Human rights as lived experience:
Kinship, fictive kinship, and human rights among transnational migrants
In Tetlanohcan, Tlaxcala, and New Haven, Connecticut
Jay Winter
26 April 2009

This paper is divided in four parts. The first describes the downward derogation of human rights discourse and activity in a period when national and state political leaders have avoided the subject of undocumented immigration like the plague. The second part presents a theoretical framework to approach the process whereby human rights discourse is generated from below, through civil society rather than through the state or the courts. The third and fourth parts presents some of the first fruits of field work on Mexican migration, documented and undocumented, between the state of Tlaxcala and New Haven, Connecticut.

Part 1. Problématique: civil rights and human rights in a transnational perspective

Human rights and civil rights: some preliminary distinctions

International human rights regimes are in constant and inevitable conflict with issues of state sovereignty concerning the control of migratory flows and borders. This is not at all surprising, but in the case of the United States and Mexico, the imbalance between perspectives on these subjects has a very long history. The Latin American human rights tradition is and always has been transnational in character. Its contribution to the preparatory thinking and drafting of the Universal Declaration of Human Rights was second to none. The United States, in contrast, has developed a civil rights tradition, not a human rights tradition. That is, the sacred status of the Constitution precludes the possibility of admitting a human rights instrument or court superior to that of the Federal Court system, right up to the Supreme Court. Conflict of laws was a subject of intense struggle in the early years of the Republic, but from the late nineteenth-century on, the Supreme Court has retained its position as the body determining the ultima ratio of the conduct of the state and any of its officers.

The idea, therefore, that state sovereignty should be and will be compromised in order to breathe life into human rights instruments of a transnational character is one that is politically explosive and probably impossible to legislate within the mainstream of American political opinion. American notions of social rights – for instance, the right to free medical care – have never been aligned with much European or Latin American thinking on this matter. The United States has

---


never ratified the regional convention on human rights, or recognized the jurisdiction of the Inter-
American Court of Human Rights in the way European state have done in the European
Convention on and Court of Human Rights since 1959. In much American comment in this field,
human rights’ abuse is something that happens elsewhere – in Soviet Russia, in South Africa, in
Chile. What happened in Mississippi and Alabama was something else – a betrayal of civil rights, in
due course recognized and addressed as such by the American people.

Two rules of thumb may help us distinguish between thinking about civil rights and about
human rights. Civil rights are a subset of human rights, which concern the individual’s participation
in the American political process, his standing in law, as well as those aspects of his public life – free
speech, assembly, the right to bear arms, and religious expression – which the American state may
not normally curtail. Human rights are civil rights plus other rights of a social, economic and
cultural nature which constitute the boundary conditions of human dignity. But while civil rights
focus on the individual within the sovereign state, human rights consider those boundary conditions
of human dignity in both individual and collective life, which are above the law of the state, and
which no state can abridge. Civil rights are the foundation of national laws; human rights are that
too, but also constitute a realm of law superior to state sovereignty.

A second rule of thumb is that civil rights are enforceable within a national system of laws
and justice. Human rights are enforceable within national laws only when states agree to have
human rights commitments imbedded in their domestic constitutions or legal systems. Signing on
to human rights conventions is therefore tantamount to accepting the subordinate position of a
nation’s laws to supra-national commitments. In a few cases international courts apply human rights
law; war crimes are judged by an international tribunal in the Hague, and the United Nations has
empowered other courts to hold tribunals on war crimes and crimes against humanity. Such trials
could not be held in an American courtroom and by American judges, who are bound by the laws
and the Constitution of the United States. Human rights violations can be tried in American courts
only when national or state statutes are violated.

The reach of international law in the American legal system is therefore limited by the
Constitutional system. A particular case may illustrate this point and show how hard it is to apply
human rights law in this country. To be sure, applying human rights law in countries which sign on
to human rights conventions is also difficult, but not as difficult as it is in the American case.

This is apparent in the case of the arrest in 1998 of the retired Chilean President Gustavo
Pinochet in London while on a visit to England for medical treatment. A group of Spanish citizens
petitioned a magistrate in Valencia, Balthazar Garzon, to issue a warrant for the arrest of Pinochet,
for the torture and murder of six Spaniards in Buenos Aires by members of the Chilean secret
police, under what was known as Operation Condor. This was a conspiracy among the heads of
state of Chile, Argentina, and Uruguay to kill dissidents and opponents of all three regimes wherever
they were.

Garzon was investigating human rights violations, which were subject to prosecution under
Spain’s adherence to the European Convention on Human Rights. Britain too is a signatory of that
document. Pinocher’s lawyers argued that a former head of state had immunity from prosecution.
The British Law Lords disagreed on two grounds. The first was that Britain was also a signatory of the United Nations Convention on Torture, which was written into British law. It is, the court ruled, no part of the duties of a head of state to authorize, direct, or order the torture of any person anywhere in the world. Thus, on the grounds that Britain was a signatory to two conventions – the United Nations Conventions on Human Rights and on Torture – the writ of arrest held.3

As it happened, Pinochet was released from custody on order of the British Foreign Secretary and flew home to Chile. He never faced prosecution at home, but that was not the point. If Pinochet had sought medical care in the United States, he would not have been in danger of arrest, since under American law, he had committed no offence. The United States both respects international conventions on human rights and places their enforcement outside of American courts.

This has become glaringly evident in the case of those held by the Bush administration without charge and trial for years during the ‘war on terror’. American courts have only slowly restricted the power of the American president to suspend habeas corpus; they have ruled not on the international law of the matter, but on how these cases are governed by American legislation and legal precedent. Some justices of the Supreme Court are on record that legal or constitutional judgments in other countries’ courts have no standing in American law. Others take a more latitudinarian approach. But the upshot is straightforward: Pinochet could not have been arrested on American soil and tried in an American court for order killings or torture during his period in power. He had done nothing to violate civil rights in America, and even had he authorized the killings of Americans in his own country or a third country, he could not be brought to book in an American court for having done so. Civil rights law describes the reach of American courts; human rights law describes the reach of courts in countries adhering to and applying conventions on human rights. The United States has signed such conventions, but does not apply them in domestic courts, which are on the state and federal levels, governed by the United States Constitution and state constitutions.

That is the theory. The practice varies widely, and we should not make too fine a distinction between American and Mexican national courts on this point. It is not political or legal practice which separates the two cases. Both systems fail to live up to their own laws on many occasions. The difference is in the place of human rights conventions within the domestic legal system. Human rights law or international conventions are not written into the American legal system, as they are in countries adhering to regional human rights conventions as in the Latin American or European cases.

For these and other reasons, in its view of civil rights as distinct from or opposed to human rights, or overlapping with them on only very precise points concerning due process and political participation, the United States stands alone. A glance at the text of the first ten amendments to the United States Constitution – the Bill of Rights -- alongside the Universal Declaration of Human Rights of 1948 will suffice to underline the force of American exceptionalism in this regard. Civil rights are about the state, courts, police – the agents of violence and power in a state. Human rights

---

are about protecting the dignity of men and women both inside and outside of the political arena. The first 21 articles of the Universal Declaration cover similar ground to the U.S. Bill of Rights. The last 9 articles of the 1948 document go beyond it. The protection of social and economic rights separates the human rights tradition, embodied in regional and international conventions and courts, from the civil rights tradition so deeply imbedded in the political culture of the United States. In a nutshell, all civil rights are human rights, but under the American constitutional system, not all human rights are civil rights, and therefore the enforcement of human rights is not one of the objectives of the American constitutional order.

Given this structural obstacle to human rights legislation, those working for human rights within the American legal framework almost always aim at the 13th, 14th, and 15th amendments to the Constitution, outlawing slavery and calling for due process and equal treatment for all citizens. What about non-citizens? There’s the rub. And there is the signpost that leads, along a distant and crooked path, to Guantanamo Bay and the denial of habeas corpus or other fundamental protections of life and limb to alien combatants or others deemed a danger to American security.

Here too is one reason why the question of refugees, aliens, and border controls touch on such a sore spot: from the 1920s on, keeping the dangerous classes out of the United States has been one of the purposes of immigration policy. Letting in those deemed worthy is another, but the conflict between them has been an enduring one. To be sure, migrants have rights whatever their status in the United States. In theory they are protected from illegal search and seizure and cruel and unusual punishment by the Constitution. In practice, the story of their treatment and their rights is not so clear.

It is important to recognize that principles and practice diverge in all countries that offer at least lip service to the human rights tradition. Here the treatment of undocumented immigrants by the Mexican government or the German government may be more in line with American practice than Mexican or German officials would care to admit. The key point is that the norms are different, though the record of governments living up to them is drearily similar. Rights talk matters, but rights practice matters more.

When we consider the question of migration from Mexico, whether of Mexicans or of other Latin Americans who have traversed Mexico en route to either the U.S. or Canada, we therefore enter into a field which describes the unusual and to a degree atypical form of human rights commitments that U.S. political history and legal culture have created.

This project is an attempt to blend considerations of contemporary migration and immigration policy with reflections on the distinction between human rights and civil rights. I start with the assumption that even though many commentators believe that American experience is both sui generis and superior, it is still the case that North and South American thinking on civil rights and human rights overlap at key points.

American exceptionalism is imbedded as well in the tendency many authorities in this country manifest in treating U.S. experience and thought as incomparable to that of any other country. This position suffers from all the flaws and arrogance of essentialism. American law is not
and never has been completely insular. International treaties and obligations have been entered into by the US government since the peace of 1783 establishing American independence. In the later twentieth century, the United States Senate ratified International Conventions on Genocide (1984) and on torture (1991). But much thinking in the United States on these problems has been strikingly insular, as Mary Ann Glendon, has put it. The way other people in other countries think about these questions has been neglected or ignored. Looking inward with the light of the Constitution as a guide is the way ‘rights talk’ has developed in this country, even when leaders and jurists regularly reaffirm the universalist message of the Founding Fathers. There are cosmopolitan exceptions to be sure. But the searchlight thrown on human rights abuses in the Soviet Union by groups such as Human Rights Watch in the pre-1991 period has not to my knowledge been turned around by American judges to illuminate the darker corners of American abuses of human rights, in particular those suffered by migrants. We have the Constitution, many American lawyers and politicians affirm, and hence do not need to refer to other international documents or practices.

