operating plants in Mexico should comply with PROFEPA (formerly SEOESOL) and EPA regulations" (Workers, 2011). The second standard focuses on the health and safety practices of the maquiladora plants for their workers and focuses on ways to alleviate health and safety risks associated with working conditions. The third standard focuses on fair employment practices and standards of living. This standard calls for U.S. corporations to support basic workers' rights in the maquiladora industry and to provide fair wage, decent working conditions, and to abide by all Mexican labor laws that protect workers. The last standard emphasizes that U.S. companies must recognize the "social responsibilities

they have to the local communities in Mexico, Canada, and the U.S. where

they locate their facilities, including a commitment to community

economic development and improvements in the quality of life. In Mexico,

U.S: corporations need to explore options for supporting community

infrastructure needs" (Workers, 2011). The four standards outlined by the

Coalition all combine to establish minimum standards that companies that

own maquiladora plants are called to comply with. As the standards

demonstrate, while the Coalition explicitly makes it known that their

mission is to improve working standards and living conditions of workers

in the maquiladora industry, they also place emphasis on defending the

rights of women, sustainable development, human rights, and

environmental justice. The ways they achieve this aim, and create an

impact in communities along the U.S.-Mexico border, is by organizing

activities that are geared at educating and consciousness raising of

workers rights, exerting pressure on companies, and promoting solidarity

amongst workers (Coalition, 2010). With this in mind, the Coalition has

been successful in improving health and safety standards in maquiladoras,

establishing measures for the protection and restoration of the

environment, strengthening democratic workers' organizations,

pressuring maquiladora companies and multinational corporations to

adopt socially responsible operating standards (Coalition, 2010).

    The Coalition epitomizes a cross-border network of individuals on

both sides of the U.S.-Mexico border and creates political organizing

spaces that combat capitalist and state forces by organizing around radical democratic ideals. Because of the emphasis on transnationality in the organization and representation of the Coalition, as of 1998 the executive board of the Coalition consisted of 50 percent Mexican representatives and 50 percent American representatives (Bayes & Kelly, 2001). The emphasis on transnationality by the Coalition, and the way the Coalition has developed and become integrated into communities along the U.S.-Mexico border, demonstrates how it can be possible to organize new forms of social action while at the same time producing new patterns of relations that combat imperialism, accumulation of capitol, and state forces that rely on notions of sovereignty for monetary accumulation and exploitation of workers (Frank, 1998; Lauderdale and Harris, 2008).

Because of the Coalition's efforts, three workers' centers have been established along the U.S.-Mexico border, most notably the Support Committee for the Maquiladoras founded in 1993 along the Tijuana-San Diego border. The Support Committee works to facilitate community-based organization of workers in the maquiladora industry (Workers, 2011). It not only focuses on organizing workers to improve working conditions in the maquiladora plants, but also emphasizes establishing community within and by workers in the maquiladoras and partnerships with members of organizations and workers on both sides of the border. This is described in the Mission Statement of the Support Committee. When explaining their goals, the Support Committee states that it seeks to

"provide a model for a new, borderless form of community organizing mandated by the mobility of global corporations" (Workers, 2011). This "borderless" form of organizing exemplifies the new pattern of relations that the Coalition and its workers' centers epitomize, a relationship of workers across borders organizing to improve working conditions and wages, and address human rights violations resultant from violence in the region. The Support Committee understands the need for "borderless" community organizing precisely because it understands how the mobility of multinational corporations across borders allow for such corporations to move capital but not humans across borders. The call for borderless communities by the Support Committee is an effort to directly oppose the new global economic model by transnational corporations who, as it is stated in the Supports Committee's website, "know no borders" (Workers, 2011). The Coalition represents a new form of organizing that emphasizes borderless communities and fractures the use of the concept of sovereignty to organize a neoliberal world-market model involving extreme exploitative practices.

Food Sovereignty

Introduction

La Via Campesino, International Peasant's Voice, is an international movement that unites farmworkers, indigenous peoples, landless peoples, migrant workers, agricultural workers, women farmers, and peasants for the purposes of opposing multinational agribusiness companies that

destroy the environment and people's livelihoods and diminish the dignity and respect for agricultural workers (Campesina, 2011; Desmarais, 2007). La Via Campesino consists of over 150 local and national organizations and represents more than 200 million farmers combined spread across over 70 countries. Since its inception in 1993, La Via Campesina has developed an influential role in representing farmers to international bodies such as the U.N.'s Food and Agricultural Organization and International Fund for Agricultural Development (Campesina, 2011).

La Via Campesina seeks to validate and defend the peasant way of life and livelihood. How it has evolved is best described by political activist Saturino Borras when he explains that Via Campesina is "arguably both a 'movement', being more 'amorphous', as well as an 'organisation' with certain degree of formal associational coherence and rules to provide the necessary face to the broader rural social movement it represents" (Borras, 2004, p. 3). Borras explains that Via Campesina is a rural social movement born out of small-farmers struggles against the neo-liberal world market orientation of trade and its policies that have had a detrimental impact on the livelihood of poor peasants and small farmers throughout the world. He describes how the rural sector is profoundly effected by processes of globalization and the subsequent decentralization and privatization of policies that follow globalizational efforts. Borras writes that the "state's partial withdrawal from its traditional obligations to the rural poor and the waves of privatization that affect poor people's control over natural

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resources and access to basic utilities have also left many poor peasants and small farmers exposed to the harshness of market forces dominated by the global corporate giants" (Borras, 2004). Being left at the mercy of the "global corporate giants" and the decentralization of state power has left the rural poor engaging the state and elite policy-makers on a level never before seen. Namely, Borras notes, that because of the changing processes in the international-national-local institutions that "structure the rules," the rural poor are left with two options: either assimilate into or resist the corporate-controlled global politics and economy.

Because of the dynamics of neo-liberalism, Borras asserts that the forming of a new kind of resistance has occurred by the Via Campesina organizations and its members. This new form of resistance is heavily focused on being transnational and allows for the emergence, of what Borras calls a "polycentric" rural social movements that have several centers of power located at different levels (international, regional, national, local) (Borras, 2004). These polycentric rural social movements work together to provide more coherent coordinative structures and networks that have more of an impact in opposing neo-liberal practices. These efforts epitomize what Joao Pedro Stedile from the Movimento dos Trabalhadores Sem Terra (Movement of the Landless) of Brazil explains: "If capital has become international and uses international methods, peasant movements must also internationalize their forms of struggle and develop new and creative ways to confront a common enemy" (Stedile,

2004, p. 16). Transnational efforts lie at the center of Via Campesina's agenda. The members and organizations that compose of Via Campesina have constructed and rallied around common goals that include alternative frameworks for opposing neo-liberal practices. The most prominent alternative to neo-liberalism that Via Campesina advocates is for food sovereignty, defined as the right to produce food one's own territory (Borras, 2004; Desmarais, 2007; Martinez-Torres & Rosset, 2010). Under the concept of food sovereignty, Via Campesina has been successful in uniting farmer organizations globally, and particularly successful in bridging the divide between farmers in the northern hemisphere of the world with farmers in the southern hemisphere. It has provided a platform for farmer organizations to engage with one another as equals and has created a space of coordination that is autonomous from political parties, governments, religious institutions, or non-governmental organizations, and that is a highly pluralistic movement (Martinez-Torres & Rosset, 2010). One member of La Via Campesina that is an organization that epitomizes its goals and is at the center of the struggle against neo-liberal policies and bridging associations between north and south is the Sin Fronteras Organizing Project (Without Borders Organizing Project).

Sin Fronteras Organizing Project

The Sin Fronteras Organizing Project (SFOP) is a non-profit organization located along the U.S.-Mexico border. SFOP was formed February 23, 1983 to assist farmworker communities by organizing

workers to fight injustices experienced by farmworkers to direct action and involvement of their work within the region. The principles adopted at the founding meeting describes SFOP's function: "That workers, regardless of their legal status in this country, have the right to advance their economic, social and political status through vigorous advocacy of fundamental rights; that in all levels of our work, we must strive to engage both women and men; and that efforts to bring about change at the local level must be controlled by the people at the local level" (Marentes & Marentes, 2008). As it is stated in the principles adopted at the founding meeting, SFOP emphasizes that regardless of legal status, the organization is committed to work with agricultural workers and their families in order to address workers needs. In addition, the organization is committed to fight for agricultural workers rights and to fight against exploitative practices which according to them, are still a large part of the agricultural system today. SFOP recognizes that these exploitative practices produce the impoverished conditions that many farmers and their families live in and that these practice have historically been condoned by private and public institutions. Their fight is symbolized within the name of the organization. They assert that, "Our name, Sin Fronteras, Without Borders, not only expresses our philosophy, but also describes the extent of our activities" (Marentes & Marentes, 2008). Activities which include creating a borderless community of farmworkers and their families that organize to

bring change to the agricultural system on both sides of the U.S.-Mexico border.

One of the ways SFOP has achieved this, is by establishing the Centro De Los Trabajadores Agrícolas Fronterizos (Center for Agricultural Workers along the Border). Centro De Los Trabajadores Agrícolas Fronterizos (CTAF) has been SFOP's most significant contribution at building cross-border relationships and network with farmworkers and their families on the both sides of the border (Marentes & Marentes, 2008). CTAF is an 8,000 square foot facility located along the border highway in El Paso's "Segundo Barrio," around half a mile from the U.S.-Mexico border. The Center provides numerous social services to farmworkers and their families including English as a second language classes and arts and recreation classes for adults and children. The Center also has a health clinic that provides basic health services and a cafeteria that provides low cost meals. The Center collaborates with local and regional organizations and is a member of the Homeless Coalition and other united efforts that combat poverty. In the description of the services offered by the Center, they note that they are opened 7 days a week to the general public as a "safe haven." Just as symbolic as the name of the organization that established the Center, so too is the architectural design of the building of the Center which is meant to symbolize the struggle that farmworkers endure today. The Center's building was constructed to face the south, in order to, as it is explained, "reflect the historic movement of

the migrant farm laborers who have come to this country to create its rich agricultural industry" (Marentes & Marentes, 2008). In addition, one of the main dominant features in the architectural design of the building, is a structure located in the courtyard that has architectural influence from Mayan art. This structure was positioned as a dominant feature in the facility in order to convey strong ties farmworkers have with other communities across borders, specifically with the indigenous farming and ranching cultures throughout Latin America. The acknowledgment of indigenous cultural heritage is well represented throughout the Center. Another dominant feature of the building includes a large circular wall which guards the roof. The Center notes that the circularity of this feature is designed to "represent a bridge that has fallen on its side and no longer divides the United States with the nation of México" (Marentes & Marentes, 2008). The display of transborder solidarity of farmworkers is not only represented in the philosophy, goals, organizing of the CTAF, but also in the architecture and everyday operations of the Center.

