“Coyotaje and the Discourse of Clandestine Migration: Distinctions between Personal, Structural, and Cultural Violence"

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In this paper I propose a re-orientation of the public and scholarly discourse about international migration that takes place autonomously, beyond the pale of state regulation. This discourse, whether engaged in by immigrant advocates or immigration restrictionists, typically uses a terminology and a framing of issues that privileges the perspective of state authorities regarding the phenomenon of cross-border migratory movements. More specifically, I will propose a new way of talking and thinking about the phenomenon of migrants’ hiring professional or semi-professional service providers in order to stage crossings of international boundaries without states consciously granting them permission to do so. In place of the state-centric terms smuggling and trafficking, I refer to this phenomenon as coyotaje [from coyote, the most commonly used Mexican term for these service providers] and emphasize the ways in which it constitutes a survival strategy pursued by migrants rather than an illegal activity engaged in by organized criminal gangs. Furthermore, I will direct my attention to how we should understand the question of violence committed against migrants as they traverse the Mexico-U.S. border and who should be held responsible for it when it occurs. In so doing, I will make use of Galtung’s (1969 and 1990) concepts of personal violence, structural violence, and cultural violence to interpreting the tragedies that too often befall migrants as they pursue coyotaje as a border-crossing strategy. I should note here that my use of Galtung’s concepts with regards to coyotaje is inspired by the geographer Joseph Nevins’ (2003 and 2005) use of them with regard to broader issue of the U.S. government’s border enforcement policies and their lethal impact on migrants. My discussion of these issues is based mainly on my field research on the clandestine border-crossing experiences of Mexican nationals in the Northeast Mexico-South Texas migratory corridor in the late 1990s and early 2000s.  

GLOBAL APARTEID, AUTONOMOUS INTERNATIONAL MIGRATION, RESISTENCIA HORMIGA, AND COYOTAJE

The division of the world into high-wage, high-wealth, high-well-being regions and low-wage, low-wealth, and low-well-being regions has long preoccupied social scientists. One of the most compelling concepts for interpreting this division is global apartheid (Alexander 1996; Booker and Minter 2001; Kohler 1978 and 1995; and Richmond 1994), in which the mal-distribution of resources and well-being worldwide is strongly correlated with race and

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2 In this regard, it is important to emphasize that this research a) involved only Mexican migrants from “traditional” sending regions in Mexico and b) took place in a part of the border region whose characteristics differed substantially from those obtaining in other regions, such as the Alta-Baja California and Arizona-Sonora corridors. The interpretations of my findings that I propose in these pages may not, therefore, be readily generalizable to other populations in other settings.
nationality. In this perspective, control over the mobility and labor of non-white populations at the international level is treated as analogous to the treatment of blacks under the apartheid regime that was in place from 1948 to 1994. As the authors employing the apartheid concept have noted, border enforcement, or what Heyman (1999) refers to as interdiction, plays a crucial role in maintaining global inequalities insofar as it maintains separate social, political, and economic spaces in the world-system and also restricts the ability of impoverished residents to move from one region to another in search of higher incomes and a better standard of living. As I have argued elsewhere (Spener 2006 and forthcoming), the historical and contemporary operation of the Mexico-U.S. border with regard to Mexican labor can be fruitfully interpreted as a specific example of the general operation of the system of global apartheid. Here it is also important for us to recognize that apartheid operates not only insofar as it restricts the physical movement of Mexican workers, but also by denying them rights and rendering them vulnerable to exploitation by designating them as illegal if they manage to enter U.S. territory in spite of state efforts to halt them at the border (De Genova 2002:429).

Autonomous international migration (Rodríguez 1996:22) refers to “the movement of people across nation-state borders outside of state regulations.” It means, according to Rodriguez, that “working class communities in peripheral countries have developed their own policies of international employment independent of interstate planning.” Mexicans pursue this type of migration as a survival strategy in which they actively resist their territorial confinement to a low-wage region of the world economy by crossing the border to work into the United States in spite of the considerable efforts by that country’s police forces to prevent their entry. By working in the United States, Mexicans are able to retain a far greater absolute amount of the surplus value their labor creates than they could in Mexico, even as their illegal status and stigmatized racial and cultural characteristics render them vulnerable to super-exploitation relative to other U.S. workers. This type of resistance does not have system-change as a conscious political goal. Rather, it is a household and community reproduction strategy, i.e., it permits workers to support their families above the bare minimum of subsistence that would otherwise be possible. Autonomous international migration is, in other words, an example of what James C. Scott (1985) has referred to as an everyday form of resistance that makes use of resources that he has called weapons of the weak. Based on numerous interviews with autonomous Mexican migrants and my observation of their strategies of clandestine-border crossing, I have dubbed this migratory strategy resistencia hormiga (Spener 2006 and forthcoming), a peaceful analog of the war of the flea tactics pursued by anti-imperialist guerrillas in many parts of the world in the latter half of the 20th century. As has been well-documented in
the literature on Mexican migration to the United States, the resources that migrants draw upon in order to engage in this type of resistance are principally social and cultural. In this sense, we can think of *resistencia hormiga* as being “financed” by a combination of what Bourdieu (1986) has called *social capital* and Vélez-Ibáñez (1988) refers to as *cultural funds of knowledge* that have been accumulated in migratory communities.