It is hardly surprising, therefore, that central to the political discourse on migrants and on migration in the United States is a critical divide between those who have civil rights – the right to vote, to equal treatment under the law, to the exercise of debate, association and agitation within the political arena – and those who are not so endowed. Other human rights documents, even those to which the United States subscribes, are treated with varying degrees of disinterest, distrust, hostility, and cynicism. This bifurcation has led many in the United States to limit rights to the domain of political society – where political and legal power lies – and not to locate positive rights in civil society – that space between the family and the state where most of us live their lives. Thus the central state regulates inter-state trade but leaves most market relationships alone or lightly regulated. Social and economic rights are generally out of bounds, except if as in the case of racial discrimination, they make the workings of political society or the judicial system fundamentally biased. The right to work, to primary medical care, to dignity as well as to equality: these are matters of material interest and periodic legislation rather than of basic rights from the American civil rights viewpoint.

Within this civil rights framework, thinking about immigrants and immigration to the United States has tended to separate and block off, both conceptually and at times physically, two groups of people who reside in this country. There are those with legitimate documents, provided by state agencies, and those without them. The first group included people on visas or who have successful secured asylum status, and they have civil rights, but not the vote -- unless and until they are naturalized citizens. In contrast, there are those without legitimate documents, who have limited human rights – the right to police protection, a fair trial and so on – but no civil rights. They have violated the state’s essential right to control entry through its borders, and therefore have no legitimate place in this society. Why should people smuggled across the border have the same rights as those who went through at times arduous and very lengthy procedures to comply with the law? And after 9/11, how can the federal government claim to protect the people in this country when it cannot control the borders? Undocumented migrants, whatever their peaceful intentions, are all potential ‘terrorists’ since they live below the radar of the state, at least until they are arrested.

Because the nation state considers that they have no right to be in the nation their “illegal” status while crossing is transposed onto every aspect of their personas converting them into “illegals.” Their treatment by the immigration police and courts raises other questions about due process. The overload of cases concerning undocumented immigrants in detention centers and courts has ensured that for long periods of time, thousands of people literally vanish into a system which even its advocates describe as stretched to breaking point and beyond.\(^5\)

Undocumented immigrants have, therefore, a liminal status. In the words of historian Mae Ngai, subjects whose “inclusion within the nation” is “simultaneously a social reality and a legal impossibility—a subject barred from citizenship and without rights”\(^6\). They are here, but legally they should not be here. Given the protracted stalemate on the national level in sorting out this matter, inevitably there has been a patchwork of responses on the state and local level to the undeniable presence of people who broke the law in order to come to this country to live and work, and to send their children to schools and universities when the time would come.

Those most enraged by the seeming impotence of federal authorities to simply deport undocumented migrants make the case that these people are parasites. They take from a community and return precious little. Their income gets sent back in remittances to their families across the border. They take jobs at or below the minimum wage, thereby threatening the well-being of manual workers who struggled long and hard for the wage levels they now command.

To these charges, other people point out that many undocumented immigrants pay taxes and support the economy by filling jobs American workers won’t take. Most are young, and therefore when they do pay taxes, they help balance the books of social security, threatened by bankruptcy through the arrival or near arrival of the baby boom generation at retirement ages. They note that many undocumented immigrants contribute to the life of the community in many other ways, through art, music, language, and the little solidarities of everyday life. One alderman in New Haven began his public defense of undocumented immigrants by pointing out that the very first soldier to die in Iraq in G.W. Bush’s war of 2003-08 was Guatemalan.\(^7\) Others are not persuaded, and battle lines have been joined on the local level in many parts of the country.

Later on in this essay I will explore some of these conflicts and debates on the local level. In that discussion, I will isolate and analyze one particular component of this story. Clergymen and those in religious orders have taken an active part in the debate over undocumented immigrants. This follows the history of the Sanctuary movement of the 1980s and its successors. Many of these groups were led by clergymen. Some were Protestant, many were Catholic. Their aim was to help

---


\(^7\) ‘Immigration forum’, NPR radio, 6pm, 11 January 2008.
Refugees from violence in Central America in the 1970s and 1980s escape to the United State or Canada. There is now a successor generation of Catholics who think along the same lines.

There are interesting intersections of a number of transnational movements to succor and protect undocumented migrants with liberation theology, of both the Protestant and Roman Catholic varieties. These people believe, in the words of Gustavo Gutierrez, that to look into the face of an illegal immigrant trekking across the deserts of northern Mexico, or to see those betrayed by the traffickers circling around them like jackals throughout their journey, is to look into the face of Christ. Are religious radicalism and social movements surrounding immigration braided together? Are their links local and/or transnational? And what effect, if any, have clergymen and their organizations had on immigrant flows and outcomes? These are but a few of the questions that have informed the first phase of this project.

Human rights and undocumented migrants: Conflicting norms and practices in the Americas.

The three dimensions of this project involve issues of very broad principle, institutional structures, migratory patterns, and both local and transnational initiatives undertaken by migrants themselves and those who align themselves with them. It may be helpful to unpack the thinking that has gone in to the framing of this tripartite structure of research as a way of understanding the contemporary and explosive divide between civil rights and human rights in discussions of undocumented immigrants.

Even to begin to answer the question as to what separates U.S. practice on human rights from Latin American approaches, we must start with different institutional and judicial structures. The very existence of the Inter-American Court of Human Rights makes a major difference, even though the United States is not a signatory to the Treaty empowering it. The Charter of the O.A.S. was signed in 1951 and established the Inter-American Commission on Human Rights. The American Convention on Human Rights entered into force on July 18, 1978, and through it in 1980, the Inter-American Court of Human Rights was established. A word or two is necessary

---


10 Winter, Dreams of peace and freedom, chapter 5.

11 As they were in the 1960s. See Winter, Dreams of peace and freedom, ch. 5.


here about the term ‘entered into force’. The ratification of an international convention by a stated number of members of international institutions establishes the legal standing of the convention. What about its status in the law of states which are not signatories to the convention in question? Lawyers make careers out of untangling or cutting this Gordian knot. Suffice it to say that the question of the legal status of supposedly binding human rights instruments remains a murky area of dispute to this day.

Interpretations of human rights conventions vary, but what is not in dispute is that today in Africa, in Latin America, and in Europe, there are regional courts which address human rights violations and render judgments through reference to international protocols which did not exist before the Second World War. The reason these institutions matter in Mexican-American affairs is that the Court has competence to act in cases in which citizens of both North and South America are plaintiffs. In Blake v. Guatemala, a ruling made in 1998, following the assassination of an American in 1985, and the disappearance of his body over the subsequent seven years, the Court affirmed:

3. [...] the State of Guatemala is obliged to use all the means at its disposal to investigate the acts denounced and punish those responsible for the disappearance and death of Nicholas Chapman Blake.
4. [...] the State of Guatemala is obliged to pay a fair compensation to the relatives of Nicholas Chapman Blake and reimburse them for the expenses incurred in their representations to the Guatemalan authorities in connection with this process. 14

The sum determined by the Court to be fair was $151,000, though the logic behind this calculation was not at this point specified. This 2002 judgment issued by the Inter-American Court of Human Rights, monitored the compliance of the State of Guatemala with its 1998 ruling, in the same manner as it did in hundreds of other cases.15

On the other side of the coin, crimes committed by Latin-Americans in which American citizens are the victims can be and have been prosecuted in the United States. Orlando Letelier, a Chilean dissident living in the United States, and his American assistant, Ronni Moffitt, were assassinated in Washington by agents of the Chilean state. One assassin was tried in the United States and convicted. Others were tried and convicted in Cuba. Pinochet, implicated in the assassination, was never brought to trial.

Despite these overlaps, the position of a human rights court in the Latin American world, and the significance of the Inter-American Convention on Human Rights, creates a different judicial


environment for the development of different notions of rights. In fact, as Mary Anne Glendon, eloquently shows in *Rights Talk*, institutional structures, and the quasi-beatification of the Supreme Court in the pantheon of American values, helps explain why American pretensions to stand as the defenders of liberty tend to look threadbare at times. People in and out of the judiciary spout the talk of rights, but reduce it to neo-liberal gestures about the need to free the individual from domination by the state.

There is an entirely different reading of human rights which locates its domain in curtailing the power of the state to abuse those who reside within its own borders. In Europe and in Latin America, countries have agreed to curtail state sovereignty in the interests of human rights. There was relatively little argument over the need to do so in light of the history of dictatorial rule in Latin America or in Nazi Germany. But now, the argument has been renewed, and in the United States, the battle is joined over whether any institution or individual outside the borders of this country has the right to object to the behavior of the American state. Human rights regimes are needed by other countries, the argument goes; we in the U.S. have the Constitution and the Supreme Court. Their word is the *ultima ratio* of rights talk.

Given the stalemate in the American political system over immigration policy, this formal order may be in danger of collapse. What do people do at the local level, when the law and (material?) reality move in opposite directions? They improvise, the ways in which they do so is one of the key subjects of interest in this project. Here institutions matter.

The fragmentary nature of legal and political thinking on this problem may be built into it. When anyone talks about immigration, she touches on one of the most sensitive issues not only in the United States but in international relations as a whole. Neither the Universal Declaration of Human Rights nor the Inter-American Convention on Human Rights declares that everyone has the right to immigrate. Instead, they both declare that everyone has the right to emigrate. And then what? What goes up must come down, somewhere. Hence these documents leave to courts, to politicians, and to the rest of us the vexed question of who can enter a state after that individual or individuals gets up and leaves her/their place of birth.