Transborder solidarity idealized in the Sin Fronteras Organizing Project and actualized in the praxical involvement with transborder farming communities by the CTAF, is further enhanced by the Border Agricultural Workers Project (BAWP), whose objective is to promote and protect civil and human rights of documented and undocumented agricultural workers in the region. The BAWP was initiated by the Sin Fronteras Project and unites farmworkers throughout the region to raise

consciousness of the struggle by farmworkers. In addition, the BAWP

organizes farmworkers to collectively "pressure to improve working

conditions and availability of human services" for all farmworkers and

their families (Marentes & Marentes, 2008). The BAWP arranges

collective actions and educational activities around such issues as

pesticides, immigration policies, and labor rights. The BAWP has had

success in petitioning for fair wages, improved working conditions, and

increased affordable housing and healthcare for farmworkers and their

families. The BAWP is part of the Farmworker Network for Economic and

Environmental Justice and is an active member of other organizations

including the Rural Coalition and the Southwest Network. BAWP

represents collective action by farmworkers across borders and regardless

of citizenship status, to organize and empower farmworker communities

along the U.S.-Mexico border and to develop and implement solutions to

socio-economic problems associated with exploitative and corrupt

measures that plague the agricultural system in the region. BAWP and

CTAF both represent the Sin Fronteras Organizing Project principles to

fight for equality, fairness, and the right to decent living and dignity for all

farmworkers regardless of nationality and citizenship status. All three

projects represent an alternative way of conceiving of agricultural

practices, by emphasizing the empowerment of agricultural workers first,

rather than relying on the market and trade policies negotiated between

nations to determine agricultural workers worth, the farmworkers are

leading the charge in fighting for alternative economic model outside of neoliberal practices. All three projects also embody the process of crossing out the border by empowering farmworker communities and placing human dignity first above monetary profit.

Conclusion

Jens Bartelson (Bartelson, 2001) sees the state as a historically limited phenomena. Furthermore, the author asserts that the paradigms that the state produces, with all the mechanisms intact alongside, such as a national borders, or a national territorial beginnings and ends of a state represented, is also a historically limited phenomena (Oliverio, 1998). To release ourselves from this paradigm, we must understand, as James C. Scott (1999) outlined in his book, how seeing like the state interrupts and inhibits community relations. In doing so, this will allow us to view how this limiting imagination of communal relations and limiting patterns of relations creates inequality in mass amounts.

Recent economic reforms within North America have relied on the concept of sovereignty to stratify citizens and hierarchically arrange socio-economic statuses based on citizenship and geographic location. In conjunction with economic integration of North America through NAFTA, came gross economic inequalities and large disparities in standards of living, wages, health. These disparities are exemplified in increased impoverished conditions throughout Mexico and has contributed to the eruption of some of the most egregious human rights violations brought by

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extreme violence in the nation. The most effected areas of the violence includes the U.S.-Mexico border region where the maquiladora industry has created gross human rights violations while at the same time has contributed to strengthening a neoliberal world market of trade and policy that concentrates the accumulation of wealth in large multinational corporations. Alternative solutions to the economic integration of North America is represented in new and recent movements such as the Coalition for Maquiladora Workers and the Sin Fronteras Organizing Project. Both organizations represent transborder solidarity and organizing and demonstrate the ability of workers, victims of violence and human rights atrocities, and impoverished communities, to create new spaces of social organizing and new patterns of relations across national borders. New patterns of relations fragment a world-economy that centralizes wealth and power away from communities along the border. Instead these organizations represent empowerment of communities along the border that continue their fight for equality, human dignity and an end to the violence throughout Mexico.

Chapter 5

HUMAN RIGHTS

Introduction

On September 13, 2007 the United Nations (U.N.) General Assembly, during its 62nd session, adopted the United Nations Declaration on the Rights of Indigenous Peoples (U.N., 2007). The Declaration provides a comprehensive list of rights designed to ensure native people's ability to protect their land and resources, and to preserve their unique traditions and cultures. The importance of the document in establishing indigenous rights is particularly illuminating with respect to Article 3 of the Declaration concerning indigenous people's right to self-determination. Article 3 defines self-determination of indigenous peoples as the right to "freely determine their political status and freely pursue their economic, social and cultural development" (U.N., 2007). This right in the original document was listed as Article 31 and was moved to Article 3, which, according to legal scholar Siegfried Wiessner (2008), reduces the right to self-determination solely in "matters relating to their internal and local affairs" (U.N., 2007). Article 3 grants the right to self-determination to indigenous populations. However, this Article is immediately followed by Article 4 which explicitly limits the right to self-determination to internal and local affairs. However, not convinced by this reduction during the drafting of the Declaration, African Nations contested that the arrangement of articles did not explicitly exclude the option of secession or

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external self-determination in the Declaration (Wiessner, 2008). These nations further feared the implications of the Declaration to create rebellion by indigenous groups within African nations (Shah, 2007). Their fears were not alleviated by the design implemented in Article 46 of the Declaration that explicitly denies indigenous peoples any right to perform acts contrary to the U.N. Charter (U.N., 2007). Nor by Article 45 that does not authorize any action that would "dismember or impair" the "territorial integrity or political unity of sovereign and independent States" (U.N., 2007). Still, African nations demanded that the wording on the "right to self-determination" be changed (Rizvi, 2006).

As a result, adoption of the Declaration was delayed at the end of November 2006 due to the contested debate concerning the inviolability of territorial integrity of a nation and the borders that demarcate the boundaries of these lands (Shah, 2007). The Declaration was eventually approved for adoption by 144 countries after negotiations that resulted in emphasizing the limitations for the right to self-determination (Wiessner 2008). Four countries voted against it, citing similar concerns the African nations expressed about the right to self-determination as it is defined in the Declaration (Rizvi, 2006). Given these setbacks, the Declaration opens up a larger debate concerning the definition of indigenous sovereignty, the definition of self-determination, and the rights of indigenous peoples to their territories and natural resources.

This debate comes into focus when viewing a redundancy in the Declaration. The Declaration grants the right to indigenous peoples to control their lands while at the same time granting distinctive rights to indigenous peoples divided by international borders. Article 26 declares that indigenous peoples have the right to "develop" and "control" the lands they possess and requires states to give legal recognition and protection to these lands (U.N., 2007). Article 36 gives indigenous peoples split by international borders, the right to maintain contacts and relations across international borders (U.N., 2007). Why would indigenous communities require a distinctive right to maintain relations with members across international borders if they have the collective right, as previously stated in Article 26, to control their own territories? Why would Article 36 be necessary, if this right is subsumed within Article 26? Furthermore, when viewing the language used in Article 36. Article 36 states that indigenous peoples have the right to maintain relations and cooperation across international borders "with their own members as well as other peoples across borders" (U.N., 2007). International law stipulates that a sovereign nation has the absolute discretion to control immigration within their territory (Shaw, 2008; Illich, 1985). "Other peoples" in Article 36 connotes the ability of indigenous communities to control the entry and exit of members and non-members within their territory and subsequently across international borders (U.N., 2007). Does this grant indigenous peoples the right to control immigration policies within their own territories?

Furthermore, how can indigenous communities be given the right to "own, use, develop, and control" their land and still be split by international borders?

International law is littered with legal instruments purporting to define the boundaries of nation-states. However, there is a fundamental conflict between the project of nationality and the reality of social organizing on a community/collective level. This conflict is manifested most dramatically in transborder indigenous communities. The concept of nation-states has created a unique problem for indigenous communities straddling both sides of a national border because of the false divisions it represents between culture, land, natural resources, language, peoples, and inhabitants. This chapter explores the tension between the international project of enclosing national spaces and the local realities of cohesive transborder indigenous communities experience along the U.S.-Mexico border. The first part of the chapter examines the history of border drawing in the international community. The second part discusses how these political borders disregarded the social and ecological boundaries of indigenous communities already living in these regions. The third section analyzes early indigenous rights in international law. The final section examines how the imposition of a national border and border security measures affect the cohesion of indigenous groups along the U.S.-Mexico border. This section also explores how transborder indigenous

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communities are responding to the legal construction of a national space through border security measures.

Historically, the international community did not include indigenous peoples in negotiations about the social and ecological boundaries of their regions. Furthermore, national governments have not regarded indigenous communities as equals in the international legal community or even acknowledged their presence as rightful. Instead, indigenous tribes have represented a problem to nation building because their identity is embedded in community ties that transcend national identity as well as political international boundaries. As a result, transborder indigenous communities pose a unique understanding for this research in comprehending the role of human rights along international borders.

I assert that the construction of early indigenous "rights" under international law was intended to assimilate indigenous peoples. During the early development of indigenous rights, the international community sought to integrate indigenous peoples as laborers into mainstream society without stamping out their distinctiveness (Rodriguez-Pinero, 2006). To achieve stamping out indigenous distinctiveness, the international community developed special "rights" for indigenous peoples in order to protect their unique cultures and allow them to be ethnicities while remaining citizens of a nation. Keeping indigenous peoples as citizens of a nation endowed them with special rights with respect for their ethnicities,

while maintaining efforts to incorporate them into the state system. I

argue that what makes indigenous communities unique is that they are not

like ethnicities that try to assimilate, but rather they are political entities.

Thus, indigenous rights illustrate the need for special rights for indigenous

peoples because their unique identities manifested in culture, traditions,

traditional knowledge, languages, and ways of life that have fostered

unique struggles, and also, inform alternative social organizing practices

outside of the state system.

