DRUGLORDS, COWBOYS, DESPERADOES: POLITICAL MYTHOLOGIES OF THE MEXICAN-AMERICAN FRONTIER

A Dissertation

Presented to the Faculty of the Graduate School

of Cornell University

In Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

by

Rafael Acosta Morales

May, 2014

DRUGLORDS, COWBOYS, DESPERADOES: POLITICAL MYTHOLOGIES OF THE MEXICAN-AMERICAN FRONTIER

Rafael Acosta Morales, Ph. D.

Cornell University 2014

Cowboys, drug lords and desperadoes, with their unholstered guns, riding horses or trucks, roaming through the wide desert, represent key parts of the political mythology of the Mexican and American frontiers. This is a territory that, even as it has always been considered peripheral, has had a central role in shaping the central identities of both countries, as well as in the development of their attitudes towards violence and conflict, legality and illegality.

My research focuses on these three figures and the territory in which they roam, eliciting from narratives that center around them theories of political exceptionality, legitimation, and substantiality. On the frontier regions of the liberal, representative state, its shortcomings become more obvious, and betray the blind spots of our political schema. I argue in my dissertation that the manifestations of violence that surround this territory do not arise in spite of the state and its notions of legality, but because of the law and the processes through which it comes into existence. To illustrate this point, I construct a narrative divided in three chapters, which develops the imaginary of each figure, focusing on the work of Cormac McCarthy, Clint Eastwood, Luis G. Inclán, Yuri Herrera, Américo Paredes and Rolando Hinojosa.

In my dissertation, I show the pathways through which these works represent the way the law becomes intertwined with the outlaw, affirming and negating itself through its exercise. Each chapter focuses on one of three of the main cultural identity groups that populate the region, Anglos, Chicanos and Mexicans, while analyzing the tenets of one of the branches of government. In this way, I want to call attention to how stories occupy political discourse and showcase the failings of our political systems.

By virtue of being outside of the "civilized" centers of the Nation State, farther from the cosmetic institutions that hide inequality and injustice, the frontier helps us perceive the underbelly of representative democracy, revealing the nightmarish counterparts of the State's generals, politicians and tycoons in the roaming cowboy gunslingers, powerful drug lords and landless desperadoes of the North American desert.

BIOGRAPHICAL SKETCH

Rafael Acosta Morales was born in Nueva Rosita, México, and wandered through Northeastern Mexico. He received his Licenciatura in Hispanic Letters from the Instituto Tecnológico y de Estudios Superiores de Monterrey. He attained a Master's Degree in European Literature, Literary Theory and Comparative Literature from the Universidad Autónoma de Madrid in 2007. He came to the United States in 2007, where in 2011 he received an M.A. and in 2014 a Ph.d in Romance Studies with a minor in Latin American Studies from Cornell University. He is currently an Assistant Professor at the University of Kansas.He is

A mis padres y mis hermanos,

los naturales y los adoptados.

ACKNOWLEDGMENTS

My first thanks come to my family. My parents kept a house that was full of books ever since I can remember. They always pushed me to make something of myself, and I've done as much as I can not to let them down.

I am greatly indebted to my professors in Monterrey, who opened a wide world of opportunities for me and let me know what literature is, and how a life can be made in literature. Inés Sáenz, the first of my many female mentors, changed my life and set me on the path I am today with her flawless example. I am also heavily indebted to the late Ramón Martínez, *queridísimo mester de perrecía,* and, like most of his students, miss him dearly. Raúl Verduzco, Eduardo Garza, Luis Lojero and Luis Felipe Lomelí, all of them, far away as they might have been physically, were always close, and always here.

Things get rough sometimes in the isolation of a Ph.D. program, and friends are beyond value and beyond words. Gustavo Furtado, helped me retain some of the little sanity I had, through many a cup of coffee, pinga de cachaça, and arctic grilling. Rafael Orozco, Dafna Hornik and Pablo García Piñar were friends who kept me afloat with stimulating conversation, advice, encouragement and companionship. I also have to the Workshop to thank for great improvement on my Cornell experience. Edmundo Paz-Soldán, Liliana Colanzi, Rodrigo Hasbún, Rodrigo Fuentes, Janet Hendrickson, Sebastián Antezana and all the other participants became part of a great literary tradition which I hope will last for a long time in Ithaca.

I have many colleagues to thank for their generous help. Ignacio Sánchez Prado has always been beyond generous, and sets the bar in his field. Jose Ramón Ruisánchez has had many a suggestion and tip on hand for several years. Oswaldo Zavala has also contributed with interesting perspectives to this work, as well as Sophie Esch. And also, Simone Pinet has been a wonderful reader and commenter for many a page of mine during my time at Cornell University. Gregorio Henríquez was also essential for this project, I could never have conceived of it in the same way if it weren't for his anthropological lectures all around Medellín.

The members of my committee have gone beyond the call of duty throughout the process of conceiving, planning and writing a dissertation. Edmundo Paz Soldán kept me on my feet throughout the process, and suggested a great deal of material from the trove of literary knowledge he possesses. Gerard Aching, always a gentleman, provided invaluable advice, example and perspective during the years he served in my committee. And finally, I believe no one can speak well enough of Debra Castillo, and many have tried. No student deserves such a good advisor, and she leaves enormous shoes for me to fill as an advisor later on in my career. She always had the right advice, the right article, the right book, the right word, and even the right taco. I'll be forever in her debt, though, I can only hope that our professional relationship is only beginning.

And to all the other people I haven't mentioned, as well as the ones I already have, I say thanks, thank you all.

TABLE OF CONTENTS

"I knew a very wise man so much of Sir Christopher's sentiment, that he believed if a man were permitted to make all the ballads, he need not care who should make the laws of a nation."

Andrew Fletcher *An Account of a Conversation*

Bear with me.

What you see on screen is a person stranded on an island, or a remote village full of savages. These backward sorts grab the hero and worship him like a god (in *Star Wars* it was little fuzzy bears and an android, but nevertheless). They proceed to give him all sorts of gifts and all the women in the village shower him with their attention. Now, our hero (usually a little dimwitted) believes he has finally found paradise, until he discovers he is being prepared as a human sacrifice and about to be tossed into a volcano as an offering to the gods.

Let's set this scene aside for a couple of minutes.

The next thing you see is my father, and here your vision bifurcates in time. One of the strands is showing reruns of *The Lone Ranger* on TV. The hero rides his beautiful horse through a reddened desert with his faithful sidekick by his side. Of course, this was Mexico, so Tonto was not named Tonto (dumbass), but Toro (Bull). In the other strand, my father has put together a little black mask from a piece of cloth and string, and is playing the cowboy in a Cowboy vs. Indians game with his friends on the street.

Let's set this scene aside again for just a little bit longer.

It's me, and I'm barely four, and I'm laughing my ass off. I'm trying to use my arms as a jumping rope and failing. On screen (now it's always on screen) a bunch of monkeys are dancing to a tenacious jazzy and swingy tune, scatting nonsensical sounds on screen, and dancing around a bear wearing coconuts as an ape disguise. This is, at this time, my definition of fun, and even more, Mowgli is the first character in an animated film that even remotely looks like me. And oh, I love him and Baloo. So when I find out King Louie, the orangutan, (what a funny word

orangutan is for a four year old) is trying to dupe Mowgli into giving him the secret of fire, thus letting him gain power, because *he wants to be like me, walk like me, talk like me, oohoo,* I realize he is the villain. I remember how out of place he would sound when he called Mowgli his *cousin.*

Would you think, dear reader, these scenes might have some bearing on the way I think and live my life?

How long would you think it would take me to realize the volcano in question was none other than the Popocatepetl volcano I'd be able to see on particularly clear days when I visited my cousins in Mexico City? And of course, that those blood thirsty, devious savages on screen were possibly my ancestors?

How long would it take my father to realize that what he was doing in the school recess or in those sunny days of his childhood was pretending to kill some of his great-great-great-grandparents, in all likelihood indigenous of some tribe or another of Comanche affiliation? How long would it have taken to realize he was pretending to be a man who responded to blind fidelity by calling his sidekick dumbass?

How long would you believe it would take me to realize that Mowgli, that kid who looked like me, did not in fact, stand for me, but for Kipling, and those British sons, "bound to exile, to serve their captives' need" (Kipling) in India, and those American soldiers who went over to the Philippine Islands to find peoples, who like me, would seem to them "Half-devil and half-child" (Kipling)? How grateful would I be now, that, this valiant knight would bring "us from bondage, Our loved Egyptian night?" (Kipling) How grateful would you believe me to be that they chose to take up the White Man's burden, and take care of our needs, those heroic

Mowglis of white skin, even if the idea of us strolling throughout town, holding the secret to the fire of civilization, was as absurd as an orangutan doing so?

This is a study about the political usage of stories, about the ways in which stories are used to produce erroneous class identification, bad faith, and to subvert the interests of those who listen, watch or read in order to further the political gain of others.

Would my father as a child have held the Lone Ranger as his hero, had he known him to be inspired in the Texas Rangers, an armed corps that burned my hometown in order to cover their retreat? Would I have been so amused at the stories of those heroes far from home who managed to defeat and overturn a savage civilization and mocked them so, had I known them to be inspired by my forebears? Would I have encouraged my parents to buy copies of *The Jungle Book* and fund the mockery of non-white folk, had I known it to be so?

The stories we tell ourselves are not often this simple, but are often as influential and even more so. As Bourdieu dedicated his career to prove, symbolic capital is not only symbolic, not even primarily so. Most endeavors are fueled and developed through some sort of symbolic capital, which harnesses one of the strongest sorts of power. As Senator Roark states in Robert Rodríguez' *Sin City:* "Power don't come from a badge, or a gun. Power comes from lying, lying big and getting the whole damn world to play along with you. Once you got everybody agreeing with what they know in their hearts ain't true, you get them by the balls" (R. Rodriguez) After all, if we explore the notion of might is right, we will eventually find that might is a very feeble claim to power, if it is that. Might, in the form of a gun, is dependent on the physical resources needed to produce bullets, feed the men who wield them, fuel their ambition, and keep them constantly on alert in order to use such guns. Power is something different. Power is a form of

accumulation exchangeable for other people's compliance of their own accord. Even at its vilest, power is a way to keep people performing a role without the direct interference of those who wield power. As Senator Roark stated, it is the successful lie that wields power, and it often comes as a narrative, fiction being both a genre that lies to tell the truth and a genre that tells the truth in order to lie.

One might look to Martin Luther King's accomplishments as a way to observe the power of these stories:. "That is what Dr. King did [ended the terror of living in the south] —not march, not give good speeches. He crisscrossed the south organizing people, helping them not be afraid, and encouraging them, like Gandhi did in India, to take the beating that they had been trying to avoid all their lives. ***Once the beating was over, we were free***. [Emphasis in the original]" (Rice) Once might was exercised, it was exhausted. What sustained the regime of racial segregation and violence in the south was not only the might of the white-operated state, but the fiction, the lie that its might would be greater than what African Americans could stand. Power is the ultimate form of cultural capital at its most solidified.

Politics is the art of narrativizing social experience, in order to construct a naturalized framework for others to obey in their social interactions. The naturalization of this framework is essential, because politics is at its most powerful when it is unseen. As Žižek states, authentic political events occur when experience is resignified, when an unforeseen turn of events can't be included into current narratives or when current narratives are reformulated to recreate social narratives. "The event is the successful imposition of a new narrative which makes a historical situation readable again to those caught in it" (Žižek, Slavoj Žižek: what is an authentic political event?). A political event, here, is not political action, such as getting elected or passing a law, necessarily, unless it is a response that was elicited by something outside of the sphere of the

prepoliticized. The integrity of political narrative becomes the realm of political action, while breaks in it become the realm of a political event. Žižek describes Julian Assange's publication of classified documents as an authentic political event, narrativizing it as a true act of a dictatorship of the proletariat, since it was an act of espionage on the behalf of the people. Edward Snowden's revelations represent another such event, where the script of nation-state warring and spying was derailed, and Snowden has paid handsomely for his actions, as he is still, as of 2014 in a legal limbo, with execution or imprisonment looming on his horizon. One could also argue other events represented political events from other perspectives. The elections of both Vicente Fox and Barack Obama represent political events from some perspectives and nothing like a political event from others. As they represented actual access to power from those who had been excluded from it, they represented a political event, however, as it happened from within a pre-established power structure not so much. What they do have in common is that neither election was followed by much political action. Politics is a narrative that puts together the facts experienced by the constituents of a state. It gives coherence to their lives. However, as Žižek states:

> *Problems arise when an unexpected shattering turn of events – an outbreak of war, a deep economic crisis – can no longer be included into a consistent narrative. At that point, it all depends on how this catastrophic turn will be symbolised, on what ideological interpretation or story will impose itself and determine the general perception of the crisis. (Žižek, Slavoj Žižek: what is an authentic political event?)*

Politics can thus be conceived as a competition of narratives, where political acts are shifts between what might be considered political. And these narratives not only take the shape

of political campaigns or treatises, but take on whatever varied shapes stories do. In our churches, in our colleges, in our music, in our films, in our books, in our conversations, we reproduce political narratives that inspire us to behave in one way or another.

From the success of structuralists, like Lèvi-Strauss, who undertook the study of myth, we might learn that it is not necessary to travel to the Brazilian Amazon to visit the Bororo Indians, or to use the narratives of faraway natives to understand structures that inform the way we interact with each other. The narratives that fuel human behavior do so not through rational argument, but through the construction of a system of beliefs that underlies the points of departure of political discourse. Lèvi-Strauss' project in *The Raw and the Cooked,* was to "show, not how men think in myths, but how myths operate in men's minds without their being aware of the fact" (Lévi-Strauss 12) Likewise, what we see operating in the interaction of mythemes among the Bororo Indians may very well happen in Western mythemes as well. For we create systems of truths (self evident truths, sometimes) that fuel our political behavior, and the decisions we make, sometimes without our knowledge of how we came to such evidence.

My ambition is not much different from Lévi-Strauss', as different as our subjects, and methodologies may be, for I too, would see my "Ambition being to discover the conditions in which systems of truths become mutually convertible and therefore simultaneously acceptable to several different subjects" (Lévi-Strauss 11). I also believe there is much to be learned from the encounter among the mythemes of several communities as observed in the Mexican-American frontiers. It was there, in a place that featured very violent encounters between cultures that did not find their systems of truths to be convertible that where several of these cultures resorted to violent conflict to negotiate them. I choose this territory because of the conflict, for in the periphery of the power of both the United States of America and the Mexican United States we

find the discourse of justification of a political narrative to break down more easily, and to show its cracks more clearly, allowing us a privileged view of the inadequacies of our political institutions. As Žižek states:

> *When the normal run of things is traumatically interrupted, the field is open for ideological competition – for example, in Germany in the late 1920s, Hitler won in the competition for the narrative which will explain to Germans the reasons for the crisis of the Weimar republic and the way out of it (his plot was the Jewish plot); in France in 1940 it was Marshal Petain's narrative which won in explaining the reasons for the French defeat. And the same goes for the ongoing financial and economic crisis: which narrative will prevail? (Žižek, Slavoj Žižek: what is an authentic political event?)*

That the narratives we possess today survived seems enough justification of their fairness to more than one of us, producing an erroneous sense of self-evident truth. In order to see an example of this, we need not look any further than John Wayne's films. Most of the old time cowboy films hinge on a cowboy rescuing settlers deep in Indian Territory, usually a woman and kids. But we never see them as trespassers who are stealing land from the Indians. That their descendants now inhabit those lands makes for the ethical self-evidence of that the behavior of the cowboy mytheme in film shows us. This led to a political usage of such myths that claims to be even more self-evident. For more than one President rode the image of the fearless cowboy into the White House, just as more than one Presidente rode the image of the caudillo into Los Pinos.

I argue that the relationship between entertainment and politics is so deep as to warrant a distrust of the democratic process as actualized contemporarily. The right to vote amongst two or

more options could be absolutely meaningless if the people are not allowed to change either the options or the conversation. All the elements that shape political conversation and the influence in shaping those elements end up being more important than suffrage in shaping the political.

Our myths, our entertainment, and our honor codes have great influence on the shape of our interactions. Jonathan Rosenbaum, in his book *Movies as Politics* reflects on

> *how closely our news resembles our so-called entertainment and vice versa; and what sort of relation either sphere bears to reality sometimes turns out to be my main subject (...) my main purpose here and elsewhere in this book is to argue that what is designed to make people feel good at the movies has a profound relation to how and what they think and feel about the world around them. (Rosenbaum 3)*

People don't check out their brains when they walk into a theater, turn on the radio, or grab a book. The same person who experiences pleasure in entertainment by recognizing himself and his reality on the screen goes out into the polls. But how is this recognition configured? Reality becomes a language in our cultural production, where the way we speak of it, the plausibility of reality becomes more important than the truth of reality. In his analysis of late 80's film, Rosenbaum reflects on why "Almost going to hell in a hand basket is what most of the characters in these movies [*Die Hard*, *Batman* and more] seemed to be doing. Are narrow escapes from oblivion and destruction the only form of utopia available to us—perhaps because we're too jaded to believe in any others?" (Rosenbaum 87) The use of cultural capital is not in the workings of a system within its reality principles; cultural capital is the thing we use to determine the reality principles of our systems, what can be thought of, politically, spiritually and privately.

