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**Title**

A "Politics of Protection" Aimed at Mayan Immigrants in the United States

**Permalink**

<https://escholarship.org/uc/item/05j9s056>

**ISBN**

9780821446676

**Author**

Haviland, John

**Publication Date**

2019-03-05

Peer reviewed

## SERIES IN HUMAN SECURITY

Series editors: Geoffrey Dabelko, Brandon Kendhammer, and Nukhet Sandal

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The Series in Human Security is published in association with Ohio University's War and Peace Studies and African Studies programs at the Center for International Studies and the Environmental Studies Program at the Voinovich School of Leadership and Public Affairs.

- *Technologies of Suspicion and the Ethics of Obligation in Political Asylum*,  
edited by Bridget M. Haas and Amy Shuman

# Technologies of Suspicion and the Ethics of Obligation in Political Asylum

Edited by

BRIDGET M. HAAS AND AMY SHUMAN

Ohio University Press, Athens, Ohio 45701

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Printed in the United States of America

Ohio University Press books are printed on acid-free paper ♻️

29 28 27 26 25 24 23 22 21 20 19 5 4 3 2 1

*Library of Congress Cataloging-in-Publication Data*

Names: Haas, Bridget M., editor. | Shuman, Amy, date, editor.

Title: Technologies of suspicion and the ethics of obligation in political asylum / edited by Bridget M. Haas and Amy Shuman.

Description: Athens, Ohio : Ohio University Press, 2019. | Series: Series in human security | Includes bibliographical references and index.

Identifiers: LCCN 2018056335 | ISBN 9780821423783 (hardback : alk. paper) | ISBN 9780821446676 (pdf)

Subjects: LCSH: Political refugees--Government policy--Case studies. | Political refugees--Legal status, laws, etc.--Case studies. | Asylum, Right of--Case studies. | National security--Technological innovations--Case studies. | Immigration enforcement--Technological innovations--Case studies. | BISAC: POLITICAL SCIENCE / Political Freedom & Security / Human Rights. | SOCIAL SCIENCE / Anthropology / General.

Classification: LCC JV6346 .T43 2019 | DDC 323.6/31--dc23

LC record available at <https://lcn.loc.gov/2018056335>

## Contents

Acknowledgments vii

### Introduction

*Negotiating Suspicion, Obligation, and Security in Contemporary Political Asylum Regimes*

Bridget M. Haas and Amy Shuman 1

### PART I: ASYLUM AND PROTECTION AS CONTESTED CATEGORIES

Chapter 1 Troubling the Ethics of Durable Solutions in the Age of Suspicion  
*Iraq War Refugees and the Politics of Obligation*  
Nadia El-Shaarawi 29

Chapter 2 Geographies of Aspiration and the Politics of Suspicion  
in the Context of Border Control  
Charles Watters 47

Chapter 3 A "Politics of Protection" Aimed at Mayan Immigrants  
in the United States  
John B. Haviland 61

### PART II: TECHNOLOGIES OF SUSPICION

Chapter 4 Asylum Officers, Suspicion, and the Ambivalent Enactment  
of Technologies of Truth  
Bridget M. Haas 105

Chapter 5 Country of Origin Information, Technologies of Suspicion, and the Erasure  
of the Supernatural in African Refugee Claims  
Benjamin N. Lawrance 129

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## Chapter 3

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### A "Politics of Protection" Aimed at Mayan Immigrants in the United States

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JOHN B. HAVILAND

Half a century ago, as a fledgling ethnographer, I started learning Tzotzil, a Mayan language spoken in the highlands of Chiapas, Mexico. I never imagined that I would spend part—sometimes all—of almost every year since then living in Chiapas and continuing to learn about the place, its people, and their social lives. By official count the absolute number of speakers of Indian languages in Chiapas continues to grow (from 809,000 in 2000 to about 1,142,000 in 2010<sup>1</sup>), of whom about a third are speakers of Tzotzil.<sup>2</sup> Chiapas, in the far southeastern corner of Mexico—the last place in the country before you hit Guatemala—is one of the handful of Mexican states whose population is a quarter or more Indian (although speaking an indigenous language is a less reliable marker of ethnic identification or ancestry than it might once have been).

I went to Chiapas first to study indigenous stringed-instrument music, and I continued to return "to the field" to learn about other things, from

Tzotzil grammar, gossip, and gestures to prices, "positionals," politics, processions, and places. I still spend about a week every couple of months in my adopted home in the community of Zinacantán. But the "field" I went to first in 1966 has, strikingly, now also come to me.

The present excursion into asylum research is hardly more than a footnote to activities with a quite different trajectory—namely, exploring the vicissitudes, both analytic and practical, of providing interpretation for speakers of Tzotzil, a large number of whom now live far from Chiapas throughout Mexico and the United States. Many are, indeed, my neighbors in California. When they run afoul of the law or other bureaucracies, they need interpretation—whether of words, gestures, experiences, or knowledge—and I have become one of the few people who can (at least try to) provide it. Interpretation, in turn, is almost always at the heart—although perhaps a routinely occluded heart—of pursuing and adjudicating asylum.

To anticipate briefly: the editors of this volume proposed that we consider a "politics of suspicion" that arises from a wider set of political ideologies and practices applied to the processes by which people seek, are granted, are denied, or are otherwise condemned to different sorts of immigration status, occasionally including political asylum. I intend, first, to show how "seeking asylum" is just one of the many interrelated sorts of activities, with associated legal and institutional ramifications, that my Tzotzil acquaintances must engage with as they traverse landscapes, cross borders, and search for places to live and work. More substantively, I mean to stand the notion of "suspicion" upside down by looking at those cases where, in a seeming contradiction, under the rubric of care or "protection" (in both its more and less benevolent senses—for the latter, recall the notion of "protection racket" associated with organized crime) asylum is coerced upon perhaps unwilling recipients. In the cases I have worked on, these reluctant asylum seekers are Tzotzil children. Very briefly, I will also relate these situations to a distinct but, in my opinion, ideologically closely linked bureaucracy, that of American family law and dependency courts, and in particular how Tzotzil immigrants are sometimes affected by them.

#### IMMIGRATION HISTORY OF TZOTZILES

Individuals from "my" village in Chiapas ventured sporadically northward several decades ago. The first man that I knew personally to emigrate, a

godchild of mine, left in 1976 after a tumultuous marital drama. He was last heard from in Hollywood a little more than a decade ago, when his family dispatched me to Los Angeles to try, unsuccessfully as it turned out, to track him down. In the mid-1980s, two cousins from the village made their way to Oregon. One of these men immediately and inexplicably died, but the other remains in Oregon to this day. He brought his son to live with him in 2001, paying professionals to smuggle him into the country. (It took five tries.) By that time, a massive outmigration had begun from southern Mexico, with people from the poorest parts of the country coming north to cross the border in search of work: non-Indian *ladinos* (i.e., Spanish-speaking Mexicans) from throughout the state of Chiapas were joined by indigenous people, including Tzotzil speakers from many different Indian communities. Tzotzil speakers are now spread across the United States, with large pockets in perhaps unexpected places. Several thousand Chiapas Indians live semipermanently in Tampa, for example, not to mention in cities and towns on both coasts, and others are scattered just about everywhere in between.

Indians have a largely invisible place in the long and complex immigration history of Mexicans and other Latin Americans to the United States. Because this is true even at the level of academic scholarship on immigration (but see Cornelius, Fitzgerald, and Fischer 2007), one can only imagine how much more Indians are effaced in the day-to-day practices and bureaucracies surrounding immigration. Whereas for Mexicans in general the distinction between Indian (*indígena* being the preferred Spanish euphemism, as opposed to *indio*) and non-Indian (*mestizo* or *ladino*) is ever-present and usually salient, for most North Americans it almost never arises—a Mexican being simply a Mexican (and usually poor and presumed undocumented to boot).

Moreover, since with a few notable exceptions native North American Indian languages in the United States have been rubbed nearly out of existence, surviving largely in the revitalization and salvage efforts of the few, the fact that Latin American indigenous people speak many different robust first languages belonging to diverse language families totally unrelated to Spanish is even less familiar an idea than that there might be different "sorts" of people in the Mexican immigrant population. The rubrics of identity are complex and variegated, with different levels of resolution or granularity depending on how closely one cares to look.<sup>3</sup>

Since Tzotziles like other Chiapas Indians are relative newcomers among indigenous Mexican immigrants to the United States, the language

is essentially unknown to American authorities. Because I am almost unique as a fluent Tzotzil speaker who also knows English, I have over the past decade moonlighted as a Tzotzil interpreter, motivated at first by a vague sense of responsibility to give a voice to Tzotzil speakers in contexts where they seemed, to their disadvantage, to lack one, and, as demand increased, taking on the new "profession" as an object of analytical attention in its own right.

