

## EDITORIAL

# Introduction to the Special Section: Latin American Voices on Illegal and Marginally Legal Practices at Borders

Josiah Heyman

University of Texas at El Paso, US

[jmheyman@utep.edu](mailto:jmheyman@utep.edu)

---

I present here selected articles that originated from the Simposio de antropología “entre lo legal y lo ilegal” in Monterrey, Mexico, November 2019. These articles focus on Latin American borders: the U.S.-Mexico border, the Brazil-Paraguay border, and the Argentina-Bolivia border. These Latin American scholars resist the top-down agenda of seeing threat in everything that has been illegalized, because as they show, many smuggled goods are normalized and present few risks and many benefits to civilians. Yet at the same time, they draw attention to the terrible levels of criminal and state violence that do occur around intensely illegalized commodities. They do not offer a solution, but they do offer insights for progress on this crucial question.

---

**Keywords:** borders; illegalisms; consumer goods; smuggling; Latin America

---

Countries in Latin America, which are important destinations of arms trafficking and production sites for and transshipment routes of prohibited drugs, as well as sources and paths of asylum-seeking and unauthorized migration, are often engaged as objects in the analysis of illegal trade and movement through borders. If we hear at all from the region, it is typically from current and former officials. But Latin American scholars are less often heard. Latin Americans also need to be subjects creating and debating analysis. Though I am a North American (located just on the U.S. side of the border with Mexico), I present here selected articles that originated from the Simposio de antropología ‘entre lo legal y lo ilegal’ [Anthropology symposium ‘between the legal and the illegal’], organized by the Centro de Investigacion y Estudios Superiores en Antropologia Social (CIESAS) [Center for Research and Advanced Study in Social Anthropology], in Monterrey, Mexico, November 2019. Although the event occurred in Mexico, and the majority of the articles we present here are Mexican, the event and articles involve scholars and case from across Latin America. It thus gives Anglophone readers an opportunity to learn more about how critical Latin American scholars view these topics. Latin America is a vast and diverse region, and in what follows I risk both overgeneralization and undergeneralization and thus loss of interest. With some trepidation, I err here in the direction of the former, generalizing in order to draw out a few informative points.

I cannot speak for Latin America, but my sense from my Latin American colleagues and friends is that there is a shared perspective that combines two motivations. On the one hand, these scholars feel it important to address realistically the horrifying levels of violence and coercion in the region, done by criminals, officials, and paramilitaries (often blurring into each other). On the other hand, they think critically and independently from the doctrines of legalism and security that emanate ultimately from the United States, but which are deeply ingrained in Latin American states also. This means considering informal and illegal trade carefully, couched in social realities, rather than immediately converting law enforcement into a question of national and hemispheric security. And in particular it means maintaining distance from the United Statesian push to convert U.S. moral panics, like migration and drugs, into militarized security challenges at borders and inside the region. The balance between these two perspectives (both recognizing and questioning insecurity) is, without question, difficult. Yet there is much to be learned from how these authors use and explore it.

All of these cases address cross-border smuggling of everyday consumer goods, whether clothes, toys, appliances, electronics, or cars. Such 'unauthorized imported' goods have come to have important social roles in a number of instances across the region. First, they are vital in society. There are some poorer countries, but most of Latin America is in terms of averages made up of middle-income countries. Yet that is notoriously misleading. There are wide income and social benefit inequalities between classes, races, and regions. The rich mostly can travel as consumer-tourists or purchase expensive formal imports. But large middle classes face a tenuous situation funding the visible lifestyles key to their social reproduction (O'Dougherty 2002) and vast urban working classes struggle just to afford survival basics where most of those basics are purchased and not self-made (Heyman 1994, 1997). Large Latin American countries had aspired to fulfill these demands initially through domestic branches of transnational corporations or via analogous local corporations, the policy of import substitute industrialization. But such nascent industries often were more expensive than imported goods from mature sources. Furthermore, the wave of neoliberalism that swept across Latin America after 1982 undercut many, but not all, domestic industries. Yet import liberalization did not necessarily follow; rather, domestic oligopolies over licenses to import goods created new limitations and thus created new incentives to smuggle imports across borders. In the Bolivia-Argentina case study here (Renoldi), Bolivia, a distinctly poorer country, is a platform for global imports to supply the much wealthier Argentina, possessing substantial consumer demand.

