Ciudadana X: The impunity of feminicidio and the problem of justice at the Chihuahuan-Texas border
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March 27, 2006

Paper submitted to the Lineae Terrarum International Borders Conference
For the panel: Crime and Violence on the Border: Present-Day Realities and Hoped for Solutions

(Please contact me for a translated version in Spanish.)

1. Impunidad

If ciudadanía was the watchword for democratic aspirations in Mexico following the collapse of the ruling party’s monopoly on state power in 2000, then impunidad is the axiomatic expression of their demise. Impunidad, from the Latin punio or punire, refers to a state of exemption from punishment, or, more literally, exemption from the vengeful blows of retribution. That the term now circulates as a popular indictment of the absence of justice in situations of social conflict signals a more pervasive crisis for the rule of law in Latin American polities. The charge of impunity evokes indignation at state inaction or complicity with violent crime, it prefaces a demand for accountability from institutions charged with the protection of citizens and citizenship: elected officials, police, and courts of law. As such, its utterance is a call for democratic response to intolerable instances of violation. Nonetheless, the term connotes a limited conceptualization of justice, of restoring social norms through the penalty of violent reprisal. The consequence may be an unexamined sanction for the state’s use of force in its function as the guarantor of rights. At the very least, it suggests a confusion of boundaries between the promotion of human and civil rights and the violent practices of social regulation.
Charges of widespread impunity raise important questions for those concerned with the resurgence of armed social conflict in Latin America. How are the victims of crime, of gross violations, to be restored to rights? How are the basic elements of democratic society to be created and defended? Quite apart from an abiding preoccupation with state violations of human rights, Mexican analysts have articulated grave apprehensions about the viability of the criminal justice system: a recent study by Guillermo Zepeda Lecuona suggests that an estimated 97% of reported crimes nationwide go unpunished by police and judiciaries.¹ The impunity of violent crime necessarily devalues both citizenship and citizens: it produces a climate where sociality is defined less by national belonging than by the more atomizing force of collective fear.² A new discourse of security accompanies popular anxiety over crime and delinquency in Mexico, with severe implications for the administration of justice. The question of rights collides with the demand for social order: what is it? Who wants it? Rights for whom?

2. La justicia brilla por su ausencia

The question of how we define and imagine justice within the rule of law has reached a state of emergency at the Mexico-U.S. border, where the impunity of girl-killing in the Chihuahuan feminicidio has entered its second decade. In Ciudad Juárez and the capital city Chihuahua, an estimated 400 girls and women have been murdered in gender crimes since 1993; some 600 more are missing and feared dead.³ The crimes invariably involve residents of the colonias, the extra-urban settlements of the city’s poor and working classes. During some years, the tortured remains of victims have appeared weekly in the deserted lots that surround the industrial centers of the border metropolis,
most notoriously in Lomas de Poleo and El Cerro Bola. Despite sustained international pressure from political campaigns, inter-American courts and human rights institutions, as well as successive appointments of special prosecutors by the federal government, the criminal justice system has yet to produce a credible prosecution in a single one of the murders. The lack of resolution permits the escalation of gender crimes in the border region; with impunity comes a broader social tolerance for female exploitation and female suffering. “Lomas de Poleo” has entered the lexicon of domestic battery as a threat by men of the consequences for defying patriarchal authority in the border city; social workers report the marked increase in the severity of “ordinary” assaults on women and children.4

In the context of the local movement to halt the killings, the allegation of impunity has resonances beyond the indictment of the government’s partiality and discrimination in its administration of protection. It is much more an anguished statement of the immateriality of justice, whether pursued in the spheres of civil or human rights, for the vulnerable subjects of feminicidio. And yet the Ciudad Juárez case has been the privileged locus for international campaigns against gender violence. On a regular basis, human rights rapporteurs arrive in the afflicted communities to collect the testimonies of families about the circumstances of their loss and their mistreatment at the hands of government officials. Some half-dozen governments have issued proclamations condemning feminicidio as a crime against humanity; in the U.S. House of Representatives, Californian Democrat Hilda Solís has introduced legislation censuring the Mexican government for its failure to act. The feminicidio has likewise been the subject of countless international conferences among law-enforcement officials, scholars,
and journalists, producing an expansive list of investigations, academic studies, best-selling books, and documentary films. The spectacle extends to popular film and television: in 2003, the talk show host Cristina featured Chihuahuan mothers on a show devoted to the revelation of DNA evidence identifying the bodies of their missing daughters; Jennifer López has reportedly begun production of a Hollywood film devoted to the crimes; the novelist Alicia Gaspar de Alba, herself an academic and activist in the justice campaign, published the novel *Desert Blood* in 2005.

“La justicia brilla por su ausencia,” writes Esther Chávez Cano, the embattled director of Casa Amiga, the women’s resource center that has operated at the nerve center of the crisis. There is no lack of concerted appeals for justice, but justice remains fatally absent for the girls and women taken with such force from the colonias of Ciudad Juárez and Chihuahua. The hyper-visibility of the feminicidio in the international arena thus points to a paradox in the politics of human rights. The recognition that many thousands of Mexican nationals live outside the boundaries of the most minimal legal protections unsettles the very concepts of justice and rights that animate the campaign against the murders. Before these violations, state institutions of civil rights and international conventions devoted to human rights show their debility in permitting cases of feminicidio to arise and persist.