#### INTERPRETING FOR TZOTZILES IN AMERICAN BUREAUCRATIC CONTEXTS

Although I did forensic linguistic consultation in Chiapas after the infamous Acteal massacre of 1997,<sup>4</sup> I came only gradually into formal interpreting in the United States, both in courts and in other contexts (such as emergency health calls from hospitals and other social service agencies around the country), to fill a growing need. I see from my records that I have interpreted for Tzotzil speakers on average once or twice a week continuously for most of the past decade. The great bulk of this interpretation is in courtrooms, interpreting for people accused of offenses related to their undocumented status in the United States, although there are criminal, civil, and dependency cases as well. Most Tzotzil speakers in the United States are not only "undocumented" but also condemned both to a legal shadow and to poverty, with associated liabilities. They are, furthermore, subject to unfamiliar norms of acceptable behavior. For example, and tangentially relevant to the main point of this essay, Tzotzil men and women are often completely ignorant of the existence of the American crime of "statutory rape," which involves even consensual sexual relations with underaged people, who are by American law legally incapable of giving consent in the first place.

#### A POLITICS OF "PROTECTION"

If I interpret telephonically and am thus invisible, my Tzotzil is just good enough that Tzotzil speakers can perhaps convince themselves that I come from some distant village where people talk funny. But no amount of linguistic training can be enough, in the moment, for rendering into intelligible Tzotzil the sorts of matters that routinely arise in most courts. My fragmentary, truncated, extemporaneous, and often stilted engagements

with emigrant Tzotzil speakers—although sometimes frighteningly consequential—are also often riddled with gaps, confusions, missteps, and plain errors. But if this is true for me—an ethnographic old-timer—how much more true is it for the bureaucrats dealing with Tzotzil speakers before they get me on the phone? Interpreting provides a rich, if strange, source for ethnographic insight into other exotic folk: lawyers, judges, mediators, social workers, police, Border Patrol agents, professional translators—even doctors, nurses, insurance adjusters, prison guards, and agents of the Federal Bureau of Investigation (FBI).

Nonetheless, I rely on a peculiar and extraordinarily partial window onto the phenomena of interest, what as an ethnographer I consider a kind of binocular tunnel vision. (Imagine looking through binoculars turned around the wrong way.) It is "binocular" because, unlike other participants, I have access, albeit selective and imperfect, to both sides of the chasm that yawns between parties who have no shared language. But it is tunnel vision because it is randomly focused and anarchically incomplete: peering through a window rendered ever smaller by the fact that I do not choose my own cases or occasions but interpret only when I am asked to do so. What is more, most often my contact is limited to brief exchanges on the telephone.

With these caveats, let me introduce my main business in this chapter. Limits of space prevent me from presenting the cases of interest in more detail, so I will largely content myself with a plain narrative of the events and issues rather than indulge my normal linguist's inclination to overburden the reader with detailed interactional extracts.

Predictably, the grand bulk of the cases for which I am asked to interpret involve undocumented immigrants, and the results are simple and predictable. Charges are brought; threats are issued linked to the prescribed jail terms associated with those charges; a plea bargain is quickly struck between prosecutor and defender; the defendant, once he (and in almost every case it is a "he") understands his options, readily agrees, pleads guilty, serves out a term (which ranges from "time served" to several years in jail, usually with fines waived, depending on the charges and the criminal or immigration history); and he is subsequently deported to the border or to the interior of Mexico. Trials are almost unheard of in the courts that employ me, and my main function seems to be to lend a kind of procedural legitimacy to the massive incarceration and deportation of certain indigenous Mexicans (see Haviland 2003).

As almost the only "qualified" Tzotzil-English interpreter in the United States, however, I am sometimes recruited for more unusual cases. Transcript 1 is a fragment from a telephone call that came to me out of the blue one afternoon in 2011 from an Immigration and Customs Enforcement (ICE) agent located in Mississippi. After introducing himself and his co-present supervisor (lines 1-10) using a kind of familiar police-like bureaucratese, he invited me to open a conversation with "D," the "young man" in detention who had been tentatively identified as a Tzotzil speaker:

(1) D, initial call

- 1 ice: if you care to . just engage a .  
 2 brief dialogue . to identify whether you can  
 communicate with=<sup>5</sup>  
 3 [<sup>6</sup>  
 4 jbh: I will do s-  
 5 ice: = this . young man I would be most grateful  
 6 jbh: I will do so  
 7 uh, can you hear me alright?  
 8 your volume is a little bit low but I can hear you  
 9 ice: OK, I hear you just fine  
 10 jbh: OK  
 11 (1.4)<sup>7</sup>

As is my normal practice, I tried first to verify whether or not the person on the other end of the line was really a Tzotzil speaker by forcing him to respond appropriately to the ritualized salutation *mi li'-ot-e* (Q here-B2s-CL<sup>8</sup>)—"Are you here?"—followed by what would be the correct address form given our relative ages, in this case the young man's first name (line 14). As often happens, my abrupt and contextually unexpected shift to Tzotzil took D by surprise, as evidenced by the long hesitation (line 15), even after my double repetition (lines 16 and 20)—the first of which I think the ICE agent, who had no idea what Tzotzil sounds like, thought to have been garbled by the phone connection. After another noticeable pause, D checked that he had heard me correctly (line 21), and then after another repetition (line 22) he responded normally in his own dialect of Tzotzil, *li'-un-e* (here-B1-CL)—"I am here" (line 23):

- 12 jbh: bweno  
 Alright  
 13 mi-  
 14 mi li'ote D  
 Are you here, D?  
 15 (2.2)  
 16 D, mi li'ote  
 D, are you here?  
 17 [  
 18 ice: uh, it was a little broken, try it again please  
 19 jbh: D, mi li'ote?  
 D, are you here?  
 20 (0.9)  
 21 d: uh?  
 Huh?  
 22 jbh: mi li'ote?  
 Are you here?  
 23 d: li'une  
 I'm here.

This was, of course, all I needed to establish that D was in fact a Tzotzil speaker, if a somewhat reluctant one. Because this was not a regimented courtroom interview, I began, as is also my custom whenever given license to do so, to converse informally with D to try both to find out more about the kid (as kid he was, at least judging by his voice) and to alert him conversationally to the possibility that, unlike the ICE agent, I might be some sort of normal, knowledgeable human being:

- 24 jbh: ali, buy nakalot che'e, buy lalik tal?  
 So, where do you live? Where have you come from?  
 25 (0.9)  
 26 d: ali ta:  
 Uh, from-  
 27 (0.8)  
 28 ta:  
 From-

- 29 ta mejiko  
From Mexico
- 30 jbh: ji', jna'oj onoxe pero buy la-  
Yeah, I know that, but where are you-  
31 buy laparajele, buy lateklumale  
Where's your village? Where's your town?
- 32 (0.9)
- 33 d: ali:  
Um
- 34 (0.6)
- 35 chamula
- 36 jbh: pero bu junukal, buy parajele un?  
But from which- which hamlet?
- 37 ta san juan chamula xkaltik  
You mean from San Juan Chamula?
- 38 (0.9)
- 39 d: ja'  
Yes.
- 40 jbh: a pero k'usi parajel un, buy nakal latot lame' un  
Ah, but from which hamlet? Where do your mother and father live?
- 41 (1.4)
- 42 d: ta V\*\*  
In V\*\*.
- 43 jbh: buy la  
Where did you say?
- 44 d: V\*\*  
V\*\*
- 45 jbh: a bwenó, pero te ta mero chamula un ma'uk ta  
Ah, ok, but that's really in Chamula, not-  
46 te- ma'uk ta jobel  
not in San Cristóbal
- 47 (0.5)
- 48 d: ma'uk, ta mero chamula  
No, in real Chamula.

D's responses were cautious and characteristically uninformative (Haviland and Haviland 1982, 1983), although I pressed him for details in

part to let him know that I actually knew something about what sort of person he was and where he must come from. However, when I started to get into real identifying details—his full name and especially his age—he once again began to stonewall. Note the nearly two second pause following my question at line 50.

- 49 jbh: a
- 50 k'usi ora latalé ali-  
So when did you come? Uh-
- 51 k'usi lek labie, mi ja' onox k'u cha'al yaloj li vinik naxe?  
What's your real name? Is it as the man said earlier?
- 52 (1.8)
- 53 d: ja'  
Yes.