When we ask ourselves why would we think of narratives as politics, the answer seems pretty clear to me. What politics we can and can't do is a decision that comes out of what I will call aesthetic points of departure, mostly informed by narratives. Whether we believe that a government can run a deficit during a depression or not is rarely informed by numbers or economic technology, even when it doesn't turn out to be flawed, like *Growth in a time of debt* (Reinhart and Rogoff), which was used to justify the austerity measures that destroyed Western Europe during the Great Recession. Discussions related to deficits most often are framed as a narrative: "Can you live on a credit card forever?" Several leaps of logic are often made, trying to frame state narratives as if states could run on the same principles and rules as an individual, in blatant disregard of empirical knowledge and economics. Our reactions to the principles of verisimilitude in such narratives we are presented often determine the way our polis reacts to problems of great magnitude.

Narratives contribute and shape the language itself that we use to describe the political issues that affect our lives. "There are times when our language becomes so overloaded with ideological assumptions that, however we use certain terms, they wind up speaking more than we do." (Rosenbaum 14) It is not casual that the liberal movement spearheaded by the Kennedys was referred to as Camelot, or that the conservative movement requires a continuous cable news system in order to sustain its narrative. What becomes the center, feasible, productive, is always something we define based on shared narratives, on what we find aesthetically pleasing in them, and desirable. These narratives provide an affectual matrix from which we depart to action. We create narrative myths in order to frame our desires for the polis, and experiment what ideas we have. When we imagine the modern state reaching ever deeper into our private lives, we experiment with such ideas, as Huxley did in *Brave New World,* Scott in *Blade Runner,* Orwell

in *1984*, or Gilliam in *Brazil.* That the future we see has ended up more and more often in dystopic form also has an influence on the present we see. Our political myths frame what we expect from a State and how we interact with it.

If the myths we are after rely on the recognition of a false political experiment, but never take place in its entirety, and are always spun one way or the other, in order to make one political argument or another, the question of how to approach them is of paramount importance. It is of great importance to resolve how, if the hero has a thousand faces, to choose which one to study, how to get to the bones behind the face. In turn, after studying how narratives come to influence politics, we might come to the point where we might recognize politics as a narrative, which provides principles of possibility for our coexistence. When our stories establish gory violence and gritty cynicism as a form of realism (see the Nomad Dystopia chapter), it influences the way we behave and choose, as Rosenbaum states in reference to *Seven:*

> *If mankind is hopelessly blighted and evil is both omnipresent and triumphant (…) it stands to reason that political change isn't even worth hoping for and that legislation designed to make millionaires richer while increasing the suffering ot the homeless is the only 'realistic' kind we can contemplate. Yet if we accept this made-to-order postulate, we have to overlook the fact that* Seven *originally had an even grimmer ending than it does now—an ending revised as soon as preview audiences objected. (Rosenbaum 2)*

What the apparent solidity of realism does is to reorient the common good in order to comply with interests that appear unrelated to the narratives that we experience. What we experience as commercial might take place as the political, while what we experience as political might take place as the commercial. One of the things narrative does is to create attachment

between ourselves and characters, ideas, and experiences, to point us in the direction of an object of desire.

Sometimes our narratives offer us happy resolutions for our troubles. One good example is the story about the de-narrativization of the political that arose out of the Enlightenment and that can be clearly observed in the casual legal tradition of the United States. In the United States, there has been a tradition pointed towards a denarrativization of the exercise of the law, a tendency to create a law that is as universal as possible, and that contains as little particularity as possible in order to push the particularization of it towards the realm of jurisprudence, a translation of the universal towards the case. Thus, universal law is only as universal as long as it has not set precedent, and the idea of equality under the law is relegated to the idea of universal law.

This casual approach allows for forces of divergence in equality under the exercise of jurisprudence, which establishes a given set of particularities as rule for the law, ignoring those that might point in the opposite direction. We might construct the narrative of denarrativizing the law in order to build a more abstract law that would be fairer as it would apply to more people equally. And yet the attribute we choose to establish equality will lead to inequality, as people might be equal, but never are identical, and the differences that inform the experience of the political and the legal are ignored.

What is more problematic about political narratives is not so much that they exist, as it would be difficult to think about a way to organize and motivate people that did not include a narrative, but much rather, the fact that we naturalize the narratives, forming political attachments while erasing their trace. The lack of trace often leads to situations that are deceptively enticing, much like the attachments that Berlant describes in *Cruel Optimism:* "All

attachments are optimistic. When we talk about an object of desire, we are really talking about a cluster of promises we want someone or something to make to us and make possible for us." (Berlant 23) We develop affect for our stories, which is the way that most political organization comes into play. The experience of political togetherness becomes an object, being reified. Through her analysis of a statement by George W. Bush, Berlant comes to the realization that "In his head [Bush's] a public's binding to the political is best achieved neither by policy nor ideology but *the affect of feeling political together,* an effect of having communicated true feeling without the distancing mediation of speech." (224) Perhaps George W. Bush[1] was an extreme in his tendency to despise policy and ideology in favor of affectual togetherness. Perhaps, rather than affectual togetherness becoming an alternative for ideology or policy, we could think of it as the starting point for both, a departure for the construction of the political. I arrive at this idea, as I believe that it would be only a caricature of President Bush that could be construed as absolutely uninterested in policy and/or ideology. Much rather, the idea of attempting to communicate through noise, and the frustration Bush shows as he strives to produce affectual glue, seems to be focused on the possibility of policy and ideology that are coherent with such affective constructions.

Where I point to politics being an aesthetic rather than a philosophical construction, I point to an affectual distinction. I would venture to speak of aesthetics as an affectual matrix that determines a set of values that gives rise to political behavior. In this matrix, we would see the

[1] George W. Bush, 43rd president of the U.S.A.(2000-2008), son of George H.W. Bush, the 41st, (1988-1992) In this section, Berlant refers to a comment he made in October 2003 "Somehow you just got to go over the heads of the filter and speak directly to the people" (Berlant 224)

conjunction of a narrative of utopian nature, of how life should be, and the affectual togetherness that would make a person want to remain within this narrative. Berlant brings up a quote from Freud, where she analyzes his take on melancholia, in which Freud states that: “People never willingly abandon a libidinal position, not even, indeed, when a substitute is already beckoning to them”. (Freud 244) I would claim that the attachment that libidinal positions produce is related to the conjunction of aesthetics and affect within the matrix I’m configuring. That is, I mean to claim that aesthetic guidelines are the manifestation of the limits of libidinal positions held in common with other people, and that these represent the fluxes allowed within an affectual matrix that leads to the construction of a political unit, and sets the limits within which its policies and ideology might flow.

Harmony between a matrix and its products would be an obvious byproduct of this process. However, such a thing has a way of evading us. By allowing a political class to be in charge of producing the affects that lead to our political configurations, we relinquish control of political desire, and often find ourselves in a situation where: “A relation of cruel optimism exists when something you desire is actually an obstacle to your flourishing. It might involve food, or a kind of love; it might be a fantasy of the good life, or a political project” (Berlant 1). The great problem of affectual politics is that it takes advantage of a disjunction between what Berlant calls noise and content. All sorts of content can be hidden in the noise if it is strong enough. When contemporary teenagers in Mexican slums claim they’d rather spend “cinco años de rey que una vida de buey” (Muedano) or five years as a king, rather than a whole life as a schmuck, they are following a narrative fuelled affectively from both facts and fiction. It is fueled by the fiction of the lives of the famous druglords, which might or might not correspond to reality, but is made spectacular in fiction, gossip, and news circles. It is also fueled by the fact

that fewer and fewer Mexicans who are born into poverty make it out through education, as today the difference in employment rates between college graduates and non-college graduates is shrinking (Mahapatra). Within this affective matrix, the path of turning to five years as a king as a guideline sounds reasonable, in a way, but ends up very rarely successfully fulfilling its promise, and most often, providing a lifestyle that impedes the kind of celebrations and life that recruits associate with becoming a drug lord. Oftentimes, when Zeta sicarios are captured, what comes to light is the image of people who live on slightly over 600 dollars a month, camping in the desert, while eating out of tuna cans. (Beat). Average incomes for *maquiladora* workers also hover around 600 dollars a month (Sarmiento), however, and it doesn't stand to reason that the behavior enticed is of help to anyone but the people at the top of the structure who benefit the most from the expendable lives of the grunts who make the bulk of cartel forces.

Reason sometimes sends us plummeting into insanity. The murderers who manned the offices that managed the holocaust in World War II claimed to be following Kantian philosophy. Freedom can lead us to slavery. The rhetoric that advocates economic freedom in the post-Cold War world is gathering means of production and capital in very few hands, leading people into bondage and debt. Political resistance becomes an obstacle for itself. The Ché Guevara shirts sold all over the world as a symbol of political resistance have now become a profitable commodity within the economic system that its emblem despised so. In parallel guise, in 1970, it is told, that Michael Wadleigh was promoting his film Woodstock in Cannes. There,

> *Wadleigh dedicated the film to the four students killed by National Guardsmen at Kent State only five days earlier; when the screening was over he stood by the exit doors and passed out black armbands. I took one myself, but two*

days later some boutiques in Cannes started selling similar armbands.

(Rosenbaum 8)

Because I understand that the optimism often associated with identitary attachment is very often led astray into arguing for ideologies that not only do not aid those who build the identity constructs or that identify with them, I want to maintain some distance from them. What I want to point out in my analysis of the aesthetic-affectual matrixes that surround druglords, bandits and cowboys, is that I do not want to engage with identitary politics in what has become the typical way. Identities and cultures can be reified too far.

Where I may be Mexican, that is a non-essential attribute, the choice, either explicit or implicit, to partake of a set of stories, a code of honor and a sensibility, amongst other things. It is something that I choose (or not) to be a part of, in transience. Using literature as an example, we might find a good explanation of the dangers of identitary politics. If "Mexican" literature were to be defined as literature of the Mexican, and such definition is taken to heart, it would be easy to spoil both the adherents and the rebels to such a definition. That is, adherents would write of the indigenous past, revolutionary caudillos, and magical relations of oppression between peasants and caciques. And rebels would undertake a literature of European subjects, World War II, Londonized or Brooklynized hipsters who play in rock bands, or abstract self-referential experimental novels that are to literature what American Expressionism is to painting. What I propose to analyze here is a different thing: representative samples of a corpus of stories that is shared, or representative reproductions of categories of cultural heroes shared through a culture; manifestations of codes of honor that inform political behavior; aesthetic or affectual sensibilities that are used in the world. None of them are essential or impossible to renounce.

A good example here might be the racism that is attributed to a section of the American people. In an opinion piece, a *New York Times* columnist analyzes a comment by Paul Ryan, related to how inner-city citizens were not even thinking about working. And then he proceeds to criticize the economic policy that is derived from following the narrative that minorities are lazy, and he says:

> *American conservatism is still, after all these years, largely driven by claims that liberals are taking away your hard-earned money and giving it to Those People.*
>
> *Indeed, race is the Rosetta Stone that makes sense of many otherwise incomprehensible aspects of U.S. politics (Krugman)*

Krugman marks conservatism as a movement that is heavily predicated on racism, because of narratives and sensibilities to which they have chosen to adhere. One of the many ideas that I think essential to analyze this situation is that this is a choice. It could be argued that someone who is racist does it unwittingly if he is never confronted with an alternative narrative. But most people in America would not have been raised in so much isolation. The choice to embrace racism is a non-essential part of a person who could, at any given point choose not to do so. He might refuse to do so because of intellectual laziness, because of a refusal to depart from a libidinal position, or because of whatever reason he chooses to offer. Even if his affectual matrix points him in one way, it is possible to resist, or to choose a different affiliation.

All the narratives I analyze in this study interact with the myths of three figures that are key for the way we structure political narratives in North America. The three of them represent nodes for affectual matrixes that have been heavily used in politics. All of these chapters

represent fictive experiments that have been used as a rhetorical construction in order to solve problems.

The first chapter, "Cowboys: Justiciar Exception*"* focuses on the political uses of cowboy narratives and speaks of this figure, which has been central in the American imaginary after the Civil War. Building on the Frontiersman myths that Franklin incarnated for the benefit of European courts, and that was well represented in Fenimore Cooper's *Leatherstocking Tales,* the cowboy became the cultural hero of America *par excellence.* In this chapter, I analyze the downfall of the cowboy myth, and how it sheds light on several aspects of Anglo-American culture: the fondness for exceptionalism, the myth of the cowboy, the erasure of the colonial wound and the relationship between exceptionalism and justice.

The chapter is divided in two sections: "Knights Errant of the American Prairie*",* centered on the decay of the cowboy as cultural hero and representative of the mythology of regeneration through violence. In it, I focus on two films directed by Clint Eastwood and their contextual ecosystem: *High Plains Drifter* and *Unforgiven.* The other section, "The Gavel and the Gun: Nomad Dystopias of Justice*",* studies the dystopia of judiciary decisions. Through an analysis of Cormac McCarthy's *Blood Meridian* I wish to challenge the common construction of the novel as an Antinomian construct. I argue that what McCarthy does is to denounce how the idea of justice espoused by our institutions is Antinomian, pleading for a space of resistance against the narratives that fuel the simultaneously all-powerful and helpless rule of violence and exceptionality.

In "Knights Errant of the American Prairie*"* the problem I study is the way cowboy narratives and the frontier thesis work to make the violence of the conquest of the West (as well as more modern conflicts inspired in it) palatable to audiences. I chose the figure of Clint

Eastwood, because, as a director, he has filmed two of the most interesting Western films in history, both of them very critical of the cowboy film tradition; and also, because he is one of the most iconic figures of the genre, because he participated in several of the films that have been most successful, both economically and iconographically. For many people, the image of the cowboy is that of Eastwood, riding through the desert, in his poncho, chewing on his cigar, as portrayed in the *Man with no name* in Sergio Leone's films. Even though the last picture was filmed after *Blood Meridian* was published, both *High Plains Drifter* and *Unforgiven* are engaged with the tradition of the representation of the cowboy in a way that *Blood Meridian* simply isn't. Both films are constantly commenting on the tradition within which they belong.

Unforgiven, in particular, is widely considered to be a eulogy for the cowboy genre. Only two post-*Unforgiven (Django Unchained* and *True Grit)*[2] films make the ten top grossing Western film list[3] (Lovece). The market for that myth, in that shape, died sometime around the date *Unforgiven* came out. The distrust towards metanarratives did have an impact on the effectivity of old political myths, which were deconstructed and had to take new shapes in order to find a new grasp on the public (*Star Wars* or *Star Trek* do make use of the structure of cowboy

[2] We should take into account that *True Grit*, the highest grossing of the two, didn't even make a third of the money *Butch Cassidy and the Sundance Kid,* did.

[3] The two films that made it to this list were rather atypical westerns, with a very strong ironic approach to the genre. Tarantino's *Django Unchained* is a film that uses the Western's aesthetics to approach slavery. The Coen Brother's *True Grit* is a remake of a 1969 Henry Hathaway film starring John Wayne. The Coen's film ironically comments on the pointless heroics of both the Western genre and the Gritty Hero genre (i.e., Nolan's *The Dark Knight*)

mythology). The myth however continues to be important and powerful politically, and is still perhaps the core of the Anglo-American political affectual matrix.

The myths related to the cowboy become so popular amongst other things because they always feature a character who is a perfectly empty receptacle, and lets the spectator fall into a place in the narrative, often feeling himself the hero and savior of the precursor of an all-American town. There is always a promise of further growth as the masses march West, which was the main point of the frontier thesis, that the expanse of land to the West was the definitive trait of American culture, rather than the approaches to slavery or indenture in the South and North. And in many a ways, Frederick Jackson Turner was right, since the territory acquired by violence to the West allowed for a constant economic growth, that economic factor allowed the wages of the working classes (white) to grow, despite the fact that elites back East continued to amass an ever larger part of the national wealth.

Piketty describes this problem in his book *Capital in the Twenty First Century*, where he addresses the problems of structural inequality in capitalism and how it is that a certain level of growth is required to alleviate the pressure such inequality produces. (221) When slavery was ended and the economy was reorganized, the same structures sought reproduction in the West, using Asian-Americans and Mexican-Americans as underclasses. The violence was carried out on the frontier as not only the territory but its inhabitants were translated into economic terms.

The films show how the myth of regeneration through violence decays, as the violence becomes inverted, affecting the very same body politic it was supposed to defend. The Gunslinger all too often becomes a tool of economic development, turning flesh into capital, like the old practice of slavery, rather than the Camelot Knight he allegedly represents. If the

Gunslinger comes into town to craft a rule of law through exception that is attuned to need, what happens when two valid needs confront each other?