The horror of impunity in the Chihuahuan feminicidio makes it impossible to imagine a fronteriza life free of violence. Although Chihuahuan officials have sought to diminish the significance of the murders by pointing to the escalation of homicides overall during a period of dramatic growth in population in the border city, the nature of the actual killings defies the logic of this dismissal. Observers in Ciudad Juárez have had
to ask whether what distinguishes the feminicidio in Chihuahua from gender violence elsewhere is the vicious mistreatment of the victims’ bodies before and after death. Prolonged captivity and torture of victims, along with rape and mutilation, characterize many of the sexual murders committed, not only the 137 incidents linked to a serial crime.6 Victims’ bodies have been retrieved with as little left to identify them as a scrap of clothing or an exposed bone. Many of the dead bear signs of rape and torture, as in the case of Alma Chavira Farel, murdered in 1994, who was raped both anally and vaginally before being strangled to death. Some bodies have been left dismembered or mutilated in the desert trash heaps, commonly featuring bite marks, cuts, and severed nipples.

The brutality of the crimes should make us consider what, precisely, incites aggression on this scale; and what about these young girls and women is being extinguished with such force. As yet this question remains unanswerable. Nevertheless, the persistent problem of impunity strongly suggests that the feminicidio corresponds to sanctioned economic and social processes that remove poor young women from the protected spheres of citizenship and human rights, so that the murders and disappearances of 1000 daughters require little sanction from the state and civil society.7 Many human rights observers have come to suspect police involvement in the feminicidio; families of the victims repeatedly describe being harassed by police when they report their daughters’ absences, or when they demand answers for crimes that have gone uninvestigated. Police consistently refuse to file missing person reports for residents of the colonias, arguing that poor girls are not a lucrative enough target for kidnappers, that their disappearances result from their own amoral behavior and do not merit inquiry.
An open letter from Justicia Para Nuestras Hijas, a coalition representing families of the dead and missing, illustrates the class and gender logic that underwrites the unequal administration of justice in Chihuahua:

Cuando hemos querido denunciar u organizarnos las autoridades nos amenazan con que si andamos de borloteras no buscarán a nuestras hijas. Han pretendido comprar nuestro silencio ofreciéndonos despensas y dinero. A personas que se acercan a acompañarnos las amenazan y hostigan. En Chihuahua disminuyeron los secuestros, robos de autos, etcétera. Como los secuestrables son ricos, se creó un grupo especial con recursos humanos y materiales que ha dado resultado. ¿Por qué no hay atención, personal y recursos para investigar la desaparición de nuestras hijas? Lo sabemos muy bien, porque todas las desaparecidas y muertas son pobres.8

The letter concludes with the acute awareness that the residents of the colonias hold no claim to rights within the nation-state: “El Gobierno nos discrimina y los asesinos lo saben, nadie las busca porque nuestras hijas no le interesan a la autoridad.”9 As conditions of poverty and social marginality force the expanding border population to survive “outside the scope of all tangible law,” the state becomes more than complicit in the feminicidio.10 In its calculated discrimination, the state produces the conditions for feminicidio to occur, by permitting criminals to exploit the gap between the written law covering all citizens and its actual practice. The police and the killers become collaborators in converting young women into persons available for appropriation and exploitation without penalty. In the case of Chihuahua, the state has ceased to function as an instrument of law; it is, in the words of the Justicia Para Nuestras Hijas appeal, disinterested in its function as guarantor of rights. That is, other interests contravene the state’s work of protecting subaltern girls and women at the border.

3. Ciudadana X
The lack of protections afforded poor migrant women derives, at least in part, from the complex relationship between women’s bodies and the range of state and private schemes for governance and income generation currently operative in the border region. The feminicidio can be seen as a symptom of broader processes in Mexico that have significantly imperiled poor women’s access to rights as citizens during this period of neoliberal governance. Since the 1980s, the combined processes of economic restructuring and political transition entailed with Mexico’s adoption of neoliberal reforms have had the perverse effect of increasing the government’s stake in the denationalization of poor women’s citizenship precisely at the moment of women’s emergence as new political and economic actors. The feminicidio’s victims belong to the class of working poor that sustains the costs of Mexican social reproduction in conditions of extreme economic crisis. At the border, subaltern women’s initiatives to secure economic survival for their families have proved a lucrative source of revenue for the Mexican state, for foreign investors, and now, certainly, criminal operations in the region.

The continued failures of the Mexican state to incorporate poor women as national subjects necessarily obstruct their access to the goods of liberalization and democratic reform. Despite its complex linkages with the transnational spheres of commerce and politics, the Chihuahuan state has yet to overcome the authoritarian design of the local, national, and neocolonial institutions that govern human mobility and labor in the border space. Politics in Chihuahua retains its essentially clientilistic quality, so that formal citizenship appears alternately “intimidating…and useless in a political climate where personal contacts and emotional responses are the currency of power.” Mexican officials have deployed the concept of citizenship as a means to capture popular
aspirations to political agency, rights, and equality within the neoliberal project. State discourse has limited women’s capacity to articulate an oppositional project for expanding citizenship during this period of political transition and economic restructuring.