Once we actually launched the routine interrogation of personal information, D paused only briefly when calculating his age and birthdate:

- 54 jbh: k'usi lek labie, mi ja' onox  
What's your real name, is it the same
- 55 k'u cha'al yaloj li vinik naxe?  
as what the man said earlier?
- 56 d: ja'  
Yes.
- 57 jbh: ali, k'usi sjol abie?  
So, what's your family name?
- 58 d: D\*\*\*\* P. G.
- 59 jbh: D. ma'uk domingo?  
D., not Domingo?
- 60 (2.2)
- 61 Bueno, este...  
OK, so-
- 62 (0.5)
- 63 i albon lek noxtok, k'usi ora vok'emot, jayib ajabilal?  
Tell me the truth, when were you born, how old are you?
- 64 (0.7)



- 65 d: beynte  
Twenty
- 66 jbh: beynte?  
Twenty?
- 67 d: jech  
Right
- 68 jbh: pero mi ch'unbil, k'usi ta jabilal lavok' che'e?  
*But is that believable? What year were you born then?*
- 69 (0.9)
- 70 d: ta 1990  
In 1990.
- 71 jbh: a . bueno  
Ah OK.
- 72 mala to  
Wait a second.

The ICE agent, who had been waiting patiently for me to verify that I could speak with the kid and who was trying his best to pick out any familiar Spanish loans from the stream of conversational Tzotzil, had clearly at this point understood that I was asking about D's age. He stopped me, with a chuckle, when he heard the boy state his supposed birth year, saying that the boy had been "coached" to claim he was about five years older than computer databases—and his appearance—indicated. He then began to let me, the interpreter, in on a few details of his own investigation of the case:

- 73 ice: (hehh hehh)
- 74 (hhh) yeah, he's been— he's been coached
- 75 to say that, he originally gave
- 76 1994 as his date of birth
- 77 jbh: aha
- 78 ice: and he was previously arrested
- 79 um
- 80 uh, down on the border
- 81 where he gave 1995 as uh
- 82 date of birth
- 83 jbh: right
- 84 ice: but I believe he's
- 85 beginning to see

- 86 that this . uh .status as a juvenile is
- 87 beginning to cause him more headache than he cares for

The ICE agent—being observed by his superior—had a prepared script from which he must work. He also had a specific goal: to get D, who he thought was an undeportable minor child, onto an airplane to a holding facility within a matter of a few short hours. D was potentially "undeportable" because he was probably underage and had (as far as the agent had been able to determine) no responsible adults who could vouch for him in the United States or guarantee his safety should he be returned to Mexico. On the other hand, D had his own "agenda": to break through the coercive structure of his engagements with the *migra* (as the border-protection people are called in Mexican Spanish), who were forcing him to talk about his age and contacts in the United States. By contrast, what mattered most to him—at least when he finally began to talk to me (see transcript 2, line 9 below)—was his debt (money borrowed for his transport north, which had to be paid off to moneylenders in his community at 15 percent monthly interest), and his need to work to pay it off.

#### MULTIPLE ENGAGEMENTS AND ORDERS OF ENGAGEMENT IN INTERPRETING

The minimal interpreting context is necessarily one of multiactivity: it is logically triadic, involving minimally three bundled participants: a speaker in language 1, an interpreter, and a recipient in language 2. The interpreter is mechanically a kind of pivot, whose transparency as a ratified participant varies widely with the micropolitics of the institution in question. (Further decomposed roles in Goffmanian participant structure [Goffman 1979] are variably transformed in such engagements, with different roles sometimes erased, as can be seen in the play of pronouns in many of my extracts.)

All engagements, of course, alter or transform the entities engaged or call them into question—blunting or erasing distinctions (between persons and objects, for example) or enhancing or widening categorical differentiation. In the case of interpreting encounters, such transformations include converting Latinos into Mexicans and then into Indians, speakers into mutes, possible citizens into aliens, and persons into (various sorts of) nonpersons. Interpreting, paradoxically, sometimes renders speakers of a

disadvantaged language totally deaf and dumb (as interactions between interpreter and speakers of the dominant language may begin to predominate, as we shall see).

There is a further conceptual multiplicity, since the people for whom the interpretation is required are usually not very much alike, neither with respect to their experiences and background nor their aims and purposes in the business at hand. For example, the immigration agent needed to confirm D's basic biography before sending him to juvenile detention. D, on the other hand, had quite different concerns that he was itching to put on the discursive table. Here is a further brief fragment, when the agent asked me to confirm when D had come to the United States:

(2) Feb 21, 2011—"when did you leave to come from there?"

- 1 jbh: k'usi ora lalok' lalok' tal te yo une?  
What time did you leave there to come here?
- 2 (0.8)
- 3 D: mu'yuk to jal  
It hasn't been long.
- 4 jbh: mu'yuk to jal?  
It hasn't been long.
- 5 D: ch'abal to jal  
It's not yet long.
- 6 jbh: k'usi van- k'usi van k'ak'alil,  
About what- About what date?
- 7 k'usi van ta ual  
About what month?
- 8 (0.5)
- 9 D: mu'yuk to sutem o kil xtok,  
Also, my debt hasn't yet been paid off;
- 10 ep to kil (o)  
I still have a lot of debt (from traveling here).

Here D, carefully avoiding my question about dates and the amount of time he had already been in the United States working, brought up the matter of his outstanding debt. Nonetheless, following the ICE agent's agenda, I pressed D about his birthdate.

- 11 jbh: aa
- 12 a bweno, pero entonse, k'usi- k'usi lek  
Oh, OK. But so, what- uh - really what
- 13 ali:  
Uh-
- 14 k'usi lek ali fechail lavok' un che'e  
What date were you really born then?
- 15 (1.1)
- 16 D: ta mil noveysento noventaynweve . noventa  
In 1999- uh, 90,
- 17 jbh: k'usi- k'usi k'ak'alil un?  
On what- what day?
- 18 (1.9)
- 19 ice: ((laughs softly))

Once again, the ICE agent, able only to pick Spanish numbers out of the Tzotzil stream, inferred that D was continuing to give me an improbable birthdate.

- 20 D: ja', jna'tik une  
Who knows?
- 21 jbh: mu xana' k'usi ta ual  
Don't you know in what month?
- 22 (0.5)
- 23 D: mu jna'  
I don't know.
- 24 jbh: a bweno pwes  
Ah, OK then.
- 25 (0.6)

Of course, it is rarely the case that Tzotzil speakers know their exact birthdates—a highly irrelevant datum of information for Indian life, except in certain bureaucratic contexts. Asking someone for an exact age may often elicit an approximate decade instead. Because I had heard the ICE agent chuckle, I returned to the previous conspiratorial dialogue with him.

- 26 jbh: so he continues to say-- he was born in a - in a -  
27 community called X\*\*\*

- 28 of Chamula which is right -  
 29 very, basically right next to San Cristobal  
 30 and he's uh-  
 31 he says that he doesn't know his-  
 32 date or month of birth  
 33 and continues to give the year of 1990  
 34 (0.5)  
 35 ice: OK, um  
 36 that's consistent with the uh  
 37 the uh coaching,  
 38 however he provided his date and month of  
 39 birth twice correctly  
 40 uh, according to our records which  
 41 was 11/13 of ninety-five  
 42 when he was arrested by the border patrol

Notice how this particular "engagement" between the immigration agent and D, mediated by my own somewhat different engagement with D, is also informed by multiple previous encounters which in Bakhtinian fashion shadow the present one.<sup>9</sup> So, there are the ICE agent's previous conversations with D (in Spanish) and those of Border Patrol agents in previous encounters documented in ICE and other computer records, when this same boy was allegedly detained on earlier occasions while attempting to cross the border. In similar fashion, D's mention to me of his debt conjures a series of well-known scenarios in which Tzotzil speakers borrow money from one another, with a frighteningly familiar set of expectations about repayment, interest, and the likely consequences of default.

Here we encounter what (borrowing a metaphor from Silverstein 2003) could be called different orders of engagement: a first-order engagement between principals and interpreter builds upon second-order past engagements—some directly experienced, others narrated, others only alluded to in the shadows—which in turn build upon still higher orders of remove. As an ethnographically faithful translator trying to manage the interactive exchange of meaningful information between interlocutors, I may need to reimagine and (at least provisionally) render prior engagements between narrators and narrated protagonists, and so on, for indeterminate further orders of engagement.