When individuals violate borders, and migrate “illegally,” the question arises as to what rights they retain even within this illicit framework of residence? Here’s the rub; the creative responses to this question bring us out of the realm of the law, to consider other initiatives that emerge from below, from social action and the many-faceted search for a solution to a problem which eludes political or judicial resolution.

There are two particular elements in this story which we will turn below. The first is the role of the Roman Catholic Church, and elements with it, in serving as a repository of humanitarian norms beyond American conventions, as well in serving as a bridge of support between those who leave their native lands and those who remain behind. The second is to elucidate the conditions underlying the construction of cross-border initiatives of a familial, neighborhood, and denominational character, at times drawing on religious institutions to act as a source of succor and as a defender of immigrants’ rights.

---

Part 2. Fictive kinship, the Roman Catholic Church, and transnationality

The theoretical literature on the topography and changing meanings of the term ‘civil society’ is immense. In a nutshell we follow this interpretation. From the formative 18th century discussions on, the term ‘civil society’ has described that social space existing between the family and the state. Without getting into the trenches and fighting to the last drop of blood for one variant or another of this term, I would like to use it to describe the associational life surrounding migrants in their transnational lives, both in their towns of origin – in this case villages and cities in Tlaxcala – and in their current town of residence – in this case New Haven. Yes, although migrants from Tlaxcala don’t only move to New Haven. Perhaps you want a footnote explaining this.

For many migrants much though by no means all of their associational life both in Tlaxcala and in Mexico radiates from the Roman Catholic Church and its multiple societies and voluntary groups. I would like to interpret the process whereby such groups emerge, change, fade away or mutate as based upon the widening sense of kinship bonds, through a process of informal or figurative 'adoption'.

What binds people together in such groups are the affective ties of what I have termed ‘fictive kinship’. They go beyond family life per se to forge bonds helping migrants to cope with the huge pressures on their family and individual lives. At times these groups stand as proxies for grandparents, parents, wives, brothers and sisters, who live on the other side of the border. In their activities, they express in many ways what Meyer Fortes has described as the essence of kinship, a kind of 'amity' or 'artificial brotherhood' based on a 'set of normative premises' of 'prescriptive altruism', a 'bond of moral obligation to help and support one another', 'an ethic of generosity' parallel to early notions of 'Christian charity'.

I use the term ‘fictive kinship’ not to denigrate it, or to juxtapose it to some sort of ‘real’ kinship, but to capture the force of the language and activities migrants construct for themselves. Are church groups like family units? Yes and no. But in a migratory world, where families are separated for long periods and where the options of return and/or permanent residency are rarely simply or clear, it is important to recognize the ways the voluntary world of ‘fictive kinship’ helps families survive the pressures of transnationality. Jay, I think you should give a paragraph or two before this describing “real” family separation. Why does it happen? What are the costs?

---

We concentrate on church-centered groups not to exclude other facets of associative life. Our aim is instead to raise the interesting and the too-little studied subject of the pivotal role played by Roman Catholic priests in the lives of migrants, and in the process whereby families and individuals within them move out to wider units of filiation. This trajectory from family to fictive kinship is a reality. But at times it is a step on the way to a third phase of filiation, which describes the rights of larger groups of people. These groups may be workers, or women, or adolescents, or wives, or the elderly, or migrants, or all of the above. Each group has the potential to express its feelings and thoughts about transnationality in a number of ways.

One of them is in terms of human rights, understood vaguely and in a number of guises as rudimentary elements of survival – the right to find a job, to save money to form and maintain a family, the right to security, the right to protection from violence or arbitrary arrest, the right to personal dignity and respect. The ambiguity or imprecision of such rights is not unique; all rights talk is framed this way. What may be interesting is the extent to which observing migrants and their transnational lives helps us move away from a rarefied and reified notion of human rights, as derived from some abstract set of principles, be it natural rights in the Thomist tradition, social contract rights in the Enlightenment tradition, or workers’ rights in the Marxist tradition.

Observing migrants also forces us to separate the categories of civil rights, which they have only in part, and human rights, which to a large degree they must struggle to assert, obtain and defend. Thus human rights emerge, contradictions and all, from lived experience. This bottom-up approach to the subject has implications for broader notions of human rights and global citizenship, a matter we take up in the conclusion.

One last point must be made before turning to the populations we have encountered in the course of this study. This is scholarship, not advocacy. We seek to learn, not to praise. There are fault lines, conflicts, and suspicions within this community as there are in all others. And it is as clear in the group we have studied as it is among people born and bred in Connecticut that some of those who affirm human rights in general deny them to particular groups in particular. This is part of the reason the term ‘human rights’ has come in for substantial criticism as meaning everything and nothing, a set of pious platitudes rather than enforceable norms and commitments. To escape from the purely rhetorical, we have focused on the quotidian, the ordinary, the mundane – work, housing, insecurity, as well as births, marriages, deaths, and the church as the site where these rites de passage are consecrated, celebrated, and endured.

Four square at the center of each of these rudimentary features of the daily life of many Mexican migrants in New Haven, as elsewhere, is the Roman Catholic Church. This is both an obvious finding, and to a degree surprising, since churches take on all the colorations of their parishioners. But in the case of transnationality as between Mexico and the United States, the role of the church is braided together with earlier histories. Now, these matters are inflected by the stubborn and undeniable fact that the demographic future of the Catholic Church in North America will reflect the ethnicity of its communicants. The Vatican is sensitive to this development, and so are domestic bishops and clergymen. It is a moot point as to whether the Church hierarchy would be as concerned with this question if a majority of undocumented immigrants were Hindu or Muslim. The fact is that both Latin American and Africa have very large Catholic population on
the move northwards, and that they gravitate to churches in their new homes just as naturally as they did in their old ones.

Focusing on Catholic migrants highlights other difficulties, which show yet again that anyone surveying human rights talk and practice in everyday life will be beset by contradictions. At times, the right to a family life is affirmed robustly by Catholic priests, but not the right of a woman, burdened by material headaches, to seek an abortion when to her the responsibilities of one more child would be a disaster for her already existing family members. In both Catholic and secular communities when women’s rights and human rights have collided, women’s rights almost always get marginalized or forgotten. We shall return to indisputable evidence that women are subjected to endemic domestic violence within migrant households; this is as true among Mexican families in New Haven as it is true in the broader population as a whole. To speak of human rights while tolerating abuses of women’s rights is a kind of hypocrisy which cannot be ignored. Yes, Jay, but Mexican/Latina women also face violence and violations to their rights from many other “sources” eg while crossing the border they are often raped, they are often sexually harassed at work places, etc and they can’t protest because they are undocumented. By giving the site of the family as the only one you are essentializing notions of Machismo.

This is no story of an emerging consensus, but about the jarring, messy, and yet compelling story of the genesis of rights talk and rights work out of the lived experience of poor people living in a relatively rich society. Had there been no contradictions, the story we tell would have been located somewhere between a rosy myth and a palpable lie.

Part 3. Transnational lives

The central aim of this section is to offer some reflections on how notions about human rights are embedded in the discourse of migrants from one part of Mexico and of the people within whom they live in New Haven in 2008-2009. In other words, we have investigated how rights talk emerges from the local history of the incorporation of migrants in one urban community. To study rights talk in this way is one way to put flesh and bones on the larger terms of transnational or global citizenship. In Part 4, we turn to the findings of our field work in Tlaxcala, from which a substantial number of migrants in New Haven have come.

In the period October 2008 to April 2009, we engaged in field work among this transnational populations. We divide our observations into three parts. These concern:

- The search for work and lives of labor;
- The social and cultural life of the Mexican community in New Haven;
- The problem of plural citizenship and identities.

We start with a small town in Tlaxcala, San Francisco Tetlanohcan. In the 1970s, people from this village started to migrate to Mexico City to work in laying carpets, and other aspects of the carpet trade. They worked in prestige companies that make carpets in Mexico such as Lexar Mohawk. Once they were trained, other people from the town took up this occupation. In the late 1980s and early 1990s, people from the village started to migrate to the United States, first to Los Angeles and Oxnard California, where family and other ties could be forged with earlier immigrants.
Later some of this “youth” generation from Tetlanohcan, people who today are in their 40's of 50's, came to New Haven, because there was a demand for workers in this trade. Current residents of New Haven from Tlaxcala told us that the wages offered were better in New Haven than in Oxnard or Los Angeles. Therefore, the first Tetlanquenses to arrive in New Haven were men trained to install carpets. It may be that these individuals passed through New York, where other Tetlanquenses had already come, and found out about job opportunities in New Haven through them. As is the case in many immigrant histories, single men were the ‘pioneers’ in migration which later extended to families, but it is important to note the gendered character of migration at the outset, in the 1980s and 1990s.

The men who first arrived in New Haven started to inform the Tetlanquenses still in Tlaxcala that here in New Haven, there were good jobs to be had. Carpet work was abundant in this region, and those in the trade enjoyed decent wages long before the arrival in New Haven of people from surrounding towns, such as Zacualpan and Zacateleo. There are relatively few elderly people in this migrant community, a striking fact in a culture honoring grandparents as seats of wisdom and authority. At work in these information networks are family and district connections. In the beginning, only eight men from Tetlanohcan were in New Haven. They were undocumented migrants, and there is no evidence that they intended to stay in this country for a considerable period of time. Ideas of return were and are never foreclosed. In interview these men were unclear as to when they started to bring their families to New Haven. It apparently happened at different moments. The consequence of this migration is that in New Haven there are complete and extended families as well as partial families – brothers and sisters without other kin -- from Tetlanohcan and Zacualpan. Most of the early immigrants still work in the carpet trade. Among the first immigrants from Tetlanohcan to New Haven were Oscar Rodriguez, Cecilio Rodriguez and Lorenzo Cuapio, who together with his wife Josefa and his daughters, were particularly helpful informants.