In "The Gavel and the Gun*",* I explore aspects of what I believe to be American Antinomianism, as represented by Cormac McCarthy in *Blood Meridian.* This novel is very commonly described as antinomian, that is, a novel where salvation is unattainnable by our actions, and thus morality and action become a pair of ideas that bear no relationship to each other. Either our salvation or our condemnation are preordained, and so there is scarcely any importance to considerations of whether our actions are good or evil. While I recognize such a position within the novel, I argue that it is not the position of the novel, but rather that of its villain: Judge Holden.

The novel problematizes one of the key tenets of political thought, that those who wield violence must do so to protect a group of constituents. In the novel, those who were called to be protectors (problematic as that protection might be) quickly show their faces as that of predators, just as soon as the protection was done, and sometimes even before. That, however, is a point that has often been made in many mediums. My argument in this chapter is more dependent on the philosophical underpinnings of such action, which often rely on the strife between Civilization and Barbarism. McCarthy, I believe, argues for the irrelevance of such terms, as the violence depicted is an outgrowth of the system brought forward to lessen it and dominate it.

Whilst it has been argued that the Jewish Holocaust was the excess rather than the lack of European Modernity, I argue that this process was essayed much earlier, in the Amerindian genocide. The frontier thesis and the Nazi idea of *Lebensraum* are underpinned by the same idea: land and resources must be appropriated from lesser exterminable races in order to fuel capitalistic growth. The horrors of the Glanton crew, and the preindustrialized holocaust of the

West represent the horrors that modern political thought creates, even though its alleged purpose is to prevent them. For in its own discourse: What is a nation but an attempt to debase a Glanton crew?

In the novel, the crew runs amok, headed by Judge Holden, an incarnation of the devil who leads the genocidal crew through the slaughter of uncounted people South and North of the Mexican-American border. My reflection on this character focuses on his use of a cult of war as a form of justice, where arguments much like Hegel's Master-Slave dialectics are used to produce the horror of continually deciding on life and death, with life always leading to further indecision, and the only final word being death. A central question to the narrative, which is framed as "What's he a judge of?" (McCarthy, Blood Meridian 135), is possibly answered as: of life and death, of everything.

In order to increase the strength of his discourse, McCarthy uses a gritty realism that is grounded on the outrageousness of the violence depicted. While most of the violent acts narrated in the novel are actually inspired in a real life chronicle, Samuel Chamberlain's memoirs, what McCarthy does, stylistically, is to produce such a gritty realism that it seems impossible as fiction. A novel is fueled by its realism, always peculiar to an author and a novel, and it represents its most powerful asset in the real world. I argue that realism is not construed from writing a recognizable reality in the novel, but by impressing a realism over our perception of reality.

The use of optical democracy and grit as tools of verosimility in construction is in tone with the warning that the novel impresses upon us. Far as we may want to institutionalize justice, it always takes place in the outside of the law. The judge is the person that is most outside the law within a legal system, and in the outskirts of the law, in the optical democracy of

institutional decisions, justice is a game of domination. To follow justice is to follow one version of the cult of war. Such a cult might be ritualized, exorcised or contained on a case-by-case basis, but the danger imminent to a gavel and a gun is ever present.

I argue that in this novel McCarthy's viewpoint is not that morality is irrelevant, as the Kid does end up confronting the Judge, and resisting his brand of the Master-Slave dialectics. However, the novel does point us to the idea that morality, while not irrelevant, can only be played in resistance, good can hardly be triumphant. Much like his later novel, *The Road,* where *in* the face of a clearly evil environment, the father and the son resist death and suicide, to play a game much like that of Holden's cult of war, but it is a game where resistance, and the continual choice of life, in the ever present face of death is what makes men out of them.

In the second chapter: "Druglords: Executive Legitimacy*",* I analyze the relationship between the state and organized crime. In order to do this, I choose the figure of the druglord, as he has been a characteristic sort of bandit in the Mexican imaginary. The image of him harkens back to the early tobacco smugglers of the Centralist Republic at the beginning of the XIXth century, and extends to the present, amidst the Wars on Drugs that currently produce great violence in Mexico. The other great bandit figure of the Mexican imaginaries, the revolutionary caudillo, has not been denied the political agency ascribed to the charro and narco, as the Revolution triumphed, and several of these former caudillos sat on the Eagle Chair. The charro and the narco have often been denied a claim of political agency, and are often branded as outlaws and bandits, and thought of as a police problem, rather than one of political organization. In this chapter, I aim to reflect on their similarity to other political agents, both for good and bad, and to analyze how it is that they come to such agency, to a constituency and to political programs.

In order to do so, I divided my research in two sections: "Outlaw Utopias of the Interior*"* and "The Caudillo, the Bard and the Legitimacy of Republics". In the first section, I focus on the political agency of bandits, most specifically the charro, through the contrast of two novels: Luis G. Inclán's *Astucia* and Ignacio M. Altamirano's *Zarco.* Both of these novels have characters who exercise paramilitary powers in order to pacify a region, though they hold the opposite points of view. In *Astucia,* it is a tobacco smuggler who builds the utopia, while in *Zarco*, it is a deputized paramilitary officer who builds a utopic police force to root out the bandits. The second section, focuses on Yuri Herrera's *Trabajos del reino*, a novel that follows Lobo, an artist who gains entry to the court of The King*,* a druglord in a town that is very much like Juárez. The novel follows the composer as he works at creating the affectual matrix necessary for the cartel to achieve political legitimacy.

In "Outlaw Utopias*"* then, I study the political agency of bandits in the Mexican XIXth century. In order to reflect on this agency, the bandit, in this case the drug smuggler, must be understood within the concept and the problematization of the homogeneity of the people, and how it impacts the relationship between the Sovereign (people) and the Prince (state). I draw from Rousseau's *Social Contract* in order to analyze the circular definitions of the people that underlie the homogeneity principle required to think of the possibility itself of a social contract, for the people can only be so by contract, and the contract can only be signed by the people, and so on and so forth. The cracks that form in this "homogenous" understanding of "the people" are the habitat of the bandit.

In the Americas, considering the extraordinary difficulty of arguing for homogeneity, cracks abound. Mexico in that century posited a very interesting case study, as the liberals succeeded in deracializing access to power (to a degree) but withheld the privilege of power to

those acculturated to European modernity. Morelos, Guerrero, Juárez, Díaz, González and Huerta were all either black or indigenous and came to represent the republic at one point or another, but they were all also masons and liberals. Education became a way to create opportunities for social mobility so that the people could actually be incorporated in the national project, illustrating one of the most ironic traits of populist intellectuals. While they do believe in the people, they rarely do so without considerable suspicion. When Gramsci states that communist discipline will allow the people to attain that sought after power of being arbiter of their own destiny, he says that it will happen only so long as they decide to arbitrate in the way of socialist class consciousness. (Gramsci 37).

It is because the people, in the context of the novel, are often foreign in their native land, that the cracks of homogeneity provide such fertile ground for bandits. I argue, along with Enrique Dussel, that it is not possible to speak of true politics within the coloniality that we observe in these circumstances (Dussel 170). Because the ideologies that are peddled rarely materialize in benefits to most of the people, those that fall through the cracks come up with their own version of order. The bandit organizes and protects (at least in theory) the people, organizing, even if criminally, a para-state.

And here we see how the bandit in *Astucia* manages to become the head of a small para-state in Michoacán. He appropriates the taxes and puts them to good use. He then organizes a small army to protect the land from roving bandits or ideologized revolutionaries (The State), and also proceeds to manage the economy efficiently. This bandit utopia rivals the state utopias politicians offer in their campaign speeches or in the revolutionary plans in the local popular imaginary. I argue that success in monopolizing violence is the main difference between

organized crime and the State, as they both fail to materialize their utopias in similar ways, leaving the people holding shiny beads and ideologies.

In "The Caudillo and the Bard," I analyze statecraft as practiced by the organization of Yuri Herrera's druglord, El Rey. The problem here is how to understand social banditry and its statecraft without thinking of it as a primitive form of the state. Most studies of banditry regard their constituency as the stateless, and speak of the idea of proto-state as the most advanced form of statehood within banditry.

That social bandits tend to work with less resources than most states, and their constituency tends to be less educated and prosperous than that admitted *de facto* in the state that has claims upon their territory, does not necessarily mean that they are any less sophisticated politically. I can't claim the contrary either, for there are no publicly available records of their organizational prowess, nor am I a historian. However, from the traces that the cultural production that is related to Sinaloan and Chihuahuan social banditry, and definitely in Herrera's depiction, there seems to be a quite complicated functional and territorial organization that is ignored at great risk to the state because of prejudice.

For several decades now, the different iterations of bandit states in Northern Mexico have undertaken work in self-organization and self-representation, using corridos as a medium for creating affectual matrixes amongst their likely constituents that incline them in their favor. I do make a point that corridos and narcocorridos are not identical, that there exists an important difference between them. Corridos have always been songs of political strife associated with Northern Mexico and Aztlán, and from them arose the genre of the narcocorridos, which begun in the vein of "Pacas de a Kilo" and has evolved to the point where this musical form is now performing a major role as a medium of propaganda and communication.

Most of the affiliation with the cartel in Herrera's novel has to do with the strife over bodies and subjectivity. Much like most young poor males during the Wars on Drugs, Lobo, Herrera's corrido composer, has been excluded and objectified by the regime of what he calls, with scorn the decent folk. The criminalization of his kind leads him to side with El Rey, and to work to write corridos that justify his position in respect to the economic exclusions the state builds, and to craft the image of El Rey as a victim of injustice that metamorphoses him into a protector, a righter of wrongs.

In this, a cartel makes the claim that it is closer to "original law" than the state is, that the cartel can respond to need much faster than law can, and it offers a promise of expedited defense and aid that the state refuses to offer. In his novel, the cartel arises out of the misery that the lack of a safety net or a welfare state produces, leading men into its ranks. In this fictional account, the cartel is founded upon the gaps in the nation-state, and the detritus that its decay and retreat produces is the fertile ground upon which social bandits grow like weeds.

Finally, the last chapter, "Bandits: Ilegal representativity", is built around the idea of Mexican American bandits as representatives of the people. In a territory that is so layered with cultures as the U.S. Southwest, racial and ethnic conflict have been common. Depicted as horse thieves or murderers by the dominant powers, bandits such as Joaquín Murrieta, Tiburcio Vásquez, Gregorio Cortez or Juan Nepomuceno Cortina have represented their people in a collective sense, in situations of violent outburst when Anglo American power has become unbearably violent.

This chapter is divided in two sections: "Songwriter Masons of the Desert," where I analyze Américo Paredes's book: *With His Pistol in His Hand*, as a counterstory to Walter Prescott Webb's *Texas Rangers: A Century of Frontier Defense.* In this section I display the

strategies of corridos for serving as cultural nexi and representing political conflict. In the other section, "Greeks in Roman Courthouses*",* I analyze a crossing among theories of European universality, colonial modes of statehood, and legal practices in Southern Texas. In order to do so I rely on Rolando Hinojosa's *Klail City Death Trip Series,* a group of fifteen novels coded as a counterstory of three hundred years of Texan history. I argue that universality under the law is a surefire path to injustice, because of the refusal to acknowledge the particularity of the disadvantaged within a legal system.

*"*Songwriter Masons of the Desert*"* is focused on how corridos are a central literary tradition for borderers, preceding and informing what has later been known as the Border Renaissance, and what it means for this tradition that its literary forebear is a ballad of political strife and conflict. Some corrido characters grow into the status of cultural icons, as they represent stories that echo with the experience of the people and offer a model of citizenry. Paredes's book, *With His Pistol in His Hand,* speaks of one such song, *El corrido de Gregorio Cortez,* which tells a representative story of a bandit, who begins his strife when his brother is executed summarily as a horse thief and then finds himself running from Sheriff Glover all throughout Southern Texas to save his life. This corrido serves Paredes as the motif for his own book-form corrido, a response to Webb's racist version of Texan history. Paredes's version of history shows the multilayered territories that exist in Texas, and alternatives to the narrative that has buttressed the dispossession of Mexican Americans. In his story, the broken treaty of Guadalupe Hidalgo represents the border conflict that Gloria Anzaldúa would later characterize as an open wound.

In order to study Texan history, the notion of displaced fear and its relation to the untold story of the frontier thesis is key. Most of the Anglo-Americans who settled Texas, and basically

all of the cattle barons, came from the slave states. In their own mytheme, slavers lived in perpetual horror, mostly producing it, because they feared the horror they had visited onto others would be visited upon themselves. They constructed an imaginary where their victims bore the face of their crimes. They raped the slave women, and crafted the image of the negro sex fiend; they took the land and cattle of Mexicans, and branded Mexicans as horse thieves; they invaded the land of Native Americans, and branded them invaders when they roamed the lands of their ancestors. The end result is that Anglo barons feared social engineering and class warfare, because they knew the results of such actions quite well, and along with the present plutocracy, feared destitution as the result of cries for equality. From their actions it follows that they considered destituting others as their right, and read the demand for equal rights as the right to have others destituted.

Gregorio Cortez's story is significant in this context because it shows, inverted, the tales that were told of the Texas Rangers to justify the war of aggression that was fought in Southern Texas, denying full citizenship to Mexican Americans. The violence wielded against them is still not fully accounted for. Webb estimates some 500 or 5000 Mexican deaths at the hands of Rangers. The tenfold margin of error Webb accepts shows the utter lack of interest in historians and policemen for providing justice for Mexican-Americans.

The story of these conflicts is the departing point for later writers, like Hinojosa, who amongst their political dilemmas ask themselves how to define their role in Texas, and how to find an answer to the question of which Texas is Texas? Can it be said that it is Texas, Tejas, or the sum of the two?

In "Greeks in Roman Courthouses*"* I address a problem that results from Paredes's cultural production. If we are to think of an egalitarian Texas, how can we conceive of it, how

can the ideas of universality, coloniality and the law be adjusted so that the system is not hedged against Mexican-Americans (or other groups in a power minority). This study focuses on two characters in Hinojosa's series of novels: Jehú Malacara and Jesús *Quieto* Buenrostro.

Quieto Buenrostro is a heroic character, but one that is construed in a rejection of the superhuman character of heroes associated with the West. *Quieto* is an everyman hero, who is involved in several key conflicts of the history of Hinojosa's fictitious Belken County. He was the head of one of the few Chicano landowning families left at the beginning of the XXth century. In order to prevent the cattle barons from taking over his lands peacefully, he undertakes a legal strategy that preserves the land. He then resists the attempts to take it over by force until he is murdered in his sleep. His struggles comment on the difficulty of living the political. A difficulty that gets accentuated when conflicts between legal and honor codes abound. This produces a disjunction between the letter and the substance of the law. This leaves those who are underrepresented in the institutions that make the law at a serious disadvantage that can end up turning them into an underclass.

This situation, where a people decides to join the fantasy of drone-like institutions, which could give certain guidelines to their actions and then be set to operate, automatically is very troubling. For those who have no part in deciding what guidelines will be used to make people equal under the law are at great risk in such a system. The San Elisario Salt War near El Paso, greatly resembles the Buenrostro conflicts, and is a good example of the privatization of land legally held in common. It was a conflict that surrounded a communal salt mine which was claimed by an Anglo as private land. In his conflict, Chicanos were arrested for crimes that did not even exist, while Anglos executed elected officials in public and retained Rangers as

personal bodyguards. The institutions built by Anglo-Americans apportioned means of production along racial lines and then pretended equality.

In this environment of pretended equality we find Jehú Malacara, a distant relative of *Quieto*. Jehú sees the myth reincorporated in everyday life. In the conflict between institutions and people, Jehú becomes a hero of guile and wit in Odysseus's tradition. He grows up straddling the communities of Anglos and Chicanos and experiences both, allowing him to think along the lines of systems of value relativization. He too participates in strategies of resistance in relation to land, renovating the reparceling of the Buenrostro lands, and also working within the KBC Bank and instructing Chicanos on how to secure loans and operate the financial aspects of their businesses.

Through Jehú, I reflect on the otherness that is forced upon minoritary (in population or in participation in power) groups. To ignore the particularity of the disadvantaged is to further discriminate against them. What terms are found to be the grounds for equality is of the utmost importance to ensure it. If a group does not have significant participation in the crafting of laws, its rule is not government but tyranny.

I argue, along with Robert Cover, that for every constitution there is an epic (4). The stories we tell ourselves are coherent with the political behavior we witness. If the behavior of the Rangers or the barons seems difficult to understand politically, it may be easier if we follow two presuppositions: That the Castle Doctrine[4] is valid, and that Texas was privately owned land.

[4] The Castle Doctrine is a legal doctrine that designates a person's abode (or, in some states, any legally-occupied place [e.g., a vehicle or workplace]) as a place in which that person has certain protections and immunities permitting him or her, in certain circumstances, to use

Where people form part of a community they become engaged in it by being and belonging, as is evidenced by people who choose to become a part of a different community. For those who cross such social and racial boundaries lies a process of othering, a becoming other than themselves. A different system built around the possibility of multiplicity is needed in the globalized world, to be able to account for the multiplicities now implicit in most of the world.