History of Border Drawing in International Law

At official international checkpoints along the U.S.-Mexico border,

there is a single line painted on the concrete at the top of the international

bridge that symbolizes the territorial separation between the U.S. and

Mexico. It is common for individuals walking across the bridge to stand at

this dividing line and understand that one side represents the territory of

the United States while the other side represents Mexico. However, how

we understand this dividing line and how we understand the connection

between national integrity and territorial space has gained the attention of

scholars.

Political geographer John Agnew (1994) talks about the "territorial

trap" that scholars fall into when linking national integrity to physically

bounded territorial spaces. According to Agnew, giving a state-centered

account of spatiality assumes bordered/enclosed territories without giving

notice that these enclosed spaces are socially constructed (Agnew, 1994).

Similarly, Legal Borderlands: Law and the Construction of American Borders, adds to this, by suggesting that the border is not a territorial boundary, but rather constructed by "formal legal controls on entry and exit," and by the legal "construction of rights of citizenship and noncitizenship" status within national borders (Dudziak & Volpp, 2006, p. 2). In fact, the most pressing evidence that the link between territory and the state are socially constructed, according to legal scholar Linda Bosniak (2007), is found at the nation's edges. Bosniak writes, "focus on national boundaries makes clear, in addition, that there are really no unalloyed domestic and foreign spaces after all. The nation's inside and its outside are always interpenetrated" (Bosniak, 2007, p. 271). Bosniak points out that policies and practices of immigration, citizenship status, land management, resource allocation, jurisdiction and other legal regulations—converge to form the nature, identity, and structure of what is considered a state. However, the significance of linking territory to state sovereignty has resulted in the exclusive and monopolistic control of territory by states. Yet, where did linking of national integrity to territory first take place and how did it become codified in international law?

Peace of Westphalia

The Peace of Westphalia of 1648 is regarded by Western scholars as the framework of the sovereign state system and of international law (Gross, 1948; Philpott, 2001; Croxton & Tischer, 2001; McBrewster et al., 2009). The two peace treaties of Osnabruck and Munster ended the Thirty

years War in Germany and Eighty Years War between Spain and the

Netherlands (Israel, 1967; Parry, 1981). As a peace settlement, the treaties

represented the principles of toleration and equality based on the concept

of state sovereignty (Gross, 1948). They established three important

elements of statehood that are still applied in the modern state system: the

guarantee of legal equality among states, the territorial integrity of

political boundaries, and the non-intervention of one state in the internal

affairs of another (Keal, 2003; Philpott, 2001). By centering the state as

the legitimate polity the treaties granted the state, the sovereign right to

control their territory within the borders that were mutually agreed upon

(Philpott, 2001). Moreover, by agreeing to the territorial integrity of

mutual political borders, the states not only created their own space of

jurisdictional rule, they also constructed the dividing lines between

territories.

However, the Peace of Westphalia also formed the backdrop for

three important questions that must be taken up when considering the

relationship of indigenous societies to the current political arrangement of

the international system. Daniel Philpott (2001) explains that the Peace of

Westphalia represented a "set of norms, mutually agreed upon by polities

who are members of the society, that define the holders of authority and

the prerogatives, specifically in answer to three questions: Who are these

legitimate polities? What are the rules for becoming one of these polities?

And what are the basic prerogatives of these polities?" (p. 567) When

taking into consideration the creation and development of the current
international system with its origins in the founding document of the U.N.
Charter, we uncover the refashioning of the Peace of Westphalia with a
new prerogative—legal justification for the capture, commodification, and
control of indigenous land.

Modern International Law and borders

In a similar attempt to determine a set of norms, the U.N. Charter
(1945) established a mutual agreement between its members to maintain
peace. This mutual agreement obligates its members, according to Article
2, to "refrain in their international relations from the threat or use of force
against the territorial integrity or political independence of any state"
(U.N., 1945). Article 2 demonstrates three important assumptions that the
U.N. Charter makes. First, states are territorially bound. Second, states
are the only recognized polities that have territorial claims. Third, states
are the only legitimate polity with sovereign/independent status. The U.N.
Charter reifies the state system as the only legitimate mode of collective
organization and community.

Given this, if states are territorially bounded, then they can only
exist because of their borders. As a result, borders stand as the significant
factor in establishing the legal foundation for statehood. In fact, the U.N.
Charter bases its underlying principle of establishing peace through
international law on the viability of international borders. In other words,
in order to maintain peace, according to the U.N. Charter and continuing

the tradition started with the Treaties of Westphalia, states must legitimate and maintain territorial borders (Vasquez, 1993).

In his article, "The Territorial Integrity Norm: International Boundaries and the Use of Force," political scientist Mark Zacher (2001) confirms the correlation between maintaining peace and maintaining borders. Zacher contends that as the norm of fixed borders has grown stronger over the years, there has been a decrease in foreign conquest and territorial annexation. Zacher examines the patterns of territorial aggressions for the period between 1946-2000. A key pattern that arose in his research includes the overall decline in wars of territorial aggrandizement due to, what Zacher asserts as international "multilateral responses" that used the norm of territorial integrity of states to stop conflicts from escalating (Zacher, 2001, p. 234). He argues, "there has not been a case of successful territorial aggrandizement since 1976…contrary to what one might initially think, the underlying premise of the territorial integrity norm is not a commitment to separateness but a commitment to a global political order" (Zacher, 2001, p. 245-6).

Similarly, in their article "The Substance and Study of Borders in International Relations Research," authors Harvey Starr and Benjamin A. Most (1976) set out to understand how international borders helped shape the international system. Starr and Most conclude that the international system underwent its most significant restructuring during the period between 1946-1965. "In 1946, the international system was composed of a

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total of 66 independent nation states; only 19 years later, in 1965, that number had increased to 125" (Starr & Most, 1976, p. 581). Consequently, according to the authors, "the number of contiguous international borders grew from a total of 166 in 1946 to 412 in 1965" (Starr & Most, 1976, p. 582). The authors conclude that the character of restructuring in international society was due, in part, not only to the increase in the number of states in the system but, more importantly, the increase in the number of international borders throughout the world.

The increase in the number of borders and the legal norms established to uphold these borders restructured the world order by legally sanctioning equality amongst states and their respective borders. However, what most scholars tend to miss is how these two factors negatively affected, for example, indigenous communities in terms of control for their land.

International Borders and Indigenous Communities

The carving up of Africa

In 1993, Moringe L. Parkipuny (1993), a spokesperson for the Masai and Bemba indigenous peoples of Africa, was one of twenty indigenous leaders addressing the United Nations during the inauguration of the United Nation's International Decade of the World's Indigenous Peoples. In his speech, Parkipuny discussed how indigenous African languages, lifestyles, environmental and economic systems are profoundly different and unique from mainstream culture (Parkipuny, 1993). According to

Parkipuny, one of the detrimental tolls of colonization has been its attempt to erase these differences in favor of new borders of difference imposed by European colonial powers. Parkipuny stated in his speech "in the 1800's, European partitioners carved up Africa into assortment of forty-eight possessions. This was done in total disregard of the social and ecological boundaries and the economic viability of the territories" (Parkipuny, 1993, p. 78). Parkipuny went on to discuss how these borders were arbitrarily fixed without the consent of indigenous communities in Africa.

During the 1960s many African colonies gained their status as independent states (Meredith, 2006; Nugent, 2004; Shillington, 1998). These new nations were modeled after the European standard of nation-states in terms of the forms of governments established, the construction of boundaries, and the notion of centralized authority within the boundaries (Bouquet, 2003; Chabal, 1993; Meredith, 2006). According to political scientist Patrick Chabal (1986), newly independent African states centralized power by blending together nationalist parties and building coalitions amongst tribal and ethnic groups (p. 5). Subsequently, Chabal writes, the biggest threat to the newly independent African states was conflict amongst tribal and ethnic communities because of the "unworkability of the political systems which independent Africa inherited" (Chabal, 1993, p. 144). According to historian Martin Meredith (2006), allegiance by African peoples remained rooted in tribal identity, which made it difficult for newly independent states to foster a national

consciousness because they "possessed no ethnic, class, or ideological cement to hold them together, no strong historical and social identities upon which to build" (p. 154). The people within these new states faced the dilemma of immense cultural diversity in Africa and the arbitrary European-drawn boundaries that continued to parcel out land and separate populations (Chazan et al., 1999). As a result, Parkipuny notes, "the colonial attempts to destroy African indigenous institutions for social organization, self-determination, and cultural identity were inherited by the independent states who have maintained them. They, in fact, have intensified these attempts, no longer in the name of empire, but in the name of fostering a national unity" (Parkipuny, 1993, p.79). Despite lacking a division of communities along national lines, newly elected leaders in independent African states did not alter colonial boundaries, but rather, accepted these political borders as appropriate ones.

In attempts to maintain state power and foster a national consciousness, African states also instituted denigration of any other means of social organizing. Accordingly, what became opposite to modernity and development were tribal ways and indigenous techniques, even though they bore a more accurate reflection of the realities of communities in independent Africa. During the 1970s and 1980s a discussion of Africa as consisting of tribes was considered taboo by African leaders and scholars. Mazrui points out how the dismissal and denigration

of indigenous past in Africa coincides with the disproportionate amount of internalized conflict in the region (Mazrui & Mazrui, 1998).