Because political reform has taken place alongside government programs of severe economic austerity, the Mexican government has yet to replace its corporatist strategies of political integration with effective democratic institutions. The broad-based popular movements of the 1980s greatly expanded women’s political participation, giving rise to a plurality of civic organizations and non-governmental organizations aimed at expanding women’s citizenship power. Despite the diversity and reach of these groups, women’s interests remain marginal to formal political structures. The decomposition of the PRI’s monopoly on the state has occurred during what Nikki Craske has termed “a mass de-politicization of social movements with particular implications for women: in short, a remasculinization of politics.”

In promoting its economic programs, the state has used the crisis as a means to contain feminist challenges to patriarchal social norms.

Leaders of the Mexican transition have also taken a particularly limited view of women’s role in civic life; their neoliberal policies include a conservative social agenda centered on the notion that women’s primary value remains connected to motherhood and moral virtue. The concept of female virtue simultaneously evacuates women’s citizenship and legitimates increased demands on poor women’s labor. As solutions to the debt crisis dictated the state’s retreat from its social welfare commitments, poor women were forced to assume primary responsibility for their households’ survival. This burden largely
prevents subaltern women from advancing citizenship claims; accelerated economic growth has widened levels of social inequality, since Mexico’s adherence to a radical neoliberal program precludes the redistribution of wealth to the emiserated population.

In Chihuahua, the contradiction between poor women’s critical economic functions contrast even more sharply with their subordination to the patriarchal authority of the northern state. As a critical site for the development of the maquiladora industries, Chihuahua played a prominent role in preparing the nation for its integration with the free market system. The border zone’s development is ineluctably tied to the capture of women’s labor. Juárez enjoys notoriety for its long history of providing inexpensive sex, drugs, and leisure to international tourists, U.S. soldiers, and working-class migrants. The sale of women’s sexual labor represents one of the most stable sources of income for local entrepreneurs and, less visibly, the state. Border industrialization built on this cross-border scheme for attracting capital with the promise of cheap, pliant labor and limitless service. The pervasive representation of poor Mexican women as female bodies readily available for appropriation reinforces other cultural narratives that convert poor women into sources of value that can easily be discarded as they are consumed.

The denigration of working women is not merely an expression of class hostilities or patriarchal re-entrenchments against women’s incursions into the public sphere. Rather, it is also a symptom of the gender dynamics that sustain the reorganization of political and economic power in the denationalized space of the global periphery. The feminization of labor – devalued and detached from any concept of labor power – is just one expression of a project of governance that generated new modes and spaces for
income generation through the commodification of poor women’s bodies and delimited citizenship. Images of women used to sell tourism, merchandise, labor, and sex, saturate the border cities in ways that deliberately eroticize the exercise of dominance.

In this period of transformation and crisis, the Mexican state has sought revenue through schemes that increase its vulnerability to cooptation by organizations that use the border as a base for illicit cross-border traffic in goods, arms, drugs and people. The expansion of the informal economy in response to the contraction of the Mexican political economy involved women in new forms of enterprise at the margins of legality. As prostitution and labor contracting grow internationally, women and young girls are increasingly incorporated, both voluntarily and involuntarily, into networks of global sex traffic and human smuggling.\(^17\) This traffic responds to the formal legal structures governing migration, commerce, and labor, just as it feeds off of entrenched inequalities between consumer societies and countries in crisis. Studies of human trafficking suggest that criminal operations have significant connections to the states in which they operate.\(^18\) The prevalence of market-led development strategies is likely only to encourage the interdependence of legal and illegal forms of commerce and production, as developing countries compete for investment and income in the global economy. These processes, already long established in the Mexico-U.S. border region, constitute a substantial breach in the capacity of the Mexican state to act as guarantor of rights for its most vulnerable citizens.

The impunity of feminicidio has other telling implications within the border space. Scholars have long noted that the geo-political border between Mexico and the United States functions as much more than a demarcation of political space. *La frontera,*
in its combined operations for policing trade, cultural exchange, labor, and migration, also acts to regulate Mexican women’s rights. The violence produced as an effect of the border’s regulatory function makes Mexican women vulnerable to a spectrum of gender violence that includes sexual and labor exploitation, rape, domestic assault, as well as legal control of women’s fertility, labor, political status, and mobility. The non-sanctioned violence of feminicidio must be understood in relation to the ongoing, sanctioned assault on the same population of poor Mexican women as it moves through the border space. Gender crimes of this scale emerge not merely as aberrant phenomena, with a unique social pathology, but as a political symptom of the deliberate and concerted reconstruction of rights within the denationalized space of the border and migration. The feminicidio is the shadow supplement of a binational project to produce a feminized population without rights, readily appropriated for work and service in both legal and illicit labor markets. The cultural production of this subaltern group has entailed the sexualization of poor Mexican women’s bodies as a means to sell the bleak and fragile partnership between the two countries.

Mexican women are exposed at the northern border to a violence that is distinctly binational in form. Citizenship, as a vehicle for rights, and as a set of values, practices, and institutions, has never truly been confined to the nation-space, but has historically exerted its force across national borders. For residents of the denationalized space of Ciudad Juárez, this means that poor Mexican women’s subaltern status has been exported with their labor and conditioned their treatment in the United States. U.S. immigration policies that criminalize the undocumented population have also conditioned migrant’s exercise of denationalized citizenship. Eithne Lubheid argues that women migrant’s
bodies serve the United States government as “iconic sites for sexual intervention in the interests of state and nation-making projects.” U.S. immigration agencies deliberately police migrant women on the basis of their sexuality in order to reproduce exclusionary forms of nationalism, while simultaneously depressing the price of migrant women’s labor. The impunity of U.S. border police who assault migrant women demonstrates how the integration between the two countries, occurring in an asymmetrical relation of power, helps to suppress the citizenship claims of migrant women. Studies of migrant Latina domestic labor in the U.S. suggest that the market for housecleaners and babysitters demands a denationalized, female worker without access to full citizenship rights. Mexican women do not occupy this status simply as a result of sheer economic need, but by their subjection to social violence and political marginalization throughout the circuit of transnational migration.

