

# Bare Life at the Border: The Complexities of Power, Violence, and Resistance in Nogales, Sonora

Lu e ! as arinec

"#\$% S& # 'nd ()e\*  
Portland, +R, %, ' - "

lu e\*mas arinec . gmail\*com

( fence runs across the city of Nogales, Sonora, in northern Mexico\* +n the other side of the fence is the town of Nogales, Arizona, in the United States\* The two urban centers are collectively referred to as the Dos Nogales,<sup>4</sup> and are connected by infrastructural, familial, and political ties\* Yet they are also distinct designated areas, lying on opposite sides of the



the men, agents were met with a barrage of rocks, thrown across the fence as a distraction. Rodriguez and other accomplices in Mexico responded by firing several shots at his assailants, striking and killing Rodriguez. However, this sequence of events would be challenged by other narratives which developed in the wake of the event. Witnesses reported that Rodriguez was merely a passerby, unaffiliated with the rockthrowers and posing no possible threat to agents on the US side of the fence. Moreover, the agents' reliance on the physical threat of projectiles as a justification for opening fire was questioned by commentators, who noted the extreme difficulty of throwing rocks over or through the fence at the particular location of the incident. Finally, an autopsy report told a different story than that constructed by the ISBP: Rodriguez had been shot ten times from behind, with some of the wounds possibly inflicted when he was already lying on the ground. In light of these counter-narratives, the attempts by

Indeed, since the mid-1980s, the US state has dramatically increased the membership of the Border Patrol and invested in new military weapons, vehicles, and physical barriers to prevent entry into the US. Over the course of roughly a decade, the number of Border Patrol agents in southern Arizona has been increased tenfold. Binelli (according to de Aenon), the spectacle of enforcement at the border renders a racialized Mexican migrant illegality visible, and lends it the commonsense air of a natural fact. De Aenon (1998) is specifically concerned with border enforcement and militarization in the context of migration, rather than cross-border violence. Yet the events surrounding Rodrigue's murder were closely tied to movement across the border, and to the notions of illegality that de Aenon describes. Though the official Border Patrol account of the shooting has varied, Rodrigue has consistently been framed as embodying illegality, either of throwing rocks at Swartz and other agents or of supposedly being involved with drug trafficking. De Aenon's assertion that illegality requires the spectacle of enforcement at the US-Mexico border suggests that the subjectification of illegal subjects like Rodrigue is made possible in large part by the hyper-visible state violence which takes place in border regions. De Aenon (1998) states that de Aenon's statement can be telling in light of the murder: enforcement requires an illegal subject in order to perform its mission of spectacular violence. Barring the existence of a plausible geopolitical subject on whom can be projected the spectre of illegality, agents of the Border Patrol are only too willing to create such a subject.

The subjectification of Rodrigue as a victim of political violence must also be viewed in light of the regimes of economic control in place at the militarized border fence. The SBP's invocation of smuggling activity to justify their agents' violent actions on the night of the shooting reminds us that the heavy policing of border regions is meant to deter not only the free

movement of people across the border, but also the movement of products and labor power which fall outside the embrace of state-approved free-trade policies. The flourishing of U.S. sales to Mexico under NAFTA and the accompanying destruction of Mexican agriculture and industry / U.S. competition is made possible in part by the imposition of a physical and symbolic boundary at the international borderline, embodied in the border fence. Moreover, as de Aenena reminds us, control of the border entails power over an easily exploited labor force of undocumented migrants within the U.S.: The operation of the revolving door at the border that is necessary to sustain the illegality effect always combines an increasingly militarized spectacle of apprehensions, detentions, and deportations with the analysis of a virtually permanent importation of undocumented migrant labor; de Aenena writes: 'The specter of smuggling activities, carried out beyond the carefully circumscribed bounds of legally sanctioned economic transactions, provides a convenient means of justifying state violence' (describing the)ague but damning characterization of illegality to Rodriguez allows for the economic imperatives of the U.S. state to be carried out by means of legally sanctioned murder.

If the spectacle of the border is a spectacle which produces, and is produced by, violence and notions of illegality works to legitimate the existence and control of the U.S. state through hypocrisy, it is also characterized by a paradoxical opacity. Though the shooting added fuel to the fire of internal SBP conflicts over the agency's mismanagement of enforcement and constant reliance on violent disciplinary measures, little or no information was publicly released about the event. It was not until two years after Rodriguez's murder, when his family began to move forward with legal proceedings against the Border Patrol, that Swart's identity was brought to light. Most striking is the case of the SBP's refusal to release a video of the shooting which was captured by Border Patrol security cameras near the border fence. This potential

incriminating documentation has remained in the hands of the Border Patrol, and, as of early 2011, had still not been seen in court. In fact, a recent filing by Swartz's defense attorney revealed that the original footage had been destroyed, leaving only poor quality copies. Ironically, the border cameras which litter the international border and which witness and record frequent acts of spectacular violence fail to produce true visibility. The spectacle of the border relies as much on careful control and selective obscuration as on the production of startling images and information. Binelli, 2011, p. 46.