The first immigrants initially worked for Home Depot and American Carpet, providing the services and skills that they had already learnt in Mexico City. One family – that of Lorenzo Cuapio and Cecilio Rodriguez -- started to run their own carpet business. They studied in New Haven and passed the certification enabling them to work on their own, although they were still undocumented workers.

New Haven was a city that provided them with jobs in the trade they knew and what they saw as good wages. Migrants still living in New Haven say that they were well paid in comparison with the salaries carpet workers received in other American cities, not to mention the much lower wage levels in Tlaxcala. In addition, we heard the view that New Haven offered them the attractiveness of a small community, not as complex as New York or Los Angeles, so that they could reproduce in a way, the rhythms of daily life as they knew it in their small town in Tlaxcala. Size matters; for immigrants, settling into a small town presents fewer difficulties than doing so in a complex big city. New Haven offered to these immigrants the possibility of having a social and family life similar to that they knew in their home town. The availability of relatively low-cost rented accommodation mattered too.

At this stage, the notion of human rights is either absent from or entirely latent in the discussion. It is only later, when further migration occurred and when insecurity and the threat of
arrest and deportation became commonplace, that rights talk emerged. The key point to note though is the unavoidable vulnerability of migrants who live under uncertain conditions in the labor market, in their neighborhoods, and in their ties to family back in Mexico. This vulnerability is a constant, though responses to it vary considerably.

It is evident that what I have termed ‘rights talk’ is a mixture of the migrant vernacular about the headaches they face and the terminology activists -- both secular and religious – use to describe their situation and their choices. There is clearly an element of translation going on here, on the conceptual as well as on the linguistic level. The rhetorical space is occupied by a widely shared sense of vulnerability and injustice on the one hand, arising from the reactions of the migrants themselves, and a different though compatible set of terms about human rights which both churchmen and laymen bring to the discussion.

This is not at all surprising. Indeed, the parallels with other forms of social protest is striking. In nineteenth century Europe, the language of social class was a similar amalgam of a backward-looking local and familial language about fairness and justice and a forward-looking language of political association and action. Religious images were central to early socialist organizations, and the incompatibilities between the elements forming these movements was no greater and no less than those we see today. The language of social protest is always a mixture of voices, out of which comes something new, something different from the grammar and syntax with which different groups started to reflect on their lives and their predicament. When we hear people engage in rights talk today, we hear a blend of many messages, derived from many different sources, reflecting family loyalties, associational life, and religious convictions in unequal measure.

Yes, this is a confusing and unequal landscape, but it is full of possibility and excitement. The process of framing rights talk is in some ways more important than the product or the linguistic packages it comes in. When women who have not seen their children or grandchildren in 15 years express their frustration over being denied visas to cross the Mexican-American border, they ask for elementary human rights – the right to live a family life under transnational conditions. We do not need to refer to the Universal Declaration of Human Rights to understand their feelings or to try to help them realize their aims. But when they speak out together, and do so with others who bring very different rights languages into the conversation, then something unexpected happens. The discussion turns syncretic, blending together bits and pieces of thinking about justice and injustice which tend to be framed in the vocabulary of human rights. In this sense, rights talk is more than the sum of its parts.

The vernacular is where the discussion of the rights of migrants is most vivid and creative today. As long as the political impasse at the national and regional level remains in effect, as long as local and national political leaders refuse to touch this issue with a ten-foot pole, it is necessary to attend to other voices, less prominent, but no less moving, to find out what the term human rights means today.

This research is one small example of what we have learned to call the linguistic turn in historical study. Language is constitutive and not simply representational. There are no facts outside of the languages in which they are expressed. Human rights ‘facts’ are no exception. That is why the voices of immigrants and of those who live with them are at the core of this research.
project. Only by seeing the struggle for human rights as coming out of lived experience, that of newcomers and old-timers, of migrant populations and the communities within which they live, can we escape from the banalities, arid abstractions or lofty generalities all too prevalent in this field.

Part 3. Transnational lives: Facets of the Mexican community in New Haven

In the course of our interviews and in what we could observe, immigrants saw and continue to see New Haven as a small town where they could be close to other Tlaxcaltecs and to reproduce many of their local traditions: the Carnival in May, the Rosario, a laymen’s prayer and social group, and the work of the ‘major domos’, or local leaders or elites who organize saints’ days and other celebrations, for instance, the communion and parties for girls reaching age 15. Here is the domain of what we have termed ‘fictive kinship’: brotherhoods and sisterhoods of support for vulnerable families living transnational lives, related to the rhythms and practices of the Roman Catholic Church.

Some of the people we interviewed said that living in New Haven was “almost” like living in their home town. This was one way early migrants presented New Haven to later migrants. What they could use in their daily lives were the social networks of Tlaxcaltecan families, networks which were and are essential for social cohesion and survival strategies of families living in two countries and in two languages, and with very few resources of their own. Here the story of immigration a century ago is being repeated today.

We should separate the image of New Haven presented by residents to their family members whom they wanted to encourage to migrate here from the conditions of communal life they were able to fashion. To a degree, over time, these immigrant communities have indeed fashioned their own version of Tlaxcaltecan communal life. They have done so through religious rituals, with the aid of Father Agustin Rojas, who was a native of Tlaxcala state and who spent three years in the Church of Santa Rosa de Lima in Fairhaven, between 2002 and 2005. His contribution to the formation of a Tlaxcaltecan community here was fundamental. His predecessor, Father William Burbank, knew Spanish and travelled to Tlaxcala to see the place of origin of his parishioners, but it apparently mattered more to the local inhabitants of New Haven that Father Rojas was himself a Tlaxcaltecan. Now that Father Jim Manship is the priest of Santa Rosa de Lima, he has been able to build on the foundations set by the two priests who came before him. This helps explain the centrality of the Church of Santa Rosa de Lima in the communal life and struggles of immigrants, both documented and undocumented. In this way, the discussion of human rights has become imbedded in the work of the church and the lives of Tlaxcaltecs who flock to it for mass and for other religious and non-religious activities.

Politically and socially, Tetlanohcan has been a very conservative town. Voting for the PRI was high in the past, and though this has been the case in many other Mexican states, the conservative bias of those in power in Tlaxcala seems evident. In addition gender roles were strictly defined; indeed many of the people with whom we spoke in Tlaxcala described problems of squaring their efforts to see their families in New Haven with their husband’s views about what was

\[\text{Interviews with Father Agustin, Tlaxcala, February 2009.}\]
appropriate behavior for them, including leaving their husbands in Tlaxcala while visiting families in New Haven.

We need to know more about age of marriage and family size in Tetlanohcan. It is unwise to assume that migration has limited fertility in the town of origins of migrants. Fertility decline has multiple sources and was under way before these immigrant flows began. Nonetheless it is important to note the effect on population change of the presence of very large numbers of local villagers in the United States. Nafta played a major role in this regard, undermining the market for Mexican farm produce, and thereby forcing the poor to migrate in order to survive.

In contrast New Haven has a very different community, with a progressive tradition in politics and trade-union life, and a different profile of gender and a much lower family size and fertility rate. It is unwise though to draw too sharp a line between Mexican conservatism and local progressivism in Connecticut. These populations are more complex than that, though local traditions in New Haven have played a considerable part in the lives of newcomers to the city.

One hypothesis we wish to test and develop is that coming to New Haven opened possibilities of social participation which Tetlahnocans rarely used in their daily lives in Mexico. Here the Roman Catholic Church played an unusual role, initially through the work of Father Augustin Rojas and Father William Burbank. The parish level is critical in understanding the linkage between church life and communal life. Father Augustin Rojas was fortunate in having the support of his bishop in Tlaxcala in his work, and Father Jim Manship has similar backing at some levels of the church, though not among all clergymen.

Some of the communal practices of Tlaxcaltecans originate in older secular traditions. The work of the major domos is a case point. These men, local leaders, act independently of the parish priest. We were told that Father Augustin helped draw these organizations back to the church, and thereby helped preserve a sense of the importance of Catholicism in the daily life of immigrants and of their families back in Mexico. Here is one important element in the construction of transnational cultural and social life. We will look further into the role of Father Augustin in launching cultural events such as the May Fiesta, events which have taken on a life of their own. It is evident here that transnational migration is both a challenge and an opportunity for the Roman Catholic Church. Migrants can lose touch with their faith and their traditions, and an interest in their welfare is both self-evident and of importance to clergymen who work with immigrants and their families.

We need to do more work on the genesis of these cultural practices. Our initial sense is that following Father Agustin’s initiative, the community itself developed further those rituals like the “mayordomias”, the prayer groups of “el rosario”, and the carnival dances of Indian origin which are very much part of the daily life of the Tetlanquenses in New Haven. We have seen many of these dances in Tlaxcala, and were struck by their gendered quality: some involve only men in masks and elegant costumes apparently mimicking or satirizing the French rulers of the mid-19th century; others involve men in women’s clothes; and still others are made up of mixed couples dancing together. The one occasion we noted on the road from Tlaxcala to Puebla had women in attractive Western

---

dress dancing alongside masked partners in doublets and lace. More work needs to be done about the elements of cultural transfer in these practices as between Tlaxcala and New Haven, since such dances and costumes are used in celebrations in Connecticut as well.

One dimension of great importance for future work is to compare the dynamics of parish life in Tlaxcala and New Haven. Father Jim Manship has played an important role in the braiding together of the Tlaxcaltecan community in Fairhaven, and thereby he has brought the Church of Santa Rosa de Lima into the center of communal life. Our hypothesis is that the richness of the cultural life of migrants and their material and personal vulnerability help account for the particularly important role the parish priests have played in New Haven, a role perhaps more central to the lives of migrants than that played in other towns and cities where Mexican immigrants live in the United States. Tlaxcaltecan traditions seem to be decisive here. We need to take account of the earlier history of Tlaxcala and its unique historical trajectory arising at the time of Spanish invasion and conquest. Church and state both wear the clothes history has fashioned for them.