This project is not about crafting a prescription for using narrative in politics. Such a prescription is unlikely to make much sense, for politics is the chameleonic art of adjusting to circumstances. No matter what the problem is in the political, our actions continually redefine the parameters of what the political is. When addressing income inequality as the most important problem in economics, Piketty claims that economics cannot be conceived of as a simply mechanical tool to predict and reduce the complexity of the world at large; our decisions continually redefine what is and what should be:

> *The history of the distribution of wealth has always been deeply political, and it cannot be reduced to purely economic mechanisms. In particular, the reduction of inequality that took place in most developed countries between 1910 and 1950 was above all a consequence of war and of policies adopted to cope with the shocks of war. Similarly, the resurgence of inequality after 1980 is due largely to the political shifts of the past several decades, especially in regard to taxation and finance. The history of inequality is shaped by the way economic,*

---

force (up to and including deadly force) to defend themselves against an intruder, free from legal responsibility/prosecution for the consequences of the force used**Invalid source specified.**

> *social, and political actors view what is just and what is not, as well as by the relative power of those actors and the collective choices that result. It is the joint product of all relevant actors combined. (490)*

Our stories, our cities, and our nations are always ours to change and adjust and to bring closer to justice or further into injustice. The study of the past, what we have done to the way we configure our nations, and what we tell ourselves leads us to suspicion in regards to the use of stories in relation to the political. And while I would not dare to propose any part of this project as prescriptive, for it is not viable to think of what the future stories will look like, I will invite the reader to follow me in the analysis of the slippery political slopes our myths throw us into.

So let's remember that kid watching the savages in the volcano; let's remember that kid witnessing the genocide of his forebears; let's remember the one ganging up with Mowgli on the orangutans. Remember, and think hard on it, for the power of our stories and our myths is great. And they often act through us, setting the limits for what we believe is real; for what we believe is just; for what we believe is good; and even more importantly, for what we believe can be.

> "What the Mediterranean Sea was to the Greeks, breaking the bonds of custom, offering new experiences, calling out new institutions and activities, that, and more, the ever retreating frontier has been to the United States."
>
> Frederick Jackson Turner

It is nothing but four pages, four pages that could have been forever lost in the history Livy wrote of the Roman peoples. In those four pages, we find Lucius Quinctus Cincinnatus, in peace, working his land, maybe behind the plow, maybe working on an irrigation ditch. He is wearing a simple tunic, not one of those Romans in fancy togas we are used to seeing in the movies, and neither is he one of those armored consuls, chasing after Liz Taylor perhaps. Quietly far away from Rome and the political, he is interrupted by an envoy from the Senate, who asks, offering prayers to the Olympians, interceding for him, and for the Republic, that he may heed the call of Rome and follow them to the city in the guise of a Magister Populi.

Cincinnatus, "after mutual salutations had passed, being requested by the ambassadors to put on his gown, and listen to the commands of the senate, (with wishes) that it might be happy both to him and to the commonwealth, being astonished, and asking frequently "whether all was safe," he bids his wife Racilia immediately to bring his toga from his hut" (Livius) Fifteen days later, having saved the Republic, Cincinnatus

resigned his position as Magister Populi and he quits the political space altogether, away from public life. And then he disappears. Quietly as he came.

Change the scene: The image we see now, in the mirages of the desert is very familiar. A man is riding with a poncho for a toga and a hat for an olive branch. The scorched land, baked into ceramic, is cracked like a broken vase. In the distance, red mountains merge with the horizon. Everything we see is a little bit out of focus due to the little humidity in the air, the lack of which makes the air shimmer. We can listen to a minimalistic, but quite absorbent music, which follows the figure of a stranger riding into town.

It is not a single movie we think of as we remember this setting, it ain't even isolated in the imaginary, it is a construct that we can simply recognize from cowboy movies. We don't even need to see the picture to know that the character wears a hat, we don't need to listen to any dialog in order to know he is a cowboy. We don't need to know the plot to know he is on his way to reestablish justice. We know the story to take place in the Old West, we know what it is about. The cowboy, the stranger, is a blank slate whose role is for us to be able to stand in his shoes. The West he rides is more an ideological space, rather than a geographic one, like Athearn says: "Not just the West of geography. It was also the West of the mind, of the Spirit, a concept that for generations had reassured Americans of a future, a place to go, even though most of them would not choose to move" (10). The territory that extended in the general direction of the Pacific Ocean was always free space, an escape valve for all evils, that defined, through its own indeterminacy, the nation that contained it, and was, at the same time, contained within it. In the very influential study *The Significance of the Frontier in American History,* we

find the following thesis: “Up to our own day American history has been in a large degree the history of the colonization of the Great West. The existence of an area of free land, its continuous recession, and the advance of American settlement westward, explain American development.” (Turner, *The Significance of the Frontier…* 1893) In this discourse, that was read in 1893, in the conference that the American Historical Association held during Chicago’s World Fair, Turner proposed the Frontier Thesis, and changed the path of American Studies. In this discourse:

> *Turner maintained that the West, not the proslavery South or the antislavery North, was the most important among American sections, and that the novel attitudes and institutions produced by the frontier, especially through its encouragement of democracy, had been more significant than the imported European heritage in shaping American society. (Smith 250)*

It is not hard to propose that the factors that invested importance upon the West were its neutrality and indefinition. This changed the political organization of the country, as the conflict that followed what is known in the history of the South of the U.S.A. as “Redemption” were liable to become invisible. The release this territory offered, allowed the malcontents of the East to emigrate, instead of antagonizing the elites, providing the principle of possibility for the sustenance of the State.

Nothing particularly important seemed to happen in this territory, in comparison to the events of the Civil War, for example. After all, Little Big Horn had less than 500 casualties, which pale in comparison to the 51,000 casualties of the battle of Gettysburg, to name but one of the battles that took place in the East. The impact of economic activity

in the West would not be big enough that it could precipitate a national crisis until the 1930's, in the middle of the Great Depression, with the Dust Bowl. And yet, it is precisely because of this seeming lack of protagonism that stories of the West can become as significant as they are in the political mythology of the United States:

> *And yet this negligible history was seized upon by writers, who transmuted facts, figures, and movements beyond recognition, projecting mythic possibilities out of prosaic events (Pat Garret's capture of Billy the Kid, Custer's last stand, the Earp-Clanton shoot-out at Tombstone's O.K. Corral). In fact, a reason western history could be transmuted into art so readily was because it was viewed by Americans as pleasantly varied but inconsequential. (Mitchell 5)*

The ideological importance of the West derives from the possibility of having a terrain outside of the body politic, free, a terrain from which the previous occupants have either been removed or are just about to be removed (in any case, as Indians, they are not thought of by those in power as equals, and are considered unsuitable for the dream of the yeoman farmer). For the purposes of political mythology, "The West matters less as verifiable topography than as space removed from cultural coercion, lying beyond ideology (and therefore, of course, the most ideological of terrains)." (Mitchell 4) Much like the territory, the Cowboy, on his steed, roaming this territory barren of History and fertile in stories, he himself is an ideological space, he sees in himself the territory that conforms him. Like the "man with no name" Eastwood lent his body to, he is merely a

receptacle for the movie goer. This knight errant[5], who rides through empty space, becomes empty himself, a man with no name. The cowboy is an infinite tract of philosophical space, to be occupied by whatever the spectator brings. A great part of Clint Eastwood's success comes from his propensity for this role:

> *The film needs spectators to complete the scene; they supply the desire and passion missing from Eastwoood. This is because Eastwood in his persona and his presence is oddly incomplete; the cause of his phenomenal success might lie partly in the fact that he is only a schematic figure whose desires and motivations the spectator willingly fills in. (Bingham 168)*

Eastwood's figure, in his abstraction, his lack of emotion and context opens a space for a profoundly ideological narration that is presented believably. As we find him, not quite a blank slate, but still quite empty, alone on the red dust of the West, we already know something about him. We know there is something in his past he is trying to escape from, and he is really out of place in the town he is riding into. His place, in truth, is outside the city limits, in the uncivilized, misty, sun-baked plains. We know he belongs outside civilization, in the wilderness. There's always a well-managed balance between

[5] And there is much to be said about the figure of Knight Errants in political mythology of the United States. Roosevelt, for example, in his *Winning of the West,* uses this figure profusely. Another famous instance was Jackie Kennedy's famous interview, where she said of her husband Jack's presidency: "Don't let it be forgot, that once there was a spot, for one brief shining moment that was known as Camelot--and it will never be that way again." (White 159).

the lack of content and context, and enough information to support the basic mythic structure. The story presented here is composed of familiar materials, that have been made into myth, the loom where the peplum of the representation of a community is woven:

> *These familiar materials, however, are only so many unwoven raw strands. What actually brings them together into the narrative we recognize as a Western are a set of problems recurring in endless combination: the problem of progress, envisioned as a passing of frontiers; the problem of honor, defined in a context of social expediency; the problem of law or justice, enacted in a conflict of vengeance and social control; the problem of violence, in acknowledging its value yet honoring occasions when it can be controlled; and subsuming all, the problem of what it means to be a man, as aging victim of progress, embodiment of honor, champion of justice in an unjust world. (Mitchell 3)*

This environment, both empty and full of meaning at the same time, is the perfect laboratory to explore the emotivity of political problems in narrative. Law, violence and justice are experimented, represented and codified into values. It is not casual that this environment would penetrate so deeply in the collective subconscious. The cowboy narrative is constitutive of America's image, since it negotiates unresolved issues, shared traumas that linger below the national historical narrative.

From this imaginary arises the stranger that concerns us right now. At the beginning of Eastwood's directorial debut with *High Plains Drifter,* we can see the character, nameless, crossing a cemetery with a markless cross, the stranger rides into

town, walks into a bar, where he asks for a bottle and three gunmen provoke a fight. The cowboy walks out of the saloon and seeks that civilizatory mark: the shave[6]. He is, however, interrupted again, and the stranger kills the men with otherworldly precision and speed. As he walks out, a woman pushes him and insults him. The stranger grabs her by the arm, tosses her into a barn and rapes her.

This scene belies the normal progression for the film. The stranger does not conform to the law, and does not seem to conform to any notion of ethics. An invading enemy forcibly takes the town. Up til now, the easiest interpretation is to place this narrative within the framework of American naturalism, civilization facing the continual threat of a strange wilderness. But that is not Eastwood's narrative. His is a revisionist approach to cowboy mythology. In this film, it is not the alien and wild that generates fear, but much rather, it is the town itself that produces the problems, as we can see in the following dialogue between the Stranger and the townfolk: "-You're a man who makes people afraid and that's dangerous. STRANGER:-It's what people know about themselves inside that makes them afraid." 73 Through a series of flashbacks, the story shows a different side to the events that unfurl. The Sheriff that represented the law in that town appears in front of us, whipped to death, in the middle of the night, with the observant town complicit to the murder. The innocent victims we thought we observed earlier, merit the questions: innocent of what? The town hires the stranger to protect them from

[6] The meaning of the shave for the cowboy gunslinger is very important, it signifies reentrance to civilization. A stubble or beard tends to mark cowboys with the thick of wilderness, a separation from the polis. By shaving, they portray their desire to reenter society.

three men who will come to take revenge on the people. We slowly learn of the plot that underlies the actions in the present of the film. The town is economically dependent on a mine which was fraudulently operated, as it was located on federal land. The owners had the Sheriff murdered, so that he would not divulge the fraud.

This story places us in the crossing of two of the key political myths in the American imaginary. On the one hand, we face the mythology of regeneration through violence, well described by Richard Slotkin in his book trilogy, and on the other hand, we can see the myth of civilization and barbarism, in its frontier edition, the confrontation between the anglo colonists and the wild, aggressive and idyllic nature of the New World.

These two myths intertwine often. The Western image of the New World as a space both antagonistic and idyllic comes from the very first reports Columbus sent to Castille, coursing through the many civilizatory experiments conceived for America, such as the perfect cities Da Vinci drew up, More's *Utopia*, or Bacon's *New Atlantis,* where the continent was a laboratory to explore ideal images of human societies, freed from the yoke of Old World oppression. As Slotkin states, that impetus to find a newer, purer life, found its own self in violence:

> *The first colonists saw in America an opportunity to regenerate their fortunes, their spirits, and the power of their church and nation; but the means to that regeneration ultimately became the means of violence, and the myth of regeneration through violence became the structuring metaphor of the American experience. (Slotkin, Regeneration through violence 5)*

The frontier experience and the conquest of the West was a process of purification through violence that erased its trace as it grew, covering its myth with a romantic veneer. By exterminating the Indian land was freed; by privatizing the commons fortunes were built; by means of imagination, reality was overcome. What the town carries out, as it opts to murder the Sheriff to prevent the unveiling of the fraudulent origin of its prosperity, is to replay the American Dream in Lago, appropriating land in a process of continued thievery. The territory, which used to be property of the Indians, was snatched away by Spain, then Mexico, then America and then by robber barons. The history of this land is always absent and present at the same time. The traces are present even if they are written over in the palimpsest of Western history. The town name is the Hispanic Lago. In the town's general store, the Stranger takes candy and blankets from the store in order to make a gift of them to an Indian family that was in the store, addressing, if only marginally, the need to make amends with historical injustice. Further on, the Stranger prepares, ironically, a welcome party for the bandits, requisioning food and drink from the town. A pair of Mexicans, who appropriate the necessary wood from a town barn, build the furniture needed. These carpenters ask if they may participate in the party, but the Stranger refuses, as the party is a celebration of the town's guilt.

The Stranger's activity in town, and the way he overthrows social structures, for example, naming the town's midget as the Mayor, brings forward the violence hidden behind the prosperous dream the mining company peddles. Having regenerated their fortune and power, they gloss over the violence that fuels this process. This is the way in which, in the Wild West, the two visions Europeans impose on the New World are reconciliated, the way in which the ever receeding frontier was greeted by the new

Americans, the settlers who created first the British colonies and then the young Republic.

In this new, unknown territory, the European "adventurer" plunges into the Frontier, the mythic West, trying to reconcile the civilization he projects upon himself and the barbarism he exercises and projects upon the territory, trying to reconcile the land of opportunity, free for the taking, and the wilderness full of danger, populated by savages and trouble. When the new Sheriff that the Stranger finds, a man who claims to have been elected by chance, describes the murder of his predecessor, he states:

> *Bullwhipped. Damnedest thing I ever saw.*
>
> *Why would anybody want to do a thing like that?*
>
> *I don't know. It wasn't anybody from this town anyhow.*
>
> *How do you know?*
>
> *This is a good town and these are good people (Eastwood,* High Plains Drifter*)*

A good town, good people, birds with feathers that break through swamps with no smear, taint or stain. The man who sets himself up for the grand landgrab of the west requires a mythology that naturalizes, justifies and requires the violence implicit in the colonization and conquest of the country. When the Stranger returns to town, and forces the settlers to wield weapons themselves, what comes forth is the huge abyss between the imaginary and reality, between guilt and profit. The town and mining company outsource guilt, putting separation between themselves and their actions, by hiring first the bandits and then the Stranger. They build a mythology of a pacific orderly body politic, placing their original violence outside the city limits.

The Stranger throws a wrench in the gears of this ideological machine. The town finds itself uncapable of withholding the status quo it generated, and a hole must be opened within for its own preservation. This is ordinarily the conflict played out in cowboy films, how a man, a stranger to the body politic, finds himself, much like Cincinnatus, walking into town in order to protect the polis from menace. He becomes an element that both belongs and remains alien. Eastwood however, turns this myth on its head, and points out the ideology that belies its ideals.

When the foreign element inaugurates a state of exception, what we find is not the peaceful settlers who populate the genre of cowboy films (Settlers which the films never bother explaining just what they are doing in Apache or Sioux territory), but a town that has bought its prosperity with a hideous crime. Here we do not find a Stranger rid of history (flashbacks reveal that the Stranger is the Sheriff the townfolk murdered in order to preserve their privilege), but a force of vengeance. Outside the town, outside life, outside the body politic, the Stranger, Marshall Duncan, the former Sheriff, becomes the master of the people, *Magister populi*, and establishes order, though it is an order foreign to Lago.

High Plains Drifter's mythology problematizes the regeneration of the West, starting an ethical discussion regularly absent from cowboy films. John Wayne's *Hondo,* a very good example, fails to explain just what exactly are the Lowes (the Lowe widow represents the romantic interest in the film) doing in Indian territory, it fails to explain as well why Hondo, in spite of supposed strong ethics, and a mixed heritage, chooses to align with the whites in a war that arises from whites breaking yet another treaty. These films presupposed morality to be on the side of the settlers, a supposition that required

considerable effort to preserve. This preservation effort was such that when Eastwood offered John Wayne the starring role for *High Plains Drifter*, after repeated conversations about their desire to work together, Wayne reffused, claiming those settlers were not adequate images of what the West represented for America. (Schikel 291).