### The Paradox of Cross-Border Violence

The paradoxical nature of the border spectacle is mirrored by the paradoxes which surround Rodriguez's death. (An article from the New York Times, written in 2011 in the midst of the Rodriguez family's legal struggle, sums up the contradictions of violence performed across an international boundary:

The complexity of cross-border shootings confounded Antonio's case even further: had the Border Patrol agent been in Mexico, he could have been arrested and tried by Mexican authorities. Likewise, had Antonio been standing on American soil, he would have had constitutional rights. But the presence of the border fence created a strange extralegal limbo. Binelli, 2011, p. 46.

These complexities would shape the legal cases that ensued from the shooting. Swartz was eventually indicted for murder, and in an ongoing courtroom battle, is being prosecuted by the US Department of Justice. However, questions about the nature of cross-border violence remain, and the ability of US courts to determine the case is still contested.

Swartz's murder of Rodriguez was, in one sense, a brutally straightforward ten bullets, fired by Swartz, passed through the border fence, striking Rodriguez from behind. However, the act also brought to light the complex, and sometimes contradictory, deployment of violence by

the state in order regions\* Swartz, standing within the 1\*S\* and acting with the sanction of that country's government, committed an act of violence against a person legally outside his jurisdiction\* Simultaneously, Rodriguez, ostensibly a legal resident beyond the reach of the 1\*S\* state, was inexorably drawn into the mechanisms of that country/state even as he was gunned down\* We can begin to make sense of this paradox by considering a more detailed analysis of citizenship and sovereignty:

If the institution of citizenship defines a kind of membership to the state and so appears generally directed toward inclusion, it is likewise always also a definition by default of those who are not citizens, and thus outsiders, foreigners, or aliens\*\*\*citizenship\*\*in the guise of sovereign self-government by the insiders\*\* justifies the coercive rule of the state over the excluded\*E ; a more detailed analysis of a ' - -#: '="<

In a more detailed view, the inclusion of DcitizensE and the exclusion of DforeignersE are two sides of the same statist project of self-definition\* ( a similar dynamic of is suggested by Giorgio Agamben, who writes that DWestern politics first constitutes itself through an exclusion ; which is simultaneously an inclusion< of Dare lifeE ; Agamben =%%#: ,<\* If we give credence to Agamben's view that Dthe production of a Dpolitical Dorder is the original act of sovereign power,E Swartz's act of violence was not an aberration or a failure of the state ; Agamben =%%#: "<\* Rather, it was an example of the essential, if hidden, violence on which the state is inevitably guilty and re-guilty\*

Just as the creation of a citizenry/ relies on the relegation of non-citizens to the margins or exterior of the state, so too do the state's attempts to provide for the safety and health of its members depend on that state's ability to strip away these country's trappings of Dwell-being, reducing certain beings to what Agamben terms Dare life\*E ( as an agent of the 1 SBP, Swartz represents a key actor in these processes of state definition and control\* Like all Border Patrol agents, Swartz was tasked with patrolling the international border between the 1\*S\* and Mexico,



demonstrating the state's commitment to forceful exclusion and spatial regimes of population control. In shooting Rodrigue, Swart implicated himself in the reduction of foreign others outside the state to a status of bare life. ( At the same time, his actions constituted an inclusion of bare life in the political realm, in which Rodrigue, as a subject of state violence, was necessarily drawn within the sphere of the state and legal system. ) Such an act, according to ( Swart, ) constitutes the original nucleus of sovereign power. ( Swart, ) Violence of the state, through proximate agents lia

anthropological engagement with (gam2en reminds us of the contingencies of the state, and of the resilient, fluid s/stems of meaning with which state )iolence must contend\* 7Indeed, it is