### A PROPER "ASYLUM" CASE

Let me temporarily leave D as I left him that afternoon, in the clutches of the migra in Mississippi and move back in time about four years, to when I was originally induced to become a "certified" Tzotzil interpreter for the Department of Homeland Security (DHS) and the agencies that provide all official interpreters for US immigration courts.<sup>10</sup>

My first official immigration case involved a then fifteen-year-old girl who had been detained by immigration authorities in Florida, where she had been reported to the Immigration and Naturalization Service for working illegally as a domestic servant in a private home. From Florida she had been sent to a women's detention center in Arizona to await deportation, and there she had come to the attention of a legal nongovernmental organization (NGO) that specializes in immigration law and minor children. One of the lawyers had befriended the girl, "R," and determined that she had limited Spanish and was probably a native speaker of Tzotzil. An Internet search turned up my name, and the lawyer called to ask me whether I would consider pro bono work on the girl's case, explaining that because R had apparently been the victim of sexual trafficking, and given what she could learn of the child's family circumstances, the NGO hoped to apply for protection and legal status for R by having her declared an "unaccompanied alien child" under US law, thus coming under the purview of the Convention on Rights of the Child, which puts issues of a child's safety before any considerations of his or her legal status. It was imperative, if I were to be able to interpret for R in immigration court, that I become certified for DHS work. After meeting the girl (and engaging her in probably the first more or less normal conversation she had been able to have in several months), I started the convoluted certification process, at the same time helping the lawyers flesh out more of her story.

The NGO had already begun to assemble a narrative to help R obtain legal status. It involved a rather horrific history of childhood abuse, sexual exploitation by older men (including her father and uncles), flight from home to the United States, and continued exploitation in Florida by a further chain of men—including the man twice her age, also originally from her remote village in Chiapas, who had secretly had her reported to the immigration authorities when she refused to become his child bride.

R herself, little by little, told me a rather different story—a not uncommon tale of teenaged couples whose liaison is disapproved by strict parents

and who elope from home, only to end up impoverished in a strange and hostile environment in exile north of the border. It was fairly clear that her initial preference would have been to find and be reunited with her childhood boyfriend, with whom she had originally escaped her village, or, failing that, with her own older brother (who she thought was also in Florida). Nonetheless, having been provisionally placed in supervised foster care in Arizona and enrolled in a local high school with a largely Spanish-speaking student body, she started to feel strongly attracted to the scenario the lawyers had painted for her: obtaining legal status first as a ward of the state in Arizona and then as a legal resident (able to study nursing, as she once mused, or to become a lawyer in her own right). Several legal procedures were required to implement such a plan. First and most important was to demonstrate that R was, indeed, an abused and abandoned child in need of "protection," who could thus legally be declared a ward of the state. As her eighteenth birthday approached, achieving such status in turn became ever more urgent for her lawyer.

As has happened in other cases in which I have been involved, the lawyer quickly realized that as a long-time ethnographer with continued close ties to friends and fictive kinsmen in Chiapas, I could do much more to advance the plans for R than simply give her an authoritative "professorial voice" as her interpreter in immigration court or serve as a pro bono investigator. She thus recruited me to attempt, on one of my periodic trips to Mexico, to track down R's parents, to explain to them the plan, and to bring back their witnessed signatures on crucial documents to be presented to the juvenile division of the local family law court. This was a task the NGO had none of the necessary resources—linguistic, ethnographic, financial, or practical—to undertake. The relevant declaration, for each of the parents to sign, included the following language:

I am unable to care for my Child at this time and I do not object to the court granting custody of her to the Arizona Department of Economic Security. . . I understand that . . . a future hearing may result in further proceedings for permanent guardianship or in termination of my parental rights. . . . I understand . . . [this declaration] . . . may result in the Child being adjudicated dependent and in further proceedings for permanent guardianship or termination of our parental rights. If my parental rights are terminated, all my rights to the Child, including the

rights to custody, care, control and visitation, will be completely ended. I understand that my obligation to pay support and the Child's right to inheritance will continue until the entry of a final order of adoption, if any, of the Child.

R said that she spoke by telephone with her mother regularly a few times a month, and she had alerted them to expect me. Following her instructions, I ultimately undertook the journey to the lowland jungles of Chiapas where R's parents lived in a community of evangelical Protestant converts (cf. Nash 1995; Eber 1999; Kovic 2005; Rus 2005; Rus and Vigil 2007) exiled from their original home villages in the highlands. Despite considerable suspicion in the village, I finally tracked the parents down and explained the situation to them as best I could. (As the reader can imagine, rendering the English legalese of the document cited into idiomatic Tzotzil was no straightforward matter.) After what became a cordial visit (during which my Zinacantec companion bought some of their chickens), the parents gave me yet another Rashomon-like version of the history of R's "escape" from the village almost a year earlier. They remembered her dissatisfaction with opportunities in her tiny, impoverished village and blamed her being lured into trying to travel north across the border on the urging of an unscrupulous neighbor lady.

Ultimately I brought back the legal documents with the parents' signatures (which my wife and I witnessed). I also brought R a short videotaped message her parents had composed for her, with her siblings sitting on their laps. Both urged her to be happy and to consult with *kajvaltik* ("our Lord") for guidance and solace in whatever was to come, hoping that at the very least she would soon come back to visit them. The father's language echoed the formal, parallel phrasing of Tzotzil ritual language and prayer (Haviland 1994, 1996, 2000), a kind of Tzotzil analogue of the legalese of the documents he had willingly signed, evidently intended to soothe and reassure his wayward daughter:

(3) R's dad sends her his advice—*lek oyan, junuk avo'on*

- 1    *ja' .lek oyan, i junuk avo'on*  
Be well, be content
- 2    *i xamuyibaj un, mu me xavat avo'on*  
And rejoice, please don't worry

- 3 ja' lek me chamuyibaj  
*It's better to rejoice*
- 4 atimi chavat avo'one i a veses  
*If you worry, then sometimes*
- 5 xk'uxub ajol i  
*Your head will hurt*
- 6 cha'ipaj, mi o k'usi ep chanope  
*You will get sick, if you think too much*
- 7 muk' i xanop i junuk avo'on cha'abtej  
*Don't think about it, and be content. Work*
- 8 chano jun  
*And study*
- 9 chapas kanal uk  
*You will succeed, too*
- 10 espesyal para jo'ot i mu k'usi yan ya'el  
*It's special just for you, not for anything else*
- 11 chavil ma ti yo'e  
*You will see that over there*
- 12 a yan xa ech'el akuxlajel (apas xa un)  
*You will made a different kind of life*
- 13 ja' yu'un, ja' mu xach'un lo'loel  
*So don't be tricked*
- 14 mo'oj much'u k'usi chal  
*Not about what someone might say*
- 15 ma'uk k'u batenot spasel i:  
*That's not what you have gone to do*
- 16 i oy k'usi ti avo'ontanoj ti labat ya'el  
*There is something your heart has desired that you have gone for*
- 17 te chka'i  
*I will hear*
- 18 chk'otik ta pasel va'i un, mu jna'  
*if it comes to pass, I don't know*
- 19 parake jech chijmuyibajkutike  
*so that we may rejoice*
- 20 este yu'un mu xkat ko'onkutike  
*Uh, so that we don't worry our hearts*
- 21 ja' chopol ti mi k'usi anop

- It would be bad if you thought too much*
- 22 k'usi lik apas  
*If something bad started to happen to you.*
- 23 yec chkat ko'onkutik  
*Then we would be worried*
- 24 chka'uk ti ja' yech chbat ti ja' yech chapas  
*If I thought that it would turn out that way, that something happened to you*
- 25 jech xichikutik mi yech chapas  
*if we thought something bad happened to you.*
- 26 mu k'al lek jmoj jun avo'one, ke: chijmuyibajkutik ek  
*But when you are fully content, then we, too, will rejoice*
- 27 chka'ikutik ek  
*We, too, will feel that way*
- 28 i ja nox jech chakalbe un, cha' ox p'el lik'opoj i  
*And that's what I want to tell you, just two or three words I have spoken.*
- 29 tee, koman, junuk avo'on, chamuyibaj i chijmuyibakutik ek  
*So stay there, be content. If you rejoice we, too, will rejoice*

With the parents' voluntary agreement to terminate their parental rights in hand, the lawyers were able to petition for R's legal status as a ward of the court, which in turn began a long and somewhat tortuous path to regularize her immigration status in the United States. In the end, R's case in immigration court was heard with just Spanish interpretation (and by that time she was almost ready to graduate from an English-speaking high school), and she was granted asylum. I last spoke to her when she was attending junior college, and I have been told that she ultimately married a man who had also been helped to legal status by the same NGO. I do not know whether she has ever been back to her village in Chiapas.

The striking contrast between how most of the Tzotziles for whom I interpret fare (intercepted, incarcerated, and deported with a record of felonies) and R's "successful" outcome is what originally pushed me to reflect on whether such cases are exceptional or whether they are, instead, consistent with the underlying policies governing immigration in this country. Selecting a particular "protected" category of individual—in this case, a minor female who may very well have been sexually victimized by other immigrants from her own community—itself relies upon a stereotyped view (of sexual relations in general, of migrant Mexican males as sexual predators, and of



the presumed social circumstances of minors in Mexican society) as the narrative background to any particular individual's history. But in this sort of case, the background, more than any demonstrable facts, provides the narrative framework on which bureaucratic decisions are based. These decisions, in turn, freeze and reify the stereotyped narrative and the background assumptions on which it rests.<sup>11</sup> As usual, the narratives of the powerful are by definition themselves powerful narratives, able to refashion facts to suit their narrators.