We have seen that the Roman Catholic Church is the first line of defense of the safety, interests and well-being of the migrant community in New Haven. Here there may be continuities with the work of the Roman Catholic Church in the late 19th and 20th centuries, when immigrants came from Ireland and Italy to New Haven, and gravitated to the Roman Catholic Church in New Haven in similar ways.

The activities located within the orbit of the Church of Santa Rosa de Lima help define the migrants’ way of life in New Haven. Here is the core of networks of solidarity – foci for fictive kinship – that Father James Manship builds and promotes in a conscious effort to empower his parishioners as free agents in the betterment of their own lives. This is a central element in Father Manship’s work both to fortify his church and to enrich the lives of his parishioners.

Recently he decided to stand up for other migrants in the neighboring town of East Haven, a poor suburb adjacent to Fairhaven, which is within the boundaries of the city of New Haven. In doing so, he got himself arrested for interfering in police work and for causing a disturbance. The specific details of this confrontation and the legal consequences of it are matters of litigation, but the pattern of harassment Father Jim exposed is a chronic problem, disturbingly familiar to the entire migrant community. Arresting a priest simply exposed a running sore, an outcome of prejudice and ongoing friction between local police and Latino residents. I shall return to this incident below.

Reflections on plural citizenship: some preliminary remarks

Our work over the past two years has exposed a phenomenon of much wider importance than that strictly limited to local history. Stories like this one are unfolding throughout the United States, and their shape and character reflect local conditions of work, politics, and faith. Much more work is still to be done on the particular elements of the New Haven story, but already there are some facets which have already come into focus.

---

20 More needs to be added on church life, social mobilization, and the rhythms of the religious calendar.
The overriding logic of the subject position of migrants in New Haven derives from specific cultural and political practices deployed to fortify the social cohesion of a community living under considerable uncertainty and material constraints. How do we understand this search for cohesion?

1. **Family structure**

   The social cohesion of the Tetlanoquenses in New Haven is the product first and foremost of their family structure. After the first pioneers arrived, these residents came as families and live as extended families. The age of the single male migrant is in the past.

2. **Cohorts and change over time**

   In terms of a sense of belonging and citizenship, there is a clear differentiation of cohorts. The first migrants were people who saw their identities as Mexican: they came from somewhere other than New Haven, and were here for a limited period of time. Their lives here unfolded in ways they could not have anticipated initially. Their children and later migrants have a different set of identities and experiences. Those born in New Haven are American citizens by birth; but even those born in Mexico may come to feel removed from or distant from Tetlanohcan and the way of life their families lived and continue to live there. As in all migrant communities, over time, a sense of liminality or estrangement is inevitable. The concept of ‘uprootnedness’ developed in the 1950s, is clearly inadequate to guide our understanding of these transnational lives. The notion of liminality is more flexible, describing a multitude of subject positions not necessarily juxtaposed to ‘rootedness’ or some other mythical image of locally-born populations.  

3. **Vulnerability and the search for the stability conditions of everyday life**

   There are those who are happy either with their dual identities as Tlaxcaltecans and New Haven residents, but there are others who are less settled in their sense of who they are and what is their relationship with their families in Mexico. This is unavoidable, but it is deepened by the fact that a substantial but unspecified part of the Mexican community in New Haven in undocumented, and subject to arrest, imprisonment, and deportation. A population of local residents in a poor part of town have relatively few institutions to call upon other than the Roman Catholic Church, a site of pride and devotion for those who come there.

4. **Harassment, injustice, and the assertion of rights**

   Father Jim has also made it a site of protest over unjust treatment and harassment. It is out of this difficult situation and the vulnerability of the local immigrant community that there emerge notions of rights. They cannot be full civil rights, in terms of the entitlement of voting and participatory democracy, since many migrants are not American citizens. Some children are citizens, but most of their parents are not. It would be interesting to know how many of those who have been eligible for naturalization have chosen not to do so. Many Tlaxcaltecans in New Haven are undocumented migrants, and are thus even more vulnerable and deprived of civil rights. What they have left and what they develop in their own ways

---

21 Add note on Turner and liminality.
are human rights – the right to seek work, the right to pray, the right to live a full family life, the right to security, the right to find education for their children, the right to live in safe and decent housing. These are rights which must be constructed, rather than simply assumed, and the Roman Catholic Church plays an important role in the genesis of their understanding of human rights.

5. Rights talk and rights action: local politics

Alongside the Roman Catholic Church, the local community, Latino civil associations and non-governmental organizations, the Mayor's office and aldermen of the City of New Haven, and members of Yale University have provided help in the framing and assertion of human rights by migrants themselves. This is by no means a top-down process. Human rights are defined by those who feel they are deprived of them, and by local residents who share that belief. But the support of the mayor in the launching of a municipal identity card and the fostering of a welcoming policy with respect to migrants, whatever their legal status, are of great importance in framing rights as political as much as job-related or linked to notions of personal insecurity.

6. Disorientation and multiple identities

There is a separate story to tell about men whose families are entirely in Tlaxcala. They are temporary residents of New Haven whose identities are still located in Mexico. And yet, the disorientation of transnational life affects these men too. When they are in Tlaxcala, they think about returning to New Haven, and when here, they want to go back to Mexico. Exile is a choice some people make, but most of the time, the migrants we have begun to survey have multiple identities, made more complex the longer they stay in New Haven. They remain Mexican, Spanish-speaking Catholics, but they – especially adolescents -- are in a sense also American, and many of them have lived in New Haven for decades. Their children speak English; some have limited Spanish, others are entirely fluent.

The key point is that over time, a plural identity of Tlaxcaltecan New Haven residents has emerged. It is an unstable category, with many variants, but it is a kind of transnational life that millions of men and women are living through the United States and Mexico. This research project shows what that huge process of migration looks like on the local level, in a town where Mexican culture and religious life are flourishing. There are very few Roman Catholic churches in New Haven or elsewhere where there is not a seat to be found in several Masses on Sunday. Father Manship serves both the interests of his parishioners and of his church.

7. Religious life in ethnic perspective

This is a point with which the Roman Catholic Church in Hartford, where the Bishop sits, and beyond are entirely aware. The future of the Catholic Church is tied up with the lives of its Latino and Latina parishioners. Their problems are the problems of the Church, and as much as of the local. It appears to be the case that the current priest at Santa Rose de Lima has now more freedom to develop his work and ideas than other Catholic priests have had in the past. This wider story is beyond the limits of our study, but its contours can be seen clearly in the parish life and the Spanish Masses Father Jim Manship offers today.
8. Variations in status and stability

In the case of children born in New Haven of undocumented migrants, their story is different in yet another way. Culturally and linguistically they are Mexicans, but they are Americans by birth. They have civil rights their parents do not have, and if their parents are arrested, they – the children – can remain in the United States. Their sense of vulnerability and of rights varies from that of Mexican immigrants with resident visas. We interviewed one family in Zacateclo, in which the resident visa of the New Haven part of the family made it easy for a grandmother to obtain a tourist visa and visit her children and grandchildren. Efraina told us that her family life was a happy one. This case is radically different from the position other women in Tetlanohcan described. They were separated from their children and grandchildren for more than a decade. When these women applied for American visas as single individuals seeking to see their families, they were turned down. Efraina owns a business, and after two failed attempts, she got her tourist visa, which she renews periodically.

9. Rights talk on the local level

This observation points to a cluster of rights emerging among these communities. Some have substance; others are purely rhetorical or symbolic. The right to keep families together, whatever their legal status, has been championed by the Roman Catholic Church, and in particular by the current Pope. It is evident to migrants that when this right is denied, all others collapse. The right to seek work is fundamental to these people; when this right is denied, all others collapse. The right to personal security is fundamental too; when this right is undefended or abused, all others collapse. Rights talk therefore is survival talk, and thus inevitably involves the most fundamental aspirations and beliefs of the people living out the logic of globalization and transnational plural citizenship.

10. Rights and strategies of survival

It is evident that for most people the pressures on maintaining family life in a transnational setting are crushing at worst and difficult at best. One thread which connects many of the interviews we have conducted is the desire of Mexican residents of New Haven to return home some day. Most have houses in Tlaxcala, and many send back remittances and parcels to improve their family property and holdings. Here is a pathway out of liminality.

And yet we must note that their contributions, both financial and emotional, to the lives of their families in Tlaxcala are separate from the lives they have developed in New Haven. It is likely that the money they invest in family property will go to building houses in which they may never live. Now that the story of Mexican immigration to New Haven is more than 25 years old, there is a difference between what may be termed temporary migration for work purposes and to improve a life to which the migrant and his family will return and what may be termed transnational migration, in which migrants try to find a balance between a life lived here and a family and community with a different trajectory and character in Tlaxcala.

11. Plural trajectories, plural lives, plural citizenship
Migration has a logic these individuals may not have seen at the beginning of their journeys and installation in New Haven. They originally came for a discrete period of time, perhaps a few years, until they earned enough money to go back to Tlaxcala and run a business and/or build a house in their native villages. Over time, the momentum of daily life and the lives of their children in New Haven takes over and changes their perspective, to that which we describe as transnational. When their children are born in New Haven, they develop a plural family life, in the sense of having a family in Mexico, and one which has become increasingly permanent here.

One of the ways to frame this phenomenon is to observe that many of these people live on the hyphen of the term ‘Mexican-American’, but do so without legal residence or citizenship. Their liminal status as undocumented immigrants further complicates the problems which arise from forming and living with new ethnic identities.