In the last decade border disputes and boundary-related issues in Africa has been the subject of debate amongst scholars (Abbink, 1998; Aghemelo & Ibhasebhor, 2006; Bouquet, 2003; Englund, 2003; Odunta, 2006; Pratt, 2006). What is currently taking place in these discussions is the consideration of redrawing boundaries of African nations in order to avoid civil unrest and war. Scholars such as Nobel-Prize winning writer Wole Soyinka, contend that the genocide in Rwanda could have been avoided all together with the redrawing of boundaries (Redrawing Africa's Borders, 1994). These scholars attribute boundary disputes and other related civil strife to the inherited colonial borders (Warner, 2001). In a recent article by political scientist Aghemelo and historian Ibhasebhor (2006) the title of the article connotes the extent that boundary disputes are anchored in a history of colonial rule. The article entitled, "Colonialism as a Source of Boundary Dispute and Conflict among African States: The World Court Judgment on the Bakassi Penninsula and its Implications for Nigeria," examines conflict amongst Nigeria and Cameroun resulting from a boundary dispute in the area of the Bakassi peninsula. The authors analyze the decision delivered on October 10, 2002 by the International Court of Justice that gave ownership of the disputed land to Cameroun over Nigeria (Aghemelo & Ibhasebhor, 2006). Though the authors discuss the implications of this decision for Nigeria, they use the case to fully

evaluate the detrimental toll the history of colonialism has had on Africa. They write, "the African territories, which have attained independence and national sovereignty, cannot in a strict sense, be regarded as national states. They do not embrace a common past and a common culture…undoubtedly, several boundary disputes have broken out between African states and so far, there is no acceptable criteria which may afford the best guide to a settlement of an 'unhappy legacy of colonialism'" (Aghemelo & Ibhasebhor, 2006). The Africa case is consistent with the experiences by indigenous peoples in North America. Drawing an analogy between indigenous peoples experiences in Africa and North America, the same themes arise concerning the disregard of the social and ecological boundaries of the indigenous peoples already living in the region. In addition, struggles against standards of governance and the construction of foreign boundaries enforced through a centralized authority are also present themes for indigenous nations within national boundaries in North America.

Division of Indigenous Peoples in North America

Indigenous communities in North America have historically struggled with political boundaries that have cut through their tribal land. Indigenous historian Steven Crum (2005) explains, "since time immemorial, and well before the arrival of the Europeans, Native American tribal peoples have created territories whose boundaries followed certain geographic features, such as rivers and valley regions.

However, with the coming of the Europeans, many tribes found their ancestral homelands divided and split by the creation of newly established political entities" (p. 24).

The legal establishment of the international borders throughout North America not only split more than one tribal territory, it also divided the peoples themselves. Duane Champagne (2005) explains that indigenous populations have occupied the land in the Western Hemisphere for more than twelve thousand years which long precedes the formation of nation-states over the past two hundred years (p. 3). An illustration of this can be seen when the United States and Canada began to restrict Iroquois members from crossing international borders in the early part of the 19th Century (Crum, 2005). When publicizing the injustice that Iroquois members were not allowed to pass within their territory due to enforcement of the international borders, Clinton Rickard, a Tuscarora tribal leader, stated, "I did not consider that there was any such thing as 'Canadian Indian' or 'United States Indian.' All Indians are one people. We were here long before there was any border to make an artificial division of our people" (Graymont, 1973).

This struggle for justice continues in the Mohawk territory of Akwesasne (Gray Kanatiiosh and Lauderdale, 2006). On June 14, 2008 Kanion'ke:haka (Mohawk) rights activist, co-publisher of the Mohawk Nation News, and grandmother Katenies appeared before a judge in the Superior Court of Cornwall, Ontario (Bettache & Singh 2008). The

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Mohawk Elder was arrested by the Canadian Border Services Agency (CBSA) guards while crossing into Canada from the United States for an alleged crime of "running the border" (No One is Illegal-Montreal, 2008). During court proceedings following her arrest, Katenies refused to recognize the authority of the courts and maintained that border officials have no jurisdiction over Kanion'ke:haka people or their land (Bettache & Singh 2008). Katenies was arrested at the international border crossing located in Mohawk territory of Akwesasne, which straddles Ontario, Quebec and New York State. The border splits the Mohawk community and is the only official land border crossing located on First Nations territory. At the court proceedings, Katenies demanded her case be thrown out and allow her and other Mohawks the ability to travel freely between Canada and the United States (No One is Illegal-Montreal, 2008). Speaking in her defense, another Akwesasne resident expressed the sentiment of the Akwesasne community toward the international border that is located through Mohawk territory. Nancy Davis explained, "we feel we have the right to travel where we want, to go where we want. [The border] is an imaginary line for Americans and Canadians, not Mohawks" (Bettache & Singh 2008). Katenies was released on certain conditions but only after she addressed the accusation of contempt by the court. She stated, "it is [your law] and your constitution that you keep talking about. Why do you continue to ignore me and our people, who have our own land and constitution?" (Bettache & Singh 2008)

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There have been growing tensions between the Kanion'ke:haka people and border officials at the Akwesasne border crossing. Seventy percent of the border crossers are Akwesasne residents and over the years there has been an increase in the number of complaints filed against individual border guards for acts of intimidation, harassment, provocation and violation of individual rights (CKUT News, 2009). Two of these complaints have been forwarded and are currently active files for the Canadian Human Rights Council (CKUT News, 2009). Recently, hundreds of protestors gathered at the Akwesasne border crossing to oppose the arming of guards at the border (Freeston, 2009). Historically the Akwesasne community has opposed guns at the border because the border crossing is located in a highly populated residential area (Mohawk News Network, 2009). Furthermore, the residents of the Akwesasne territory are concerned that the armed presence of the guards would lead to an increase of abuse by CBSA guards to indigenous Mohawk people (CKUT News, 2009). The Mohawk Band Council has always prohibited guns at the border, and according to the Akwesasne people, refusing to honor this request directly violates Mohawk sovereignty (CKUT News, 2009). In spite of efforts by the Mohawk people to assert indigenous sovereignty and control over their land, in early June 2009, the border crossing became blocked on both sides of the border denying entry and exit of Mohawk community members to cross Mohawk land.

It is important to remember how territorial integrity of states in the international legal community excluded other claims by indigenous tribes to control their land and instead enforced international boundaries that bore no relation to the realities of indigenous communities. In a struggle for control of their land, resources, and peoples, indigenous communities have appealed to the human rights regime within international law for support.

Indigenous Rights as the Right to Assimilate

Stemming from the experiences by indigenous peoples in North America and Africa we find that struggles against the construction of boundaries and new political borders of difference impacted and continue to impact the integrity of these communities. The struggles and resistance by communities in these regions reveal an alternative history of community and identity that contrasts legal, political, and social forms of community membership along national lines. Because of this contrast, international indigenous rights were developed to appease indigenous communities struggling and resisting against forcefully imposed national borders.

Upon the onset of indigenous rights; however, international law defined indigenous peoples as endowed with special rights in order to make their communities disappear. Legal scholar Luis Rodriguez-Pinero explains that during the development of early indigenous rights the international legal community was deeply rooted in portraying indigenous

communities as anachronistic—representing the past caught in a wave of modernity (Rodriguez-Pinero, 2006). This wave of modernity fashioned a linear understanding of progress and consequently represented social organizing practices from the past as tribal and the surge of nationalism as representing the future. This way of thinking privileged an anthropological way of conceiving societies as evolutionary and thus portrayed and treated indigenous peoples as representing "the past" (Rodriguez-Pinero, 2006). In efforts to "assist" indigenous peoples to become modernized, the international legal community constructed paternalistic standards through the International Labor Organization (ILO) that would, according to Rodriguez-Pinero, reify "representation of indigenous cultures as static relics of the period prior to colonization turn indigenous peoples into Hegelian 'peoples without history,' while implicitly incorporating a normative imperative for change" (Rodriguez-Pinero, 2006, p. 172). This change included (the often forced) incorporation of indigenous peoples into the labor markets and significant pressure for the assimilation of their communities into the broader national communities modeled after European standards.

By defining indigenous cultures as "relics of the past," the international legal community could not surmount the Eurocentric bias that characterized the ILO's work on behalf of indigenous peoples. In addition, at the time, developing indigenous rights enabled newly independent nations to enter the world economy with assurance from the

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international legal community that a distinct set of policies and

institutions would be developed with the purpose of integrating

indigenous workers into the lives of states and state's economies

(Rodriguez-Pinero, 2006). Analyzing adoption of indigenous rights from a

world system approach reveals clearly the coupling and importance of the

world economy for states when considering the inclusion and adoption of

indigenous rights standards (Lauderdale & Natividad, 2010). A world

system approach reveals that there are similarities by states in their

operation in the global economic system and as a result, including states

into the global economy by the global community partly depends upon the

adoption by the states of globally accepted indigenous rights standards

(Lauderdale & Natividad, 2010). For indigenous peoples these standards

include the assimilation of communities into the state system for a more

organized and integrated global economy of consumption and production.

Accordingly, efforts of integration and assimilation of indigenous peoples

as a prominent labor source (as we see in Rodriquez-Pinero's analysis of

early development indigenous rights) are now combined with a neoliberal

framework to increase assimilation efforts to produce workers for the state

as well as consumers for the economy. As Pat Lauderdale and Pietro

Toggia demonstrated in their article, "An Indigenous View of the New

World Order," indigenous peoples do not find "a meaningful sense of life

by being defined as modern individuals via the state" (Lauderdale &

Toggia, 1999, p. 157). "Modern individuals" according to the authors

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includes the identity of a "New World Order that emphasizes self-interested and self-maximizing individuals, i.e., Western individualism" (Lauderdale & Toggia, 1999, p. 157). Instead, the authors assert that more recognition and accommodation toward indigenous communities traditional ways of life reveals the opposite, an alternative cosmology that opposes Western individualism and finds a meaningful sense of life through community. Regardless of these traditional ways of life, attempts to "modernize" indigenous communities resulted in assimilatory efforts by the international legal community.

Psychiatrist and philosopher Franz Fanon (2005) while writing during the decolonization and independence movements in Africa sheds light on the relationship between communities struggling against assimilation. He writes that the colonial world is a Manichean world. He asserts that it is not enough for the colonizer to limit the native physically through force of a military and police, but that the colonizer must also denigrate the native and paint them as a "sort of quintessence of evil" (Fanon, 2005, p. 41). But there is an underlying reason for this denigration. Fanon reminds us that the most important element to colonized people is also the most concrete and deeply embedded aspect of their lives. He writes, "for a colonized people the most essential value, because the most concrete, is first and foremost the land: the land which will bring them bread and, above all, dignity" (p. 44). Negating alternative indigenous social organizing practices, rights, cosmologies, and

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community boundaries has always been, in part, about land claims. The moment states make concession that indigenous peoples have the right to land, then the legitimacy of the state, its claims to sovereignty and claims to land that is represented in the body of the U.N., is called into question. It is called into question because the state finds its legitimacy to land claims from previous conquest. In other words, the return of land is an admission by the state that it unlawfully took possession of the lands in the first place from indigenous communities.