Mexican migrants have hired coyotes to assist them with entering and/or obtaining employment in the United States since the early 20th century. This assistance—which we can call *coyotaje*—takes two basic forms. *Bureaucratic-evasion coyotaje* refers to coyotes helping migrants get around the paperwork requirements and/or applicant queues imposed by the U.S. government to enter and work in the country with its official authorization. We see this type of coyotaje in operation when coyotes sell migrants false or impostor documents such as alien registration or Social Security cards to present to employers or when coyotes pay U.S. immigration inspectors to allow migrants to pass through ports of entry or highway checkpoints without presenting documents. *Clandestine-crossing coyotaje* refers to migrants hiring coyotes to guide them across the border and transport them clandestinely some distance into the U.S. interior (Spener 2005b and forthcoming). At the beginning of the 21st century a variety of more specific types of both *bureaucratic-evasion* and *clandestine-crossing coyotaje* were being practiced in the Northeast Mexico-South Texas migratory corridor. In my field research, I found that these types varied considerably in terms of their cost, complexity, availability, safety, and likelihood of success, as well as the extent to which relations between migrants and coyotes were embedded in social relations of trust or involved transactions between anonymous parties with no past or future relationship with one another (Spener 2005a, 2007, and forthcoming). Regardless of the specific type of strategy pursued, it is important to bear in mind that coyotaje as a social process involves autonomous migrants seeking out coyotes in order to carry out migratory agendas they set for themselves. Thus, *coyotaje* is an essential element of migrants’ *resistencia hormiga* to global apartheid at the Mexico-U.S. border.

**THE DOMINANT DISCOURSE: THE STATE’S VIEW OF “ALIEN SMUGGLING” AND THE ROLE OF THE MEDIA IN DISSEMINATING IT**

The story that U.S. government officials tell about the phenomenon of coyote-assisted border crossings over the last 15-20 years contains a number of recurring elements. First, coyotes are not referred to as providers of navigation, transportation, and housing services actively contracted by migrants, but rather as *smugglers* or *traffickers* of passive *victims* whom they treat as *cargo*, *merchandise*, or *commodities*. This rhetorical construction links coyotaje with other
phenomena, such as slavery, indentured servitude, and drug-trafficking, that are seen by the public as violent, threatening, and morally reprehensible. It allows law enforcement officials to depict intra-network payments among coyotes for services rendered as one set of “traffickers” “buying” a “load” of “illegals” from another set, giving a sinister “slave trade” cast to the transaction. Similarly, migrants who are captured by the authorities in the homes of coyotes while they are waiting for their friends/relatives to make the remaining payment for their safe passage—something agreed to among the parties before the cross-border journey began—are portrayed as hostages whose relatives were being extorted for a ransom in order for them to be released.

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

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

A fourth element that has come into play since the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001 is that the “transnational organized crime”
groups engaged in “human trafficking” pose a dangerous and imminent threat to U.S. national security. Given their willingness to abandon migrants, execute rivals, sell poisons to children, and force women into sexual slavery, there can be little doubt that such groups would not hesitate to help terrorist organizations move their members across the border to engage in additional attacks on “American” soil. This element of the official discourse about smuggling/trafficking found its highest expression in the report *A Line in the Sand: Confronting the Threat at the Southwest Border*, that was published in Fall 2006 by the majority staff of the U.S. House of Representatives Committee on Homeland Security, Subcommittee on Investigations. Here again, it is worth noting that anti-immigrant organizations and politicians made similar claims about the national security threat posed by the “smuggling” of “subversives” across the United States’ “open border” with Mexico. In the 1920s and 1950s these subversives were said to be Bolsheviks. By the early 1980s, U.S. officials from President Reagan on down to the sector chief of the Border Patrol in South Texas were warning not only about the infiltration of Marxist guerillas from Central America, but also of Middle Eastern terrorists, especially from Libya (see Spener 2005b and forthcoming).

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

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

The Border Patrol did not take those people through Yuma. We don’t want them to cross! We don’t want them to risk their lives. We’re taking control of the border one stretch at a time …. I mean we’re not pushing the people to cross in some other places. It’s the smugglers who are the ones deciding where to cross. And they’re deciding that they want the group to die rather than get arrested by the Border Patrol. It’s up to them! In so many ways.