In sum, this population has multiple identities, and families are composed of people enjoying different kinds of resident status and citizenship. These families live their lives in more than one country, and their struggle for rights reflects the transnational character of their existence.

12. Fictive kinship, the life of the church, and the rights of migrants

What seems to be the common denominator of these transnational identities is that they are formed over time, and defined by a search for stability, in particular the stability of family lives, lived simultaneously across a border in two distant towns. In doing so, these people have few institutions from which to draw support, aside from the Roman Catholic Church. Thus the notions of rights they develop through the difficulties they face has a strong element of what may be termed Catholic solidarity, a position very much championed by the current hierarchy of the church. When family life is at issue, the Catholic church has a strong position. Its views on other aspects of human rights – for instance divorce and abortion – are another matter.

13. Fault lines

The relationship between local associations in New Haven and the Catholic Church is complex and at times adversarial. The local priest can work together with lay groups, but he is troubled when what he terms ‘radicals’ paint the immigrant community with a red brush. Many of those working for human rights in immigrant communities draw upon entirely different ideas and traditions, and find Father Jim’s missionary work inimical to their purposes. Furthermore, as we have already noted, many problems central to women’s rights are remote from the discourse of the Catholic Church in general and in this particular case. There are, though, overlaps between the way that lay and religious groups understand human rights. In the future, we intend to explore what is compatible and what is incompatible within this broader community of activists promoting the well-being of immigrants, documented and undocumented alike.

Part 4. Transnational perspectives: From New Haven to Tlaxcala

22 For this metaphor, see Gustavo Pérez Firmat, Life on the hyphen: The Cuban-American way (Austin: University of Texas Press, 1994).
These remarks have been based on field work in New Haven. How does the reality of transnational life look from the viewpoint of residents of the Mexican state of Tlaxcala and in particular in the town of San Francisco Tetlanohcan, where we have also conducted field work? Over several visits in 2008-9 to Mexico, we were able to survey the points of intersection between the world of kinship, fictive kinship, and human rights activity in New Haven and Tlaxcala.

Families under pressure

Everything starts with families. The central element in this transnational environment is the pressure under which families live on both sides of the border. Given the concentration of migrant flows from specific villages, it is evident that the impact of migration is substantial in Tlaxcaltecan villages. It is equally clear that kinship ties are fundamental in the way Mexican migrants to New Haven organize their lives and survive the numerous pressures they face.

The effects of migration on kinship ties are complex. On the one hand, remittances still go back to Mexico, and are used to build houses or purchase livestock in the hopes of bettering the life of the family as a whole and of the returning migrants in particular. But over time, some migrants in New Haven have changed their original assumptions as to when or even if they would return to Mexico. Their reasons for staying are multiple, and not simply a function of wages or the vicissitudes of the labor market. When they decide to stay, even for what is framed as a further year or two, they change the ways families respond and develop on both sides of the border.

In Tlaxcala, the immediate effect of the conversion of relatively short-term to indefinite or long-term separation is the isolation of grandparents and parents from their children. We have met women who have not seen their children or grandchildren living in New Haven for over a decade. The melancholy they express is deepened by the fact that as poor women without proof of a job or property, they have not had much success in obtaining visitors’ visas to the United States.

There are some exceptions to this rule. One owner of a taqueria in Zacateleco with a large family in New Haven has a visa, and expressed satisfaction with the state of kinship ties in her family. She has visited New Haven on numerous occasions, and had an entirely different attitude to her situation and that of her family compared to women without visas. A legal visitor’s visa changes everything.

If personal contact is not frequent, due to the common difficulty of poor people obtaining visas, family ties fray at the edges. American consular officials overwhelmed by applications from people without the documentation required to prove that they have a reason to return to Mexico for work or business tend to turn them down. This is common practices among consular officials in many other countries too. Mothers and grandmothers who work at home feel that they are unfairly treated by visa officers, given the fact that they have family ties in both Mexico and the United States. The presumption among American officials that such applicants will stay on illegally if given a visa is both understandable and in many cases completely mistaken.

The telephone and the internet are no substitute for a visit. The combination of undocumented status of many immigrants and the rejection of visa applications filed by their family members can lead to severe family tensions. If we add to the mix the division between those with
undocumented status and their children born in the United States who by that fact alone have the right to American citizenship, we can understood how deeply divided families of Mexican immigrants can become. This fracture within families is a very common phenomenon.23

Long periods of separation tend to give Tlaxcaltecans who remain in Mexico an idealized view of the conditions under which their family members live in New Haven. Some visitors who succeeded in making their way to New Haven for family reunions expressed surprise or dismay at seeing how hard were the lives of their relatives in America. The distance between the idealized image of the migrants’ new homes and the reality marked exchanges within immigrant families in earlier times too. Knowing that in New Haven family members took on multiple shifts of work, that they lived in crowded circumstances, and that every day they were always concerned about harassment and the danger of arrest, were sobering thoughts. And given the distance between New Haven and Tlaxcala, those who stayed behind at times felt guilty or frustrated by being unable to help those who have gone north.

The common view among migrants and their family members in Mexico is that if they simply go to work and break no other laws while here, the fact that they broke laws getting here or staying here does not justify their classification or treatment as in any sense illegal. Once here they are law-abiding people. That is why in all discussions we use the term ‘undocumented immigrants’ to describe those who cross the border without visas. No person can be ‘illegal’; but they can be undocumented.

Church Life as fictive kinship

To speak of the family of the church is to identify both a metaphor and a lived experience. The kinship arises from belief not from blood, but is none the weaker for that. Church life helps fortify family life under the pressure of transnational immigration. It does so in ways more evident and perhaps more effective than any other organization, in part because of its special position within Mexican society in general and in Tlaxcala in particular.24

Both from history and from necessity, the Roman Catholic Church plays a central part in the lives of Mexican migrants in Tlaxcala and in New Haven. The priest recreates the rhythms of the Catholic calendar Mexican migrants have known from their childhood. He is there for rites de passage, baptisms, marriages, burials. In the Roman Catholic Church of Santa Rosa de Lima, located in the Fairhaven district of New Haven, Father Jim Manship celebrates mass in Spanish, to be sure a halting Spanish, but Spanish nonetheless. This fact makes a major difference to his parishioners.

Father Manship does what other priests do, only more so. He represents authority in a community where the traditional structure of familial authority in the grandparental generation cannot operate. The grandfathers and grandmothers are on the other side of the border. He deals with family troubles and money troubles, and inevitably, troubles with the police; there is nothing extraordinary about this.

24 See the remarks in the discussion paper of Gustavo Verduzco to be presented to the May 2009 workshop on Global Citizenship, at Yale University.
To be sure, he is trusted by some parishioners more than by others. This is what priests everywhere face, but here there is an additional way he has earned their trust. In the adjacent town of East Haven, a number of his parishioners, in this case from Ecuador, have suffered from police harassment. It is likely that racial profiling is in effect here, since police tend to stop Latino men’s cars with uncommon frequency, and allegations of police beatings in these cases have followed.

An Ecuadorian family running a small grocery shop in East Haven rang Father Jim in March 2009 about one instance of harassment. They told Father Jim that four uniformed policemen came to their shop and demanded that they take down and hand over automobile license plates the family had purchased from tag sales for display and decoration in the shop. The claim the police made was that these license plates were state property, and the shopkeeper had no right to display them. When Father Jim arrived, he brought with him a camcorder, and proceeded to film the ongoing exchange. When the police saw what he was doing, they demanded that he stop recording the incident. He refused and kept filming. They then threatened to arrest him for interfering with police business and for creating a public disturbance. He continued filming, and was duly put under arrest, handcuffed, and brought to the police station in the police car.

When Father Jim took off his overcoat, they saw he was wearing a clerical collar. Since he was intent on showing solidarity with his parishioners, it is possible that he hid his clerical status from the police; it is possible too that he was simply wearing winter clothes. From the point of his arrest on, the incident became one of damage limitation for the police, and of legal action for wrongful arrest and racial profiling for the priest and his parishioners. The charges against Father Jim were subsequently dropped, but given the fact that he kept the video recording, and handed it over to his lawyers associated with the Yale University Law School immigrants’ rights clinic, the matter is under litigation as of May 2009.

Everyone in Fairhaven knew that Father Jim had been arrested, and the Sunday after the incident, the Church of Santa Rosa de Lima was packed with parishioners. Father Jim said that he had reassured the small children in the Church school that he was not going to prison, and he called the teenagers to the front of the church, and said to them that they were the future of this community, meaning New Haven, and that they had to defend their rights whenever they were infringed. Father Jim spoke to them in English, thereby recognizing that many of them are not going back to Mexico, but are almost certain to make their lives here, on this side of the border. To be sure the same message of solidarity went out to those intending to return to Tlaxcala, though it is unclear what proportion of his parishioners fall into this latter category.

**Rights talk and the migrant experience**

This one moment captured a central element in our study of migration and citizenship. Notions of human rights are not naturally imbedded in the vernacular of these migrant communities. Many think of the right to work as natural, and the right to protect and nourish their families as elementary. But only when they confront harassment, arrest, imprisonment, and injustice of varying kinds, do they begin to engage in what we have termed ‘rights talk’. Indeed, the very phrase ‘human rights’ as a part of the conversation in this community emerges from the rallying of support for migrant men and women among their own community in conversation with people
outside it. It is through political and legal conflict that migrants come to use rights talk as part of their own understanding of their lives.