For instance, the United States government uses the Discovery Doctrine as proof that indigenous communities turned over possession of their land. The Discovery Doctrine in United States law is a series of decisions by the U.S. Supreme Court that upon "discovery" by Christian Europeans the indigenous communities in North America lost "their rights to complete sovereignty, as independent nations, and only retained a right of "occupancy" in their lands" (Newcomb, 1992). As a legal matter, the Doctrine in federal Indian law states by virtue of discovery, the European sovereign gets this "right" to settle the land (Clinton, Goldberg, & Tsosie, 2003; Robertson, 2007). In the notable case of Johnson v. McIntosh, Chief Justice John Marshall concluded that Christian Europeans obtained "ultimate dominion" over the lands in America during the "Age of Discovery" (Ziegler, 2006, Newcomb, 1992). Resultantly, the Doctrine was used to invalidate indigenous possession of land in exchange for the

determination that the U.S. government had acquired the land on account of European "discovery."

From a critical perspective we can view the Doctrine of Discovery as a legal fiction because it is designed to validate that which has not and may never be validated, i.e. the conquest of lands from indigenous peoples. The lands in North America were inhabited by indigenous peoples however they were legally determined to be inhabited by peoples that the brotherhood of nations claims were "uncivilized." Even though the law states that the U.S. is perfectly acting in accordance with law by denying possession of lands of indigenous communities, I disagree by asserting that the Doctrine of Discovery is a legal fiction that imposes colonial rule. The Doctrine can be considered concomitant to Enrique Dussel's (1995) Myth of Modernity where the "facile optimism of a rationalist, abstract universalism" that imposes Eurocentric standards is used in order to deny the trauma and misery caused from exclusion, oppression, and conquest of indigenous communities and land.

On the other hand, today indigenous communities in the U.S. have a right to occupancy through the concept of "domestic dependent nations." In Cherokee Nation v. Georgia, the U.S. Supreme Court ruled that the Cherokee Nation was not fully a sovereign nation but rather a domestic dependent nation. From this ruling the U.S. government grants title to lands of indigenous communities, such as the Navajo Nation, as part of their aboriginal territory. Tribal governments in the U.S. are granted many

sovereign powers however are not considered to be foreign nations nor are considered to be states in the constitutional sense. Each tribal government operates according to its own constitutional rules however, many of the written constitutions of these tribes are modeled after constitutions prepared by U.S. Department of Interior pursuant to the Indian Reorganization Act of 1934.

Kevin Bruyneel (2007) offers the best assessment for understanding the situation of Federally recognized tribes in the U.S. In his book The Third Space of Sovereignty—The Postcolonial Politics of U.S.-Indigenous Relations, Bruyneel asserts that indigenous political actors work in a political sphere that is neither "inside nor outside the U.S. political system but rather exists on its boundaries, exposing both the practices and limitations of American colonial rule" (Bruyneel, 2007). Rather than simply viewing the legal history and constitutional law that analyzes the logics and treaties used by court decisions, or by delving into the political theories of competing notions of sovereignty, Bruyneel offers a complex account of the political relationship between the U.S. government and indigenous communities. Bruyneel writes that the "imposition of American colonial rule and the indigenous struggle against it constitute a conflict over boundaries...the imposition of colonial rule denotes the effort of the United States to narrowly bound indigenous political status in space and time, seeking to limit the ability of indigenous people to define their own identity and develop economically and

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politically on their own terms" (Bruyneel, 2007 xvii). By limiting political

status, Bruyneel points to standards imposed by the U.S. government on

federally recognized tribes that created a space of assimilation for the

tribes to institutions and discourses of "the modern liberal democratic

settler-state and nation" (Bruyneel, 2007 xvii). This space limits American

Indian Nations into "tribes" to be able to define their own identity, but also

grants authority to the U.S. government to endow special rights to certain

Nations and deny these rights to others.

Given this, how do we determine to whom special rights are granted

and under what circumstances? Also, who is defining who is indigenous

and who is not? In other words, to what extent do we preserve special

rights for other political ethnicities and endow them with political

distinctiveness for the preservation of their culture, traditions and

communities? To analyze this further we can heuristically view an

example to understand how the nation-state is assuming the power to

define who is "indigenous" and who is not and thus ascribing what rights

accrue from this status.

The Apology Resolution

United States Public Law 103-150 also known as the "Apology

Resolution" was a U.S. Public Law adopted by U.S. Government on

November 23, 1993 (U.S. Public Law 103-150, 1993). The Apology

Resolution was an apology to Native Hawaiians for the overthrow of the

Kingdom of Hawaii in 1893. It was signed by former President Bill Clinton

and admitted to unlawfully taking possession of Native Hawaiian land. The Apology Resolution stated, "whereas the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States;…Now, therefore, be it the Congress apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii…and [for] the deprivation of the rights of Native Hawaiians to self-determination" (U.S. Public Law 103-150, 1993).

However, despite having explicitly admitted that Hawaii was unlawfully annexed into the U.S. in violation of its own domestic and international law, the federal government made no reparation nor returned any land to Native Hawaiians. In fact The U.S. government has consistently denied Native Hawaiians request for sovereignty and their right to self-determination. For the last nine years Native Hawaiians have been seeking Native Hawaiian sovereignty through the Native Hawaiian Government Reorganization Act. The Native Hawaiian Government Reorganization Act, also known as the Akaka Bill, was series of Bills introduced in different forms, before U.S. Congress over the last nine years. The Akaka Bill would enable ethnic Hawaiians to organize a separate government with a special political and legal relationship between the United States and the Native Hawaiian governing entity. The Bill was first introduced on July 20, 2000 and Congress has yet to enact the legislation.

The reason the federal government has not yet enacted the Akaka

Bill, is summed up in a statement by Gregory Katsas on behalf of the U.S.

Department of Justice and the Bush Administration in 2007. Katsas,

Principal Deputy Associate Attorney General of the United States, stated

that the Bush Administration opposed the Native Hawaiian

Reorganization Act of 2007 because it believes it has the potential to

balkanize the U.S. along ancestral lines (Department of Justice, 2007).

Specifically, Katsas writes that approving the Akaka Bill would encourage

other indigenous groups to seek favorable treatment by the U.S.

government (Department of Justice, 2007). He alleges that the Akaka Bill

could potentially be used "by several other indigenous groups living in the

United States, such as the native Tejano community in Texas, the native

Californio community of California, or the Acadians of Louisiana – all of

which could argue that they are entitled to preferential treatment and even

a separatist government, no matter how integrated they have become into

the American mainstream" (p. 6). Katsas alleges that the Akaka Bill could

potentially be used as a slippery slope. Katsas concedes to the fact that the

indigenous groups listed, could potentially have an argument to land

claims. However, Katsas fears that allowing one group, such as the Native

Hawaiians to exercise their sovereignty over their land, could potentially

open the floodgates for other indigenous communities to claim their land.

In order to alleviate this predicament, indigenous claims have to be

assimilated so that indigenous communities have the right to be

recognized by the United Nations, but you do not have the right to be a nation.

Beginning of Indigenous Rights

Domestic U.S. law demonstrates how the nation-state assumes the power to define who is indigenous. At the international level, indigenous rights within international law were created as a mechanism to appease indigenous peoples and prevent secession movements in their respective states. The rights were efforts to assimilate indigenous populations into the nation-state. Because of the structure of the U.N., these rights do not serve as an effective means for allowing equal participation of indigenous communities in negotiations concerning international boundaries.

Within the international community, the International Labor Organization (ILO) was the first organization to recognize indigenous peoples as distinctive communities with unique struggles. Convention 107 on Living and Working Conditions of Indigenous Populations was the first international legal instrument to address the social problems of indigenous populations in independent countries (Anaya, 2000; Rodriguez-Pinero, 2006). The Convention was a legally-binding instrument whose purpose was to assimilate indigenous populations into the state as laborers and legally justify control of indigenous land (Keal, 2003; Rodriguez-Pinero, 2006). Article 12 of the Convention legally authorized the removal of indigenous populations from their land for national purposes. Article 12 states, "the populations concerned shall not

be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations" (International Labor Organization, 1957).

Convention 107 was later revised into Convention 169 of the ILO. Convention 169 obligated states to protect and recognize the rights of indigenous populations (International Labor Organization, 1957). Convention 169 was the first legal instrument to recognize the rights of indigenous peoples to maintain contacts across international borders. However, in a paternalistic manner, Convention 169 laid the responsibility of the protection of land, territory, and environment upon the states (International Labor Organization, 1957).

Neither Convention served as a means of space or forum for participation of indigenous communities in international negotiations (Tennant, 1994). Nor, did the Conventions grant effective rights of autonomy to indigenous communities (Tennant, 1994). Instead, these legal instruments and subsequent instruments related to indigenous rights leading up to the U.N. Declaration of on the Rights of Indigenous Peoples, formulated a relationship between the state and indigenous populations and communities, as one of legal paternalism and legal assimilation.

Subsequently, the only way indigenous populations could participate in the international community, specifically in the U.N.

organization, was by assimilating into the state. James Anaya explains, "In setting the procedural parameters for U.N. activity, the Charter upholds the state-centered system by limiting voting in the General Assembly and in the other major U.N. organs to member states" (Anaya, 2004). By establishing states as the sole subjects of international law, the Charter gave indigenous groups and individuals a place only as citizens of the state.

Arrangement of the United Nations

In addition, the arrangement of the U.N., by the Charter, granted hierarchical powers to member states. Paul Keal (2003) explains, "The organs of the United Nations relevant to indigenous peoples form a hierarchical structure in which those lower in the hierarchy report to a parent body standing above them. At the top of the structure is the General Assembly" (p. 116). Underneath the General Assembly is the Working Group on Indigenous Populations. The "parent body" of the General Assembly legally channels all concerns by indigenous communities through the state (Keal, 2003).