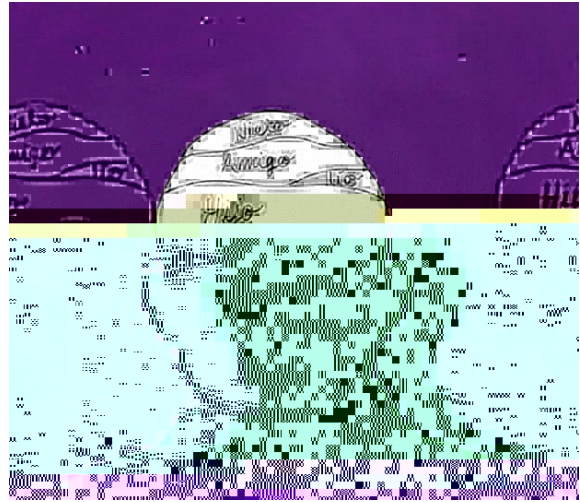
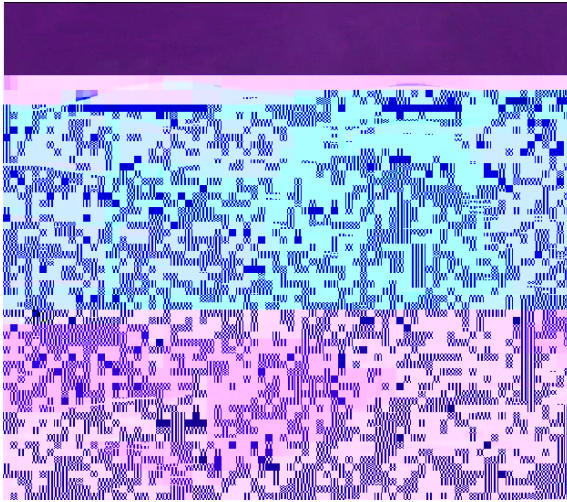
the coinuing state) (p)op)oci)ca)is) from)ing)ca)is) of) the) ad)P)ti)ne) of) the) state) to) reduce) to) strip) awa) /) to) create) 2are) life) where) there) once) existed) a) social) /) em)2edded) indi) idual)\* The) strength) of) (gam2en4s) criti)@ue) lies) in) part) in) the) fact) that) it) pulls) awa) /) the) )eil) of) ci)ic) 2elonging) and) patriotic) ?ustice) which) is) deplo) /ed) so) effecti)el) /) 2/ the) state)J once) the) )iolent) techni)@ues) of) domination) which) lie) 2eneath) are) re)ealed) it) is) difficult) to) loo) awa) /)\* : owe)er) we) must) 2e) war) /) of) a) fixation) on) )iolence) and) 2are) life) lest) we) 2egin) to) fetishi)0e) the) )er) /) stripping) awa) /) of) meaning) which) we) aim) to) critici)0e)\*

Since Rodrigue04s murder, the seemingl/ unassaila2le framework s of power9enforcement regimes, transnational exclusi)it/, state regulation9which contri2uted to his death ha)e pro)en, after all, to 2e contingent and contested\* +ne need loo) no further than the continuing success of Rodrigue04s famil/ in (merican courts ewgh 0/mil/B%,is dif P)ip 1 linuing s7€, itl, th%edme)s 1 0)rep)Rogr)intam

subjectivities and sources of mobilization, including the surprising resistance and counterstruggle where they are put into use; Comaroff ' - - ,: ' ==<\*

Moreover, we should recall that Rodrigue's death took place not in a vacuum of unhindered state control and bare life, but in the matrix of symbolic meanings and social significations which constitutes cultural life. Efforts to make sense of the murder of Rodrigue's family and the community of Nogales, Sonora at large have occurred not only within the US legal system, but in everyday forms of meaning-making and resistance, from artistic creation to simple acts of remembrance. Consider the short animated film *D+ of Rocks and Bullets*, produced





In two stills from Wesley Fawcett Creigh's "Of Rocks and Bullets," spheres signifying familial affect and social bonds surround and cohere Rose Rodriguez. (Creigh, Wesley F. 2017. "Of Rocks and Bullets." (Accessed 29. August, 2016). [www.wesleyfawcettcreigh.com](http://www.wesleyfawcettcreigh.com) .,2016,04,25,607/



Fawcett's animated spheres fly through the border fence, which is covered in graffitied messages. (Creigh, Wesley F. 2017. "Of Rocks and Bullets." (Accessed 29. August, 2016). [www.wesleyfawcettcreigh.com](http://www.wesleyfawcettcreigh.com) .,2016,04,25,607/