While Mexican and United States governments tend to depict border violence as a matter of insufficient policing, due consideration of women’s rights would lead us to ask whether in fact, border policing incites violence against women. Over the last decade, human rights groups and immigrant advocates have reported a rise in the incidents of rape and sexual assault of migrant women at the hands of border patrol officers from both countries. Many more thousands of incidents go unreported, as rape serves as one price for the illegal transit into the United States. In March of 2005, Claudia Smith, president of the Coalition in the Defense of the Migrant, presented the report that one in ten women report being raped in the attempt to cross the border. The trauma of the crossing necessarily delimits women’s capacity to claim rights as workers and residents in the U.S. In this way, rape at the border sets a price on women’s labors in the United States,
rendering migrant women available as a flexible source of service. The coyotes, small entrepreneurs working the contradictions of U.S. immigration law and its labor demands, know both the value and the availability of the migrant woman’s body, and how much of it belongs to them. The coyote, as a sexual threat, is just one link in a chain that converts poor Mexican women into people without rights in their journey north.

How Mexican women may exert rights in the border space is thus fundamentally an international, not a national problem. By this I mean that the implementation of human rights conventions is not simply a matter of remaking the Mexican state, but of addressing the global processes that make Mexican women convenient targets for discrimination, exploitation, and assault. It is not enough to claim that governments are merely complicit in gender crimes at the border. The feminicidio expands the gap between the liberal construction of rights and the binational project of governance and growth. The very notion of a regulated border entails violence. The gendered order of the denationalized space serves the interests of global capital, of nation-building, certainly, but also ruling ideas of cultural value, standards of living, progress, democracy- in short, all the narratives of development and civilization that require the idea of a border to mask deep social conflict. These narratives are likewise invested in a hidden and dangerously eroticized commerce in migrant women’s laboring, even material being, for others.

4. Se Busca: Claudia Judith Urías Berthaud

Restoring the targets of the feminicidio to rights will demand the intervention of outside governing bodies charged with the guarantee of justice that has become unattainable within the Mexican nation-state. For this reason, Justicia Para Nuestras
Hijas issues its appeal to the transnational civil society where the promises of human rights are lodged. Human rights discourse rests on a conception of human value deemed inalienable and universal. The feminicidio represents an assault on this bodily agency in the extreme.

The case of Lilia Alejandra García illustrates the violence with which young women from colonias experience their removal from the protected spheres of rights. Lilia Alejandra’s mother reported her daughter’s disappearance to authorities on February 14, 2001 after the seventeen-year old failed to return from her job at Servicios Plásticos Ensambles, a Juárez maquiladora. Although the teenager was the mother of an infant and a three year-old son, police neglected to take action in the case. On February 19, 2001, residents of an abandoned lot in the industrial district placed successive calls to the emergency number 060 to report that a young woman was being beaten and raped inside a parked car. The police did not respond to the first call and arrived too late after the second call to locate the car. On February 21, a body of a young teenager was recovered from another lot, showing clear signs of sexual assault and strangulation, and later identified as Lilia Alejandra. Forensic examiners determined that the young woman had been held captive for five days prior to her murder and had most likely died the night when the emergency calls were made. The log for the police switchboard for 11 pm, February 21 reads “nada de novedad” (“nothing to report”). Since then, authorities made no investigation into the incident or taken disciplinary action against those responsible for the police failure. When Norma Andrade testified to Amnesty International about how her daughter’s killing took place with full police cognizance, she exclaimed, “When we found her, my daughter’s body told of everything that had been done to her”23. The
brutalized bodies of feminicidio victims “speak” as testaments to a political culture in which women’s social marginality in the border space can be abused as a source of eroticism and violence. If impunity enacts poor young women’s forcible removal from the sphere of rights, this removal also permits the conversion of the body of the female citizen into an object made for suffering.

This violent evacuation of poor women’s citizenship has not gone uncontested, however. The justice movements in Chihuahua represent a defiant initiative for reconstituting the gender and class orders of rights and belonging in the border region. Their charge that the thirteen-year spate of killings and disappearances constitute a feminicidio moves the private and unspeakable nature of gender crimes into the public realm, revealing its global implications in ways that threaten the power interests governing the apparently neutral orders of state governance of commerce, development, foreign policy, and perhaps most critically, security. By invoking and gendering the legal term *genocide*, the protest movement seeks to reconstruct conventional understandings about where personal violence intersects with official terror. Feminist activists argue that the killings in Juárez represent a deliberate and systematic effort to deprive poor women and girls of their most basic rights to personal security and freedom of movement. In the absence of overt armed conflict or official state repression in Juárez, the narrative of feminicidio presents a significant challenge to the very apparatus of rights and legal conventions it invokes for protection.