Moreover, this same agent averred that migrants, far from being the victims, had been the main beneficiaries of the Border Patrol’s enforcement operations since the early 1990s. Having more agents guarding the border, he insisted, meant that the Border Patrol could do a more effective job in protecting migrants against victimization by their “smugglers” as they crossed the river, trekked through the brush, and laid over in “safe houses” located near the border. The abuses that smugglers inflicted on migrants included robberies, beatings, rapes, extortion, forced labor, and unsanitary conditions and denial of food in safe houses, in addition to exposing migrants to the hazards of the cross-border journey itself. Identifying “smugglers” as the principal source of violence inflicted on migrants not only distracted attention from the authorities’ responsibility for the dangers facing migrants, it also enabled these same authorities to cast themselves in the role of the protectors of migrants rather than as their persecutors. Speaking about the question of human “trafficking” elsewhere in the world, Wong (2005) contends that the state-sponsored discourse about the phenomenon emphasizes the need to protect women and other “victims” of trafficking, whose prevalence is greatly exaggerated to generate moral panic in the public, while state practice in attacking the problem serves first and foremost to reinforce the boundaries that migrants turn to “traffickers” in order to overcome.
My field research on the inter-related phenomena of *resistencia hormiga* and *coyotaje* in the Northeast Mexico-South Texas migratory corridor at the beginning of the 21st century has led me to conclude that the accounts of these phenomena offered by official sources are simplistic and exaggerated at best, and highly misleading at worst. In my interviews and observations conducted in the Northeast Mexico-South Texas corridor during the 1998-2005 period, I found that a) coyotes’ behavior often could not be neatly categorized as virtuous or villainous; b) coyotaje took a variety of different forms, many, if not most of which took place outside the direction of organized crime syndicates; c) relations between migrants and coyotes at times could be relatively friendly and cooperative rather than anonymous and abusive; and d) migrants at times were quite satisfied with the services provided by their coyotes and did not necessarily blame them for hardships and dangers encountered on their cross-border journeys. Nevertheless, negative characterizations of “smugglers” and “traffickers” dominated media coverage of border issues during this period to the point where the public has come to take them as “common sense” knowledge about the migration process. There are several reasons why the state’s perspective on the phenomenon is disseminated by the media to the exclusion of perspectives that might be offered by other actors knowledgeable about the practices associated with autonomous migration by Mexicans. They are worth reviewing briefly here.\(^3\)

One of the chief reasons that the views of government officials predominate in news coverage of border issues is that their views are taken by the press as news-worthy by virtue of the positions of bureaucratic authority they occupy. In addition, the U.S. Department of Homeland Security is the only institution in South Texas concerned with issues of immigration and border enforcement to have a well-developed public relations infrastructure at its disposal. Autonomous migrants and their coyotes, on the other hand, struggle, not in order to influence public opinion about their actions, but rather to maintain their clandestinity in the face of state surveillance. As a consequence, they are typically not in a position to contradict Homeland Security officials’ accounts of events by organizing their own news conference. Moreover, while reporters working under deadline on tight budgets find Border Patrol spokespersons easy to locate and interview, they may have to work hard to even locate migrants and coyotes that have information relevant to the news events they are covering, much less get them to grant meaningful interviews about said events. Relatedly, most coyote-assisted border crossings never make the news at all unless they involve a death, an accident, or an arrest of some kind. In other

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\(^3\) Several of the points I make in this section follow similar arguments Klinenberg (2002) made about press coverage of a heat wave that took place in Chicago in 1995, in which over 700 people died. See also Gans (2003) regarding the relationship between reporters and government officials.
words, successful crossings in which coyotes render services to migrants competently and without abusing them are not called to the public’s attention except in those few instances where journalists are allocated funds and time to undertake special investigative reports.\(^4\) Even in such cases, the legitimating force of the law itself influences reporters’ perspectives, especially if some of the most voluble and articulate people they find to interview are law enforcement officials who emphasize the criminality of “smuggling” as an activity and their own role in upholding the “rule of law.”\(^5\) In some cases, reporters may defer to law enforcement officials’ framing of “smuggling” issues in order not to jeopardize their access to them as valuable sources of breaking news. In other cases, officials may actually prevent reporters from speaking with migrants and coyotes in their custody, such as by quickly deporting migrants who might offer different accounts of the events leading to their arrest.\(^6\) In sum, the only knowledge that most U.S. and Mexican citizens have of the social process of clandestine border-crossing comes from what they see, hear, and read in the media. Here I have argued that media representations of this process are strongly skewed towards the perspectives offered about it by government officials, whose knowledge about the process is partial and who frame the issue in ways that are generally congruent with their own bureaucratic interests. The perspectives of migrants and coyotes are underrepresented in media coverage of border-crossing and are frequently entirely absent from media accounts of specific events.

ASSIGNING RESPONSIBILITY FOR VIOLENCE PERPETRATED AGAINST MIGRANTS

\(^4\) In this regard, we should bear in mind the pressures facing media outlets today in a competitive market for news, in which stories must find an audience of consumers willing to pay for them. In such an environment, stories that lack a sensational or spectacular aspect are less likely to be given prominence in coverage, or even be carried at all, if other stories that can immediately “grab” the audience are available. As a fellow scholar once slyly commented to me about media coverage of U.S.-Mexico migration issues today, “If it bleeds, it leads.”

\(^5\) Nevins (2005) has written cogently about the legitimating power of the law with regard to generating U.S. public support for more stringent border enforcement measures. Here I suggest that reporters are no less likely to have been socialized into the default position that the law represents what is right and just than other U.S. residents and that their reporting reflects and reinforces that worldview.