The relationship between body politic and sovereign[7] is very close in this laboratory, as they constantly define each other. As Agamben says of the sovereign in times of exception: "Being-outside, and yet belonging: this is the topological structure of the state of exception, and only because the sovereign, who decides on the exception, is, in truth, logically defined in his being by the exception" (Agamben, *State of exception* 35) We should think of this relationship of mutual semiological and ontological dependence, as we turn back to Turner's Frontier Thesis, which tells us it is the frontier which defines American culture. It is this capacity to absorb countless violence, to receive any excess of population, to produce uncatalogued riches, to digest barbarism, to offer free space in between barbarism and civilization, where the latter need not immediately apply, that we find the two main poles of American political mythology. This mythology is constantly defined in its pendulum between civilization and barbarism, where barbarism is not so much an integral part of civilization, but rather its main product. In *High Plains Drifter* we can clearly appreciate the efforts the town makes to preserve its appeareance of civilization. As they discuss their defensive options in regard to the bandits, the priest states: "my conscience will not allow me to be a party to the hiring of a professional gunfighter" (Eastwood, *High Plains Drifter*) However, when

[7] I delve deeper on the possibility of non-identity between the sovereign and the people in "Outlaw Utopias" the third section of this study.

asked for an alternative, he mentions he has duties elsewhere, and, by omission, allows the gunslinger to be hired. The revisionist project is very clearly stated by the actions of Marshall Duncan. After the hotel owner's wife tells him: "You're a man who makes people afraid and that's dangerous." (Eastwood, *High Plains Drifter*) he quickly responds: "It's what people know about themselves inside that makes them afraid" (Eastwood, *High Plains Drifter*) What he proposes is the moral destabilization of the regeneration by violence process. The film's answer however, gets stuck in a loop within this myth itself. The Stranger leaves Lago, after his revenge is done and justice has been served. The town is to prosper in peace for ever more.

Eastwood returns to his unfinished business in *Unforgiven,* his most acclaimed film, where he goes back to the same laboratory with a very different experiment in mind. In this film, the Stranger, is found in a pigsty, raising hogs, far from violence, and in retirement. A muck-covered-Cincinnatus. William Munny, our new stranger, and a former assassin and thief, starts the film in front of his wife's grave, silent and only silhouetted on screen. We read that Claudia Feathers Munny has managed to retire William from his former life, full of alcohol and violence, and that it was not her choice in groom that led her to an early grave, but an epidemic. And from this scene we are thrust into the original violent sin in the film: A prostitute in Big Whiskey, WY laughs at a cowpoke's short penis. The cowboy disfigures her face with a knife in return. When Little Bill, the Sheriff, arrives at the scene in order to reestablish order, he refuses to punish the offender as a criminal. This reduces the crime to a commercial dispute.

Skinny, the brothel's owner, has a contract with Delilah, the prostitute, for he paid for her moving expenses in her trip to Big Whiskey. Now that Delilah is disfigured, she is

left tradeless, and thus unable to liquidate Skinny's investment. This conflict reflects on the underlaying problems that the move out West glosses over: A highly patriarchal society, still possessed by the echoes of slavery, and enticed by the possibility of biopolitics, experimenting with ever new alchemic ways to transform flesh into gold.

What follows is not a casual transaction, but one of the conflict's central issues, both in the film and in its reading of America's mythic life. Little Bill assesses the damages incurred in the amount of seven colts, refusing to address the woman's mutilation as a crime, transforming Delilah's living flesh into a merchandise freely interchangeable for money or goods. Strawberry Alice describes the conflict thus: "Just 'cause we let'em ride us like horses, don't mean we have to let'em brand us like horses" (Eastwood, *Unforgiven*) In this film we go back to the sort of conflict experienced in *High Plains Drifter,* regarding the search for an excepcionality outside the law in order to reestablish a body politic's status quo. However, the view is opened, as if it were seen through a wide-angle lens. If we reflect again on Turner's position, where the Frontier is posited as preponderant over slavery as the central subject of American history, we can clearly listen to the echoes of slavery in this narrative[8]. America's conflicts follow, no matter how fast they ride to the Pacific.

[8] There are many echoes of slavery in appearance throughout the film. Morgan Freeman plays Munny's partner, Ned Logan. He takes part in a scene where Little Bill is whips him on the back. During this scene, he is hit numerous times, while the whole town listens, and Logan refuses to give the correct name for Munny, and all these names are refused by Little Bill. This scene seems very much like an inverted quote of the iconic

The life that is built in Big Whiskey appears under idillic tones, as Little Bill builds his little house on the prairie by himself, and Skinny, the brothel impresario, is just about to become (according to Little Bill) the country's first "Billiard Tycoon". Nevertheless, just as in Lago, that prosperity is built on violence and exploitation.

What jumps in our face is the structural violence of the West, the persistence of the exploitation of the civilization and barbarism with which the theft of the occupied land is "cleansed", an original story that mythology built to obscure the violence. The cowboy stories around which the idea of the "taming of the West" was built are only a patina of civilization over the iniquity and violence of the west-ward expansion. This narrative is evidenced in the film in the figure of W.W. Beauchamp, an Eastern writer who arrives to Big Whiskey as the biographer of a gunslinger, English Bob, who aims to collect the bounty the prostitutes offered to whoever would bring justice to them[9].

Upon his arrival, Little Bill disarms English Bob and jails him. The mask that drops from English Bob's face is a reflection on the cover applied to barbarism in the name of civilization. The Sheriff narrates how he witnessed English Bob's most famous

---

scene in Roots, where Kuntai Kinte refuses to acknowledge his slave name. While the whip cracks, W.W. Beauchamp, the civilizing gaze, looks the other way.

[9] The definition of justice offered here is relative. Currently, the position of the Judiciary in the United States is that the Eigth Amendment prohibits the use of death as a penalty in cases of rape or physical harm that does not end in death, considering it to be cruel and unusual punishment. In any case, Little Bill's exercise of judiciary powers is illegitimate, as would have been so in the case of any gunslinger who would heed the prostitute's call and execute the cowboys.

showdown, and tells the "true story" to Beauchamp, not surprisingly, a much less heroic tale than that which the Englishman narrated. In the end, Beauchamp prefers to continue writing a biography, though now it is Little Bill's that he takes a fancy to. Then, when Bob, disarmed, beaten, in chains and unmasked, is taken out of town in a stagecoach, he screams at the top of his lungs:

> *A plague on you! A plague on the whole stinking lot of you, without morals or laws! You got no laws! You got no honor! It's no wonder you all emigrated to America, because they wouldn't have you in England! You're all a lot of savages, that's what you are. A bunch of bloody savages! A plague on you. I'll be back! (Eastwood,* Unforgiven*)*

It is curious that as the symbol of fallen civilization, English Bob's last words are at the same time a quotation of Shakespeare's work[10], a beacon of civilization, and a threat to return to what he deems a lawless, savage place Even though it is clear that English Bob isn't in any way less savage than Little Bill, the Englishman's threat echoes of history. It places him at the same time in and out of place, a representative of a European tradition in the Wild West. William H. Munny, riding his steed into Big Whiskey is not the first iteration of his archetype: The cowboy is a reiteration of an entity of European political mythology, with a difference.

---

10 English Bob's speech echoes Mercutio's dying words, where he curses Montagues and Capulets both: "I am hurt. A plague o' both your houses! I am sped. Is he gone, and hath nothing?" (Shakespeare Act 3 Sc I.)

Myths are not created or destroyed, only transformed. Much like, at least, three presidents who rode the cowboy myth into the White House[11], prior political clases have built mythologies of liminality to essay notions of civilization and barbarism. The mythology of the errant knight is very important in the constitution of that of the cowboy, different as their time and spaces are. In the old roads of Europe, following the downfall of the Roman Empire, and preceding the rise of the Nation State, the myth of the honorable knight grew, a rider dedicated to righting wrongs and dispensing justice. Camelot was shaped, the perfect image of a civilized center from which, on the haunches of the knights' steeds, law and order would disseminate.

In this frontier, the order of things in mythology is inverted. Law does not come from the East, the cities, but from the empty, unpopulated spaces. The cowboy, like a grand jury from beyond, appears as judge, jury and executioner, dedicated to honor, and to protect those who cannot protect themselves.[12]. However, much like the knight who fights the monster only to see his face beneath the helm of his enemy, and much like

[11] It is all too obvious that Theodore Roosevelt, Ronald Reagan and George W. Bush, at least, made use of the aesthetics and ethics of the West and the frontier in order tu articulate their public image.

[12] Theodore Roosevelt, as Holmes concedes, subscribed to honor's preponderance above the law: "TR believed in a government less of laws than of men. 'To a practical student of government like yourself', he told one colleague, 'I do not have to say that the question of who is to administer the laws is always more important than the question of exactly what the law shall be.' The letter of the law must not impede the honorable course of action." (Holmes 23)

Arthur finds in Mordred, his own blood, death and treason, the cowboy finds in himself the reverse of his code of honor, finds himself civilizing through the exercise of savagery.

The stories Beauchamp records in *Unforgiven* are continually edging away from heroism. Departing from English Bob, the Duke of Death,[13] a heroic and civilized justiciar of the West, he comes into Little Bill, a gruff, pragmatic Sheriff, who faces violence as the price for civilization. Little Bill, exemplary of states of exception, lives outside Big Whiskey, in an archetypal house on the prairie that he builds with his own hands, a place to smoke a cigar and watch the sun set. He has created a *locus amoenus* in Big Whiskey, where only the agents of the law are allowed weapons, and he seems to be able to uphold the peace by any means necessary.

English Bob and Little Bill are two chronologically distinct forms of the myth of regeneration through violence. In Beauchamp's work as the film shows, the actions carried out by both gunslingers are molded into something else:

> *LITTLE BILL 'You have insulted the honor of this beautiful woman, Corchran.' Said The Duck. 'You must apologize.' But Two-Gun Corchran would have none of it, and, cursing, he reached for his pistols and would have killed him, but The Duck was faster, and hot lead blazed from his smoking six-guns.*

[13] The film approaches this situation with a simple but sharp pun, as the uncultured policemen of Big Whiskey reads "The Duke of Death" as though it sounded like "The Duck of Death".

> *BEAUCHAMP See, I consider that to be an accurate description of the events ---Albeit--- All right, there is a certain poetry to the language which I couldn't resist. (Eastwood,* Unforgiven*)*

The "The Duke of Death" represents the style of a gallant cowboy, popularized in the figure of John Wayne, as a guarantor of honor, law and order in a place that has no abundance of any one of them. This figure, nonetheless, is easily dismissed by Little Bill's testimony:

> *LITTLE BILL Uh, Mr. Beauchamp I was in the Blue Bottle Saloon in Wichita on the night that English Bob killed Corky Corchran, and I didn't see you there, nor no woman. No two-gun shooters. None of this. (...) Yeah, well, a lot of folks did call him Two Gun, but that wasn't because he was sporting two pistols, it was because he had a dick that was so big it was longer than the barrel on that Walker-Colt that he carried. And the only insulting he ever did was stick that thing of his into this French lady that English Bob here was kind of sweet on. (Eastwood,* Unforgiven*)*

Little Bill replaces the myth of the galant cowboy with the revisionist version, a myth of a rough, pragmatic, less idealistic character, that attempts, in an imperfect world, to dispense justice and impose some kind of order. The ample powers he wields (in effect, in Big Whiskey he is the judiciary, legislative and executive power, with a capital power to decide on any subject he wills) he conceives as a mandate to uphold peace. He fulfills the role of *Magister populi* in Big Whiskey. This role arises from need, from the absence of an executive or judiciary power that might apply the laws of the territory of

Wyoming or of the United States. In his self perception, he is the only one who protects the town from the scum that frequents taverns: “I can't abide them kind. You see them in the taverns, you know, tramps and drunk teamsters and crazed miners, (…) sporting their pistols and acting like they was bad men but without any sand or character. Not even any bad character. I do not like assassins (…) or men of low character.” (Eastwood, *Unforgiven*) When he comes across Munny, feverish and delirious, suspect of being a bounty hunter, and guilty of sporting weapons inside the city limits, he disarms and beats him, much like he did the “Duck of Death”, and tosses him out of town. As he does so, he says: “You see, Mister Beauchamp. This is the kind of trash I was speaking of. You find this kind in all your saloons and all your prosperous communities. Over in, uh, Cheyenne, Abilene, But you won't find them in the town of Big Whiskey.” (Eastwood, *Unforgiven*) While the details of Little Bill’s role might be relatively irrelevant, the figure he gives shape to is directly inserted into a recurring reflection on a political resource. There is recourse to the immediateness of need, to the inadequacy of the institutions on which the State depends for its legitimacy, that a bubble in the legality that legitimizes it might burst.

Agamben, in *State of exception,* quotes Gracian in order to discuss the use of need as a precursor to law, even as the guarantor principle of law, as common good is derived from necessity: “If something is done out of necessity, it is done licitly, since what is not licit in law necessity makes licit. Likewise necessity has no law” (24) Nevertheless, when we afirm this relationship between necessity and law, we open an exceedingly important question in relation to the function of the state of exception. If the law should be suspended in favor of the common good, an obvious doubt comes forth: Whose common

good? After all, some reason must exist for common good to require the law instead of a case by case analysis of necessity. As Agamben states: “Necessity is not a source of law nor does it properly suspend the law; it merely releases a particular case from the literal application of the norm” (25) No matter, by the nature itself of the exception, it is somewhere between incredibly hard and imposible to codify how and when the literal application of the norm can be avoided in favor of the exception. Furthermore, once the lacuna of exception comes into being, it is hard to establish a principle of justice in the exception of the law, for, “If the state of exception’s characteristic property is a (total or partial) suspension of the juridical order, how can such a suspension still be contained within it? How can an anomie be inscribed within the juridical order? And if the state of exception is instead only a de facto situation, and is as such unrelated or contrary to law, how is it posible for the order to contain a lacuna precisely where the decisive situation is concerned?” (Agamben 23) but who might decide the inauguration of this state of exception, and then, how to regulate the return to law, or how to establish a principle of responsability or justice for those who are entrusted to the Magister Populi.

In the film it is easy to appreciate that in Big Whiskey, the common good is not all that common. All the conflict is triggered by Little Bill’s decision to inaugurate one more exception within his already arbitrary justice system:

> *ALICE For what they done? Skinny get's some ponies, and that's it? That ain't fair, Little Bill. That ain't fair!*
>
> *LITTLE BILL Haven't you seen enough blood for one night, Huh? Hell, Alice, it ain't like they were tramps, or loafers or bad men, you know*

there were just hard working boys who were foolish. If they was given over to wickedness in a regular way then I could see...

ALICE Like whores? (Eastwood, Unforgiven*)*

The pragmatism shown in this reign of political necessity does not contribute to the welfare of the community if by such we understand to mean all the inhabitants of a territory. The mechanisms by which the presumption of innocence in the eyes of the law is established and protected are always amongst the first things to go. After Little Bill beats William Munny to his heart's content, Alice the prostitute complains: "ALICE: You just kicked the shit out of an innocent man. LITTLE BILL: Innocent? Innocent of what?" (Eastwood, *Unforgiven*)

And it is on this question that hinges the violent pragmatism where the construction of the argument of necessity is unraveled, the node upon which the justification of the legal lacuna is established. A *Magister populi* erects himself as an element outside the law in order to sustain the law, as he preserves the common welfare of a body politic. But by establishing a presumption of guilt, we can see how the initial justification, the protection of those *foolish hard working boys* loses its meaning. What is the difference between those hard working boys and the scum or prostitutes and why would we need such a distinction? In the face of an ever-growing legal lacuna, what is to justify the *Magister's* actions? Convenience? Pragmatism? Ideology? His relationship with the more prosperous citizens, such as Skinny? Within this community of men living the American Dream, living in their housea on the prairie, living with their prosperous businesses, it is power over somebody else's flesh that establishes the objectives of the common good.

William Munny's life, in his failed farm, where he has found a retreat from his former violent life, only to see his wife die, his pigs catch a sickness, and ruin creep up on him, slowly but with certainty, stands in stark contrast to Little Bill and Skinny's prosperity. It is not surprising for the prostitutes who are not really admitted within the political community to look amongst their peers for a *Magister Populi,* an element of exception that might administer their justice. We now have before us two cowboys, both of them coming to the body politic from a beyond in order to impose order: Little Bill and William Munny.

Two paths for analysis open up: A) the body politic now has two *Magister Populii;* B) There are two body politics in competition in Big Whiskey, both of them in a state of emergency, recurring to a dictator to look for a return to a stable state.

If in the beginning, what characterized the people expanding westward, and what justified their appropriation of the territory, was their role as representatives and introducers of civilization, how can they further justify themselves? If civilization, even in their terms, was considered as a means to produce and protect innocence, what happens when those who are charged with its protection ignore it or forget about it?

Unforgiven is Clint Eastwood's swan song as a Western hero. It is a role that seems to bury every serious prospect of continuing the discourse of regeneration through violence. The title itself is probably the best key to understanding the film, as it has often been acclaimed as a fitting eulogy for the western genre. It is a reflection on the characters and on the genre. In it, we find two intertwined body politics and their stories: In Little Bill's, we can observe the economic history of the explotaition of human flesh; in William Munny's, the raw violence that underlies the Conquest of the West.