Through the discourse of feminicidio, which activates networks of international human rights institutions, activists perform the delicate operation of opening up the transnational sphere as a space of political agency without foreclosing on the national as a
site for reclaiming and embodying citizenship. The grassroots justice campaign mobilizes around the figure of female suffering as a means to reanimate both the wounded body of the law, and the denigrated body of the citizen. Mourning the missing and the dead as beloved daughters permits the justice movement to connect the personal, private pain of afflicted families to the public, political labor of constructing new institutions of justice, democratic representation, and security at the border, articulated within and beyond the boundaries of the nation-state. In order to examine the ardent struggles involved in this effort, I will describe the case that has shaped my own, partial, understanding of what is at stake in our confrontation with impunity, the case of Claudia Judith Urías Berthaud.24

Figure 1. Claudia Judith Urías Berthaud25

I first encountered the story of Claudia Judith Urias Berthaud when my mother and I traveled to the capital city of Chihuahua in June of 2003 at the invitation of the Mexico Solidarity Network and its partner, Justicia Para Nuestras Hijas. We had come intending to participate in an international delegation to protest the impunity of the feminicidio, which had recently expanded from Ciudad Juárez to the interior of the state. The planned delegation never materialized, but Alma Gómez and Lucha Castro, representatives for the local justice movement, brought us to a rastreo so that we could
witness the efforts of the local community to raise awareness of police abuses in the cases of disappeared and murdered young women from the Chihuahua colonias. The *rastreo* is an organized search for evidence linked to the crimes of feminicidio. Because of police inaction and manipulation, families of the disappeared conduct their own searches for the remains of their missing daughters. The rastreo has emerged as an instrument of social protest, a form of political theater in which the morbid search calls attention to the gross negligence of government officials. By ritualizing the search for human remains, the justice movement seeks to make the material absence of the disappeared felt in the broader civil society.

That day the coalition of families, community members, human rights workers and activists converged on an unoccupied dirt lot adjacent to a Motorola factory. Organizers for Justicia Para Nuestras Hijas had designated the site a likely location for the disposal of presumed murder victims. The deserted land functioned as a dumping ground for industrial refuse and garbage from the city, mounds of scrap metals, burnt trash, and old tires covered the scrub brush and rocky soil. Earlier that year, the bodies of two murdered young women had appeared at a similar location on the desert outskirts of Chihuahua. Our task then was to look for the traces of nearly a dozen other young women disappeared from the nearby colonias. Organizers divided the group of fifty or so people into small teams, distributing plastic bags and instructing us to follow an imaginary grid over the littered terrain. We met the relatives of the missing and the murdered young women. The families walked together amidst the larger groups, many of them wearing shirts printed with photographs of the girls we were looking for.
For a while, I walked in the company of Virginia Berthaud (Vicky), the mother of Claudia Judith, who had been missing three months. Señora Berthaud appeared to have come alone and her solitude set her apart from the other family groups. She and I exchanged few words, and I wondered what it meant for her to be accompanied in this melancholy task. I conveyed my concern in awkward words, hoping to nurture her hopes for recovering her daughter alive, although our actions seemed only to confirm the likelihood of the girl’s death. Together, we stooped over the low-lying brush, turning over pieces of metal, discarded plastic bottles, and scraps of paper. Señora Berthaud began to narrate her search aloud, picking up objects that held some significance and whispering to herself about their likely connection to her daughter’s whereabouts.26 A couple of times she turned to me as if for confirmation of their import. Señora Berthaud stopped at a hand-lettered posterboard that advertised the sale of tacos and tamales from a private residence, saying, “This comes from my colonia, this address is near my house.” Whether or not the various articles we retrieved would ever reveal anything about the actual crimes was impossible for me to know. The captain of our group dutifully bagged and labeled everything that Señora Berthaud passed forward, as our smaller unit of ten people hovered nearby, offering our limited perspective on what the desert might yield up as evidence.

I have revisited the scene many times since then in memory to consider my own location in this fragile mobilization against death and impunity. Señora Berthaud never named her daughter to me during our walk through the deserted lot. At one point she stumbled over a rock as we climbed a steep hill. As a group of us moved to catch her up, she drew back, as if steeling herself against this momentary intimacy. It may well be that
my own presence, a foreign visitor, mediated that wordless exchange. Perhaps naming Claudia in that desolate space would have been too painful – not just because it might have evoked the terror of the acts committed against her - but because as political theater, the rastreo must have impinged on her personal connection to Claudia as a daughter. The political movement may partner bereft families in the pursuit of justice, but I am not sure we perform adequately the labors of mourning. The grim narratives of feminicidio can threaten to overwhelm the personal petition, “Se Busca…” Señora Berthaud did give me numerous copies of her flyers to distribute for her, so perhaps in this small task I was entrusted with Claudia Judith’s life story. Claudia’s biography is an inextricable chapter of the Chihuahua feminicidio, but her mother knows it had a different beginning. Nor should our acts of remembrance accept the feminicidio as its final end.

At 9 am on March 9, 2003, the fourteen-year old schoolgirl left her house in Colonia Mineral 2 to go visit her grandmother, and never arrived. The family reported Claudia Judith’s absence to local authorities, but received no material assistance. Señora Berthaud made repeated efforts to obtain answers about the investigation of the case, to no avail. After denouncing police inaction through the local coalition of Justicia Para Nuestras Hijas, Señora Berthaud began receiving anonymous telephone calls from a man who threatened the family with further reprisals. According to the case report on record with the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C., the caller offered to return Claudia in exchange for another young woman.27 Around the same time, Señora Berthaud reported being followed around the city by a dark van as she distributed flyers announcing her daughter’s disappearance. Students at Claudia’s secondary school sighted a similar vehicle following the school director and one of
Claudia’s close friends. Señora Berthaud’s experience of menacing harassment fits a pattern of intimidation common to many of the family members involved in the campaign for justice.