This depiction of the border fence as a location of resistance is not merely a product of artistic license. Indeed, in the years following Rodriguez's murder, the fence, ostensibly a functional and symbolic tool of state control, has become a site for protest and meaning-making. Less than two weeks after the shooting, a small group marched through Nogales, Sonora to the border fence, eventually reaching the spot where Rodriguez was killed. The marchers, including members of the Rodriguez family, voiced demands for justice and decried the endemic violence of the border; indeed, this was only the first of many such events: local media sources recount ongoing religious services, vigils, and protests which have served to commemorate the shooting. Such actions have likewise made use of the fence as a spatial focal point for memorializing Rodriguez's death and protesting the ongoing atrocities committed by SBP agents. That protests center on the border and its spectacular structures of control is, in some sense, inevitable. Rodriguez's proximity to the fence was a factor in his death, and an attempt at addressing the murder must involve a reckoning with the spatial regimes of control in place at the border.

Set many protests have also served to illustrate the contingencies of the border, mobilizing participation on both sides of the fence to combat the seeming impermeability of the barrier. In a 2005 march on the anniversary of Rodriguez's death, groups from Arizona and Sonora converged on the fence from both sides, chanting, dancing, and conversing with one another. Another anniversary march in 2007 featured a similar cross-border effort, in which Sonoran protesters were met at the fence by a delegation from the Arizona Tohono O'odham Tribe. Prendergast, a Tucson resident, watching from the US side of the fence as a religious service at the site of the shooting took place, described their attempt to overcome the physical separation imposed on participants: "I kept putting my hand through

the wall and wa)ing to the people on the other sideG\*Be are one\* The wall isn4t hereE ;>offe8  
Bloc ' -="\* Such multinational efforts at resistance are constrained 2/ the militari0ed 2oundar/  
2etween the 1nited States and ! exico\* : owe)er, 2/ emplo/ing cross82order strategies of  
solidarit/ and shared experience, participants see to o)ercome the facade of policed exclusion  
which is produced at the 2order\*

&)en as the 2order fence4s practical functions of control are challenged 2/ the actions of  
protesters on 2oth sides of the 2order, the spectacular power of the fence has 2een contested 2/  
artistic wor s which ha)e repurposed the )usual significations of the fence itself\* +)er the course  
of the half8decade since Rodrigue0 was shot 2/ Swart0, the section of fence near the site of the  
murder has pro)ided a can)as for art pieces regarding the incident and handwritten messages  
demanding ?ustice\* +ne mural depicts a 1 SBP agent as a hooded grim reaper with an automatic  
rifleJ another is comprised of a row of candles painted on the 2ars of the fence, impl/ing a )igil  
of sorts\* Phrases such as D& o / as ! uertes%E ;3No more deaths4< and D ' Anos sin justiciaE ;3F  
5ears without ?ustice4< are written in paint on the concrete 2ase of the fence\* +ne of the most  
stri ing pieces is a large painting of Rodrigue04s face, erected on the steep cliff 2elow the fence  
at the location of the shooting\* ;Booth ' -="\* The wor challenges the fence4s role as a catal/st  
of deadl/ state )iolence, reconfiguring it as a site which memoriali0es Rodrigue0 as a )ictim of  
the 1 SBP\*





have reformulated the border as a site where an insistence on positive life/life imbued with ordinary, future-oriented expectations can be expressed; Comaroff ' - - ,: '= - < \* The spectacle of the border is turned in on itself/ e/ es which looked to the Sonoran desert for a reminder of the danger waiting for them outside the protective bounds of the state are forced to witness the results of violence inflicted in the name of their own security/ and safety/ \*

We should rightfully question our own motives as we engage in a close examination of the border, and of events like Rodriguez's murder. The spectacle can hold sway/ even over works which purport to criticize, and a fascination with the violence of the state can lead us to see pleasure in the pain of bare life. (As social critic Susan Sontag notes, there is shame as well as shock in looking at the close-up of a real horror. E. When we gape at the brutal killing of a young man and grope for theoretical explanations for what we see, we dare to profess, whether or not we mean to do so; Sontag ' - - \$: F' < \* : otherwise, we are also bound to look, to examine, to criticize, and, if possible, to take action. (S. Geertz) a reminds us,

we are historical actors inescapably engaged in the everyday work of producing our own sociopolitical circumstances. G. \* this historicity is inextricable from our distinct location within the tangled historical trajectories that we have inherited, which implicates us in either reproducing or rectifying the enduring consequences of the past. ; Geertz a ' - - #: '= \$ <