The procedures through which one and the other strive to create innocence and find absolution for their actions are miserable failures. Little Bill is unable to generate a community to protect, as he continually reduces it, every step forced to walk further ahead into the land of exception. On the other hand, Munny, goes back to drink, the cowboy who rode into the horizon, seeking forgiveness in Claudia Feathers, a woman who "straightened me [Munny] up, cleared me of drinking whiskey and all" (Eastwood, *Unforgiven*). All his murders, his fame as a killer of women, children, and "just about anything that walked or crawled at one time or another" (Eastwood, *Unforgiven*), were acts of drunkenness. After Claudia, sober, with two children, having joined the republic of *yeomen farmers*, he feels different: "NED You was one crazy son of a bitch, Will. (…) Well, like I said, you ain't like that no more. MUNNY That's right. I'm just a fella now. I ain't no different than anyone else no more" (Eastwood, *Unforgiven*)His previous life, however, lurks just behind the façade. When Ned is killed by Little Bill, Munny returns to Big Whiskey and murders five men in an instant. Munny resists narration in such a state[14], as Beauchamp attempts to reconstruct the facts: "BEAUCHAMP And so... who was next? It was Clyde, right? It must have been Clyde. Well, it could have been deputy Andy. (…) MUNNY All I can tell you is who's going to be last" (Eastwood, *Unforgiven*). And suddenly the reformed hero finds himself staring at the abyss of his

[14] Previously, when discussing his youth, and the murders he committed, it is spoken of how Munny cannot remember any of them, of how alcohol made him forget them just as he committed all his murder and pillage. It allows the film to claim some goodness in Munny, arguing an outside force as motivator for his wild and cruel streak.

descent into monstrosity. As Little Bill, wounded to death, attempts to drag Munny with him, Munny stops Bill and resists argumentation:

> *LITTLE BILL I don't deserve this. To die like this. I was building a house.*
>
> *MUNNY Deserve's got nothing to do with it.*
>
> *LITTLE BILL I'll see you in hell, William Munny.*
>
> *MUNNY Yeah. (MUNNY shoots Bill. Sees Clyde still living, and shoots him without missing a step. He kneels at the bar entrance and screams)*
>
> *MUNNY All right, I'm coming out. Any man I see out there I'm gonna kill him. Any son of a bitch takes a shot at me, I'm not only going to kill him, I'm going to kill his wife and all his friends and burn his damn house down. (Eastwood,* Unforgiven*)*

In this context, innocence or civilization are meaningless. The unleashed violence brings no regeneration, no protection, no production. Neither the classic myth, nor the revised version, nor the horizon brings forgiveness. In order to prevent the last violent scene from granting any kind of positivity or closure to the film, it ends by showcasing the failure of Claudia Feathers Munny's regeneration project:

> *Some years later, Mrs. Antonia Feathers made the arduous journey to Hodgeman County to visit the last resting place of her only daughter. William Munny has long since disappeared with the children.... some said to San Francisco where it was rumored he prospered in dry*

goods. And there was nothing on the marker to explain to Mrs. Feathers why her only daughter had married a known thief and murderer, a man of notoriously viscious and intemperate disposition. (Eastwood, Unforgiven*)*

While we listen to the minimalist "Claudia's theme" and we see William Munny's silhouette disappear, to become, perhaps, a grocer, we might reflect on the actuality of the knights errant who gave themselves to the westward trails in order to produce the "civilization" the Frontier Thesis supposed. Having swept the territory of its population, through waves and waves of men of notoriously viscious and intemperate disposition, what justice can they claim? What civilization? What Eastwood shows as the balance of the Conquest of the West, of the cowboy myth is a history of violence where no promised regeneration is ever found, the never ending failure of the Claudia Feathers Munnies of this world.

> "Did you know that the first Matrix was designed to be a perfect human world? Where none suffered, where everyone would be happy. It was a disaster. No one would accept the program, entire crops were lost. Some believed that we lacked the programming language to describe your perfect world. But I believe that, as a species, human beings define their reality though misery and suffering."
>
> Agent Smith, *The Matrix*

Most interpretations of *Blood Meridian* have focused on the novel as an antinomian construction, where our acts are dislodged from moral judgment, and where salvation is an unnecessary exercise. In my analysis, I will provide a different reading of it, focusing on morality and amorality, whilst theorizing about empty spaces within the system of judiciary powers.

It is very difficult to establish an authoritative interpretation of such a book, for as Owens states: "If we are fishing for critical approaches, we know there may be all sorts of interesting trout in the text, down in there somewhere, but efforts to tease them out, to tie just the right fly, mostly fail." (Owens xiii). Thus, I look not to interpret the novel, but to navigate through its output, framing its amoral discourse within configurations of the law,

that the Judge, its villain, sutures as he decides upon them. In order to go deeper into this analysis, I must depart from the need to establish a distinction between the representation of amorality and amoral discourse. It is not necessary for a story's narrator to take up an explicit position in relation to the morality of the action he describes. Whether the facts told concern the welfare of people or the conservation of a society, discourse represented within a novel is not necessarily the discourse of the novel, and the wide territory of optical democracy might bear more meaning and participation on his part than is commonly agreed to.

I would argue that the position of moral ambiguity McCarthy shows throughout the novel is related not so much to his beliefs but to the history of moral arguments in cowboy mythology. If we look at the history of cowboy epics, we can see a definite tendency in the outcomes of the political experimentation of these narratives, as, most often, they propose moral principles to be applied, *a posteriori* to the Native American genocide that became the condition of possibility for the modern United States. These narratives tend to produce a perverse sense of innocence. In one of the first, *The Virginian,* what we find is a narrative of paid assassins who are dedicated to help make the people destitute, and yet, since the novel makes a gown out of blue skies and wide open spaces to drape around itself, these problems fade from the general image constructed out of it.

This brand of innocence is much more closely related to bad faith than to an absence of guilt. It led to a myth of regeneration through violence that shaped the cowboy figure. Hondo, the main character of John Farrow's homonymous film can allow himself to watch the genocide of a people that is in part his (he is part Indian, part Anglo), with a

steady pulse, lamenting the passing of a way of life even as he contributes to it. And yet, as his contribution saved a family (though contributing to the malaise of thousands), he is able to feel regenerated, at ease with his role in history.

As the Civil Rights Movement became part of the political imaginary of America and the idea that minorities (African-Americans, Hispanic-Americans and Native Americans) *might* be people too, and have a certain right to self-determination, a new version of the cowboy myth sprung up. A revisionist history of the myth arose around figures like Clint Eastwood (of *High Plains Drifter* or *Unforgiven*) or Richard Slotkin. This history changed the discourse around Western violence, showing the deep, unforgivable guilt of the violence in the range. As a discourse that permeates a whole culture, and informs many other genres (such as Sci-Fi, as *Star Wars* or *Star Trek* might be evidence of), that which happens in cowboy films can be seen as invested with an importance that far surpasses its role as history. McCarthy, on the other hand, favors the role of the West as history. The Western is described by Slotkin as: "The hero's inner life --his or her code of values, moral or psychic ambivalence, mixtures of motive-- reduces to personal motive the complex and contradictory mixture of ideological imperatives that shape a society's response to a crucial event." (Slotkin, *Gunfighter Nation* 14) What we find in these stories is a laboratory for social experimentation. In it, experimentation takes place on how to exemplify and convince the members of a culture on the outcomes of their conflicts, and possible past or future solutions to them. If we think of Hondo, we find a perfect example of how the indigenous genocide is hidden within national discourse. In the film, John Wayne decides not to help the Indians, who hold to similar ethics, and to help Anglos, whose honor codes are often at odds with his. Yet this is not

problematized, as the conflict is seen as predestined, a true antinomian epic, romanticized as the flow of the river of History. Hondo is thus not able to fight it, he argues that he is merely able to watch it happen and lament it, even as he contributes to it.

The projections of History into the individual sphere are preserved and communicated through diverse channels that the people maintain, for "A culture has its heritage of 'lore', which is preserved for use by designated lore-masters, story-tellers, or historians and is transmitted by them to the 'public' in one or more of the genres" (Slotkin, *Gunfighter Nation* 7) In *Gunfighter nation,* we find a profound analysis of the evolution of cowboy films in the United States, all the way back to the political use that Theodore Roosevelt makes of Western Mythology and forward to the point immediately preceding revisionism.

This current, as we have seen, represents a fracture in the heroic narrative of the West, putting into question the history of oppression that regularly underlies stories such as *Magnificent Seven.* In this John Sturges film, we find a group of gunslingers who arrive at a town in Northern Mexico to defend the peaceful town from a group of bandits. It stands in contrast against *Blood Meridian*, and it closely imitates Kurosawa's *Seven Samurais,* translating that story into the language of Westerns, covering over a historical narrative. All three of them resemble a problem contained in Samuel Chamberlain's memory, where the city of Chihuahua invites a gang of cowboys from Texas to protect it from a band of Comanches. Both in the historical account as in *Blood Meridian*, and in stark contrast to *Magnificent Seven* and *Seven Samurais*, the protectors of the people become predators to the people as soon as they carry out their work, taking the place of the threat and expanding upon it.

Historical revisionism of such a key figure as the cowboy in U.S. culture, has to be followed by reflection upon everything this archetype represents. As Slotkin states: "major breaks in the development of important genres may signal the presence of a significant crisis of cultural values and organization" (Slotkin, *Gunfighter Nation* 8). The value crisis associated with postmodernity along with the recognition of some degree of equality for minorities generated an erosion of the ideological elements that provided justification of the cowboy's actions. The ever more evident similarity between blood spilled in the West and the Vietnam massacres, (where American soldiers lost the civilizing veneer they put a claim to before) contributed to the loss of prestige. The effectiveness of the myth of regeneration through violence in which cowboys played such a big part was surpassed by reality.

It is this environment that surrounds McCarthy's work, which we analyze here as departing from revisionism, in that it probably takes cowboy revisionism to its utmost extreme in spite of not adopting a discourse (in depth) contrary to the myth of regeneration through violence.

Western epics are, almost always allegories. They are a history woven in such a way that the characters or events that happen in them are often the representation of a set of political ideas. They are part of a procedure that seeks to naturalize an organization of other collectivities (Natives, Mexicans, African-Americans) through a history disguised as innocent and naïf. Cowboys represent the catalyzer for this experimentation, for a mythical construction that seeks to hide a colonial wound, assuming it as the condition of possibility of a superior social organization, fairer, more powerful, better.

The main character is often merely a receptacle for the spectator or the reader to occupy. In Sergio Leone's films, we can see these archetypes: The cowboy, blonde, solid (The good), representing that which the narrative construct considers to be the best of the majority of men. He lacks personality, so that it would be all the easier to walk in his boots. Usually, there is an elder figure to the cowboy, wiser, whether it is an Indian antagonist or an old partner in arms. This character usually, much like the protagonist, has superhuman capabilities, but lacks the moral character of the hero, or is inadequate in other ways, perhaps racially (The bad). Likewise, there usually is a representative of a world that has no place within the social system proposed, a savage, an example of the aggressivity unleashed amongst cowboys (The ugly). These last two characters represent the danger that primal violence might offer those who dive into it seeking (or not) regeneration. This structure is completely absent from *Blood Meridian.* In contrast to *The Good, The Bad and The Ugly,* no one is either the Good or the Bad, every single one is the Ugly. Every character represents violence unleashed in a story in which every man abandons his belonging to a community and delivers himself to self-defense in a Hobbesian all out war with no quarter given.

The way individual stories work as representations of a collective experience places us in a territory that is consciously allegorical. In this territory, the kingdom of Allegory, the capital is Synecdoque. The capacity a part has to hold the whole within itself, to widen its reach and to embrace the world in its entirety is one of the primal ambitions of literature, to hold the world whole inside a book. From Homer's time, and his description of Achilles' shield, the narrator looks to his artwork as a way to produce a map of reality that becomes as real as reality itself. This cartographic impulse is live and

well in McCarthy, who, through *Blood Meridian's* true protagonist, Judge Holden, a seven foot tall giant weighing over four hundred pounds, with no skin pigment whatsoever and not a single hair on his body. The Judge is a giant more than capable of performing any trade, and one who displays an insatiable hunger for violence, an entity that is constantly seeking to appropriate reality.

At a point in the novel, we find the Judge sketching something in his notebook, to which activity, one of his crew says: "no man can put all the world in a book. No more than everthing drawed (sic) in a book is so." (McCarthy, *Blood Meridian* 141) In this radical inequivalence we can see one of the Judge's main engines, a will to power and possession that recognizes no countenance. His will to power is focused on the viability of cartographic synechdoque as the possibility itself of power, as he seeks to establish a translation system between words and reality:

> *Books lie, he said.*
>
> *God dont lie.*
>
> *No, said the judge. He does not. And these are his words.*
>
> *He held up a chunk of rock.*
>
> *He speaks in stones and trees, the bones of things. (McCarthy,* Blood Meridian *116)*

If a stone could be a word, possession of a word could lead to possession of the stone, trees, bones. Knowledge of the world is, for the Judge, a necessary condition for possession of it. That which has no word for it, exists only once, without existing for anybody, according to the way the Judge relates words and things. Even more so, it exist *against* someone, *against* him."Whatever exists, he said. Whatever in creation exists

without my knowledge exists without my consent." (McCarthy, *Blood Meridian* 198) Holden's thirst for knowledge is associated with his experience of power, with the way synecdoche thought is embedded in his *weltanschauung*. This thirst and the Judge's fabled capacity to be on top of everything and to be able to hold his own in just about any discipline against anyone he might come across, lead us to question his position in the civilization-barbarism dichotomy that has been traditional in the Frontier, or even whether he has a position in it. The giant is not a representative of either civilization or barbarism, much rather, the opposite, he represents the irrelevance of both. In his figure both concepts join until they are semantically destroyed. This hunger for knowledge and dominion corresponds to relationships toward nation in the modern project. "Man masters nature not by force but by understanding. This is why science has succeeded where magic failed: because it has looked for no spell to cast on nature" (Bronowski 18). Many philosophers have described the project of mastery as central to human beings' essential nature, like Hegel, who in *Lordship and Bondage* talks about life and death judgments, which configures men as lords or servants in the following way: "it is solely by risking life that freedom is obtained; only thus is it tried and proved that the essential nature of self-consciousness is not bare existence" (Hegel §187) and then proceeds to establish that "In the same way each must aim at the death of the other, as it risks its own life thereby; for that other is to it of no more worth than itself; the other's reality is presented to the former as an external other, as outside itself; it must cancel that externality." (Hegel §187) This culture is framed from a need to cancel externalities, building a universality that encompasses everything. Within a culture that embraces these principles, how can

we be surprised by Holden's attitude?, when he tells his men, as they gather around the fire at night:

> *Only nature can enslave man and only when the existence of each last entity is routed out and made to stand naked before him will he be properly suzerain of the earth.*
>
> *What's a suzerain?*
>
> *A keeper. A keeper or overlord.*
>
> *Why not say keeper then?*
>
> *Because he is a special kind of keeper. A suzerain rules even where there are other rulers. His authority countermands local judgment. (…) This is my claim, he said. And yet everywhere upon it are pockets of autonomous life. Autonomous. In order for it to be mine nothing must be permitted to occur upon it save by my dispensation. (McCarthy,* Blood Meridian *199)*

The Judge's need for suzerainty is not so much a product of his deviance from our ethical and philosophical traditions, but rather the product of his hyperbolic attachment to them. Much as it has been argued that the Nazi holocaust was modernity in one of its possible hyperboles, the Indian genocide was not much different, as it was a byproduct of the capitalist need for domination, expansion and accumulation of capital. This need derives from the will to become a lord amongst lords, to continue risking lives, and to preserve himself in the moment of affirmation that confirms him as a Lord. "The Judge kills out of will and conviction and a deep commitment to the cause and the canons of Western rationality" (Shaviro 147). What the Judge displays as he becomes the standard

bearer, rather than a degenerate of western modernity is a breaking point within the ways we organize ourselves politically. If these values are so central to our idea of western culture, as we anoint judges within and outside the law at the same time, what reason might the judge have not to opt for lordship instead of bondage? If the possibility of dominion is available through exceptionality, the Judge has a strong incentive to elect to rule rather than to serve.

Throughout the Glanton's crew raids, there is but one element that resists the Judge's dominion. Even though the main character does not refuse to participate in barbarism, there is a part of him that refuses to be known by the Judge, that refuses to be possessed. In this circumstances where representation is identified with that which is represented, and even further, we come into contact with the book's focal character: The Kid. There is barely any dialog, there's only a blank slate for the reader, apparently nothing, and because of that, everything: "See the child. He is pale and thin, he wears a thin and ragged linen shirt (…) He can neither read nor write and in him broods already a taste for mindless violence. All history present in that visage, the child the father of the man" (McCarthy, *Blood Meridian* 3). Being his own father, the Kid, by emptying himself, makes our occupation of himself possible. As nearly absolute virtuality, any path he takes will actualize some History. He represents the natural man, the unexplored possibilities of mankind.