The name of Claudia Judith Urías Berthaud has traveled the communicative circuits of the international justice movement attached to the modest, and yet, incomprehensibly painful plea, “help us bring her home.” Her adolescence makes it almost reflexive to imagine her belonging at home; as a minor, the girl’s political rights become coherent only within the protective enclosure of her household. The rupture of the family thus provides the most recognizable and potent force for popular mobilization against the feminicidio. The school snapshot on the flyer advertising her disappearance shows Claudia in uniform, her face and shoulders placed against a background of her peers. The image conveys both the particular urgency of Claudia’s individual case and acknowledges a more general assault on her class: the feminicidio is devastatingly personal in its effects on victims’ families, but cruelly random in its selection of targets. The terror exposes girlhood as a site of extreme vulnerability for the border society. Like the majority of the missing, Claudia vanished at the age when girls make the precarious transition into womanhood, an operation freighted with inordinate cultural anxieties about female autonomy and sexuality. The somber-eyed expression with which Claudia posed for her picture suggests a frank awareness of the stakes involved in making that crossing. Taking a photograph is an act that both freezes time and preserves it as visual testament for the future. I would like so much to know what prospects Claudia was imagining as she stood for her portrait.
Claudia Judith’s future was decided for her with exceeding brutality. In December of 2005, an Argentine team of forensic anthropologists, working at the behest of local non-governmental organizations, examined the remains of bodies in the Chihuahua morgue and issued positive identifications of two missing girls, Miriam Cristina Gallegos Venegas, and Claudia Judith Urías Berthaud. On February 3, 2006, Alma Gómez issued a statement on behalf of the victims’ families along with notices for the girls’ funerals. The announcement, bearing Claudia Judith’s same school picture, carries her mother’s words of farewell to her daughter:

De haber sabido que era la última vez que te iba a ver te hubiera dado un beso y un abrazo. Te hubiera tomado de la mano para que caminaras junto a mí, te hubiera protegido y cuidado para siempre. Le pido a Dios que me da el tiempo necesario para seguir diciéndote que TE AMO. Tu mama Vicky.

The crime of feminicidio violently interrupts the labor of mothering, of accompanying a daughter through her passage to adulthood. Mourning sanctifies a life rudely torn from the protected circle of kinship and community. The brutalized child is no less an object of love and devotion in death; her personhood denied in life survives in acts of remembrance and struggle. Made public, the words of Vicky’s prayer enact the transfer of her daughter’s vital being to a community of memory entrusted with the pursuit of justice in her name.

Justice is no less a matter of preserving life, but of re-consecrating death within an ethical social order. This task is not reducible to the limited realm of law and rights; these violated and violating deaths demand a reckoning with our limited political understanding of what has been extinguished in Chihuahua, and what must be remade there.
5. Mourning and Justice

The local movements in Chihuahua draw international attention through the spectacle of mothers’ grief. Protest marches of veiled women dressed in mourning adopt the familiar postures of mothers’ movements to make legible the charge of feminicidio in the broader arena of human rights struggles. The funereal processions behind the banner “Ni Una Más” consciously invoke the Madres de la Plaza de Mayo to stage confrontations between the moral authority of women’s suffering and the intransigence of the state. Through the symbolism of violated motherhood, the Chihuahuan movement aims to draw equivalences between the victimization caused by the feminicidio and the state-sponsored terror of the Argentine dictatorship. So too, organizers adopt now-familiar representational practices for making visible the wounds of gender crimes to bodies now hidden from view – disposed of in abandoned lots or simply vanished. Like the Argentine women, mothers in Chihuahua have had to defer their mourning in the realm of consecrated ritual, and politicize their grievances as a means to contest the state discourse that blames the families for their daughters’ deaths.30

If, as Diana Taylor states, the marches of Argentine mothers conformed to the codes of performance, as “twice-behaved behavior,” then the marches in Chihuahua add new layers of reiteration to their enactments of behaviors deemed private or antithetical to politics.31 The strategy is thus doubly performative, staked on the hope that symbolic association with earlier women’s movements will have currency in the international arena and communicate what is at stake in Mexico. Whether in fact this iteration of motherhood retains its symbolic purchase remains to be seen. The gendered boundaries of private and public that helped define the transgressive power of the Madres de la Plaza de Mayo, as
articulated within the particular framework of authoritarian rule, are not so clearly
delineated in Mexico today. That women in the border region have occupied public roles
as wage earners and political figures may also undercut the figure of the veiled woman in
black: Melissa W. Wright argues that the marches cannot dislodge the border society’s
association of public women with prostitutes. To my mind, the uniform postures of
female mourning run the risk of occluding the relationship between the actual suffering
women of the colonias and their supporters, many of whom belong to the more secure
working and upper classes. If so, the politicization of a generic motherhood may actually
deny the particular violations women in the colonias experience at the hands of the state.
That is, subaltern women are already excluded from the bourgeois institutions of civil
society that enshrine maternity within the state. As I have shown, their class status may
preclude their access to the protected status as mothers of the nation.