#### D'S CASE: SECOND DAY

Let me return to D. When I hung up the telephone where we met him in Mississippi that first day, I thought I had heard the last of the matter. However, the Chamula lad quickly resurfaced. In addition to doing pro bono work with hospital emergency rooms and other sorts of health-related interpreting, I have interpreted for a lateral part of the justice system that involves the special protections afforded to minors in the United States, often the province of private or charitable child-oriented psychological and social work services. The day after I conversed with the ICE agent and D, I received—quite independently and via a different private interpreting service that had contracted my services principally for such health-related work and that charged its clients by the minute—a call from a child-protection center in Texas. I thus by happenstance continued to trace D's distressing history through to what was the end (at least at the time) of my own engagement with his case.

As I was soon to discover, D had been transferred to a (private, Christian) home for juvenile offenders on an island off Galveston, Texas, where he was now in the hands of the US Department of Health and Human Services. I learned that the young man had, indeed, been provisionally deemed undeportable, as a minor child whose history and possible risks of abuse and exploitation (at home and in the United States) had not yet been established. The new call was from a woman in Texas who told me she needed to interview a Tzotzil-speaking child. Having at first no idea that this was the same boy I had spoken to the day before, I as usual tried first to confirm that I could speak to the child in question (transcript [4], lines 7–17):

#### (4) D's second day

- 1 int: OK, I'm going to do an interview and I just-  
 2 need a - jmmmm  
 3 yeah, I just need translation  
 4 jbh: maybe you should just let me confirm that I can actually speak  
 to him, no?  
 5 (0.6)  
 6 int: ok  
 7 jbh: OK, mi li'ote D\*\*?  
 OK, are you here, D\*\*?  
 8 (0.6)  
 9 D: li'une  
 I am here.  
 10 jbh: ali:  
 Uh-  
 11 mi lek, mi ja' yec onox ti D abie  
 Is it really the case that your name is D\*\*?  
 12 (0.9)  
 13 D: ja'  
 Yes.  
 14 jbh: a  
 15 bweno li vo'one Xun jbi  
 OK, my name is John  
 16 li vo'one Xun jbi ta jelubtas li k'ope  
 My name is John, and I'll translate the language  
 17 (0.8)

It seems clear that D immediately recognized that I was the same person he had spoken to the day before, in what was probably his first Tzotzil conversation since he had been detained and separated from his Chamula relatives some weeks previously. However, for me the penny had not yet dropped, and perhaps because the interpreting context and the agency calling me were so different, it took me a while to accept his insistence (odd to me at the time) that we had already spoken and his clear exasperation that I kept asking him the same questions he had answered twenty-four hours before, which was to

become a theme in our conversations, as one "expert" after another dragged him through the same interrogative litany:

- 18 D: ali vi vo'ot une chak'opoj to ta stz'el bu makalun to'oxe?  
*Are you the one who spoke there near where I was shut up before?*
- 19 jbh: e jna'tik  
*Eh, who knows?*
- 20 ali buyot lavie, mi ali volje onox ti jk'opon jbatike?  
*But where are you now, if we actually did speak to each other yesterday?*
- 21 (0.7)
- 22 D: ma'uk xa  
*Not any longer.*
- 23 jbh: ma'uk xa  
*Not any longer?*  
[
- 24 D: (?) -em xa (?)  
*(I've been moved) already*
- 25 jbh: e jna'tik, jna'tik mi o bu j-  
*Eh, who knows, who knows if we-*
- 26 jk'opon jbatike, bu lalik tal, buy a-  
*have spoken together. Where have you come from, where's your-*
- 27 buy la- laparajele?  
*your village?*
- 28 (1.4)
- 29 D: ja?  
*Huh?*
- 30 jbh: bu lalik tal, buy aparajel  
*Where do you come from, where's your village?*
- 31 (1.1)

This time around, after a long pause, D skipped the hedging preliminaries and told me directly from what village he hailed. It was only then that I realized he must be the same child I had talked to previously (lines 36-37):

- 32 D: te ta v\*\*\*  
*There in V\*\*\**
- 33 jbh: a ta v\*\*\*  
*Ah, ta V\*\**

- 34 mi ma'uk ti ali-  
*Isn't it uh-*
- 35 D: te  
*There*
- 36 jbh: mi ja' li- pero ja' nan ij-  
*Are—But yes, perhaps*
- 37 jk'opon jbatik volje  
*we DID speak to each other yesterday*
- 38 (0.6)
- 39 D: ja' lajk'opon jbatik volje, vo'ot lajka'i xun abi mo'oj  
*Yes,. We spoke yesterday, I think you're the one called John, no?*
- 40 jbh: ji' vo'on a'a  
*Yeah, that's me*
- 41 bwenno, malao to, buyot xa lavie, ta tejas xa?  
*OK, but wait, where are you now, already in Texas?*
- 42 (1.0)
- 43 D: ta tejas  
*In Texas*
- 44 jbh: a bwenno, mala to, yu'un ta jk'opon xa li antze  
*Ah,, OK. Wait a bit, while I talk a bit to the woman.*
- 45 (0.6)
- 46 D: bwenno  
*OK.*

Once I discovered that I was speaking to the same kid as the day before, I so informed the Texas social worker, who took a few moments to assimilate this idea—quite unexpected for her, given that she had just dialed in to an on-demand telephonic interpreting service to get an interpreter in the first place. (I am not sure how the ICE agent had tracked me down the previous morning.) She emphasized that the child was now in a children's center and that he should be more forthcoming and, for example, admit his real age (lines 61-54):

- 47 jbh: ah, ma'am, yes in fact I know this guy, I've spoken to him before,  
*so you should go ahead*
- 48 (1.5)
- 49 int: you've spoken to him before?

- 50 jbh: yeah I spoke to him yesterday in Jackson Mississippi I believe  
 51 (1.3)  
 52 int: OK, with immigration?  
 53 jbh: yes that's right  
 54 (1.2)  
 55 int: OK  
 56 (0.9)  
 57 umm  
 58 (1.2)  
 59 I need to:  
 60 I need to know  
 61 OK, first I just want to make sure that he understands that this  
 place  
 62 is for minors  
 63 and I know that he keeps saying that he's twenty years old, but  
 64 I hope he trusts me that we're trying to help him  
 65 jbh: OK  
 66 (0.8)  
 67 D  
 68 (0.5)  
 69 D: ow  
 I'm here  
 70 jbh: lek me tze'ano achikin chk li'e  
 Open your ears well now  
 71 ali komo ali antze le' ali s-  
 Uh, like this woman  
 [  
 72 D: sale  
 OK [in Spanish]  
 73 jbh: ma'uk skwenta migra ali  
 She not from the migration people  
 74 te la ta jun centro  
 She says she's in a "Center"  
 75 pero li sentro taje skwenta li much'u kremotike  
 But this "Center" is for people who are boys  
 76 tzebetike, ma'uk li muk'ta krixchano xkaltike  
 or girls; not for grown up people, let's say

- 77 (0.5)  
 78 entonses  
 Therefore  
 [  
 79 D: mmm  
 80 jbh: komo sike to chaval noxtok ti chaval noxtok ti ali-  
 Since you continue to say, as well- to say that um  
 81 ti jtob ajabilale, pero mu- xu x-  
 that you're twenty years old, but you're not-  
 82 mu xach'unbat, mu xch'un onox yiloj onox lavunale  
 -you're not being beleived, they'll never believe it, they've seen your papers  
 83 (0.9)  
 84 komo ilok'  
 Since it came out  
 85 la ta komputadora lavunale, iyal onox ti k'usi ora la'ayane  
 on the computer, your documents, they always tell what time you were born  
 86 li k'usi ora vokemote  
 what time you were hatched, as you say  
 87 D: ja' jech taj une  
 It's that way (i.e., what I say is true).  
 88 jbh: ja' yech une  
 It's that way?  
 89 entonse  
 In that case-  
 90 D: ja' jech  
 It's that way.