**Historical parallels: from state and social class to civil society and human rights**

There are historical parallels which help us interpret these developments. This trajectory of the emergence of rights talk is very similar to the process of constructing languages of class consciousness among workers in nineteenth-century America and Europe. Without much effort or education, working people have had a clear idea that they shared interests with those who earn a living in the same way as they do, and an adversarial relationship with many of those who employ them. And yet this craft consciousness or ‘class awareness’ rarely develops into class consciousness, understood as a commitment to create organizations to defend their rights and those of all working people, wherever they are.25

There is a huge literature on the morphology of class consciousness. Such a transformation of social and political ideas into ‘class consciousness’ has been rare, and rarely stable even when it happened. Rights talk in the framework of working-class formation embodied backward-looking and forward-looking elements. Religious language was ubiquitous, as was reference to older notions of justice and reciprocity.26

There are parallels here from which we can learn in understanding the emergence of rights talk among groups and individuals both outside and inside the migrant community. Human rights discourse is in some respects the class consciousness of the twenty-first century. Another way of making the same point is to say that rights talk in many forms – from appeals to ‘migrant solidarity’ to Latino activism to women’s rights to green movements and beyond – is an amalgam of terms, beliefs and practices which in varied ways come together and reinforce each other despite contradictions among them. The key to understanding this mode of thinking is to accept messiness in place of precision.

This is an instance of a more general phenomenon which I have investigated in another context. In the course of the twentieth century, languages of social transformation have moved from one discourse to another. In the early part of the century, projects of social transformation centered on the nation or social class as the carriers of a better future. In the latter part of the century, such visions had different inflections and emphases. From the 1960s on, visions of social transformation have focused less on nation and social class and more on civil society and human rights.27 The difference is one of emphasis; counter examples are plentiful. Suffice it to say that the story of immigrants’ rights in a transnational setting is located in this larger shift in language and political practice.

---

27 Winter, *Dreams of peace and freedom*, pp. 5-6. The particular case of religious organizations is examined in chapter 5 of this book.
The collapse of Marxism as a theory of society – in the sense of providing us with an understanding of how societies are structured – and a theory of action – understood as a way of understanding how societies change -- is part of the story. Elements of Marxian thinking still persist, but what has tended to fill the vacuum created by the demise of Marxism and communist politics is the discourse and practice of human rights. American presidents from Harry Truman to Jimmy Carter and Ronald Reagan used human rights as a weapon in the Cold War against the Soviet Union; now after 1991, this rhetoric has become disengaged from earlier usages.

The case of transnational migration shows one way in which this is so. Those working to defend the rights of migrants bring to the table ideas which come from other struggles and other places. One way to speak of the effect of these ideas on migrants is to term them ‘imputed rights consciousness’, in the sense of being brought in from outside. This is a term originally developed to guide middle-class socialists working together with laboring people; there are similarities between their activities and those of activists working with migrants today.

Once introduced, though, such notions about human rights take on a life of their own. Activists or militants can help frame the language in which the migrants discuss their own situation, but they, the activists, cannot ensure that their outlook or beliefs are adopted either in part or whole cloth by those they are trying to help.

This uncertainty helps account for pronounced tension between some social activists and some clergymen and church activists in New Haven. Each feels the other is getting in the way of essential work in the defense of immigrant rights, understood in very different ways. Personal friction plays a part here, leading to heated rhetoric which can get very much out of hand. There are middlemen here, as in all social movements, working to patch together a popular front for the common good.

The human rights conversation: Tlaxcala 2009

In the following paragraphs, I want to chart the emergence of this one local human rights movement in New Haven and Tlaxcala, in the hope that it sheds light on the complex and incomplete emergence of rights talk arising from the problem of undocumented migration today. I will describe the voyage to Tlaxcala I organized in the company of Father Jim Manship and of Marco Castillo, the leader of a modest transnational NGO, Iipsoculta, dedicated to studying the social and cultural practices of migrants. Their mission is to help ‘create justice and equity in America through popular education, organizing, and interaction between individuals and groups’. Castillo and his co-workers are based both in New Haven and in Tlaxcala. Their organization is funded by European state sources, and has established a community center, entitled Cafami, or the support center for indigenous and migrant families, in the town of San Francisco Tetlanohcan in Tlaxcala. The land and house were given to it by a local farmer. In it there are weekly meetings of local families, which is to say, 50-60 local women who come together to discuss their family.

28 The literature on this point is vast. One place to start is Georgy Lukacs, *History and class consciousness; studies in Marxist dialectics*. Translated by Rodney Livingstone (Cambridge, Mass., MIT Press, 1971).
29 Letter of Marco Castillo to Jay Winter, 11 March 2009.
problems. The NGO organizes for local residents study courses in the native regional language Nahuatl and in Spanish, children’s classes in computer usage, and in the cultivation of native herbs and vegetables.

In 2008, with the financial help of New Haven residents, eight women from this group constituted themselves into a dance troupe, and collectively applied for a visa to present their art and their cuisine to interested groups in New Haven. They called themselves ‘the mothers of the Malinchi’, after the extinct volcano which dominates their rural landscape. They got their visas, and presented their work and their art to public gatherings in mid-2008. That success persuaded a larger group of women – 24 this time – to come together to form a dramatic society, with the intention of coming to New Haven in 2010.

One of the aims of coming with the leader of Cafami, Marco Castillo, was in part to meet these women and talk over their plan during the regular Friday afternoon meeting of their Women’s Community Action Committee. Another reason for traveling with Mr Castillo was to defuse the explosive tension generated in some quarters of New Haven by the plan to go to Tlaxcala with Father Jim Manship. Having both Castillo and Manship in our party ensured that everyone knew we were engaged in scholarship and research, and not in advocacy for any particular group or point of view. Anyone surveying this matter should not underestimate the degree of ill-feeling bordering on rage generated between and among some – and only some – of the participants in the story.

The Fray Julian Garcés center for human rights

Our first stop in Tlaxcala was the Fray Julian Garcés center for human rights. This body, which meets in a modest house in the city, is named for a Dominican priest who was the first Catholic Bishop consecrated in Mexico. The Bishop was a defender of Indian rights. This organization of priests was established by the Church in 2006 in part to investigate social problems in Tlaxcala and in part to give force on the local level to what clergymen refer to as the ‘human rights pastoral’ or the Church’s mission in the world. Here is one small instance of action following the lead of the Vatican, which has a long record of speaking out on migration questions, but which has recently reiterated the views of the Church in no uncertain terms. Families must be protected, the Church teaches, even if they migrate without visas. Arresting one or more members of a family destroys it; thus the Roman Catholic Church is committed to de facto or de jure amnesty for undocumented immigrants. To Cardinal Mahoney of Los Angeles, it is immoral and wrong to see undocumented immigration as a felony.30

What the priests at the center ‘Fray Julian Garcés’ mean by human rights is derived from natural rights thinking. Following Aquinas, and in line with later Catholic theologians like Jacques Maritain, they define human rights as residing in the dignity of the individual human being, and in the flowering of his personality. Only through a belief in God, they affirm, can the human person take on his full dignity. The individual focus on such personhood was apparent in their presentation of the problems of human rights in Tlaxcala.

---

The problem of migrants’ rights in general took a back seat at this meeting to the problem of prostitution, a major source of profit to a small group of traffickers in Tlaxcala. The priests addressed this problem as one of education, poverty, and political corruption. Even though human trafficking has been made illegal in the state, the statute is difficult to enforce due to the tendency of local leaders to ignore its existence. Political obstacles reinforce cultural obstacles to the recognition that prostitution is a corrosive and dangerous phenomenon, and a roadblock against any progress in the sphere of women’s rights. A tradition of low levels of investment in education was part of the problem, but so was the catastrophic fall in earnings among people who worked in arable farming in the state. The effect of the Nafta agreements, they agreed, has been to make it virtually impossible for small farmers to make a living in Tlaxcala. Prostitution is one outcome; massive outmigration is another. Human rights abuses follow from both.

Women’s rights are a real concern to these priests, but there is no sense in their vocabulary that rights extend to abortion or contraception. Women’s bodies, like men’s belong to God, they affirm, and thus abortion and contraception are violations of God’s mastery of our lives. Father Jim Manship is at one with this view, and while he spoke at the meeting about his effort to instill in his parishioners a sense of autonomy, of the right to control their own lives and their church, the notion of human rights in his usage is conventional in that it stops short of recognizing the right of women to control their own reproductive lives.

Still, the way in which the priests at the Human Rights Center in Tlaxcala spoke of poverty and human trafficking showed that their human rights mission was real and courageous, since they are on a collision course with powerful and wealthy criminals and the political allies who protect them in their state. Their sense of human rights was framed in part by its diametrical opposite in the trafficking and sex trade of their state. As in many other cases, a sense of human rights emerges in the course of and as a consequence of their violation.

In addition, both Father Jim and the priests meeting in Tlaxcala referred repeatedly to the problem of domestic violence, apparently widespread among their parishioners on both sides of the border. Such violence was and is so commonplace that it suggests that women’s rights are undermined even before men and women leave their homes.

The women caught up in trafficking and prostitution are bought by Tlaxcaltecan pimps from other parts of the country, or forced into prostitution while on a journey by train from Central America to the United States. The rail line linking the two passes through Tlaxcala, and predators of many kinds feed off the human passengers of these freight trains. Many of the victims are women who find themselves in brothels in Puebla, Mexico City, and later, Chicago and New York. The profits of this criminal network have been plowed back into spectacular houses built in the Tlaxcaltecan towns of Tenancingo and San Luis Teolocholco.

---


32 Interview with Father Adrian, Santa Inez church, Zacatelco, 19 January 2009.
The priests work with schoolteachers and other civic leaders to draw public attention to this problem, exacerbated by developments in roads and transportation, which makes trafficking easier and more lucrative. The overall vulnerability of migrants to exploitation becomes crystal clear when the link is made between the movement of people northward and prostitution. Here it is apparent that human rights abuses are both recognized and the subject of considerable effort within Mexico. Human rights are everybody’s business.

Other priests, particularly the Scalabrini brothers, who work all over the world with migrants, try to help some of the transit migrants who pass through Mexico in hopes of finding work and a better life north of the American border. They are preyed upon by the army, the police and a range of other criminals, and it is to the credit of Catholic clergymen that some of these abuses have been curbed.