Given this, the voting rights granted to member states provide them with the sole discretion of legally identifying international borders and thus distinguishing legitimate societies with claims of territorial control. For example, in 1947 member states adopted the General Assembly Resolution 181 that mandated U.N. Commission to establish the border of a "separate Arab state and Jewish State" (U.N., 1947). Similar Resolutions

not limited to the General Assembly also reaffirm general consensus by member states in recognizing international boundaries of states. Essentially, the U.N., through consensus and participation by member states, established the roadmap that determined the specific, legal borders between states. The hierarchical structure of the United Nations arranges the channels of participation in international society, legally leaving out the voice of indigenous peoples. Duane Champagne explains, "The values and institutions of indigenous peoples, however, are generally ignored in the unified and multicultural nation-state models. In both models (national and international communities), indigenous peoples are asked to abandon their land and self government for citizenship within the national community of the nation-state" (Champagne, 2005, p. 16). Champagne goes on to add how assimilation into the state system has negatively impacted indigenous peoples' cultures and traditions, which in turn directly threatens the cohesion of indigenous groups (Champagne, 2005).

Effects of International Borders on Indigenous Communities

The division of tribal land along the U.S.-Mexico border has had severe repercussions on the identity and culture of transborder indigenous communities. In addition, the affects of increased border security measures over the past twenty years in this region have negatively impacted tribal members' ability to remain in contact and thus maintain community traditions, languages, practices and ways of life. The Kumeyaay of southern California have not been able to maintain tribal

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customs, ceremonies, and traditions due to increased border security measures. Crum (2005) writes that "with the construction of miles of fence along the border and with increased militarization, Kumeyaay people of more recent years found it impossible to keep in contact with families, relatives, and tribal members on both sides of the border" (p. 25). This has resulted in differences between the Kumeyaay people on the Mexican side of the border, who are in a better position to hold onto certain traditional practices and language, than tribal members on the U.S. side. Similarly, the tribal members of the Tohono O'odham Nation situated in southern Arizona have been subjected to harassment by border officials, which have resulted in the decrease of visits by members on the Mexico side (Crum, 2005; Ozer, 2002). Construction of the border fence within this region, combined with increased militarization of the border, has lead to the decrease of ceremonial and other tribal related practices.

Response by Indigenous communities at the U.S.-Mexico border

In response to the construction of the border fence and increased militarization of the border, delegates and traditional authorities of indigenous peoples and organizations from 19 indigenous nations gathered on Tohono O'odham tribal land for the Indigenous Border Summit of the Americas on November 7, 2007 (Indigenous Border Summit, 2007). The Summit focused on strategies for indigenous peoples in border regions to defend their rights in international human rights law. Specifically, the Summit provided human rights training for attendees

explaining how to inform international human rights agencies on the human rights violations that are being committed by the U.S. in order to hold the U.S. "accountable to its legally binding obligations" under international law (Indigenous Border Summit, 2007). The International Indian Treaty Council (IITC) provided a workshop that focused on U.S. obligations under the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) (International Indian Treaty Council, 2007b). The purpose of the workshop was to provide Tribal Nations and organizations the ability to inform the U.N. Committee on the Elimination of Racial Discrimination on the "true state of racial discrimination in this country (United States) and how it affects Indian Nations, Peoples and communities" (International Indian Treaty Council, 2007b).

The Summit also focused on protecting the sacred sites and traditional land rights of indigenous border residents through the newly-adopted U.N. Declaration on the Rights of Indigenous Peoples. Construction of the border wall has resulted in the removal of ancestral human remains of the Tohono O'odham and Kumeyaay People. Given this, the Summit addressed the direct violation of indigenous land rights recognized by the U.N. Declaration on the Rights of Indigenous Peoples.

In a Final Report released November 16, 2007 from the Indigenous Peoples' Border Summit, a resounding unanimous decision by attendees of the summit opposed construction of the border wall claiming its

implementation will divide the ancestral lands of many Indian Nations and represented the most egregious violation of international human rights (International Indian Treaty Council, 2007a). The Report focused on human rights law and human rights standards and appeals the experiences of indigenous border residents to the international legal community rather than focus on domestic law.

The Report detailed how increased abuses by border authorities and construction of the border fence negatively affects Indigenous Peoples' traditional homelands, cultural and ceremonial practices, sacred sites, sovereignty and treaty rights, health, and way of life. In addition, the Report detailed moral opposition by attendees of the Summit to the "brutal and racist policies" of the U.S. in their enforcement of immigration policies and the border, as it has lead to the deaths of many migrants (International Indian Treaty Council, 2007a). The Report appeals to the sovereign rights, cultural rights, right to mobility, right to life, and the right to health of indigenous peoples.

Strategically, the Summit focused on the CERD that was ratified by the United States in 1994 making it legally binding. By signing and ratifying CERD, the U.S. is obligated to comply with and implement the provisions of Convention. The Summit's Report uses CERD's protection clauses to reveal how the rights of indigenous border residents have been historically violated.

Impact of the Indigenous Border Summit

The impact of the Summit and the workshops held by the IITC can be viewed in the Concluding Observations of the Committee on the Elimination of Racial Discrimination. The U.N. Committee on the Elimination of Racial Discrimination in March of 2008 examined and assessed U.S. compliance with CERD (U.N., 2008). In the concluding observations of the Committee, it found the U.S. in violation of its obligation to implement federal legislation to stop racial profiling. In addition, three main recommendations by the Committee to the U.S. are consistent with concerns expressed by indigenous peoples at the Summit.

The Committee recommended the U.S. to increase efforts to eliminate police brutality and excessive use of force against persons belonging to racial, ethnic or national minorities, as well as undocumented migrants crossing the U.S.-Mexico border (U.N., 2008, p. 8). The Committee also recommended that the U.S. take all appropriate measures, "in consultation with indigenous peoples concerned and their representatives chosen in accordance with their own procedure – to ensure that activities carried out in areas of spiritual and cultural significance to Native Americans do not have a negative impact on the enjoyment of their rights under the Convention (U.N., 2008, p. 10). The Committee also recommended that the U.N. Declaration on the Rights of Indigenous Peoples should be used as a "guide to interpret the State party's obligations under the Convention relating to indigenous peoples"

(p. 10). Attendees of the Border Summit are still waiting for enforcement of the recommendations by the Committee.

Despite the delay, the Indigenous Border Summit and the recommendations made by the Committee signify the ways in which indigenous communities are rendering indigeneity meaningful. Most importantly, they are asserting their right to exist as land-based communities. For instance, according to Ali Mazrui, African indigenous societies consisted of a high degree of land reverence versus the state's high regard for territoriality (Mazrui, 2002). The difference between these two concepts is found in the treatment of the land. In Africa, land worship and land appreciation resulted from the agricultural importance of the land to tribal communities and the importance of ancestral burial sites (Mazrui, 2002).   What this meant in independent Africa was that there existed an obligation to the land based on its relationship to the tribal community. Mazrui explains, "the mystique of land reverence in Africa is partly a compact between the living, the dead, and the unborn. Where the ancestors are buried, there the soul of the clan resides, and there the prospects of health of the next generation should be sought. Land was quite fundamental to both stateless African societies and to empire and city-states." (Mazrui, 2002, p. 139).

Conversely, political communities that grew out of a Westphalian state tradition, became increasingly definable in terms of the boundaries between one political community and another. The viability of borders

became a significant defining feature of the state and a means for jurisdictional control over a political community. The dichotomy between these two ways of inhabiting the land is demonstrated in postcolonial Africa today. Mazrui states, "while the pre-colonial African state indulged in this land worship...the postcolonial [African] explains indulged in the worship of territory in relation to power and sovereignty rather than cultivation and ancestry" (Mazrui, 2002, p. 140). The state's link to territorial boundaries requires the construction and enforcement of the border in order to maintain sovereignty.

Indigenous communities in their opposition to border control measures, are signifying that they inhabit the land differently. For indigenous communities, community is not based on jurisdictional spaces but rather a unique understanding of the land that is tied to their creation stories, cultural epistemologies, and community relations. Leslie Marmon Silko (1996) in her essay "The Border Patrol State," defends an indigenous understanding of inhabiting the land. She writes, "It is no use; borders haven't worked, and they won't work, not now, as the indigenous people of the Americas reassert their kinship and solidarity with one another. A mass migration is already under way; its roots are not simply economic...The great migration within the Americas cannot be stopped; human beings are natural forces of the earth, just as rivers and winds are natural forces" (p. 5).

Conclusion

Benedict Anderson has argued that from the mid-nineteenth century on, three institutions of power, census gathering, the mapping of state territories, and the museum took on new shapes and functions in order to mold the way states could enforce and imagine their dominion (Anderson, 1991). Census takers asserted the fiction that "everyone has one—and only one—extremely clear place," which resulted in denying that individuals could inhabit "multiple, politically, 'transvestite,' blurred, or changing identifications" (Anderson, 1991, p. 166). According to political scientist James Scott (1998), in conjunction with mapping state borders, colonial states, created "standard grids" for the purposes of monitoring populations and natural resources within their own borders. What resulted from this process according to historian Eric Meeks (2007) is that states "often developed oppressive policies to regulate and transform indigenous social relationships and clarify the relationship of various groups to the state" (p. 15).

In this chapter, we examined how the right of sovereign statehood legally sanctioned states to be the main organizing polity with authority for the control of land and borders. This was embedded in the Westphalian system of states introduced with the drawing of political boundaries as points of demarcation for the territorial integrity of a state. Subsequently, the U.N. charter replicated this principle and centered the state actors as the main organizing entity and legitimate polity in international law. Political exclusion of other societies and communities such as indigenous

tribes resulted in the disregard of social and ecological boundaries of indigenous communities already living within the area. Furthermore, the enforcement of border security measures along the U.S.-Mexico border has resulted severely affected indigenous communities.