Through an underdeveloped character, the narrator offers us a possibility to insert our own characteristics within the character. The Kid spends most of the novel without constructing a discourse. His dialogs are austere, and generally, are merely restrained to formulating questions that the reader must, almost irrepressibly be making himself as he

reads the book. What is different in this respect in *Blood Meridian* is its direct relationship with history. “All history present in that visage, the child the father of the man”, is the space from which the history of any nation is invited to enter the mythology of the Frontier, for what nation’s history in this world has not been generated out of the need to debase a war machine like the Glanton crew? What nation is not originated in a group of lawless, bloodthirsty men like them? And also, what nation, deep inside, is not absolutely ashamed of this?

The Kid, much like the novel, is inspired in Samuel Chamberlain’s war memoirs. Chamberlain participated in a mercenary expedition to Chihuahua, in order to collect a bounty on Comanche scalps, an expedition where, in order to bolster their profit, they sacrificed women, children and the elderly, Comanches and Mexicans, civilians and soldiers, in order to sell their scalps to Chihuahua’s government. Upon their return, they ransacked the city, and had to flee to Sonora and then Arizona, with the Mexican army hot on their trail and a bounty on their heads. As McCarthy sums the Chihuahuan experience: "Mejor los indios"[15] (McCarthy, *Blood Meridian* 171). If elsewhere we point to the problems of universalizing law to the abstraction of all particularity, and its subversion of legislative powers, and the problems of constructing the legitimacy of a state based on self-defense and exploitation, and its undermining of the executive powers, here we see the reduction to absurd of judiciary powers, and the problems of the resolution of states of exception that lies in the center of its self, and the possibility within, to unleash a war machine inscribed in absolute immanence. If we hearken Deleuze and Guattari, the philosophers of the celebration of the line and of immanence,

[15] “Better to face the indians” (In Spanish in the original)

of the body without organs and schizophrenia, we can observe here the horrors of the tirany of the line and nomadology, the terror of radical deterritorialization.

Deleuze and Guattari, in their treatise on the War Machine, using Go as a metaphor, they claim that:

> *"Go pieces, in contrast, are pellets, disks, simple arithmetic units, and have only an anonymous, collective, or third-person function: "It" makes a move. "It" could be a man, a woman, a louse, an elephant. Go pieces are elements of a non subjectified machine assemblage with non intrinsic properties, only situational ones." 353*

The freedom a Go piece offers, in comparison to a chess piece, as pure indetermination, as the possibility of anything, sounds like paradise when it is thought within the system of a philosopher who announces that the XXth century will be known as the Foucauldian century, a universe built around the escape from the logic of discipline and punishment. When Deleuze and Guattari tell us that "A schizophrenic out for a walk is a better model than a neurotic lying on the analyst's couch" (Deleuze and Guattari, *Anti-oedipus* 2), they assume, clearly, that the schizophrenic goes out, takes a walk and the walk is a contemplative stroll. Nonetheless, thinking of the apology of nomadism and the line that Deleuze and Guattari propose in *Capitalism & Schizophrenia*, what happens when we come across nomads that are a horde of murderers, forever on the attack and forever withdrawing? What happens when the lines and rhizomes that cross the territory are the lines of blood that irrigate that rhizomatic node?

The terror McCarthy presents is inorganic, a schizophrenic stroll: the Kid listening to the voice of the Devil, and such Devil is the Judge, a man who "like a great

ponderous djinn stepped through the fire and the flames delivered him up as if he were in some way native to their element" (McCarthy, *Blood Meridian* 96); a man who belongs to different elements and who recognizes no moral nor sovereign. If the neurotic is a man destroyed by morality, what is the man who rides through *Blood Meridian*'s deserts? This man, Holden, typical and atypical of the genre, as our cowboy stories teach us, is fertile ground to reflect on how these stories influence what a state is and should be, along with the judiciary elements. How many and which voices does Judge Holden listen to?

When the knights errant of these stories in the prairies decide to give themselves over to the road, they configure themselves as nodes of justice. In Plutarch's *Life of Theseus,* we hear how "Herakles had the misfortune to kill Iphitus, and thereupon sailed to Lydia and was for a long time a slave in that country (…) During this period the country of Lydia enjoyed peace and repose; but in Greece the old plague of brigandage broke out afresh, as there was now no one to put it down" (Plutarch). And it was in a similar situation that, due to the inability of the people to establish peace on the roads, a Wild Greece is generated and Theseus gives himself to the road in order to bring the bandits who held Greece hostage to justice. As every ideal roving justice maker, Theseus eliminates bandits according to a strict code of justice. Likewise, classical gunslingers adhered to a code, killing the evil men and defending the weak. But here is where *Blood Meridian* comes in and dislodges the discourse: What if Theseus had no interest at all in justice?

What happens within a system that creates a legalist institution, and rids it of morality and objective, delegating the question of what the law is to an individual? The state of exception open in front of the justice wielder does not contemplate the possibility

that whichever supernaturally empowered giant such a system is entrusted to, like the Judge, will choose not to exercise justice. The Glanton crew rides through the Chihuahua desert, transforming it into a series of images that remind us of Goya's *The disasters of war,* and the *Black Paintings,* where we see demons walking on Earth, and a history, that much like *Saturn devouring his son*, chews and digests humanity. The dreams of progress and Manifest Destiny, that political form of Antinomianism, when allowed to roam free in the open skies of the Aridoamerican deserts, produce monsters as well.

Even though *Blood Meridian* is, in every way, the fictive extreme of this principle[16], the principle exposed is intrinsical to the application of law. As Glanton strolls around the streets he has dyed red in Chihuahua, we find the deconstruction of the original motivation for his and his band's presence. The situation in which Northern Mexico was in relation to Comanches who were fleeing from the American army is interpreted by Captain White in the following way:"a bunch of barbarians that even the most biased in their favor will admit have no least notion in God's earth of honor or justice or the meaning of republican government. A people so cowardly they've paid tribute a hundred years to tribes of naked savages." (McCarthy, *Blood Meridian* 33) The notion itself that a conflict might have been settled in a peaceful way, or the possibility that Comanches might have valid claims within this conflict is so foreign to this man, that he considers such notions and possibilities the brand of a nation that does not know what republican government means. And even more interesting is what White considers to be a republic, and how he defines the capability of self-governance:

[16] Though it might do us well to remember that most of the episodes narrated are based on real events, even some of those that would strike us the most as fictitious.

> *What we are dealing with, he said, is a race of degenerates. A mongrel race, little better than niggers. And maybe no better. There is no government in Mexico. Hell, there's no God in Mexico. Never will be. We are dealing with a people manifestly incapable of governing themselves. And do you know what happens with people who cannot govern themselves? That's right. Others come in to govern for them (McCarthy,* Blood Meridian *34).*

The background of this conflict, according to the captain, is race-related. Mexicans are at fault, and degenerates, because they have intermarried with Indians. White's arguments do not move towards the organization of the State, but towards the impossibility of government organization on the part of an "inferior" race. Or perhaps it is his belief that by intermarriage, some (though certainly not a whole lot) empathy might prevent Mexicans from engaging Indians in an equally genocidal approach as Americans.[17] His will to power becomes even emptier as we see what happens to White in this novel. After being ambushed by a Comanche army, White's troop is decimated to only a couple survivors. The captain's head is reduced to conservation in a jar of mescal, putting into question White's capacity to govern either himself or others.

In McCarthy's territories there is no possibility for republican government, or law, for what rules is an empire of violence. Once unleashed, laws are incapable of

[17] The only way I could see the claim work, however is by a series of questionable disclaimers, such as asserting that, for example, the violence wielded by Díaz against indigenous peoples was not racial, as Díaz himself was indigenous, or other cheap accounting tricks.

reining in violence.[18] Even though the Comanches in Northern Mexico are the proximate cause of the escalation of violence, it cannot be asserted that violence arises from there[19]. In the treaty of Guadalupe Hidalgo, by which the U.S.A. annexed the territories north of the Rio Grande, Americans had acquired responsibility for containing Indians and preventing them from raiding Mexico. In reality, the extermination policy in the U.S.A. only motivated Comanches more in their southward migration, and only pushed them to adopt more and more violent forms of self defense. Incapable of defending themselves through more widely accepted violence, the governments in Northern States in Mexico inaugurated a state of war that initiated yet another genocidal movement in the desert.[20]. In addition to poisoning wells, in order to pacify the territory a bounty system was installed for Comanches, using scalps as "receipts". And thus was the Glanton crew arrived in Mexico, and start by killing Comanches, then turn genocide on its instigators, as they then continue killing any dark haired person, whose *receipt* could be cashed in, without any consideration for national affiliation. This War Machine transforms every individual into a Go piece, uniform and interchangeable. After opening the state of

[18] Unleashed is the just word here, since by opening the territory of exceptionality, the bounds on those who apply the law are undone. This hands the territory to the right of might, as there is very little that can be done to bind the War machine until it is defeated, exhausted or it bows down of its own accord.

[19] Nor was it the last iteration, for the violence continues, a tradition extending to the Columbus's encounter or further back.

[20] Atrocities such as poisoning the water wells, a project which Santiago Vidaurri undertoook during the conflicts with Comanches in the XIXth century.

exception, Chihuahuan governor Riddle finds himself unable to close it: "The citizenry made address to the governor but he was much like the sorcerer's apprentice who could indeed provoke the imp to do his will but could in no way make him cease again". (McCarthy, *Blood Meridian* 171) Quite disposed to initiate genocide against the Comanche nation, Riddle unleashes a war he cannot control. Not very much hidden behind this breaking point in the composition of a body politic that we can observe in McCarthy's Chihuahua, we can see the imminent danger in the figure of judges. Judge Holden, is a figure that wields the negotiation of exception that might be necessary in a republic becomes a non-place within the body politic. The Judge buttresses the law by being outside of it.

One of the most interesting questions in the novel is asked by The Kid to Tobin, the fallen priest: "What's he a judge of? he said" (McCarthy, *Blood Meridian* 135). The direct object of Holden's justice is one of *Blood Meridian's* greatest questions. By following the tradition of the Western genre, all territory beyond 100 West Meridian, the Wild West, is beyond the law. And in this territory of exception from the power of the state, the justice it espouses, without its checks and balances takes other shapes that show us elements normally hidden in the ritual that surround judges, in that metonymical relationship by which we mistake the ritual of justice for justice itself.

In the prairies, far from the risk of prevaricating, the control of juries or any other ritual conjured up to exorcize the man from the judiciary system, the cowboy, as judge, jury and executioner, attracts to himself the liminal functions of law and its opposite. Much as cowboys are not formally anointed with judiciary powers, the archetype accepted by silence in popular mythology configures him as being endowed with such.

From beyond the horizon, the gunslinger and his gun arrive to right the injustice that plagues the Earth.

If before, we saw *High Plains Drifter*'s justice wielder as a spirit that crosses the line between this world and the next in order to establish justice, here, in *Blood Meridian,* we find his opposite in the Judge. Holden is surrounded by satanistic paraphernalia, which, in the midst of the rampant violence he unleashes, produce reflections much like the next one:

> *aught man knows lies the locality of hell. (...) I'd not go behind scripture but it may be that there has been sinners so notorious evil that the fires coughed em up again and I could well see in the long ago how it was little devils with their pitchforks had traversed that fiery vomit for to salvage back those souls that had by misadventure been spewed up from their damnation onto the outer shelves of the world. Aye. It's a notion, no more. But someplace in the scheme of things this world must touch the other. (McCarthy,* Blood Meridian *130)*

In the Glanton crew we find many characters who are dislodged from their station, like Tobin, the scalp-hunting priest, or Judge Holden, all powerful, all knowing, dedicated to the violence of bounty hunting in the desert. If we ordinarily might operate under the assumption that a judge acts as an agent of the law, the reflection McCarthy forces upon us is that, precisely, the Judge is the person that is most outside of the law within a legal system. The judge is a figure that gives suture to justice, offering himself as a mediator between the polis and its outside. Between the *civilization* that the law

allegedly represents, and the *barbarism* that allegedly surrounds it, the judge becomes an intermediary, but an intermediary with shared allegiance: a double agent of the law.

The encyclopedic knowledge of the law that is expected of a judge is not a sign of his loyalty to the state, but of the necessary precaution to mitigate the danger of giving a person power to go outside the law in order to interpret it, to actualize its virtualities. It is expected in the hope that even while venturing outside the law, a judge might continue to be clothed in it. But having opened the door to indecision, everything in a judge's station is an enticement to exception. Whether their sentences are absurd, draconian or fair, the judges are endowed with the power to mark the limits of the polis.

The outside of the law, in the Judge's dominion is constructed around the loss of the monopoly of violence, and the opening of exceptions where every law but need is suspended, the need for survival. As Tobin, the ex-priest, tells The Kid of how they met the Judge, alone in the desert, after having depleted their supply of gunpowder chasing Indians, the Judge offers a way out for the crew, which chooses to follow him:

> *he pointed to that stark and solitary mountain and delivered himself of an oration to what end I know not, then or now, and he concluded with the telling us that our mother the earth as he said was round like an egg and contained all good things within her. Then he turned and led the horse he had been ridin across that terrain of black and glassy slag, treacherous to man and beast alike, and us behind him like the disciples of a new faith (McCarthy,* Blood Meridian *132).*

Up in that mountain, the Judge mixes guano, sulfur and coal in a diabolical mass, where later "he was cryin out to us to piss, man, piss for your very souls for cant you see

the redskins yonder" (McCarthy, *Blood Meridian* 132) With their genitals out, urinating in the mountain, the crew signs a pact with the Judge, becoming his disciples in exchange for a way to preserve life from the Indians who chased them.

McCarthy constructs a history of the morality of freedom, of American (or any other) exceptionalism, and Manifest Destiny through a reduction (or inflation) to absurd of its principles. With the two pronged method of exposing philosophical questions through the narration of facts and the endowal of realism grounded in pain and violence of his discourse, McCarthy builds a collection of images that accesses suspension of disbelief through wonder, through a violence so exhuberant that it forces the reader to accept it, as we might see in a typical scene of the novel:

> *seizing them up by the hair and passing their blades about the skulls of the living and the dead alike and snatching aloft the bloody wigs and hacking and chopping at the naked bodies, ripping off limbs, heads, gutting the strange white torsos and holding up great handfuls of viscera, genitals, some of the savages so slathered up with gore they might have rolled in it like dogs and some who fell upon the dying and sodomized them with loud cries to their fellows (McCarthy,* Blood Meridian *54).*

It is through this sadistic reproduction of violence that McCarthy builds his breed of realism. Whilst a Balzac novel might appeal to realism through the neurotic representation of the details of objects, or a writer like Joyce might appeal to realism through the repreoduction of psychological processes of relation to reality, such as streams of consciousness, McCarthy does so through placing his narration in a breaking point between the possibility and the impossibility of reproducing violence. Whilst realist

novels ask of us: Could you imagine such detail? And totalizing novels ask of us: Is it not true that you conceive of the world in such a way?, in representing blood, death, evisceration and the desacralization of bodies, McCarthy asks of us: Could this violence be imagined? Can my imagination lead you here, or is this a place only real violence could take us? By appealing to realism through overcoming reality, we find a plethora of things reduced to utter absurd. From the moment when Aristotle claimed to have been Plato's friend, but even more so of the truth, we find mimesis as a process by which morality is postponed, by plaicing moral judgments in a state of suspension, privileging the representation of how things are over the imagination of how they should or could be.

In the wide open spaces rode by McCarthy's mercenaries, we can see a territory that is either empty or in the processs of becoming so. Far from any element capable of imposing a law or rule beyond the reach of might, this territory allows for the emptying of the discourses that describe it. By appealing to violence's descriptive realism, we find ourselves in a process of suspension of morality. This route, as we observe, allows McCathy the possibility of eviscerating key propositions in western thought, like Spinoza's idea of living in the best of worlds:

> *God made this world, but he didn't make it to suit everybody, did he?*
>
> *I don't believe he much had me in mind.*
>
> *Aye, said the old man. But where does a man come by his notions. What world's he seen that he liked better?*
>
> *I can think of better places and better ways.*
>
> *Can ye make it be?*

No. (McCarthy, Blood Meridian *19)*

This simple conversation puts forward the conception characters in the novel offer, officially of realism. The novel's official discourse establishes that the world can't be better than it is, for that world is the only one that can be. Nevertheless, the Glanton crew's actions establish that the world can always be worse, that the world can always take a drastic turn towards the worse, for if neither the main character, nor Glanton, nor the Judge at any moment ask themselves if they have seen a world they like less, they won't ever doubt they can make a worse place, with worse ways. And it is this world they bring forth, a cult of War that flows throughout the territory, deorganizing any power.