\(^6\) This has always routinely happened with Mexican migrants, who typically are “voluntarily returned” to Mexico within a few hours of their detention by the Border Patrol. Now, with the launching of the binational Oasis Program, Mexican nationals who are purportedly engaging in “alien smuggling” and are captured by U.S. authorities on U.S. soil can be turned over to Mexican authorities for prosecution in Mexico. The reason for doing this is that legal requirements for prosecuting “smuggling” defendants in Mexico do not include prosecutors having to produce “material witnesses” to their “crimes,” as is the case in U.S. federal courts. This aspect of the program may remind readers of the practice of extraordinary rendition of terrorist suspects by the United States to third countries where legal protections of defendants are less stringent than in this country. See Cano 2006; Diario de Juárez 2007; Secretaría de Relaciones Exteriores 2005.
In order to fully comprehend and properly contextualize the types of violence suffered by autonomous Mexican migrants who cross the U.S. border clandestinely with the assistance of coyotes, we must employ a definition of violence as an analytic concept that is at once capacious and concise. Following Nevins (2003 and 2005), here I employ the definition and typology offered by Johan Galtung, who developed them for use in the nascent scholarly discipline of peace studies, that fulfills these two conditions. Galtung’s definition of violence as a concept has the advantage of its consistency with many human rights concepts, such as those codified in the Universal Declaration, that contemplate not only acts of physical aggression against persons, but also persons being systematically deprived of things vital to their health and development, regardless of whether or not an identifiable individual perpetrator or set of perpetrators is responsible for such deprivation. For Galtung (1969:168), “violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations.” Here Galtung deliberately uses an impersonal grammatical construction to emphasize the indeterminateness of who or what is responsible for the commission of violence against persons. To address the question of responsibility, Galtung (1969:170-171) splits this general concept of violence into two types—personal (or direct) violence, where there is an identifiable individual actor or set of actors that directly commits acts of violence against a victim or set of victims, and structural violence, in which no individual perpetrator commits a discrete act, but rather the organization of society is such that “violence is built into the structure and shows up as unequal power and consequently unequal life chances.” Structural violence, he argues, can therefore be thought of as roughly equivalent to the concept of social injustice, a concept which is also congruent with policies or acts that violate universally acknowledged human rights. In a subsequent article, Galtung (1990) added the concept of cultural violence to the two types discussed above, which he defined as follows:

By “cultural violence” we mean those aspects of culture—the symbolic sphere of our existence—exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics)—that can be used to justify or legitimize direct or structural violence (Galtung 1990:291).7

7 Galtung’s definition of cultural violence overlaps considerably with Bourdieu’s (1977:191) concept of symbolic violence, which adds the ingredient of euphemization or mystification to Galtung’s formulation, i.e., symbolic violence also serves to not only to legitimate but at times to mask other types of violence by attributing responsibility for them to other than their true sources. Cultural violence is also largely congruent with the sociological concept of institutionalized deviance proposed by Doyle and Schindler (1974, cited in Eitzen and Baca Zinn 2006:11), in which specific norm violations brought about by a social order that exhibits a high level of inequality in its distribution of power and resources are tolerated or ignored altogether. In this paper, I shall use the term to refer to instances of euphemization, mystification, or ignoring of violence, as well as its legitimation.
Using Galtung’s framework, we can see that most of the attention given to the question of violence against migrants in the public discourse about immigration and border issues in recent years has focused on *personal violence* inflicted on them by specific actors, especially cases where “smugglers” have robbed, raped, beaten, sequestered, or abandoned migrants that have hired them. While this public discourse includes a general recognition of lack of adequate economic opportunity in Mexico and on-going demand for low-wage migrant labor in the United States, it does not typically contemplate these issues as examples of *structural violence* or *social injustice*. Nationalist ideology and belief in the “rule of law” can be interpreted as examples of *cultural violence* that legitimates the prevailing inequalities between Mexico and the United States and provide a rationale for policing the movement of people back and forth across the border between the two countries. As I will argue below, the discourse about security on the border that focuses on acts of personal violence committed by coyotes against migrants can also be understood as an aspect of cultural violence, insofar as it distracts our attention from migrants’ resistance to structural violence that takes the form of *global apartheid* enforced at national borders.