Reading through the transcript, I realize that my previous engagement with the same child now shadowed our conversation in this second different context: I dredged from memory (rather than from the current exchange) his previous claims about his age and birthdate:

- 91 jbh: entonse mu xa xch'un ti ayanemot ta:  
 In that case, they won't believe that you were born in-  
 92 ta 1990 komo ma'uk la yech ali  
 in 1990 because that's not how it



- 93 ali chlok' ta komputadora la  
comes out on the computer, according to them
- 94 (0.8)
- 95 pero mu la—  
But don't-
- 96 D: ma'uk?  
It isn't?
- 97 jbh: pero mu me xaxi', mu me xaxi', batz'i junuk me avo'onton un  
But don't be afraid, don't be afraid, be cheerful
- 98 le' chaskolta li antz taje, ma'uk la migra, ma'uk xa li polisiya  
That woman will help you, she's not from immigration and not from the police
- 99 polisiya xkaltike  
She's not police.

And in response to my interpreted reassurances—doubtless irrelevant to D himself—about the person interviewing him, the frustrated child immediately started again to put his own agenda on the table, in ways that could not be followed up as the social worker pursued her own script. He repeated his desire to be set free:

- 100 D: yu'un chilok' xa nox  
But I feel I just want to
- 101 chka'i ne  
Be released already
- 102 jbh: mu jna' ta- ta jak'betik ta jlikel  
I don't know, we'll- we'll ask her about it in a moment
- 103 (0.6)
- 104 D: mm, mi chiyak' nox ech'el ta jna onox  
Mm, will she send me back to my own house

Following her own priorities, the social worker at the juvenile home had suspicions about D's past and his likely intentions, based on her experiences with other juvenile inmates. She disregarded his pleas for release—not part of her brief, in any case—wanting instead to know about where he was living, with whom, and what sort of relationship he had with his housemates in Mississippi (transcript 5):

## (5) D's living arrangements

- 1 int: uh, who were you living with in Mississippi?
- 2 jbh: bwenno k'al teyot ta Mississippi, buy nakalot?  
OK, when you were in Mississippi, where were you living?
- 3 (1.8)
- 4 D: ta partamento  
In an apartment
- 5 jbh: ta partamento, much'u achi'in un?  
In the apartment, who did you accompany
- 6 much'u xchi'uk un  
With whom?
- 7 D: ali jun kamigo  
Uh, with a friend of mine
- 8 jbh: amiko un, mi ma'uk achi'il, amigo no'ox?  
A friend, not a relative, just a friend?
- 9 (0.6)
- 10 D: amigo nox  
Just a friend
- 11 jbh: ja' a'a  
Yes
- 12 D: ja' ti xkojtkin jbakotike  
We know each other
- 13 jbh: buy- buy ti avojtkin abaiker?  
Where- where did you become acquainted?
- 14 (0.9)
- 15 D: te nox te, nopol-  
There, just there, nearby
- 16 yo' ech'el chamula  
Down in Chamula
- 17 sankre de chamula stuke  
He himself is of Chamula blood

D's use of an uncharacteristic (and noncommittal) Spanish expression, "sankre [sic] de chamula" [line 17], is particularly notable to me now, in retrospect, both because it suggests that his Spanish was perhaps better than he let on to his interviewers and because it continued a pattern of avoiding the

specifics of his relationships with his Chamula companions, some of whom had been arrested along with him (and in most cases were already deported), but others of whom remained unidentified, still at large, and probably still at work in Mississippi (see line 25).

18 jbh: A bweno pwes pero xavojtikin onox  
Ah, OK, so it was someone you already knew

19 (0.8)

20 D: xkojtikin  
Yes

As is the standard for such interpreting encounters, I rendered this little conversation into a first-person answer (lines 21-24) to the social worker's original question (line 1). D broke in (line 25) to give me a bit more explanation, which I then interpreted (line 32).

21 jbh: so I was living in apartment with a friend  
22 the friend is not a relative and I met him  
23 uh, in my hometown in Chamula  
24 (0.6)

25 D: ja'te komen, mu'nuk buy bat une  
He remained there, he didn't leave

26 jbh: ali-  
Uh-

27 D: te oy to  
He's still there

28 jbh: a buy- buy ti oye  
Ah, where- where is he?

29 mi tey to ta jlumaltike o mi te ta mississippi to?  
Is he in our country [Chiapas] or is he still in Mississippi?

30 (0.7)

31 D: Mississippi to, te oy o to  
Still in Mississippi, he's still there

32 jbh: so and that friend is still in Mississippi, he hasn't been  
33 arrested as far as I know

34 (2.5)

35 int: did you come- when did you come to the US?

The social worker also wanted to probe the nature of D's border crossing, particularly why and with what resources he had paid his coyote. Both her institutional vocabulary (for example, her use of the word "smuggler," whose connotations in English are considerably more complex, and negative, than Spanish loans such as *coyote* or *pollero* and especially than more ordinary Tzotzil labels for the role, which are often reasonably positive, such as *j'ik'vanej* ["guide"] or *jelubtasvanej* ["person who crosses people over" or, indeed, "interpreter"]), and her special preoccupations also contributed to my own problems in the triangular rendering of mutual trust and comprehension:

#### (6) Smuggling [D2a-3]

1 int: who paid for you to come over here to the US, who paid for your smuggler?

2 jbh: bweno k'alal lajelav tal ta desyerto, kusi mi tojbil mi-  
So when you crossed the desert, was it paid for?

3 min atojoj onox avaj-  
Did you pay for your-

4 ali jelubtasvanej  
for the person who crossed you over?

5 (0.9)

6 D: k'usi van?  
What was that?

7 jbh: k'alal ajelav tal min tojbil, min a-  
When you crossed over this way, was it paid, was it--

8 min atojoj onox li much'u ali  
Did you pay whoever

9 poyero xkaltik li much'u chasjelubtas-  
as the smuggler, as we say, the one who crossed you over?

10 D: tojbil  
It was paid for

11 jbh: tojbil  
Paid for?

12 much'u istoj un

13 D: jmm  
Mmmhmm

14 (1.2)

- 15 jtoj jutuk porke . ep me kil ne  
*I paid for it myself because .. I have a lot of debt*
- 16 jbh: ah, ji' pero bwenó ali k'alal atoj...  
*Ah, yes, but, OK, when you paid-*
- 17 D: yu'un me, yu'un me li'ipaj k'uxi xkaltik un  
*Indeed, because- because I had gotten sick, as we say,*
- 18 epaj ti kil une ja' telon o  
*My debt grew large, I was wiped out by it*
- 19 ja' taj ch'om tak'in o  
*By borrowing money*
- 20 jbh: aa
- 21 pero ti vo'ot atoj un k'usi van yepal atojbe  
*But what you paid, how much was it you paid?*
- 22 yo' chajelav oe  
*In order to cross over*
- 23 (0.5)
- 24 D: diez  
*Ten*
- 25 jbh: diez  
*ten*
- 26 (0.5)

I again tried to render the gist of this first-person response from D's mouth into an exchange for the interviewer.

- 27 jbh: ah so he- ah
- 28 jmm
- 29 so lemme just uh-
- 30 tell you what he was saying to me, he said he paid
- 31 himself
- 32 uh ten thousand pesos to the coyote to cross the border
- 33 he had borrowed money at home because he has
- 34 many debts
- 35 that are a result of a previous sickness
- 36 (2.3)

In a direct echo of Miriam Ticktin's (2011) observations about French asylum-seeking strategies and French rules for serious illness as a justification

for "care," the social worker (after absorbing his answer during a long pause at line 36 and then switching to her native Spanish at line 37) pounced on D's reported sickness as a possible motive for his immigration to the United States and a potential strategic ploy for a possible future revised immigration status:

- 37 int: ¿de qué estabas enfermo antes?  
*[Switches to Spanish] With what were you sick before?*
- 38 jbh: ali k'usi ip chava'i to'oxe?  
*What sickness did you have before?*
- 39 (1.2)
- 40 D: a?  
*Huh?*
- 41 jbh: k'usi ip chava'i to'oxe?  
*What sickness did you have before?*
- 42 (1.2)
- 43 D: yu'un kak' jutuk kok yu'un jech xa no'ox?  
*It's that my leg got burned a bit, that's all*

The social worker asked me to repeat that her institutional interests and affiliations were unlike those of the immigration authorities in whose hands she thought D imagined himself to be. She wanted him to understand the procedures established for undocumented minor children: to allow them to be placed with certain relatives in the United States, regardless of their immigration status, while the mandated determinations were carried out about possible risks and dangers should a child be repatriated. As an interpreter I was obliged to try to render her words, despite the fact that D himself was trying to push his own concerns: he wanted neither protection nor asylum but out:

#### (7) Trust

- 1 int: I know that you have been here for less than a day
- 2 and that you don't trust us
- 3 but we don't work for immigration
- 4 we do get contracted by the government
- 5 but it's