Each of us must come to terms with our own embeddedness in the systems of meaning, power, and violence which surround us, and with our possible complicity in the processes which led to the state-sanctioned murder of an unarmed "8/ear-old" (anthropologists claim to render the strange familiar and the other now) is fraught with the possibility of violence in its own right, whether through misrepresentation, appropriation, or exoticization. : otherwise, anthropological interventions such as Comaroff's also offer the potential for understanding oppression not as a hegemonic institution, but as a social force which is contested and open to

resistance\* Comaroff invites us to build a coherent, critical social etiology, and to recognize that the colonial frontiers etched across the ostensibly integrated landscape of our (re)neoliberal world should not be forgotten in our excited rush to analyze geopolitics or globalization; Comaroff reminds us that José Rodríguez was killed in an act of brutal violence, but we should also make ourselves aware of the complex outcomes of Swart's murderous act, and of the moments in which resistance has been expressed and justice sought by those with ties to Rodríguez.

Today, both the space of the border and endpoint of the Rodríguez family's legal battle remain contested. Swart, currently on administrative leave from the ISBP, will face trial in June of 2017, nearly five years after the murder took place. Meanwhile, the US government under Donald Trump has moved to expand the already bloated ISBP and similar enforcement organizations, and Trump's infamous "order wall" may soon become a reality. As Donald Trump's "order wall" continues to expand and violence across the international borderline continues, (Swart's) fears with regard to modern democracy's decadence and gradual convergence with totalitarian regimes in post-democratic spectacular societies seem alarming and plausible. Still, as we watch the emergence of new forms of hegemony and domination, we must keep in mind that such forms are by no means inevitable. (As too often, writes Comaroff, complicated local histories and sociologies are obscured by grand allegories of exclusion, crisis, and apocalypse.) It is in these local, contested spaces—the borderlands, the city split in two by a fence, the shrine in remembrance of a spectacular victim—that the fissures in a state apparatus begin to appear. It is here that life asserts a stubborn connection to social and meaningful existence. If we hope to develop an anthropological approach to understanding these spaces and the social webs

which inhabit them, we must see one which accounts for complex interplays of power and meaning, and for the routine resistances which give lie to the self-reinforcing myth of the sovereign state\*

Bor s Cited:

6e Aeno)a, Nicholas\* (oring the Margins\* 6u e 1 ni)ersit/ Press: 6urham and London, ' - -#\*

'\* (gam2en, Aiorgio\* Ho /o Sacer\* So+ereign Po , er and Bare Life\* Translated 2/ 6aniel : eller8Roa0en\* Stanford 1 ni)ersit/ Press: Stanford, California, =%%#\*

\$\* Comaroff, >ean\* DBe/ond Bare Life: (76S, ;Bio<Politics, and the Neoli2eral +rder\*E Pu"lic Culture =%:= ;' - - ,<\* (ccessed ! a/ F, ' - =, \* 6oi: =- \* = ' =#H - M%% '\$"\$8' - - "8 - \$ - N

F\* Binelli, ! ar \* ' - = " D = - Shots (cross the Border\*E e, - or) Ti ! es, ! arch \$\* (ccessed ! a/ \$, ' - =, \* <https://www.n/times.com> ' - = " H - \$ H - " H maga0ine H = - 8shots8 across8the82order\* : tml0PrQ=

#\* +46ell, Ro2\* ' - =, \* DSupreme Court: Can ! exican citi0ens sue Border Patrol agents in cross82order illings0E The Ari. ona /epu"lic, Ce2ruar/ =%\* <http://www.a0central.com> H stor/HnewsHpoliticsH2order8issuesH' - =, H- ' H = % Hsupreme8court8mexican8sue82order8patrol8 illings8?ose8antonio8elena8rodrigue08sergio8adrian8hernande08guerecaH% , M, #, \$ " H

"\* +46ell, Ro2\* ' - = " D6efense attorne/: 1 \*S\* doesn4t ha)e an/ right to tr/ Border Patrol agent accused of illing ! exican teen\*E The Ari. ona /epu"lic0 +cto2er =, \* <http://www.a0central.com> H stor/HnewsHpoliticsH2order8issuesH' - = " H = - H = , Hdefense8attorne/8

= '\* >offe8Bloc , >ude\* ' -="\* D ( nni)ersar/ +f Teen Catal/ Shot B/ Border Patrol  
: onored 7n Nogales\*E +cto2er =-\* 3\$440 http:HH ?00\*org!content!\$, M%F#Hanni)ersar/8  
teen8fatall/8shot82order8patrol8honored8nogales

= \$\* +46ell, Ro2\* ' -=, \* DCourt filing sa/s Border Patrol lost or destro/ed original )ideo  
of Nogales teen4s illing 2/ agent\*E