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

There have been numerous documented incidents of personal violence committed against migrants by their coyotes in the South Texas-Northeast Mexico border region reported in the press in recent years. These have included cases of abandonment on the trail, rape, sodomy, beatings, kidnapping, shootings, and fatal vehicle accidents caused, at least in part, by reckless driving on the part of coyotes (Burnett 2001; Hegstrom 2001; Davis 2004; King 2001; Rice 2004; Winingham and Schiller 1999). The most horrific example of this type of violence was the death by hyperthermia and asphyxiation of 19 migrants who were being transported in the sealed trailer of a tractor-trailer rig near Victoria, Texas in May 2003 (see Ramos 2005). These incidents are taken as *prima facie* evidence of the increasingly violent character of coyotes in the contemporary period of ever-intensifying border surveillance, although we should also remember that coyotes in this region have been characterized as ruthless and violent for many decades (see Samora 1971; Spener 2005 and forthcoming). Indeed, in spite of the absence of any quantified research data tracking changes in the relative frequency of violent acts committed by coyotes against their customers, coyotes are typically regarded by government officials and the press as *inherently* and *uniformly* abusive of the migrants they guide and transport, a view that has gone largely
uncontested by scholars or human rights advocates. Nevertheless, it should not come as a surprise to us that some coyotes would routinely or on occasion commit acts of personal violence against migrants, given that a) most coyotes are young males in their prime criminogenic years; b) they guide, transport, and house migrants clandestinely in socially and legally unregulated situations in which migrants are inherently vulnerable to abuse; and c) they may have real incentives to commit violent acts if they believe they can do so without being subject to immediate retribution. As I have argued elsewhere (Spener 2005a and forthcoming), relations between coyotes and migrant communities are sometimes sufficiently socially-embedded and characterized by what Portes (1995) has called bounded solidarity and enforceable trust that migrants are somewhat protected from malfeasance by coyotes, but this is by no means always the case.

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

A human rights activist I interviewed in South Texas in 2001 explicitly compared coyotes and Border Patrol agents with respect to their treatment of migrants:

Who are the coyotes? They’re people. Just like Border Patrol agents. They’re all people. They’re both people in a situation where they wield a great deal of power over others. And in such a situation, some will take advantage of that, and some won’t. We have some Border Patrol agents who do some really terrible things and some who don’t at all. It’s just a job, they’re going in and putting in their time. I don’t see coyotes as a lot different. … But as soon as someone is labeled as a criminal, that’s used to dehumanize them, no? … You apply that to immigrants, hey, they’re lawbreakers, they’re criminals, they’re not human! So, a whole process of dehumanization is opened up. I think it’s the same thing with coyotes. If you call them all “evil” then you can do anything you want to them.
Interestingly, a Mexican human rights activist I interviewed in a Tamaulipas border town that same year, insisted that migrants were less fearful of *pateros* [the local term for “coyotes”], who were not known to be especially violent towards migrants, than they were of the local police, who did have a reputation for abusing the migrants they were supposed to protect:

... Often, the migrant is more afraid of the local police that you’ll find along the river, supposedly keeping watch to make sure the migrants don’t drown. We’ve had cases where migrants are mugged by the police themselves! Migrants robbed by the municipal police! ... If you ask a migrant who he is more afraid of, the police or the *patero*, he’ll answer he’s afraid of the police and not so much of the *patero* [translated from Spanish by Spener].

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

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

Some analysts have noted (see, for example, Andreas 2000:21-26) that there exists a perversely symbiotic relationship between the Border Patrol and “smugglers” insofar as escalation of border control by the state expands the market and increases revenues for “smugglers.” This raises the question of how to interpret the role played by coyotes in the structure of global apartheid. Clearly, intensified border enforcement induces more migrants to contract the services of coyotes than might otherwise be the case. In addition, at least some coyotes make mutually beneficial arrangements with agents of the U.S. immigration enforcement bureaucracy to allow them to bring their migrant customers across the border. One could argue,

8 This activist’s assessment of the dangers posed by coyotes vis-à-vis the Mexican police was consistent with that of many migrants I interviewed about their border-crossing experiences. In addition, although some of them reported having been mistreated by Border Patrol agents, they were at pains to declare that they felt more threatened by the potential of personal violence on the part of Mexican authorities than U.S. authorities.
on this basis, that to the extent that migrants are increasingly obliged to contract the ever-more expensive services of coyotes and that, as a consequence, coyotes profit from state escalation of border enforcement, the interests of coyotes and the state are somehow allied against migrant interests, i.e., that coyotes also form an integral part of the repressive structure of global apartheid.

I believe such a conclusion is misplaced, for several reasons. First, generally speaking, U.S. law enforcement authorities do not collaborate with or tolerate coyotes, but instead dedicate significant personnel and resources to actively pursue, prosecute, incarcerate, and, ultimately, exterminate coyotes and eliminate the practice of coyotaje. Second, coyotes do not monopolize clandestine crossing of the border, standing in the way of migrants seeking to enter the United States and extracting a “toll” from them if they wish to pass. Available data suggest that at least through 2003, a large percentage of autonomous Mexican migrants continued to cross the border without contracting coyotes. Third, in spite of the rip-offs and failures that occur, coyotes generally fulfill the terms of their contract with migrants and deliver them to their U.S. destinations after successfully evading apprehension by the authorities in the border region. For this reason, migrants seek the services of coyotes, often based on recommendations from their peers or on personal familiarity with coyotes that operate in their communities, in order to advance their migratory agendas in spite of the obstacles placed in their path by the U.S. government. It is also for this reason, combined with the deprivations and dangers that they face if they stay home, that migrants generally ignore government warnings not to trust coyotes and continue to transact business with them to cross the border.