The unique political entity that indigenous communities represent points to a question of whether or not indigenous communities should be given equal status as legitimate polities in the international community? This opens further debate as to what it means to get equal status as legitimate polities. Does it mean to assert rights to sovereignty and territory on the same basis as nations or does everyone have to abandon the Westphalian model? In addition, the struggle of indigenous communities opens up a larger debate concerning the validity of the basic organizing principle in sovereignty –exclusive control by states over their territory. Carl Schmitt provides interesting insight for both questions. He states, that when characterizing international relations and relations between communities, "there is no agreement on the 'authoritative allocation of values', on the rules governing resource access and distribution. What matters is not the character or structure of the state, but whether there exists a community willing and able to define itself against a 'non-self'. The political entity is a political entity only because of 'the real existence of an enemy'. The essence of a political community is its willingness and ability to differentiate itself, to assert its existence" (Warner, 2001). Whether or not indigenous communities will continue to

remain in the role they currently inhabit in international relations, might

depend altogether on the willingness of indigenous groups to remain

silent.

Chapter 6

SUMMARY AND CONCLUDING REMARKS

There is compelling evidence that we need to investigate more fully the relationship between oral laws maintained by local communities and national written laws sustained in the books. Furthermore we must consider carefully whether or not law controls the social context and what this means for our own definitions of community, what are the boundaries and borders of communities, and the seemingly limitedness of social interaction that becomes based on such legal definitions. In addition, what needs further investigation is the relationship between written laws that divide communities and oral laws that maintain communities and communal relations despite and in the face of physical, juridical, economic, and political barriers.

By viewing the words and thoughts of border residents through oral histories in Chapter II we see how the border has been conceptualized differently over time. We also find a profound articulation of border life by border residents of their situation at the crossroads of authority, legal hegemony, and definitions used to describe the region. By examining the litigation, protest, and the historical memory of border residents, we understand how legal juridical definitions of the border come in contrast to the historical memory of border residents. We understand how these historical memories inform an alternative narrative about the border that demonstrates the interconnectedness of communities are on both sides of

the U.S.-Mexico border. The oral histories also inform the resistance by border communities against social engineering that is meant to divide communities along the border. The multiple understandings of the border come alive by viewing the participation of "citizens" (border residents) whose lives teeter along the edges between the abstract and real.

What occurs when myths about the history of economics and market relations along the U.S.-Mexico border are revealed as they are in Chapter III, is a new interpretation and perspective than has been traditionally represented. If we are to understand how inequality is constructed, maintained, and reified along the U.S.-Mexico border, we must re-analyze the structures of knowledge that support a single narrative or a limited history about the economy along the border. Instead, we must re-position our perspective on the struggle of communities along the border, in order to account for the complexity of this struggle. This new understanding of the economy along the border uncovers new dimensions about the reliance on market relations and ensuing impoverishment that occurs as a result of the intersection of race, wealth accumulation, and underdevelopment. Hegemony that has enshrouded the economic history of the border region and its relation to the world economy demonstrates how border residents have been deprived "of their freedom and power to act autonomously, to live creatively" and how the border itself acts as a mechanism that "confines them (border residents) to survival through being plugged into market relations" (Illich, 1990).

Uncovering the myths also reveals how social movements within the border region can proceed to fracture market dependency by building cross-border alliances and, as Lisa Dobson (2011) describes it, subvert an unfair economy.

The two organizations Sin Fronteras and Coalition for Justice in the Maquiladoras in Chapter IV epitomize transborder solidarity to create change despite national borders. The organizations cross the lines of sovereignty and represent new forms of movements that are reconceptualizing concepts of sovereignty by empowering communities to organize and sustain supportive relations across national territorial boundaries.

In Chapter V we understand how transborder indigenous communities demonstrate the use, practice and allocation of human rights across international borders and situates the rights discourse as a right initially established by the international community as a means to assimilate and integrate populations as laborers into mainstream society without stamping out their distinctive identities. Furthermore, conceptualizing transborder indigenous communities demonstrates how these communities have historically represented a problem to nation building because their identity is embedded in community ties that transcend national identity as well as political international boundaries.

Areas of research that need further investigation and may significantly contribute to the discourse on human rights, economy, and

sovereignty along the U.S.-Mexico border includes research into, at least, three areas: what Cedric Robinson identifies as the myth of leadership; what many critical legal scholars term as the "limits of the law;" and what Edouard Glissant describes as the poetics of relation.

Cedric Robinson's The Myth of Leadership

On June 12, 1987 United State President Ronald Reagan gave a speech at the Brandenburg Gate in West Berlin, Germany. The speech was aimed to bring attention to the divisive nature the Berlin Wall posed to "all mankind." President Reagan gave an impassioned speech asking Mr. Gorbachev to get rid of the barriers that separate the people on either sides of the wall. With a detailed description of the fence coupled with the level of security that guarded both sides, President Reagan beseeched Mr. Gorbachev to "Tear down this wall" (Reagan, 2004)

President Reagan's speech referenced the human rights violations the wall created for all men and women who, according to President Reagan, have the "right to travel." He described how the checkpoints, armed guards, barbed wire, and closed gates questioned "freedom for all mankind." According to Reagan, the wall was a clear indication of "the will of a totalitarian state" and stands as an instrumental barrier between enjoining cities (Reagan, 2004). Reagan emphasized that the system of barriers established a marked boundary between East and West Germany that divided the entire continent of Europe, and had a detrimental impact on the minds of citizens all around the world. However, Reagan further

noted to the Germans, that it was "here in Berlin where the wall emerges most clearly; here, cutting across your city, where the news photo and the television screen have imprinted this brutal division of a continent upon the mind of the world" (Reagan, 2004).

In ideological propaganda, President Reagan concluded his remarks by claiming "We in the West stand to cooperate with the East to promote true openness, to break down barriers that separate people, to create a safe, freer world...the totalitarian world produces backwardness because it does such violence to the spirit, thwarting the human impulse to create, to enjoy, to worship" (Reagan, 2004).

Juxtaposingly, on October 26, 2006, almost twenty years after Reagan's speech, United States President George W. Bush signed the Secure Fence Act approving construction of a 700-mile border fence to be built along the U.S.-Mexico border (Archives, 2006). Bush commented during the signing that "the bill will help protect the American people. This bill will help make our borders more secure." President Bush further added, "We are modernizing the southern border of the United States so we can assure the American people we are doing our job of securing our border" (Archives, 2006). In referencing President Reagan's speech, how building walls is backwards and emblematic of a totalitarian state, President Bush declares the border wall is a modernizing project. President Reagan called for tearing down the Berlin Wall and the system

of barriers to provide a safer and freer world. President Bush claims that building a wall along the border will protect Americans and provide safety.

What is clear in comparing the remarks by these two Presidents is that one President is asking to unite the people of Germany, allow freedom of travel, and dissolve the system of barriers that creates "brutal" divisions in the minds of all. While the other President is attempting to divide people, inhibit the ability of travel, and reify a boundary between the U.S. and Mexico in the minds of all.

So who are we to believe? We have one leader telling us that borders and walls are reminiscent of a "backwards" society, while another leader is telling us the opposite, that borders and walls are emblematic of a "progressive" society. To understand the significance of these two speeches and the role and impact of political leadership to the border, we turn to Cedric Robinson (1980) who provides a framework to understand how political order and political leadership (coterminous with power), is embedded and reinforced through Western epistemology as a paradigm of society. According to Robinson, this paradigm obscures our ability to understand the political, as an illusion.

In his book, Terms of Order: Political Science and the Myths of Leadership, Robinson (1980) discusses how political leadership is a social construction. Specifically, Robinson explains how the substructure of elites in the society establishes and captures leadership, specifically, "institutionalizing it, rationalizing it, translating it and lending to it critical

character of omniscience and expertise" (Robinson, 1980, p. 68). This process is part of a larger project, according to Robinson, to establish the illusion of omniscience and expertise of a leader that becomes reified by the substructure of elites. The illusion, Robinson writes, obscures the fact that the leader is a social construction and an "expedient use by the community of the social, psychological and phenomenological materials contained in an individual" (Robinson, 1980). For Robinson, the market or economic society that is reliant on the functioning of material individualism, informs the political authority of Western society. Specifically, the construction of the economic society service the political authority episteme enabling the metaphysics and ontology of identity to be built around the connection of market society to authority.

For Robinson, the premise of the leader may be called into question because decisions made by leaders frequently lack definitiveness and in no way "confirm the paradigm of leadership as it is presumed to be: a rational instrument of social organization" (Robinson, 1980, p. 64).

Instead he posits two alternatives that can produce leaderlessness in a community, but that requires a true break from the development of the concept of individual autonomy and authority. Both alternatives, according to Robinson, require a different metaphysics and epistemological processes. He writes, "the member-parts of the truly leaderless community must perceive, understand and know themselves and their experiences quite differently in order to achieve at one and the

same time the sense of personal authority and primacy of the community...the achievement is to arrive at a synthesis of self-consciousness which would characterize the first sense of the ego as a "we" (Robinson, 1980, p. 65)

Robinson's understanding of the myth of leadership relates to the border region in that decision-making that impacts the region is made by leaders living more than 1,000 miles away and have never been to, experienced, or can comprehend border life. The illusion of omniscience described by Robinson is represented in dissenting voices of border residents that oppose a social construction of their community by policy and law makers, without understanding how the border serves as a metaphorical and immaterial line for some of its inhabitants and a physical barricade for others.

To further elucidate the myth of such leadership and related forms of authoritarianism, we must look at how they are related to limits of law. Specifically how legal authority is related to the concept of social order described by Robinson that consists of integrations, institutions, and patterns, developed and dictated by Western political thought and organized through political authority. Thus, the social order and the specific paradigms it develops and forms are revealed when efforts by authorities impose universal legal prescriptions that become disputed and resisted by local communities.

