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

Edited by

BRIDGET M. HAAS AND AMY SHUMAN
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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—), of whom about a third are speakers of Tzotzil. 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, processes, and places. I still spend about a week every couple of months in my adopted home in the community of Zinacantan. 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 (indigena 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.

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, 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 adjustors, 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 I 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 bureaucratic, 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.
3. jbh: I will do s-
4. ice: this, young man I would be most grateful
5. jbh: I will do so
6. uh, can you hear me alright?
7. your volume is a little bit low but I can hear you
8. ice: OK, I hear you just fine
9. jbh: OK
10.

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-Bsz-CL).—"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-Bri-CL)—"I am here" (line 23):

24. jbh: ali, buy nakalot che'e, buy lakik tal?
25. ali ta.
26. Uh, from-
27. ta:
28. From-
A “Politics of Protection” Aimed at Mayan Immigrants

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 larale 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 sjoł 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 vošemot, jayib ajabilal?
Tell me the truth, when were you born, how old are you?
64 (0.7)
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:

"(hehh hehh) yeah, he's been— he's been coached to say that, he originally gave 1994 as his date of birth and he was previously arrested um uh, down on the border where he gave 1995 as uh date of birth right but I believe he's beginning to see that this . uh . status as a juvenile is 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.

MUTLLE 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’us’i’ lal’ok’ tal’ te yo uno?
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: el’abal to jal
It’s not yet long.

6 jbh: k’us’i’ van- k’us’i’ van k’ak’alil.
About what- About what date?

7 D: k’us’i’ van ta ual
About what month?

8 (0.5)

9 D: mu’yuk to surem o kil xox,
Also, my debt hasn’t yet been paid off.

10 ep to kil (‘s)
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.

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’, jn’a’tik uno
Who knows?

21 jbh: mu xana’ k’us’i’ ta ual
Don’t you know in what month?

22 (0.6)

23 D: ma jn’a
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***
of Chamula which is right—very, basically right next to San Cristobal and he’s uh—
he says that he doesn’t know his date or month of birth and continues to give the year of 1990
(0.5)
ice: OK, um
that’s consistent with the uh the uh coaching,
however he provided his date and month of birth twice correctly uh, according to our records which
was 11/13 of ninety-five 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. 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 "Politics of Protection" Aimed at Mayan Immigrants

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.¹⁰

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 limped 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 situation, 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 av'o'on

1. ja', lek oyan, i junuk av'o'on
   Be well, be content

2. i xamuyibaj un, mu me xavac av'o'on
   And rejoice, please don't worry
It would be bad if you thought too much

k'usi lik apas

If something bad started to happen to you.

yec chkat ko'onkutik

Then we would be worried

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

jech xichikutik mi yech chapas

if we thought something bad happened to you.

mu k'al lek jmoj jun avo'one, ke: chijmuyibajikutik ek

But when you are fully content, then we, too, will rejoice

chka'ikutik ek

We, too, will feel that way

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.