- 6 through the Department of Health and Human Services,  
 7 not Immigration,  
 8 cause you are younger  
 9 so please don't be scared to tell me  
 10 if you have other relatives here,  
 11 I don't need to know where they live  
 12 I just want you to contact them  
 13 and let them know that you're OK  
 14 (0.5)  
 15 jbh: OK, uh  
 16 uh, N\*\*\*, let me just tell you  
 17 that I have already told him that you're not  
 18 working for immigration,  
 19 because I understood that from the people who contracted me,  
 20 but let me just-  
 21 tell him again just to make it a little clearer  
 22 (0.5)  
 23 D  
 24 (1.2)  
 25 D  
 26 ali tzotz me chayalbe li antz taje  
*So that woman wants to tell you strongly*  
 27 komo li yabtel taje une,  
*That her work*  
 28 ma'uk skwenta migra,  
*Has nothing to do with immigration*  
 29 ma'uk skwenta polisia un  
*Nothing to do with police*  
 30 ali j-  
 31 jtos xa li yabtel une skwenta—  
*She has a different kind of job*  
 32 D: te-  
*There-*  
 33 jbh: skwenta li- ja' k'u cha'al salubridad ta jlumaltik  
*Something like "public health" in our country*  
 34 ali skwenta salud un, ma'uk ja chas-  
*It's about health, not for -*

- 35 chask'el un, chaschabi  
*She wants to watch you, to take care of you*  
 36 chask'elulan  
*They want to keep watching out for you*

A basic misrecognition of the situation of this Tzotzil teenager made the social worker's words sound, I expect, completely hollow (as well as requiring me to dance around her own particular bureaucratic and social understanding of the situation to try to reassure young D). She did not, for example, appear to recognize that despite his tender age, D had contracted debt and set out as an adult to *sa' tak'in* ("look for money"), as one says in Tzotzil.

#### DAYS 3-10: LAWYER, SHRINK, COUNSELOR

Over the next days (and, in fact, weeks) at the children's home, D was assigned three more professional case workers, all of whom called me for translations periodically: an immigration lawyer, a clinician who administered psychological evaluations, and another social worker, D's "counselor" or therapist at the juvenile home, who tracked his behavior and adjustment to the new surroundings, asking me to probe the boy's state of mind and to comment on his cultural background. Transcript 8 is drawn from an exemplary conversation with the latter from D's fifth day in the home. It is clear that D had by now realized that his hopes for immediate release were for naught. In extremely lethargic Tzotzil, with long pauses (lines 5, 9, 11, etc.) preceding his responses, D reported that he did not feel like eating, a characteristic Tzotzil symptom of illness. When I pressed him about whether it was just a matter of unfamiliar food—for example, whether or not he was being given tortillas, a food without which no Tzotzil meal is considered complete (lines 22-23)—he responded with another classic expression of Tzotzil unwellness: "I just eat one or two" (line 25):

#### (8) Depressed

- 1 int: aquí está D  
*(In Spanish) Here is D (to JBH)*  
 2 jbh: bueno  
 OK

- 3 (0.60)  
 4 jbh: bwenó D k'u xa'elan un?  
*Well, D, how are you doing?*  
 5 (2.01)  
 6 D: li'úne  
*I am here.*  
 7 jbh: bwenó  
*OK*  
 8 jbh: mi ja' to yechot  
*Are you well?*  
 9 (3.34)  
 10 jbh: mi ja' to yechot, mi lek lavay, mi lek chavé?  
*Are you well, are you sleeping well, are you eating well?*  
 11 (2.19)  
 12 D: m'm  
*No*  
 13 jbh: k'usi, k'usi li i'i  
*What? 'No' what?*  
 14 (1.62)  
 15 D: mu'yuk chive' tajmek  
*I'm really not eating*  
 16 jbh: muk' chavé ta jmoj?  
*Are you not eating at all?*  
 17 (1.68)  
 18 D: tana, pero mu'yuk,  
*Yes, but not really;*  
 19 mu onox jk'an ya'ele,  
*I don't feel like it,*  
 20 mu jna' k'u cha'al  
*I dunno why*  
 21 jbh: a pero muk' bu nopem xava'i  
*Ah, but you're not used to it*  
 22 mi'n chayak'be onox lavote  
*Are they at least giving you your tortillas?*  
 23 mi ch'abal vaj mi oy vaj  
*Are there no tortillas, or are there tortillas?*  
 24 (2.00)

- 24 D: pero k'ajom jun chib, chib no'ox  
*But only one or two, just two*  
 26 jbh: a mu xak'an lek  
*Ah, so you don't really want them*  
 27 pero mu me xa'ipaj un che'e  
*But please don't get sick*  
 28 mas nan lek batz'i k'elo me aba  
*It would be better for you to take care of yourself*  
 29 (0.68)  
 30 ali malao to te  
*Just wait a bit*  
 31 chka'itik k'usi xi li- ali senyor taje une  
*Let's hear what the gentleman there says*

Still more telling, when I signaled that I was about to return my attention to the counsellor, D again immediately brought up his most central desire—to return home:

- 32 D: ta jk'an chisut ech'el un  
*I want to return home from here*  
 33 jbh: an ji', jna'oj  
*Why, yes, I know.*  
 34 te chka'itik k'usi xi li vinik taj une  
*Let's hear what the man says*  
 35 (1.20)  
 36 jbh: I\*\*\*, nada mas le saludé,  
*(In Spanish) I\*\*, I just greeted him*  
 37 así de la forma normal, este  
 38 le pregunté que es lo normal en estas  
*And I asked him, as one normally would in these*  
 39 este tipo de caso,  
*circumstances,*  
 40 pués, cómo ha dormido,  
*How he's been sleeping*  
 41 si está comiendo  
*If he's eating*  
 42 y me comenta y eso también me lo comenté ayer,  
*And he remarked, and he made the same comment yesterday,*

- 43 *que no está comiendo, que no:*  
*That he's not eating, that he doesn't*  
 44 (0.85)  
 45 *que no sabe porqué pero como que no tiene apetito*  
*That he doesn't know why but that he has no appetite*  
 46 *no le dan ganas de comer*  
*That he has no desire to eat*

Unsurprisingly, the therapist diagnoses "depression" and begins to inquire of me (as an anthropologist—a further sort of engagement implicit in my interpretation work with some American authorities) about young D's "religious beliefs" as a potential therapy.

- 47 int: OK  
 48 *está deprimido*  
*He's depressed*  
 49 (1.79)  
 50 *sí, sí está deprimido*  
*Yes, yes, he's depressed*  
 51 *pregúntame si él asiste a una-*  
*Ask him for me if he attends a-*  
 52 *si él tiene alguna . creencia religiosa*  
*If he has any . religious beliefs*

The therapist went on after this on to ask me whether in D's culture they "go to church" and whether it is "a Christian church"—something this particular children's home was especially concerned about. The ultimate goal of the personnel at the children's home was to convince D that his best course of action was to ask for provisional asylum in the United States as an "endangered minor," to accept foster parents, and to continue his schooling. D, on the other hand, insisted that what he wanted (and was in fact obliged) to do was to get work to pay his debts before returning home to Chamula—a place he could not go empty-handed while title to his father's lands was being held as collateral by local usurers (who also expected at least 10 percent monthly interest on the 15,000 pesos of principal).

It became clear, to me at least, that D's situation was basically unresolvable until he could both prove his age and identity and cooperate sufficiently

with the authorities to convince them that he could "safely" return home. I spoke with D's father by telephone and on one of my periodic fieldtrips to Chiapas met with both parents. His parents gave me photocopies of D's birth and sixth-grade school certificates, and I also copied a photo that showed him with his godparents at his primary school graduation ceremony, which had taken place less than a year before.<sup>12</sup> Putting these in the hands of his immigration lawyer back in Texas meant that D ultimately was able to force his way in front of an immigration judge to express his own urgent desire to be repatriated, despite repeated efforts by the brigade of lawyers, social workers, counsellors, and psychologists to convince him that he would be better off (and likely successful) if he were to accept "unaccompanied alien child" status and apply for asylum.

After two more months of twists and turns, psychological pressures, and delays in therapy and immigration court, D was finally repatriated back to Mexico after seventy-one days in custody. (Ironically—and perhaps appropriately—I was never assigned to interpret in the relevant hearings in immigration court, and I assume that D was represented there by his Spanish-speaking lawyer.) In late 2014, when I last stopped by the village to visit his family, D was away doing construction work in central Mexico, still trying to pay off his debts from that initial disastrous trip to the United States four years earlier. His brother confided to me that D speaks now with some regret about not taking American authorities up on their proposal that he seek legal residence in Texas, where he could have continued to go to school and grown up a gringo, thus at least partially ducking his current state of debt-peonage. This has been the result in the cases of a few others for whom I have interpreted, although the results have been at best ambivalent when individual and family interests are taken into account.