Limits of the Law

Justin Richland in his article "What are you going to do with the Village's knowledge" Talking Tradition, Talking Law in Hopi Tribal Court" examines face-to-face talk and interaction in contemporary indigenous legal institutions. Richland investigates how interlocutors in a hearing before the courts of the Hopi Indian Nation construct discourses of Anglo-American jurisprudence and Hopi tradition in multiple and competing ways (Richland, 2005). Richland notes that because Hopi legal institutions employ legal processes informed by "both Anglo-style adversarial notions of law and "local" notions of law, culture, and tradition", both notions of law play crucial roles for defining contemporary indigenous juripolitical systems that balance between the complex articulation of the lives and experiences of indigenous communities sustained in their face-to-face interaction and the laws with which they are imbricated (Richland, 2005, p. 235).

In understanding this legal process, Richland uncovers a very important aspect of sociolegal interactions of the indigenous communities with legal institutions that relates to the interaction of border residents interaction to/with Washington sponsored national and federal laws and policies.

Richland views in detail a case brought before the Hopi Tribal Court concerning a property dispute between three sisters (petitioners) and their aunt (respondent). The parties brought the claim before the court and the court asked the parties to produce their own witnesses. The ensuing

dialogue between the judge and one of the witness, an elder of the community, demonstrates the complexities between Anglo-style juripolitical discourses and institutions represented in the legal processes of the Hopi Tribal Court, and traditional practices embedded within an epistemology of the community.

The judge asks one of the elder's to give comments to the Court on customs and traditional practices relating to land inheritance. The elder gives testimony on the particular dispute at hand. The judge rejects the testimony wanting the elder instead to comment on generalized principles of Hopi tradition. According to Richland, the elder began to realize that the judge was compelling her to speak only in gnomic principles of tradition and not to the particularities of the dispute (Richland, 2005). Subsequently, Richland notes how "the witness then initiated a challenge to the judge and his efforts to control her talk. At lines 059-061, she questioned why the judge only wanted testimony on generalized principles of custom" (Richland, 2005, p. 257).

The elder comments, that her understanding is that they are only conducting this testimony for the people in dispute. The elder states, "But appears [to me] now we are doing this for all" (Richland, 2005, p. 257). The elder begins to question the court proceeding and testimony because in Anglo American law the need to establish a precedent interferes and conflicts with the elder's understanding of custom and tradition embedded within a particular village and within a specific social context of that

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community. The elder invokes an alternative understanding of community

and dispute resolution focusing on the face-to-face interaction amongst

community members.

> The judge responds "We are asking you for your traditions"
> (Richland, 2005, p. 258). Which the elder challenges to the judge by
> stating the following,
> "What are you.-What are you going to do with the village's
> knowledge" (Richland, 2005, p. 258)
> In a very profound articulation, the elder challenges, for what and
> for whom, the "village's knowledge" is serving. The elder is
> questioning whether the judge is attempting to co-op the village's
> knowledge in an effort to universalize it.
> The elder explains to the judge, "When I think of it, this village's
> traditional way That is something that probably no one will know
> very much about" (Richland, 2005, p. 258)
> The use of the village's knowledge comes in direct opposition to the

beliefs of the elder and her understandings of how epistemology that

informs customs are located within a community (Gray and Lauderdale,

2006). What the elder is attempting to explain to the judge is that no one

in the court will know much about the traditional way of life in the village,

something that Anglo American law and the theoretical underpinnings,

ontology, and metaphysics that sustain it, directly contests.

The elder initiated a challenge to the judge on the problem of

making gnomic statements on customs and traditions outside the context

of a specific village. It becomes problematic because the elder identifies

that each village/community are constantly constructing and recreating

the traditions and customs. The judge pressed the elder to commit to a

general statement about the traditions within all the villages throughout

Hopi Nation. What the judge desired was a legally digestible generalized

interpretation of traditional practices, however, what the elder demonstrates is the reluctance to simplify notions of truth without transcending particularities in a give social context. The elder represents a resistance to inhabiting an Anglo-style understanding of community that negotiates space, authority, and truth making in an Western "omniscient" manner. Richland writes,

But by excluding the opportunity for adversarial confrontation of testimony on custom and tradition, the judge was forced to impose this gnomic metadiscursive frame on witnesses' testimony so that they would produce generalizable principles of custom amenable to adjudication in an Anglo American-style court. Without doing this, the judge would have to play the role of both advocate and decision maker in the same hearing--a position that violated established Anglo American legal norms and threatened to undermine any legitimacy the legal proceeding (and decisions that flowed from it) could have according to such norms" (Richland, 2005, p. 261).

Because of the processes of Anglo American law, the judge was required to place himself in the position of being arbiter over the knowledge and experience of others in order to produce generalizable principles that are amenable to Anglo American law. In other words, the judge placed himself in an omniscient position to interpret the knowledge and experience of others. Richland explains the reasons why this is necessary,

The elder highlights a vital aspect for understanding the extent and relationship of this dissertation to the scholarship that focuses on, as Lacan describes it, "face-to-face interaction." The contestation by border residents--whether displayed in direct protest, in scholarship, in the development of mixed or hybrid languages, in political opposition, in cultural practices--their contestation to national policies and laws that impact the development of communities on both sides of the border are initiating what the elder represented in her resistance to the judge, that the "village's" traditional ways can only be understood by those living in the village. That the knowledge that encompasses and sustains the border region is informed through face-to-face interaction of communities on both sides of the border each and everyday. Despite legal authorities acting as arbiters and interpreters over the knowledge and experience of border residents by establishing laws and policies that contradict border community's understanding of the region, border residents still enact what the Mayor of El Paso John Cook explains, that the border does not divide the community, it unites it. It unites it in a unique life where the village's knowledge includes working, living, having coffee with, selling and buying products from, Mexican citizens and American citizens both documented and undocumented each and every day. It is united in an ethics of human rights that is grounded in a transcendental justice because it is informed by an alternative understanding of community, an understanding of community that is defined by face-to-face interaction. It is an alternative

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ethics of human rights that contradicts prioritization of the autonomy of

the ego and sovereignty of the state. It embodies what Caribbean

Philosopher Edouard Glissant calls the poetics of relation.

The Poetics of Relation

> If we examine the process of "understanding" people and ideas
> from the perspective of Western thought, we discover that its basis
> is this requirement for transparency. In order to understand and
> thus accept you, I have to measure your solidity with the ideal scale
> providing me with grounds to make comparisons and, perhaps,
> judgments. I have to reduce. Accepting difference does of course,
> upset the hierarchy of this scale. I understand your difference, or in
> other words, without creating a hierarchy , I relate it to my norm. I
> admit you to existence, within my system. I create you afresh.--But
> perhaps we need to bring an end to the very notion of a scale.
> Displace all reduction. (Glissant, 1997, p. 190)
> Edouard Glissant discusses in Poetics of Relation the idea of

"Relation" which becomes approximated and summed up in the existence

of creolization. He sets out to provide a framework to understand the

processes of creolization through a transformative mode of history that

frames identity as constructed through relation and not in isolation. For

Glissant, reduction and compartmentalization have served as tenets for

Western thought to enclose relations in hierarchical arrangements rather

than accept difference. In his call for extreme intercultural contact,

Glissant writes that we must "agree not merely to the right to difference

but, carrying this further, agree also to the right to opacity that is not

enclosure within an impenetrable autarchy but subsistence within an

irreducible singularity" (Glissant, 1997, p. 190).

Glissant introduces the notion of chaos-monde which is the

immeasurable intermixing of cultures and unearths a Caribbean reality by

demonstrating how memory within a community is capable of transcending a "non-history" (Glissant, 1997). What is most relevant of Glissant's work is that he links identity to territorialization and asserts that identity is only achieved when communities attempt to legitimate their right to possession of a territory through "a myth or revealed word." In other words, for Glissant, the dialects between the oral and written play a major part in how identity is constructed. Because of his emphasis on relations between cultures and the intermixing of cultures that allows for the acceptance of difference rather than reduction through the self (versus the Other), he values the orality that defines, imbricates, and sustains communities. His work acts as a proposal for different ways of seeing, telling, and living that transform mentalities and reshapes society by centering a new understanding of identity not based on differences found in the Other, but rather through the experiences of contact with multiple cultures. Through these experiences, Glissant demonstrates how it is possible to place importance on the oral-mediating and social organizing aspects of communities that sustain local knowledges.

Local knowledges refers to the specific collective consciousness of a community where the prohibition and inclusion of actions and interactions among its members are mediated, structured, organized, and sustained by a number of factors that emanate from its geo-historical and epistemic location (Gustavo & Prakash, 2008; Esteva & Prakash, 1998). These factors include local cultures, traditions, languages, and specific

histories. Local knowledges function to reclaim the identity of a community, and provide insight into the matrix of narratives that are in constant dialogue within a community.

By contextualizing and deconstructing the imperial and colonial concepts, frameworks, and social structures that have silenced local knowledges, governance, and social organizing practices, this research set out to create an ontological and epistemological space that views local knowledges along the U.S.- Mexico border as a viable source for redefining human rights. Understanding local knowledges from alternative ontological and epistemological points of departure allow hidden voices from the subaltern side—which are often deemed "illegitimate," "irrational," "uneducated"—to be heard. By unveiling the openings for alternative forms of social organizing practices that emerge outside of dominant discourse and practice, this research has sought to deconstruct how local knowledges in this region have been silenced and/or erased in the past by scholarship, the writing of history, policies, and law.

This dissertation has shed light on how and why communities along the U.S.-Mexico border are still being denied the ability to construct, form, create, proliferate, and inhabit a world of their own. This world includes denial of an education comprising of local systems of knowledge and history, which are akin to strategies, frameworks, and thoughts that reveal a counternarrative on concepts of human rights, sovereignty, economy, and community that has been traditionally suppressed. This project has

also been about transforming the academic, political, historical, and philosophical constructions that suppress this counternarrative. It is about transforming the way we view community outside of state dominion by realizing a new cognitive and practical level of alternative ways of living, seeing, and being in our world. This significant recognition embraces local struggles and attempts to fracture colonial, institutional, governmental mechanisms/conditions/instruments by emphasizing imaginative alternatives for social community organizing and growth that have been precluded in the past. Through this transformation we can begin to experience social organizing practices through different tongues, different expressions, different perspectives, and different cosmologies that widen scholarly frameworks, in order to address social issues within a more complex, multifaceted, and more intense notion of social injustice and justice.

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