My sense is that the organizers in Chihuahua know this already, and have
calculated the contradictions inherent in this movement “script.” They have had to
design their political labors for a wider international audience. In making my critique, I
do not want to suggest that the marches are not genuine expressions of female anguish,
nor that these enactments lack communicative power. I have taken comfort in them; the
black garments give us a sense of our own collective unity before terror, just as the ritual
gives us a form for grieving where words are lacking. Nonetheless, I have often felt the
discomfort of the families of feminicidio victims in the midst of the spectacle. Señora
Soledad Aguilar, who lost a teenaged daughter and newborn granddaughter to the
feminicidio, told me she felt her participation in the mother’s movement was her
“Calvario,” her burden, because it entailed converting her family’s suffering into a
Schmidt Camacho, 24

political resource at enormous personal cost. She persists, she says, for the sake of her missing grandchild. I did not ever hear Señora Aguilar speak of rights; I heard her speak of justice. As impunity persists, it necessarily redraws the calculus of what justice can ultimately mean for the bereaved, and if it can even occur through the rule of law. For this reason, the issue of survival must be a matter of ethical concern for the social movement as it seeks a new horizon of rights and redress for the wounded communities of the feminicidio in the arena of transnational politics.

The very notion of “rights” is highly variable and contested terrain – it entails access to representation, goods, and services, as well as a guarantee of protection. At their most basic level, human rights laws enshrine the principal entitlement to freedom from harm. This discourse derives its political power from its moral claims to prevent or curtail human suffering from needless cruelty. According to Michael Ignatieff, its language is “a decidedly ‘thin’ theory of what is right” by design.33 That is, human rights law is necessarily confined to delineating the bare features of universal human dignity, and cannot prescribe the terms for defeating injustice. Ignatieff defends the structure of “negative freedoms” that characterizes international conventions as a platform for promoting individual agency against oppression. International courts and non-governmental organizations may ultimately prove to be fertile ground for finding relief from the terrors of feminicidio; nonetheless, it remains uncertain whether these institutions can adequately support the grassroots movement’s aspirations for social justice. In my opinion, the problem of impunity points to a fundamental debility in the “negative” design of human rights law. That is, how does this framework contend with

Schmidt Camacho, 24
the material logic that makes police discrimination less an aberration from the law then a reflection of their rational understanding of what their function is at the border?

Mexico signed onto the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the primary instrument for combating gender violence, ratified by the United Nations General Assembly on December 18, 1979. The law has served as a basis for introducing new legislation promoting Mexican women’s citizenship and increasing penalties for domestic violence and gender crimes. Nonetheless, Mexican scholars report that despite this legislation, criminal courts have not produced any significant rise in the number of prosecutions of rape cases or spousal abuse. Because CEDAW has little to offer by way of enforcement, its ratification may actually extend the legitimacy of the Mexican state at the expense of feminist interests. So too, CEDAW is limited to establishing women’s equality with men, and cannot address the material processes that prevent subaltern women from exercising their rights. That is, CEDAW does not comprehend the particular vulnerability of girls and women to the forms of exploitation and abuse that characterize the Chihuahuan feminicidio. While international human rights law commonly addresses gender violence as a regressive cultural manifestation of masculine aggression, it is perhaps better understood in the case of Chihuahua as a rational expression of the contradictions arising from the gendered codes of neoliberal governance and development. The combined processes of economic restructuring and political transition have had the perverse effect of increasing the state’s stake in the denationalization of poor girls and women’s citizenship precisely at the moment of their emergence as new political and economic actors. The global economies
that convert subaltern women into commodities interrupt women’s purchase on the most basic right to personal security.

If impunity means that the victims of feminicidio are denied effective citizenship, how does human rights discourse administer justice? Confronting impunity will require a justice project that goes beyond the rights framework to create new social institutions and relationships, based in economic redistribution and political reform. CEDAW may help us clarify the entitlements of female citizenship, but it does not answer for how the particular agency of subaltern women in the border could be instantiated and protected.

In 1950, Hannah Arendt offered her melancholic summation of the persistent problem of rightlessness: “From the beginning the paradox involved in the declaration of inalienable human rights was that it reckoned with an ‘abstract’ human being who seemed to exist nowhere.”34 Arendt’s study of totalitarianism documents how terror likewise functions by abstraction, to convert certain populations into classes of “superfluous” persons. Arendt’s cautions are instructive in our case. The Chihuahuan feminicidio exploits the gap between the law as it is written and the law as it is embodied. The demand for justice in the border region returns us to the violation so brutally inscribed on the victims of the feminicidio. We have yet to calculate the enormity of what has been stolen with the loss of these young women and their aspirations in life; at the moment where no politics seems possible, when no ethics can carry our grief, then we begin to reckon with the burden of justice.

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Claudia Judith Urias Berthaud was laid to rest in the afternoon of February 4, 2006, at La Colina in her native city. The day before, her family convened her velorio in
the company of Justicia Para Nuestras Hijas. One final picture of Claudia now circulates the networks of media and solidarity devoted to the Chihuahuan feminicidio: a newspaper photograph of Claudia’s white coffin standing beneath a cross. The casket is closed, but her school photograph once again conveys Claudia’s living image. A single arrangement of flowers accompanies her remains, with the words, “Procuraduría.” It is a last offering from the state special prosecutor, La Procuraduría de Justicia; or perhaps it is the beginning statement of a promise.