Instead of concluding that coyotes participate in the enactment of global apartheid and thus in the production of structural violence against migrants, I believe it is more accurate to view the relationship between migrants and their coyotes as a strategic alliance in the social field of border-crossing. This structurally-produced alliance is an uneasy and frequently conflictive one that is entered into for practical reasons rather than moral, affective, or political ones. Nevertheless, it is fostered by shared class and cultural characteristics between migrants and coyotes and their confrontation with a common enemy that persecutes them both in nearly equal measure. The fact that some coyotes take advantage of the vulnerability of the migrants that hire them in order to commit serious and unpardonable abuses—and some do—does not contradict the

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9 For example, researchers from the Center for Comparative Immigration Studies examining the experiences of migrants from sending communities in Yucatán state found that 92 percent of respondents surveyed said that on their last journey to the United States, their coyotes had fulfilled their obligations to them as promised and without committing any overt abuses against them (Cornelius, Fitzgerald, and Lewin Fischer in press).

10 My use of the term social field follows Bourdieu and Wacquant (1992).
overall argument that migrants and coyotes share common interests and objectives in their everyday battles with apartheid at the border. In this regard, we should remind ourselves that many forms of personal violence are inflicted upon victims by people with whom they are engaged in close relationships—husbands abusing wives, parents abusing children, union shop-floor stewards abusing machine operators, sergeants abusing enlisted men—within societal institutions generally characterized by high levels of in-group solidarity. In addition, some types of personal violence committed by coyotes against migrants—such as the sexual abuse of women or leading migrants into ambushes by thieves with whom the coyotes are in collusion—do not have anything intrinsic to do with the practice of coyotaje, i.e., the coyote role does not intrinsically involve these types of abuses against migrants. Indeed, to the extent that migrant networks effectively communicate malfeasance by coyotes to their members, migrants endeavor to avoid crossing with coyotes that have earned bad reputations.

We may better understand acts of personal violence committed against migrants by coyotes if we place them in the context of the structural violence generated by the escalation of border enforcement as part of the system of global apartheid. The escalation of border enforcement affects the relations between migrants and coyotes and the behavior of coyotes towards migrants in at least two ways. First, as has been widely recognized in the literature, escalation obliges coyotes to guide migrants through more remote, hazardous terrain for longer distances than was previously the case, with consequent increased danger of accident and death to migrants. Although the Border Patrol typically blames coyotes for these deaths because they have left migrants behind on the trail, the conditions promoting such tragedies are a manifestation of structural violence, not the bad moral character of individual persons. I will return to this point below. Second, intensified prosecution of coyotes by the authorities with increased penalties upon conviction may give added incentives to coyotes to engage in violent behaviors to protect themselves at the expense of migrants. This may help explain, for example, some of the high-speed chases initiated by Border Patrol and other law enforcement agents in which coyotes at the wheel attempt to escape capture by “bailing out” of the vehicles in which they are transporting migrants and escaping into the brush. It may also lead some coyotes to try to exert more direct physical control over migrants in an effort to avoid detection by authorities, both while in transit and in safe houses, as well as to instill more fear in migrants about the potential consequences of identifying their coyotes to the authorities. Thus, government efforts to prosecute coyotes, far from protecting migrants, may actually have the effect of exposing them to greater risk.

Speaking about the escalation of state border control efforts in Canada and Europe as well as on the U.S. Mexico border, Sharma (2005:96-97) notes that the main result of anti-trafficking/anti-
smuggling campaigns has been to “make illegalized migrations much more dangerous” and to make “the emergence of modern-day Harriet Tubmans even more unlikely.”

At the same time, we find some ambiguous situations involving clandestine border-crossing that call into question the blaming of coyotes for acts of personal violence against the migrants that hire them. As mentioned in the previous paragraph, coyotes are frequently accused of abandoning migrants on the trail when they cannot keep up with the rest of the group or of abandoning the entire group of migrants traveling with them in order to save themselves from capture by the Border Patrol. With regard to the second situation, this may not occur as often as is reported, since migrants often rehearse with their coyotes what to do if a group is caught on the trail. Typically, migrants will insist that there is no guide with them or that the guide abandoned them before the Border Patrol arrived. Border Patrol agents often believe that migrant reticence to identify their coyotes owes to fear and intimidation, but migrants I have interviewed have insisted that they lie to agents not out of fear but rather to protect the coyote so that he may help them and other members of their communities cross again.