The point of this admittedly oversimplified economic history is that smuggled consumer goods have a crucial role in helping Latin American societies reproduce themselves despite deep inequalities and the ensuing gaps in effective income. Key relationships and discourses transform the foreign, ambiguous or flat out unauthorized goods, into acceptable material culture in societies that need them, but that lack a fully adequate way of supplying them otherwise. Once smuggled across borders, they thus are normalized. Besides the role such goods and practices play in the wider society, commerce in smuggled goods is important in regional economies of border zones, both as sources of income and profits, and because such margins are often particularly poorly supplied by domestic industries in national cores. And politically, jobs in state border agencies can provide a generous side income, through which state employees (often politically active and well-connected) can circulate. Of course, this more or less accepted border smuggling generates some political discontent (oligopolists of legal imports, national industrialists, local merchants competing with smuggled goods [until they sell such goods themselves]). But on the whole it is deeply woven into national societies and economies, as seen in the neutralizing language used for such goods and processes.

But there are destabilizing forces afoot. Intensive (though also inconsistent and corrupt) law enforcement against illegal psychoactive drugs and weapons has generated extremely violent, very competitive, and rapidly mutating criminal organizations. There are constituencies for such intensification of policing across all the countries involved—North American and Latin American—but without question the main driving force, trainer, and funder is the United States. To blunt this law enforcement, criminal organizations create zones of intimidation and political support to operate effectively with impunity from military and law enforcement apparatuses. Some politicians are key actors in them. These zones occur throughout national territories, but borders are particularly valuable to their business. With a degree of impunity on one side of a border, high value goods can be assembled and packaged for smuggling, and an enormously profitable step up in price can be realized by then smuggling them across the boundary and into the interior. A perfect example is the smuggling of guns and munitions from the United States, where they are legal and widely available, with very limited regulation, into all of Latin America but most immediately Mexico, where they are heavily restricted and regulated, but also in high demand. Similar observations, but going south to north, can be made about drugs and disturbingly, migrants, who pay increasingly large sums to be smuggled across borders. Furthermore, criminal organizations are actually loosely networked and flexible entities, which means that various actors move into lower value and more normalized trade, exacting protection rents from consumer goods smugglers and border officials.

In this fashion, violence and coercion had grown in recent decades at Latin American borders, although we do not want to idealize the past. Several of the case studies here (Sandoval, Renoldi), then, show the encroachment of higher stakes and scarier threats, and acts. In Sandoval's memorable study, superviolent transnational drug trafficking organizations disrupt the stable, well-understood arrangements for smuggling consumer goods, taking much larger slices of the profits and displacing customs officers from their role in managing such flows. An important challenge for analysis is that all the different kinds of smuggling are ostensibly illegal. There is nothing in a formal sense to separate used clothes from weapons and narcotics. We have a sense that they are different, as do local people, but Barrera's case study of stolen cars shows that consumer goods—being in that case so valuable—may exacerbate problematic criminal organization

and coercion. (Gasoline and other petroleum products are recently having similar risk generating effects in Latin America, including at borders [an excellent ethnography involving this from the Guatemala-Mexico border is Galemba 2017].) The coexistence, and in some cases interaction, between lower value, less violent, and higher value, more violent border smuggling means that smugglers, state officers, and the general public face a risky and unstable, if sometimes also profitable, environment near borders.

Sandoval insightfully uses Wittgenstein's concept of language games to examine how formally illegal importation of consumer goods—more than the amount allowed for a person returning from abroad, say—is enacted without hitches, by agreement of merchant, transporter, and customs agent. The game occurs when a violation is winked at or is labeled to fit a legal category. Such arrangements usually are framed within an existing practice or relationship, hence having the form of a repeated, known 'game.' This U.S.-Mexico border activity facilitates significant volumes of consumer goods that supply the Mexican market. Yet, as Sandoval shows with his description of the entry of superviolent smuggling organizations, these games are unstable and can be shifted or even can collapse with the entry of new actors outside the customary rules of the game.

Rabossi examines similar language games in Brazil that permit voluminous importation of consumer goods as personal purchases obtained abroad and brought back to the homeland. A crucial language game is to label such importation tourism. One frame is air flight-based tourism, for example from Brazil to Miami. Evidently a more expensive mode of travel, the value of goods allowed upon return is higher, and thus more lucrative for resale. A less lucrative path is by land—for example, huge bus caravans to the Paraguayan border—with a lower importation allowance creating a less valuable, but more voluminous route for commerce. In addition to the language game redefining importation as tourism, Brazilian authorities redefined the border by permitting shopping in duty free shops for people who never left the country, as well as those returning from abroad. Rabossi's case study is particularly important in bringing into question key social euphemisms, importation, smuggling, and tourism, for example. Perhaps upper and middle classes, and whiter people, have more access to the label tourist than working class, consumer-good smugglers.