So stay there, be content. If you rejoice we, too, will rejoice.
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. 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 deportable, 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):

```
1 int: OK, I’m going to do an interview and I just-
2 need a - jummun
3 jbh: yeah, I just need translation
4 jbh: maybe you should just let me confirm that I can actually speak
to him, now?
5 (o.6)
6 int: ok
7 jbh: OK, mi li’ote D**?
     OK, are you here, D**?
8 (o.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 (o.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 liope
My name is John, and I’ll translate the language
17 (o.8)
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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
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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 cha’k’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 jnaj’tik
Eh, who knows?
20 ali bujot lavie, mi ali volje onox ti jk’opon jbatike?
But where are you now, if we actually did speak to each other yesterday?
21 D: ma’uk xa
Not any longer.
22 jbh: ma’uk xa
Not any longer?
23 D (?)-em xa (?) (I’ve been moved) already
24 jbh: e jnaj’tik, jnaj’tik mi o bu j-
Eh, who knows, who knows if we-
25 jk’opon jbatike, bu lailik tal, buy a-
have spoken together. Where have you come from, where’s your-
26 buy la- laparajele?
your village?
27 (1.4)
28 D: ja?
Huh?
29 jbh: bu lailik tal, buy aparajel
Where do you come from, where’s your village?
30 (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***
Ab, ta V**

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?
yeah I spoke to him yesterday in Jackson Mississippi I believe
OK, with immigration?
yes that's right
OK
I need to know
OK, first I just want to make sure that he understands that this place
is for minors
and I know that he keeps saying that he's twenty years old, but
I hope he trusts me that we're trying to help him
OK
I'm here
Open your ears well now
Um, like this woman
I'm here
OK [in Spanish]
She not from the migration people
She says she's in a "Center"
But this "Center" is for people who are boys
or girls; not for grown up people, let's say
Since you continue to say, as well- to say that um
that you're twenty years old, but you're not
mu xach' un bat, mu xchi' un onox yiloj onox lavunale
-you're not being believed, they'll never believe it, they've seen your papers
Therefore
Since it came out
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
li k'usi ora vokemore
what time you were hatched, as you say
In that case-
It's that way.
It's that way.
It's that way.
In that case-
It's that way.
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:

In that case, they won't believe that you were born in-
1990 because that's not how it
...ali chlok' ta komputadora la comes out on the computer, according to them...

pero ne la—
But don't—

ma'uk
It isn't?

pero nu u xe xi', nu me xe xi', baste' junuk me so'o'onon un
But don't be afraid, don't be afraid, be cheerful!

le' chaskol' li ane'ta je, ma'uk la nojgra, ma'uk xa li polisiya.
That woman will help you, she's not from immigration and not from the police

polisiya xkaltilike
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:

D: yu'un chilok' xa nox
But I feel I just want to

chka: ne
Be released already

D: jbh: niu jua' ta ta j'aj'betik ta jlikel
I don't know, we'll— we'll ask her about it in a moment

D: (o.6)

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):

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).

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).

So when you crossed the desert, was it paid for?

Paid for?

It was paid for

Was it paid for you to come over here to the US, who paid for your smuggler?

Who paid for you to come over here to the US, who paid for your smuggler?
I again tried to render the gist of this first-person response from D's mouth into an exchange for the interviewer.

I know that you have been here for less than a day and that you don't trust us but we don't work for immigration we do get contracted by the government but it's 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 his 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:

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:

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

(7) **Trust**

1 int: I know that you have been here for less than a day and that you don't trust us
2 but we don't work for immigration
3 we do get contracted by the government
4 but it's
through the Department of Health and Human Services, not Immigration, so please don't be scared to tell me if you have other relatives here, I don't need to know where they live, I just want you to contact them and let them know that you're OK.

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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

aqui está D (In Spanish) Here is D (to J BH)

OK
Well, D, how are you doing?

I am here.

OK

Are you well?

Are you well, are you sleeping well, are you eating well?

Are you well, are you sleeping well, are you eating well?

Are you not eating at all?

It would be better for you to take care of yourself

Are they at least giving you your tortillas?

Are there no tortillas, or are there tortillas?

I want to return home from here.

But only one or two.

Ab, so you don't really want them

But please don't get sick

It would be better for you to take care of yourself

Just wait a bit

Let's hear what the gentleman there says

I want to return home from her.

Why, yes, I know.

Let's hear what the man says

I just greeted him

As I normally would in these circumstances,

And I asked him, as one normally would in these circumstances,

Este tipo de caso, 

And he remarked, and he made the same comment yesterday,
that he's not eating, that he doesn't know why but that he has no appetite

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.

OK

He's depressed

Yes, yes, he's depressed

Ask him for me if he attends a—

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. 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.
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9. See Bakhtin (1986) (and, e.g., Irvine [1996] and her notion of "shadow conversation") 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 tortured story) was later released and provided with state-funded housing for both himself and his two teenage daughters after the daughters—reared 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.

REFERENCES


Goffman, Erving. 1979. "Footing: " in which I present morpheme-by-morpheme glosses, I use the following abbreviations: Q = interrogative sentential proclitic; A1 – 3 = ergative pronominals in first, second, and third persons; Bi – 3 = absolutive suffices in first, second, and third persons; and CL = phrasal clitic.


Part II

Technologies of Suspicion