With regard to the question of leaving lagging migrants behind on the trail, several ambiguities have arisen in my interviews with migrants. One issue is whether migrants themselves also share responsibility for leaving a comrade behind, especially given that they typically considerably outnumber their guides in the brush and their guides are not usually armed. Indeed, I have interviewed migrants in San Luis Potosí state, who told me of having over-ruled their coyotes when they proposed leaving someone behind on the trail: Either he waited for the lagging member of their group or none of them would continue with him, meaning the coyote and his collaborators would lose all the money they expected to collect from the group, not just the amount corresponding to the individual who would have been left behind.11 To my surprise, several other Mexican men I interviewed in rural Guanajuato, San Luis Potosí and in Texas told me they did not necessarily hold coyotes responsible if they left someone behind on the trail. In their opinion, migrants knew that the trek across the border and through South Texas was dangerous and that they needed to be physically strong in order to make it. They knew that coyotes and other migrants in the group had an obligation to try to help their

11 Another example of migrants exerting control over their coyotes on the trail comes from a newspaper report from the Arizona desert. 77 Mexican and Central American migrants overpowered their guide, who had gotten lost while leading them and attempted to abandon them, took his cell phone and called 911 to be rescued (Mural 2005).
comrades along as they were able, but it wasn’t always possible. If you were traveling with a close friend or a relative, he would stay back with you and help you get out to a road, but you couldn’t expect everyone else to give themselves up to the Border Patrol. In the extreme conditions of the South Texas brush country, that friend or relative might not even be able to do much to help you. A potosino I interviewed in a Texas city in 2004 had this to say about two men he knew from his hometown in the Huasteca:

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

Spener: Was it the coyote’s fault or was it simply so difficult that …

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

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

In light of the opinions expressed by these Mexican migrants about the extent to which they held coyotes responsible for the well-being of migrants on the trail as they crossed the border and traveled through South Texas, we might also look at the way that the way in which global apartheid as a form of structural violence contributes to the world view and attitudes they hold about life generally and about autonomous migration strategies in particular. In this regard, Bourdieu’s (1977) concept of habitus\(^\text{12}\) proves useful. Migrants’ habitus conditions their border-crossing practices in terms of the risks they are willing to assume and the types of behaviors on the part of their coyotes that they are willing to tolerate. Several generations of migratory experience in Mexico have led to the accumulation not only of considerable stocks of migration-related social and human capital (Phillips and Massey 2000; Singer and Massey 1998), but also a set of expectations about border-crossing into which aspiring migrants are socialized. This

\(^{12}\) For Bourdieu (1977:72), the habitus possessed by individuals consists of a system of “durable and transposable dispositions” that serve as “principles of the generation and structuring of practices and representations” that enable them “to cope with unforeseen and ever-changing situations.” People are not typically conscious of the principles that constitute their worldview and guide their actions—their habitus—because they are socialized into them unconsciously. The type of habitus possessed by an individual depends upon the social positions she has occupied (class, gender, race, ethnicity, nationality, sexual orientation, and the like) as well as the history that has produced those social positions and their relations to other social positions that exist in the fields of activity in which those positions are located.
socialization takes place not only at the face-to-face level among members of the same social network, but also through popular culture and the media, where a variety of forms (e.g., corridos, films, telenovelas, public service announcements) warn of the dangers of the crossing and of placing one’s faith in a coyote. Other aspects of migration-habitus are attributable to migrants’ day-to-day experiences of general living conditions as members of the Mexican working class or peasantry. One of the main aspects of these general living conditions is precariously, as manifested in inadequate and unreliable income, diet, health care, water supply, sanitation, transportation, and security, as a consequence of the prevailing international political economy and the State’s neglect of its most basic obligations to its citizens. Thus, migrants learn to expect and then bear bad conditions as a matter of course in their lives, including as they make heroic efforts to improve their condition by heading north. This, too, we might consider as part of a migratory habitus arising from the historical lack of adequate economic opportunities in Mexico for its working class and peasantry. It is in this socialized context that migrants transact business with coyotes. They have been warned that crossing the border is dangerous, that conditions will be harsh, that Border Patrol vigilance is intense, that they may have to make several attempts before reaching their destination, and that some people die on the way. In this sense, the generalized situation of structural violence that constitutes their lived experiences can prepare migrants to “pardon” all but the most egregious abuses committed against them by their coyotes. To this we can add Mexican men’s gender socialization towards patriarchal norms of masculinity, in which aggressiveness and toughness are prized. In many communities, heading to el Norte constitutes a ritual initiation to manhood in which young men “prove” themselves by successfully enduring the extraordinary rigors of making the journey. In this regard, we should also recognize that clandestine border-crossing, in spite of the growing numbers of women that participate in it, remains overwhelmingly a male practice, such that between 80 and 85 percent of persons apprehended annually by the Border Patrol on the U.S. southern border with Mexico in the first five years of the 21st century were men (data supplied to author by the U.S. Border Patrol on May 24, 2007).