#### A POLITICS OF "PROTECTION" AND ITS FLIP SIDE(S)

Although I cannot develop the argument here, I am convinced that the notion of "coerced protection" that motivates American authorities to try to force asylum on certain categories of children has another chilling institutional expression. There is an obvious irony in the fact that while adult "economic refugees" are routinely excluded from the ranks of legitimate asylum seekers, their children may be coerced into "protective custody."

These same "protected" children are usually, in the view of their home communities, old enough to leave home, although admittedly in often extremely precarious circumstances and not necessarily with their parents' blessings. They are also able to seek gainful employment in the vast marketplaces of gray and black labor in their own countries, if not elsewhere. Under American law and given American sensibilities, the state must instead protect such children from exploitation, regardless of their own wishes. This is why R was officially "removed" from the care of her father and mother, whose "parental rights" were officially terminated more than a year after she had actually run away from home. It is why D was kept in custody for months after his older brothers had been summarily deported and gone back to work, either in Mexico or, illegally, back in the United States. In this chapter, I have illustrated the role(s) that a hapless and initially naive interpreter/ethnographer plays in such proceedings and the complex social and interactive engagements in which such specialized encounters occur. As I mentioned at the outset, the resulting perspective is by necessity partial and selectively limited.

There is, however, another implementation of the same ideology: the fact that US courts routinely take children away from immigrant families on the grounds that such children, too, are "not safe" in their families and thus need "protection." This is what has happened in some of the most distressing Tzotzil cases on which I have worked. The category "felony child neglect"—prominent on the list of the legal difficulties in which Tzotziles for whom I have interpreted sometimes find themselves—refers to cases in which the state "removes" children from their Tzotzil-speaking families. Hard as it may be to imagine, in one such case a Tzotzil father was deported and his wife had her infant child legally removed from her care for more than one year because of an extreme case of diaper rash that, once brought to the attention of authorities, was never forgiven. In another, a Tzotzil woman whose husband had been accused (but was never charged) with inappropriate behavior with their eight-year-old daughter lost not only that daughter but also her other younger children—aged five, three, and one, and, ultimately a year later, her two-month-old infant as well—first to foster care and then to permanent adoption because she could not meet the court's plan for "reunification" (which included mandatory sexual abuse survivor courses and having to learning the Spanish or English in which she would have been able to take them).

I continue to do Tzotzil interpretation, to help courts locate interpreters for other Mesoamerican Indian languages, and to have hopes for the potential usefulness of these complex and officially consequential engagements between languages, mediators, and bureaucracies. Nonetheless, because of their partiality, their ordered histories, and the engagements, reengagements, and disengagements that they disguise, I have no illusions about the efficacy of the interactions I have as a Tzotzil interpreter and especially about the ultimate effects of such interpreting-work on the lives of the Tzotzil speakers whom (in my own mind, at least) I am trying to help. The notion that it is worthwhile to help otherwise silenced speakers of indigenous languages in such proceedings should probably be replaced by a more cynical view. As I have argued elsewhere (Haviland 2003), far from giving a few Tzotziles a voice where they are voiceless or lending them at least a whisper of my own "power" and prestige as a professor (who is sometimes accorded at least a snippet of recognition from judges and lawyers, as opposed to most interpreters, who are usually entirely effaced as transparent nonpersons in the courtroom), these interpreting engagements, complex as they are, often work not to enhance justice and equality, or even to serve the best interests of the speakers, but rather to lubricate and legitimize the wheels of bureaucracy itself, including its systematic and structural injustices. The appearance of "full and true" translation and, thus, linguistic transparency is little more than a pretext for imposing ideologically driven legal resolutions on sociopolitical conundrums.

In a parallel way, the rare cases of "coerced asylum" that emerge from the vast parade of summary deportations and incarcerations sanctioned by the courts and other agencies I sometimes work for are exceptions that prove the rule. If a "politics of suspicion" (and the concomitant blindness it derives from and reproduces) holds sway not only over asylum petitioners but essentially over all migrants, such suspicion can be suspended only for individuals who, for other ideological reasons, can be considered by definition to be morally pure and ethically blameless: prototypically infants and children. It is thus a corollary of the same "suspicion" of immigrants that renders imperative "protection" for the blameless among them. Surrounded by morally contaminated adults, the blameless require isolation and protection, and coerced asylum (if not removal from families and termination of parental rights or the institutionalized conversion into minigringos of unwilling adolescents) is one vehicle for achieving it.



## NOTES

1. Counting people five years or older, the percentage of that age segment of the Chiapas population that speaks an indigenous language is 24.3 percent. In the 2010 census, only Oaxaca had a larger total population of speakers of indigenous languages, which represents almost 34 percent; Yucatán has about 30 percent but less than half as many speakers. (Source: <http://www.inegi.org.mx/>.)
2. Another third are speakers of Tzeltal, a close cousin, with the rest divided unevenly between half a dozen or so other languages, most of them also Mayan. Tzotzil and Tzeltal each share fifth place in the list of most spoken Mexican Indian "languages."
3. Many lawyers approach me for help interpreting for their clients knowing only that they come "from Mexico"—and in this they may even be wrong, as I have been asked to interpret in Tzotzil for people who turn out actually to hail from rural Guatemala or farther south. Employers or contractors in Oregon sometimes told me they preferred to hire the hardworking "oaxaquitos"—"little people from [the state of] Oaxaca." They thus themselves lumped together quite a patchwork of different languages and regions. And speakers of Amuzgo, a tiny Oto-Manguean language with which I have worked in my own neighborhood in California, suffer from a kind of triple-whammy: for North Americans they are lumped together with other "Mexicans," for most Mexicans they are just more *indios* from Oaxaca, and for the much more populous speakers of dialects of the related Mixtec family of languages they are those strange neighbors whom you cannot understand even a little bit when they speak in their own tongues. (Among themselves, Amuzgos also distinguish carefully between people from their own communities and people—even Amuzgo speakers—from other places.)
4. After the brief but widely publicized rebellion against the Mexican state and its "bad government" by the Zapatista Army of National Liberation in Chiapas that began on January 1, 1994, there followed a period of "low-intensity" warfare between largely indigenous Zapatista groups and progovernment paramilitaries. A particularly violent confrontation involved the murder of around forty-five mostly women and children in a church in the Tzotzil village of Acteal (Ajte'al in Tzotzil) in December 1997, a crime for which more than one hundred Tzotzil-speaking people were ultimately charged and imprisoned.
5. A final equals sign (=) and a similar sign in a subsequent transcript line indicates a "latch"—i.e., the fact that two lines follow each other with no apparent pause between them. In this case, for example, the latch connects the current line #2 directly to line #5 in the transcript.
6. Square brackets like this one indicate overlap between the line above and the succeeding line of transcribed speech. That is, they mark the place where the preceding line in the transcript begins to be overlapped by the subsequent line.
7. Parenthetical numbers show audible pauses, in seconds.
8. I here write Tzotzil with a highly simplified Spanish-based practical orthography, in which *ch* = *ʃ*, *j* = *h*, *x* = *ʃ*, *tz* = *ts*, ' = ? (glottal stop) when following a vowel; otherwise it indicates an ejective or glottalized version of the preceding consonant. Where I present morpheme-by-morpheme glosses, I use the following abbreviations: Q = interrogative sentential proclitic; A1-3 = ergative proclitics in first, second, and third persons; B1-3 = absolutive suffixes in first, second, and third persons; and CL = phrasal clitic.

9. See Bakhtin (1986) (and, e.g., Irvine [1996] and her notion of "shadow conversations") for the theoretical grounding of a useful perspective that finds in all talk echoes, allusions, and virtual responses to previous conversations, real or imagined, to show that people's words are, far from being monologic, inherently linked to those of past (and future) interlocutors.

10. There are several ironies here, not the least of which is that only a handful of people in the world could possibly "certify" the linguistic qualifications of a Tzotzil-English interpreter, and I am one of them.

11. Another case, too complex to detail here, illustrates the kind of ideological cleansing that takes place of actual biographies. A Tzotzil-speaking man who had been jailed by the state of Florida for alleged child abuse (itself a long and contorted story) was later released and provided with state-funded housing for both himself and his two teenaged daughters after the daughters—rescued by the FBI—denounced another Tzotzil-speaking man from another village, who had claimed to be their "uncle," for trying to sell them into prostitution.

12. Until recently, at least many, if not most, Tzotzil-speaking children go no further in school than sixth grade, often "graduating" in their mid to late teens. The number of boys reaching this level far exceeds that of girls.

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## Part II

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### Technologies of Suspicion

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