Father Manship found the meeting important not only in exchanging views about human rights with other religious, but in learning more about the communities from which his parishioners have come. He was also interested in seeing if catechists or voluntary religious teachers from Tlaxcala could be persuaded to come to New Haven to help in teaching the young, whose contact with Catholicism was, in his view, tenuous at times.

Cafami

The same day we moved into an entirely different register of the human rights conversation in Tlaxcala. In the afternoon, we attended a meeting of women from the town of San Francisco Tetlanohcan, in the center for migrant indigenous families, which takes as its name the acronym Cafami.

This group is secular in character. It has little contact with the local church, whose priest is at times distant and at other times hostile to its efforts. The women of Cafami have little good to say of him. We should not make the distinction between secular and religious practice too fine. It is important to note that when Father Jim celebrated mass and communion on Sunday 19 April, all of the women from Cafami were there and took communion from him. Whether they regularly attended mass is difficult to say.

In the meeting at Cafami, attended by the mayor of San Francisco Tetlanohcan, a series of women spoke of their sadness at the fracture of family life which transnational migration has brought about. These are poor women, whose sons and other family members migrated to the United States in the period 1986-2000. These women’s lives have been defined by loss and melancholy. They feel they have lost their families, since they cannot get visas to visit them, and are too old or too poor to raise the cash to do so illegally. These are women who speak obliquely of the problems they have with their husbands in Tlaxcala who are uncomfortable with their coming together with other women for purposes of planning a visit to the United States.

In the meeting there were very few local men, aside from the ancient farmer who gave the land on which the building Cafami used was located. My sense was that the husbands of these

---

women were against their efforts to come together and to go as a group of women to the United States. No one said as much, but the indications were there. One woman asked Father Jim to mention in his homily in the Sunday mass he was to offer on 19 April in San Francisco Tetlanohcan the name of her husband, a man who vanished, she said, trying to cross the American border illegally. His body was never found. As it happened, the priest forgot to do so.

At the meeting the focus was on building a bridge between San Francisco Tetlanohcan and New Haven across which these women could cross as actors in an indigenous acting troupe. Their commitment was to working over the coming months to produce a series of vignettes on stage in Nahuatl, the indigenous language of Tlaxcaltecs. They proposed to present these stories of their families and the effects of transnational migration on them in a play suitable for staging in New Haven in 2010.

What were the themes they had in mind to perform? The first was the sadness of mothers and grandmothers who could not nurture or help their children and grandchildren in New Haven, when they got into trouble or needed assistance. The second was the danger and risks of crossing the border illegally. The third was the anguish of recognizing that those who intended to go north for a short time would never come back. Never is a long time, and they intend in these sketches to express their sense of how migration has affected the lives of those who do not move.

In this village of approximately 5,000 people, roughly 1,000 Tetlanohcans live in New Haven. This is a rough guess, since we are dealing with undocumented migrants, but the significance of movement on this scale on the local level is evident. What these women wanted was a chance to be who they were – mothers and grandmothers – under conditions of massive migration which precluded their realizing that simple fact. Their sense of human rights emerged, not surprisingly, in their sense of their being deprived of family rights – the right to be a mother or grandmother, if not for a long period, at least for the limited time visas permit. Those with whom I spoke tended to adopt the language of the organizers of Cafami, but at the same time, they adapted the language of transnational rights to their circumstances. Human rights mean the right to see one’s children. It is as simple as that.

And as difficult. The fact that Father James was there to help them, and others were there from Yale University as well, was duly noted. But these women saw that they had to create something unusual – a woman’s acting troupe of mothers and grandmothers who knew what solitude and loneliness were all about.

What was striking about the meeting was the clear sense the women had that by coming together, they were beginning to form their own ideas about what human rights were. They were not thinking along the lines of natural rights, as Father James and his clerical brethren had it, nor were they thinking of transnational rights, as some advocates of open borders would have it. They were focused on the world they knew – the world of the family – and were determined to bend the new conditions of long-term, transnational migration to their purposes as mothers and grandmothers. They were determined to realize their human potential as mothers, as carers, as women, and recognized that the only way to do so was together, as a collective.
This is the central distinction between the two human rights discursive fields we encountered in Tlaxcala. The clerical one is focused on the individual. The secular one, on the collective. Human rights for the clergy were the rights to realize the human personality in all its glory. For Cafami, human rights meant asserting their demands as mothers to be able to be who they were, and to do so, they had to join together.

Here we see two lines of human rights thinking which have a long and distinguished history. They are not mutually exclusive. What the priests in the human rights commission wanted was the end of what we call ‘white slavery’, an end to turning women from people into commodities, bought and sold and discarded. What the women in Cafami wanted was an end of a break between generations which came out of migration but which left them unable to be who they are. Both groups see the meaning of human rights in the realization of the potential of every single person. What priests do one soul at a time, the women of Cafami do together. Catholic human rights work focuses on the person; secular human rights work focuses on the collective, and on the fact that by coming together, poor people have a chance they do not have when they act one at a time.

In the meeting at Cafami, there were many other issues raised by the women of San Francisco Tetlanohcan. There was anger at the perceived failure of the Mexican government to do anything to help migrants or their families. There was a particularly pointed comment directed to the mayor of Tetlanohcan, who attended the meeting. Do not come here to join with us, one woman said, and then respond to our requests for money from the municipality with the reply that there is no money to help us.

Cafami has other projects under way, to which these women and the organizers spoke. They are boycotting Western Union for their unfair charges in handling remittances. They are in the process of setting up a web site, to describe a virtual store to sell Mexican-made products and to advertise to anyone on either side of the border the services of musicians, craftsmen and other service providers in Mexico. They are also actively involved in environmental protection projects in the Malinche mountain region in San Francisco Tetlanohcan. They are cultivating traditional herbs and medicinal plants, and promoting the use of local crops. It is not clear how much these were initiatives promoted by local women through Cafami, or by Cafami itself, whose community organization has stimulated towns folk to work on these projects. The truth probably lies between the two. Suffice it to say that there are many voices and many forms of community action under way in the town.

And yet, on the day we visited, the conversation always returned to those who were not there. There was concern about their sense that their family members in New Haven had a hard time at work and were given harder tasks to do than were other workers. They could not look after their families properly, and work around the clock to support them. The thread of the comments always came back to this: the anger, fear, uncertainty, loss, and melancholy of women living divided family lives.

Conclusion

34 Nadia Nehls, Notes on the Cafami meeting, 17 April 2009.
This brief exposition on human rights in the context of transnational migration can only highlight the issues which we hope to explore in the second phase of this project. At this time, we can summarize our findings in this way.

First, rights talk comes out of the struggle of migrant communities to assert and defend their dignity under considerable pressure. That pressure comes initially from within the states from which they migrate. Predators of all kinds attend their movement, and will exploit or destroy them if they can. Secondly, there is the middle passage, the route across the border. There too predators are legion, but so are people interested only in the money poor people pay to cross into the United States. The risks of arrest by border police and return to Mexico are real, but the dangers of death or white slavery or blackmail are probably more terrifying. Then – in the case we have surveyed – comes the journey north and east, once within the United States, and the difficult art of settling within migrant communities already here. Most of the time, migrants head to places where their families or townsmen have already settled.35

Once in their new place of residence, the struggle for human rights takes on a new form. This time it is the right to work, and to earn a decent wage. There is the right to police protection, and to protection from abusive search and seizure from immigration and customs enforcement agents. At all times, there is the fear of detention, imprisonment and deportation, and the anxiety attendant to the fact that they entered the country illegally. Alongside these difficulties are the everyday problems of family relations, sexual relations, and if time permits, the search for sociability or happiness.

This is a daunting agenda, and would test the mettle of any one of us. The fact that so many people are prepared to face it tells us something about the desperation of migrants in Tlaxcala in the Nafta age. In some villages, it is not at all clear what young people, on the verge of being of age to marry and start a family would do to earn a living. Some marry, and then head north right away. Still more migrate within Mexico. But the choices they make to leave Tlaxcala seem to many to be no choice at all.

Such people understand human rights as the chance to escape from the poverty of their native villages in order to build something better. They see the right to work as fundamental, a point Mexican politicians routinely affirm, and want the chance to make their way in a world they had no part in creating. Crossing borders is a way to make their lives better, either by earning enough money to return to a home built through their remittances or to remain in their new homes and help those who stay behind.

This kind of rights discourse is syncretic rather than systematic. It is by and large a blend of phrases, beliefs, and slogans which migrants derive from their folk culture and notions they hear from priests and activists who stand by their side. The fact that their language is constructed syncretically in this way does not diminish by one iota the force of what migrants have to say about rights. Their stories are visceral; they know what rights are by reflecting on their absence.

In effect, what migrants want is the chance to build more than one identity, more than one kind of citizenship. They live plural lives because their families live in two countries. They want the law to allow them to do so; that is not an easy matter, but it is certainly an understandable claim. In many situations, though by no means in every case, when law and human experience diverge, sooner or later, the law adapts. Now it is people who are adapting to the law by breaking or bending it. Many pay the price, but their numbers are so vast that not all of them can be arrested or deported. Sooner or later, some accommodation will have to be reached. The human rights campaign for undocumented immigrants is a step in that direction.

The structure of that effort is threefold. Human rights emerge first and foremost as the defense of family ties and loyalties. Then comes fictive kinship, the extension of a notion of rights to a wider group, participating in secular or religious associations. Finally comes the universalization of rights, a step which clearly lies well into the future. It is not in the vocabulary of the men and women of Tlaxcala to claim that all migrants have rights, but it is in the logic of their work and their lives to believe that this is so. How that belief survives in the future is anybody’s guess. For the moment, we must remain content with surveying the passage of human rights talk from kinship to fictive kinship. The rest, one day, will be history.