While Renoldi also describes games—such as customs officers allowing exceptional volumes and values of importations when computer networks 'fail' to connect to central databases—her article shifts the analysis of these exceptional border practices from the linguistic to the social-spatial. She draws on Hakim Bey's (2003) concept of temporary autonomous zones to characterize the world of collaboration required for consumer goods smuggling from Bolivia to Argentina. These zones spread across the twin border cities, the river transport between them, and the highways leading out from them; and they are composed not just of material geography, but cultural codes and social relations used for the neutralization of illegal practices. Yet 'autonomous' might go too far; while different from official laws and some practices in national interiors, these sites and activities are woven into wider economies and political arrangements. This is a thought-provoking article that should stimulate further critical research on informality and illegalisms at borders.

Barrera takes us back in time to look at the historical formation of one element of illegal importation at the U.S.-Mexico border, stolen cars from the United States. As he shows, this trade needed various conditions to occur: the extraordinary growth of automobile numbers in the United States, the linked expansion of interest in having cars in Mexico, and the development of highway infrastructure linking the two sides of the border. While Mexico initially had authorized imports of cars, and then final assembly domestically, prices still were high and numbers limited; and the United States was a 'paradise' of used and stolen cars to purchase and import without authorization. Automobiles are consumer goods, but unusual ones, in comparison to clothes and consumer electronics; they are valuable (in many cases), visible, and of course self-transporting. As a result, cars bridge the dichotomy I constructed between inexpensive consumer good smuggling and high value gun and drug smuggling. It is not surprising, then, that Barrera detected more organized criminality historically in this domain, and involvement of higher government officials in the business.

Though writing just about the Tijuana-San Diego county area of the U.S.-Mexico border, Hernández's overview captures the full range of issues raised by other authors. By looking at a wide range of goods and activities, moving in both directions across the border, we get a good sense that border contraband is a socially constructed legal label. That is not to say that legality is always irrational and imposed; the case discussed by Hernández of attempting to prohibit gun and munitions smuggling from the United States to Mexico makes good sense in terms of the horrifying pattern of violence in the latter country. Rather, as Hernández perceptively concludes, 'these kinds of low-risk smuggling actions demonstrate the high maneuverability that can be achieved in these border spaces, which can be potentially exploited by the cartels and other organized crime elements, as seen by numerous reports of arms trafficking and human trafficking situations. Being

able to overcome these situations remains one of the biggest challenges for binational policy in the years to come.' He points out the basic dilemma facing us as we rethink prohibitionist border policies: how to find the least corrosive and violence-inducing border controls.

The overlap between lower value, less violent, and higher value, more violent border smuggling, then, is a crucial challenge. There are no simple answers, but we insist on posing the question. As I noted at the outset, these Latin American scholars resist the top-down agenda of seeing threat in everything that has been illegalized, because as they show, many smuggled goods are normalized and present few risks and many benefits to civilians. Yet at the same time, they draw attention to the terrible levels of criminal and state violence that do occur around intensely illegalized commodities. They do not offer a solution, but they do offer insights for progress on this crucial question.

## Competing Interests

The author has no competing interests to declare.

## References

- Bey, H.** 2003. *T.A.Z.: The temporary autonomous zone, ontological anarchy, poetic terrorism*. New York: Autonomedia.
- Galemba, RB.** 2017. *Contraband Corridor: Making a Living at the Mexico–Guatemala Border*. Stanford, CA: Stanford University Press.
- Heyman, JMcC.** 1994. The Organizational Logic of Capitalist Consumption on the Mexico-United States Border. *Research in Economic Anthropology*, 15: 175–238.
- Heyman, JMcC.** 1997. Imports and Standards of Justice on the Mexico-United States Border. In: Orlove, B (ed.) *The Allure of the Foreign: Post-Colonial Goods in Latin America*, 151–84. Ann Arbor: University of Michigan Press.
- O'Dougherty, M.** 2002. *Consumption Intensified: The Politics of Middle-Class Daily Life in Brazil*. Durham, NC: Duke University Press. DOI: <https://doi.org/10.1215/9780822383628>

**How to cite this article:** Heyman, J. 2021. Introduction to the Special Section: Latin American Voices on Illegal and Marginally Legal Practices at Borders. *Journal of Illicit Economies and Development*, 3(2): pp.229–232. DOI: <https://doi.org/10.31389/jied.136>

**Submitted:** 20 September 2021

**Accepted:** 04 October 2021

**Published:** 23 November 2021

**Copyright:** © 2021 The Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC-BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited. See <http://creativecommons.org/licenses/by/4.0/>.



*Journal of Illicit Economies and Development* is a peer-reviewed open access journal published by LSE Press.

OPEN ACCESS 