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

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

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

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

The most dramatic example of prosecutorial rhetoric regarding the moral culpability of coyotes understandably comes from the most tragic case involving the deaths of autonomous migrants attempting to enter the United States. In May 2003, nineteen people died from hyperthermia and asphyxiation in Victoria, Texas as they were being transported from the border to Houston in the back of a sealed tractor-trailer rig. U.S. Mexican authorities identified and successfully prosecuted 14 defendants that had participated in organizing this fatal journey in one way or another. Prosecutors sought the death penalty for the driver of the rig, a Jamaican immigrant named Tyrone Williams, that they said was the defendant who was most responsible for the deaths of the migrants. In announcing that his office would seek the death penalty for Williams, U.S. Attorney Michael Shelby said “Where an act, intentionally undertaken in reckless disregard for human life, directly results in the single largest loss of life in any contemporary smuggling operation, justice and the law demand the accused face the ultimate punishment upon conviction” (quoted in Rice 2004).
In his opening statement in the first of Williams’ two trials, Assistant U.S. Attorney Daniel Rodríguez characterized the “smugglers” as constituting a “criminal enterprise that treated people worse than cattle on the way to the slaughterhouse,” and said that Williams was “the most heartless, evil and cruel member of the organization” (quoted in Lozano 2005a). In his closing statement in Williams’ second trial, Rodriguez argued that the “legal status, national origin, and race” of the victims in the case were immaterial to what had happened to them because “the value of a human life in this country is the same.” Further, he argued, jurors should “send a message to [Williams]—and not just to him, but to people of his ilk, that justice in this country means justice for all. … The only justifiable decision in this case is death. Those people didn’t deserve to die” (quoted in George 2007). Williams’ attorney, on the other hand, in his closing arguments before the jury in his client’s first trial, maintained that ”The government has overcharged Tyrone Williams. They looked around and saw a tremendous tragedy, a humongous waste of human life. They saw the sorrow and shame and said somebody needs to pay with his life” (quoted in Lozano 2005b). At no time in the trial was there any discussion of the policies of the U.S. government or the governments of the countries of the dead migrants that prompted nearly one hundred of them to board that truck after stealing across the Rio Bravo under cover of night. Neither of the U.S. Attorneys quoted above, whose office worked closely with the Border Patrol and ICE to prosecute and jail thousands of migrants for “illegal entry” of the United States through South Texas, offered any recognition of their own agency’s role in producing the situation leading to the deaths of the migrants. Furthermore, little, if any, of the news coverage of the tragedy itself and the trials that followed it suggested that the state was implicated in these deaths in any way.

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

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13 The first trial ended in a mistrial.
convince a jury of the coyotes’ intent to kill the migrants who died in the trailer was destined from the outset to fail:

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

Although the jurors in the Williams trial found the prosecutors to have overreached in seeking the death penalty for the defendant, the aftermath of the Victoria tragedy did not lead to a public reconsideration of the role played by structural as opposed to personal violence in producing the migrants’ deaths. Instead, the Texas legislature promulgated a law making “human smuggling” a crime under state law as well as under federal law. The U.S. and Mexican governments, though they could reach no agreement on reforming a broken immigration system between the two countries, did agree to redouble their policing efforts to combat “human trafficking” organizations. The U.S. Border Patrol and the U.S. Attorney’s office in the Del Rio, Texas area began a policy of “zero tolerance” of “illegal entry,” meaning all migrants captured by the Border Patrol would be prosecuted and sentenced to jail time before being formally deported to their country of origin, including Mexican nationals, who theretofore had been routinely “voluntarily returned” to Mexico immediately following apprehension. By 2005 and 2006, the themes of a border “out of control” and under “assault” by organized bands of criminals, many of whom purportedly were Mexican and Central American “illegals” that entered the country by sneaking across the border, came to dominate the public discourse about migration. Not surprisingly, immigration reform efforts in the U.S. Congress foundered, while calls to build new walls along the border were heeded, the National Guard was called out to assist the Border Patrol in repelling autonomous migrants, and ICE agents were unleashed in raids on immigrant workplaces around the country. The rhetoric that prosecutors employed against the “smugglers” in the Victoria case is of a piece with this broader discourse and with it constitutes a type of cultural violence that variously serves to justify, mystify, and distract our attention from the underlying structural violence that at once motivates autonomous migration and endangers those who engage in it.

In her theoretical work about global justice, Iris Young (2006) argued that the personal liability model described above—which roughly corresponds to the concept of personal or direct violence in Galtung’s framework—was inadequate to promote the amelioration of sweatshop
conditions in garment factories around the world. In its place, she suggested that something she called a *social connection model* was needed. She described this model as follows:

The social connection model of responsibility says that individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes. Our responsibility derives from belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects. Even though we cannot trace the outcome we may regret to our own particular actions in a direct causal chain, we bear responsibility because we are a part of the process. Within this scheme of social cooperation, each of us expects justice toward ourselves, and others can legitimately make claims on us. Responsibility in relation to injustice thus derives not from living under a common constitution, but rather from participation in the diverse institutional processes that produce structural injustice (Young 2006:119).

Adoption of this model of justice, it strikes me, would represent a turn away from a vision of the world in which individuals are uniquely responsible for their own welfare and violence is recognized only insofar as it involves overt acts committed by one individual party against another individual party. It is the type of model we will need if we are ever to begin to dismantle systems of structural violence such as global apartheid. Its adoption and application to the situation facing migrants at the U.S.-Mexico border would also represent a turn away from the *cultural violence* that criminalizes their non-violent survival strategies, promotes the demonization and persecution of anyone who assists them in their practice of *resistencia hormiga*, and masks the underlying causes of their suffering.

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