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3 My statistics come from Amnesty International and the grassroots campaign, Nuestras Hijas de Regreso a Casa.
4 Personal communication with social workers at Casa Amiga, Ciudad Juárez, June 2003; Corroborated by Linabel Serrat of Las Hormigas de Anapra, June 2003.
5 Alicia Gaspar de Alba, Desert Blood
This assessment was confirmed by a case-worker for prostitutes in the city. This social worker chose to remain anonymous. Interview with author, Ciudad Juárez, Chihuahua, 12 June 2003.


My translation: “When we have tried to denounce the killings or organize ourselves, the police have threatened us with refusing to search for our daughters. The police have hoped to buy our silence with handouts and money. They intimidate and harass anyone who tries to join us. In Chihuahua, the rates of kidnapping, auto theft, and other crimes have gone down. Because the likely targets for kidnapping are rich, the government created a special task force, with resources and personnel to address the problem. They have been successful. Why has their been no comparable attention, personnel, or resources given to investigate the disappearances of our daughters? We know the answer very well, that it is because the murdered and the disappeared are poor women.” Justicia Para Nuestras Hijas. 2003. Website. http://espanol.geocities.com/justhijas/.

“The government discriminates against us, and the murderers know that no one will come after them because authorities have no interest in protecting our daughters.”


My source here is a case-worker from Juárez who provides counseling to prostitutes through a women’s non-governmental organization. For reasons of security, she chose to remain anonymous. See also Debra Castillo et al, “Vidas fronterizas: mujeres prostitutas en Tijuana,” (Castillo et al. 2002).

For studies of the maquiladora industries in Juárez, consult the following: Jorge Carrillo Viveros and Alberto Hernández, Mujeres fronterizas en la industria maquiladora (Carrillo Viveros and Hernández 1985); María Patricia Fernández-Kelly, For We are Sold, I and My People: Women and Industry in Mexico’s Northern Frontier (Fernández-Kelly, 1983); Jefferson Cowie, Capital Moves: RCA’s Seventy-Year Quest for Cheap Labor (Cowie 1999); Devon Peña, The Terror of the Machine: Technology, Work, Gender, and Ecology on the U.S.-Mexico Border (1997); and Leslie Salzinger, Genders in Production: Making Workers in Mexico’s Global Factories (Salzinger 2003). On the cultural construction of female labor value, see Melissa W. Wright, “The Dialectics of Still Life: Murder, Women, and the Maquiladoras” (1999).

In a related study, Saskia Sassen describes “cross-border circuits in which the role of women, especially the condition of being a foreign woman, is crucial” to the operation of what she terms “alternative circuits for survival, for profit-making, and for securing government revenue” (Sassen 2004, 1). Because these networks exist at the margins of
the official economy, and often include illegal activity, Sassen describes these international linkages as “alternative circuits of globalization.” Although I coincide with her assessment of migrant women’s status, I prefer not to disarticulate the processes described as “alternative circuits” from the more formal global political economy. The widespread practice of illegal labor recruitment through subcontractors, for example, is so central to the trans-border economy linking Mexico and the U.S. that it is hardly distinguishable from the legal operations of parent companies. See Saskia Sassen, “Strategic Instantiations of Gendering in the Global Economy” (Sassen 2004).

17 My primary source for this information is Deputy Sheriff Rick Castro of the San Diego County Police Department. Castro has been a leading force in drawing attention to sex-traffic between Mexico and the United States, and has presented testimony to law enforcement and government agencies in both countries. His involvement in this issue has an interesting history: as one of the sole Spanish speakers in the San Diego police force, he began interviewing children and women apprehended for prostitution more than twenty years ago. Most of the sex-traffic he sees services the male migrant population involved in farm labor. He has been cited for his interventions on behalf of trafficked women, for adding a humanitarian response to the otherwise routine criminal justice policy toward prostitutes and undocumented people. I am extremely thankful to Deputy Sheriff Castro for sharing his expertise with me. Our interview took place on 26 February 2004.

18 See in particular the articles compiled in the David Kyle and Rey Koslowski volume, Global Human Smuggling: Comparative Perspectives (Kyle and Koslowski 2001).


20 See works by Mary Romero and Pierrette Hondagneu-Sotelo and the growing literature about “global women:” immigrant women working in wealthy countries as domestic workers, servants, and prostitutes (Romero 1994; Romero et al 1997; Hondagneu-Sotelo 2001; Ehrenreich and Hochschild 2003).


24 There are some discrepancies in the documents linked to the case of Claudia Judith Urias Berthaud: some list her last name as “Urias Bethaud,” and others as “Urias Berthaud.” I have adopted the spelling “Berthaud” in accordance with the case files
given to Amnesty International, which correspond to the usage employed by Justicia Para Nuestras Hijas, the organization representing Claudia’s mother, Virginia Berthaud (Vicky).

25 Courtesy of Señora Virginia Berthaud.


28 Miriam Cristina Gallegos Venegas, disappeared on May 4, 2000, from her home in Chihuahua City as she made her way to work in the maquiladora ACS.


33 Michael Ignatieff, Human Rights as Politics and Idolatry (Princeton: Princeton University Press, 2001), 56,

34 Arendt, 291.