The cult of War proposed by the Judge is based on the nobility of gaming, conceived as a sublimation of Chance, as a manifestation of pure will, without any moral or theoretical limitations. Presented as a Nietzschean variation of Lutheran antinomism, the cult of the Judge is the exaltation of violence, of War as the most noble manifestation of play, a way to decide the existence of the one or the other. As previously stated, *Blood Meridian* may well be the most profound actualization of a revisionism of the cowboy myth. This is in spite of the similarities with the myth of regeneration through violence. McCarthy's narrator adopts a profoundly amoral discourse, but constructs it in such a way that it undermines itself. By taking such amorality to its utmost extreme, McCarthy appeals to a sense of morality and resistance in the face of war.

The antinomian construct in *Blood Meridian's* discourse departs from the position of chance, and the radicalized equality of elements in its narrative. The way in which the novel turns the organic into inorganic and equalizes everything in the sight of the narrator is often quoted as the novel's take on "optical democracy":

> *In the neuter austerity of that terrain all phenomena were bequeathed a strange equality and no one thing nor spider nor stone nor blade of grass could put forth claim to precedence. The very clarity of these articles belied their familiarity, for the eye predicates the whole on some feature or part and here was nothing more luminous than another and nothing more enshadowed and in the optical democracy of such landscapes all preference is made whimsical and a man and a rock become endowed with unguessed kinships (247).*

As we see the panorama McCarthy builds, a wide open desert, goat excrement, stones, shadows and gods find in their blinding appeareance under the sun an optical democracy, an equality in which every character is described with the same abandon, with the exception of the judge, every character an enshrinement of chance. Life is but a form of chance if the notion of good or evil, strong or weak is removed from the game. Nobility, as the Judge describes is in submitting to the game. Every element becomes flatly demoralized in chance as suture, when we remove morality from the equation. Everything honorable in this system is then the acceptance of the game, of chance, and the affirmation of whatever result comes out, as the Judge proposes:

> *Men are born for games. Nothing else. Every child knows that play is nobler than work. He knows too that the worth or merit of a game is not inherent in the game itself but rather in the value of that which is put at hazard. Games of chance require a wager to have meaning at all. Games of sport involve the skill and strength of the opponents and the humiliation of defeat and the pride of victory are in themselves sufficient stake because*

> *they inhere in the worth of the principals and define them. But trial of chance or trial of worth all games aspire to the condition of war for here that which is wagered swallows up game, player, all. (McCarthy,* Blood Meridian *249)*

The affirmation of chance in games is profoundly related to the notion of *optical democracy* we discussed earlier. It is this mechanism through which McCarthy allegedly represents in the novel all objects on a par with men. The use of prosopopeya through this optic is a two-prongued strategy, by which at the same time that objects are personalized, some persons are objectified. In the novel, deaths are experienced as physical phenomena, without an ethical dimension, actions extracted from chains of meaning and significance. This can obviously not be taken to its extreme, for no story could be produced, given that most of a writer's task is to adscribe significance, but this construction of objectivity that is construed in the stylistics of McCarthy should make us reflect on what objectivity he might weave in his ethics.

Holden proposes a world where games have no value as themselves, as games, but rather, acquire it through the stakes that are placed on them. The emphasis the Judge places on how the game's value is dependent on the elevation of risk, demonstrates the purpose, from an aesthetic point of view, as well as ethic, how inadmissible it is to equalize all elements exposed to our sight or analysis. This emphasis is a logical outcome of the effort to make sense out of the world, and to build a hierarchy for the elements men come across in their path. The cult of war Holden proposes is based mainly on the possibility of granting meaning to any kind of game practiced, no matter how barbaric:

Suppose two men at cards with nothing to wager save their lives. Who has not heard such a tale? A turn of the card. The whole universe for such a player has labored clanking to this moment which will tell if he is to die at that man's hand or that man at his. (...) This enhancement of the game to its ultimate state admits no argument concerning the notion of fate (McCarthy, Blood Meridian *249).*

It is through the experience of betting, where the possibility of an end, an absolute end, to one of the participants that lordship is sought for. It is submission to chance, to contest that produces significance. In the eternal return of the same, what changes is not the game, nor the players, who, according to the Judge, will play one way or the other. What changes is the circumstance of play, the stakes at play, for in its depth, judgment, play, War is the indeterminate space that is built on the outside of law, civilization and experience. As we can see in *No country for old men*, the nature of a game is irrelevant, so long as the stakes are high and the rules are kept. In a scene where Chigurh stops to buy some cashews, he decides upon the life or death of the owner of the store he is at. His life is decided by a coin toss:

What's the most you ever saw lost on a coin toss?

Sir?

I said what's the most you ever saw lost on a coin toss.

Coin toss?

Coin toss.

I don't know. Folks don't generally bet on a coin toss. It's usually more like just to settle something.

What's the biggest thing you ever saw settled? (McCarthy, No country for old men *55)*

In this scene, it is Chigurh's intention for the owner of the store to acquire consciousness of what is actually happening. While the quarter is flying, the continuation of his life is being decided without his knowledge or consent. No doubt, for the man behind the counter, there will never be a more significant coin toss, for his whole universe is at play. Just like in Hegel's phenomenology, only death is capable of altering consciousness in such a way that the decision that generates lordship can take place. In *Blood Meridian,* the definitive trait of lordship, of having successfully crossed the encounter with war and death, is not the game, but a dance, a ritual of power, associated with a warrior's privilege. "Only that man who has offered up himself entire to the blood of war, who has been to the floor of the pit and seen horror in the round and learned at last that it speaks to his inmost heart, only that man can dance." (McCarthy, *Blood Meridian* 331) This privilege implies belonging to a different order of existence, to a nobility of violence, pertaining to a strata where events, ordinarily imposible to rank, acquire significance and a place amongst things. The desire to be granted passage to this environment is one of the most resistant and traditional fantasies of European thought, the diabolical will of lordship and the fantasy attached that Holden displays in front of us: This logic of power elaborates notions of honor fully construed around the need and will to war:

As war becomes dishonored and its nobility called into question those honorable men who recognize the sanctity of blood will become excluded from the dance, which is the warrior's right, and thereby will the

> *dance become a false dance and the dancers false dancers. And yet there will be one there always who is a true dancer and can you guess who that might be?" (McCarthy,* Blood Meridian *331)*

The Judge argues that there is only one True Dancer, himself, who is such, only because he recognizes the sanctity of war, because he raises it as the object of a cult. This cult uses chance in the immanence of a continued state of indeterminacy, generated, not quite solved, by the continuous game of war. When we spoke earlier of a reduction (or inflation) to absurdity of the cult of war and absolute immanence, it was a key passage that I had in mind, in order to aid our interpretation. After the Judge pronounces his speech about how God's words are the things in the world, the narrator offers us a quite unusual window into the Judge's interior life: "The squatters in their rags nodded among themselves and were soon reckoning him correct, this man of learning, in all his speculations, and this the judge encouraged until they were right proselytes of the new order whereupon he laughed at them for fools." (McCarthy, *Blood Meridian* 116) Where we to take the cult of war at its word, without further reflection, these characters would be our own image, reaffirming each other, accepting the order the Judge draws in blood upon the canvas of chaos.

The characters in the book construct their nomad dystopia from their radical refusal to ever locate themselves within an order, or to stay in one place. A great deal of the Judge's laughter comes from his knowledge that their nomadism is untenable. Every inch where the Glanton's crew has rode through is one more inch they will never ride again: "They were of another nation, those riders, and all that land to the south out of which they'd originated and whatever lands to the east toward which they were bound

were dead to him and both the ground and any sojourners upon it remote and arguable of substance." (McCarthy, *Blood Meridian* 244) It is because of the indecision nomad dystopias such as Glanton's produce, that every political system develops containment strategies for War Machines. No matter how necessary it may be to decide by life and death eventually, the image of these Riders traversing the desert like a Grand Jury from beyond (or below), like the great War cultists they are, in abandonment to the practice of their trade, this image remains a warning of the danger of opening states of exception within the law. According to the Judge, the activity of Glanton's crew needs not bother with justification:

> *This is the nature of war, whose stake is at once the game and the authority and the justification. Seen so, war is the truest form of divination. It is the testing of one's will and the will of another within that larger will which because it binds them is therefore forced to select. War is the ultimate game because war is at last a forcing of the unity of existence. War is god (McCarthy,* Blood Meridian *249).*

This unity of existence refers to the moment of execution, where to kill or be killed cancels difference as it allows, for only the briefest of instants, recognition. The deity Holden waves in front of us is a fleeting one, that appears as a way to close down arguments, conflicts or any limit to a will that submits to it (or a will that is submitted to it, in its absence). In this all out contest, war is the zenith (or meridian) of existence:

> *War is your trade. Is it not?*
>
> *And it aint yours?*
>
> *Mine too. Very much so.*

What about all them notebooks and bones and stuff?

All other trades are contained in that of war (McCarthy, Blood Meridian *249).*

All trades, as the Judge claims, are necessary for war, and something of war makes its way to all trades. Nevertheless, there is always loss in translation, the Judge's game always comes to a point where men must stop playing. Towards the end of the novel, the crew settles down in a ferry, in the Yuma river, where slowly they allow their weak spot to be seen. From a beginning where they appropriated the crossing in order to extort passers-by for passage, slowly they arrive at a point where

> *People who had been waiting three days to cross at a dollar a head were now told that the fare was four dollars. And even this tariff was in effect for no more than a few days. Soon they were operating a sort of procrustean ferry where the fares were tailored to accommodate the purses of the travelers. Ultimately all pretense was dropped and the immigrants were robbed outright. Travelers were beaten and their arms and goods appropriated and they were sent destitute and beggared into the desert. (McCarthy,* Blood Meridian *262)*

This procrustean organization that adjusted its theft to the victim remained standing only as long as it took the army, playing the Theseus for this Procrustes, arrives and expels them, the few survivors, braving hunger and heat in the desert in order to preserve their breath. A war machine cannot become established and perpetuated. He who judges over life or death must relinquish the power in order to keep it.

If the dispensation of justice is an extension of the cult of war, it is a continuation of the desire to master. But the ending of the book is a departure from the alleged Antinomianism of the novel. The exercise on the part of the Kid of his will to life in spite of all the pressure to take part in the death contest the Judge calls for. The will to life without the will to kill is a possible way out of the Master-Slave dialectics, where the Kid chooses not to partake of the infernal dance.

It is however a dangerous turn to take. The Kid finds in his resistance a strategy that others amongst McCarthy's characters have followed. They choose to go on living in the face of unsurmountable cruelty, to remain masters of themselves without bowing to the cult of war. *The Road* is the story of a non-suicide, where a father and his son roam a post-apocalyptic wasteland determined to go on living, with no goal or comfort to be had. But this road, much like the evening redness in the West, is just a plunge into the territory of continuous exception. In order to find security, a fantasy of peace must be imposed upon it.

This relationship between the schizophrenic going out for a stroll and the desire for some sort of peace brings us to the figure of the Judge, of a person that can stand between the law and its outside. In *Justified,* the television series, Judge Reardon discusses the subject with Raylan Givens, a U.S. Marshall under investigation for his frequent participation in shootings. The discussion is centered on what they have in common, and the judge proposes that his gavel is the equivalent of Raylan's gun, two tools capable of extracting a man from the polis, and within a certain limit, theirs, theirs to be used at their leisure. Two tools to dispense justice, with two men in charge of the

polis even as they are incapable of belonging; two tools to dispense justice and give suture to breaks in the community; two tools for justice, even if in nothing but name.

"Criminals are like weeds, Marston.
Quick as you stomp one out, another one sprouts up in its place."

Red Dead Redemption

The encounter between civilization and barbarism has been one of the great metanarratives within which American stories have been framed. In general, debates have followed a rather Eurocentric tone. This is not surprising, as when the states of the American continent took control of their political destinies, their ideological affiliations where aligned with those of European modernity. After all, the individuals who wrote, signed and applied the law where overwhelmingly of European ancestry, and even more importantly of European education.

The last chapter focused on Frontier dystopias, the narratives of how the arrival of "civilization" unleashed "barbarism" in the Wild West. Now, I would like fo focus on the narratives of how "barbarism" developed "civilization" in provincial México through a political figure categorized as a bandit.

Juan Pablo Dabove states: "The bandit is perhaps the most important in a series of *dramatis personae* that in postcolonial Latin American culture function as frontiers

between "domains of sovereignity" (Dabove 7). It is this fiction in reality that allows for the political narrative of sovereignity. This concept is manifold in the frontier, as it lies always in the interstice between legality and the state, and it is in this junction that the bandit carries out its power struggle, the negotiation of violence inside and outside the law. Outside the law, though not necessarily against it, even if he often is, the bandit shows another side of crime, one where crime and the law come into close contact.

The word bandit itself derives from *bando*, a proclamation performed with the purpose of proscribing a member of the body politic, expelling him from the community. Most of the time, this has to do with behavior determined to be outside of the law, but often times it also has to do with behavior more of a political rather than criminal nature. Several of Aridoamerica's relevant political figures have once worn the bandit tag, such as Stephen Austin, Pancho Villa or Joaquín Murieta. As we will see further ahead, the bandit's main offense has to do with his participation as a political agent in a violent register.

The bandit's participation in the American continent's political sphere can be traced back to the roving bands that violently appropriated Latin America under the shadow of Charles V of the Habsburg, emperor of the Holy Roman Empire, and his successors, or the colonizing companies that appropriated North America under the auspices of Queen Elizabeth and her successors. One of the subjects that is common both to Mexico and the United States is the colonial wound, the after effect of that tyrannical

enterprise[21] by which social order was established and then naturalized and reformed through the Independence Revolutions.

The establishment of nation states throughout America installed a political logic that was not shared by the general population and was often not compatible with the social codes, which this population followed (or follows). The bandit appears in these territories, where behavioral codes face each other and end up resorting to violence in order to impose themselves.

So, by speaking of the bandit as someone who is set outside of the body politic, it behooves us to ask ourselves what such a body is. If we follow, say, Lincoln's principle as stated [22] in the Gettysburg address, of a government of the people, for the people, and by the people, it follows to inquire just what the people is. If the territory we explore falls in its entirety within two republics, of masonic inspiration, federal, with liberal European influence, it would probably be a good idea to refer to the sovereignty principles that Rousseau proposed in *The Social Contract.*

---

[21] And when we say tyrannical here, we appeal to the Greek definition of the word. In Greece, tyrant refered to the path to power followed by the ruler. It designated someone who would come to power by illegitimate means, such as a popular revolt, a path not prescribed by law or custom. It did not refer so much to the abuse of power, as there was such a thing as a just tyrant.

[22] Lincoln was ideologically close to Juárez and was also a personal friend. He was also very influential in the outcome of the French intervention in Mexico, a continuation of the Guerra de Reforma.

Rousseau starts his argument with the search for a cohesive principle for a body polític that has a moral, and not simply a military base, for, as he states, "Force is a physical power; I fail to see what morality can result from its effects. To give in to force is an act of necessity, not of will. At most, it is an act of prudence" (Rousseau, El contrato social 19). The notion of might making right is discarded as it does not offer moral justification for the actions of the mighty unto those who suffer them, beyond the necessity of staying alive.

Thus, we find a blind spot of political theory, an aporía that deals with the origin itself of the polis, allowing for the notion of politics to have any validity whatsoever. In his search to resolve such an aporía, Rousseau resorts to Hugo Grotius, in order to extract a theory of transferral of sovereignty from the people to the Government:

> *A people, says Grotius, can give itself to a king. According to Grotius, therefore, a people is a people before it gives itself to a king. This gift itself is a civil act; it presupposes a public deliberation. Thus, before examining the act whereby a people chooses a king, it would be well to examine the act whereby a people is a people. For since this act is necessarily prior to the other, it is the true foundation of society. (23)*

From this position the notion of social contract is extracted. It is conceived as a union that precedes the whole state, turning the state into a homogeneous entity. The problem is that rarely is a population homogenous in such a way, but rather they tend to be profoundly heterogeneous, whether it is from an ethnic, political or just about any other perspective. We derive the proliferation of instersticial spaces that generate the

figure of the bandit from the metonymy that american body politics are based upon by assuming heterogeneity to be homogeneity.

Bandits occur in the breaks where a social contract crumbles, where the will of the Sovereign [23] ceases, or if it has not yet solidified, where the Prince[24] has separated from the Sovereign, in a case that Rousseau describes in the following way:

> *If it should finally happen that the prince had a private will more active than that of the sovereign, and that he had made use of some of the public force that is available to him in order to obey his private will, so that there would be, so to speak, two sovereigns--one de jure and the other de facto, at that moment the social union would vanish and the body politic would be dissolved* (*Rousseau,* On the social contract 62)

Whether a community dissolves because its people are sufficiently heterogeneous to feel misrepresented within its legal system, or because the government takes a turn to the tyrannical through the Prince's actions, the fiction of homogeneity is at the heart of the problem. Often times the State becomes separate from the sovereign, becoming "every malefactor who attacks the social right becomes through his transgressions a rebel and a traitor to the homeland; in violating its laws, he ceases to be a member, and he even wages war with it." (Rousseau, *On the social contract* 35) If the contract from which the

[23] I am following here Rousseau's concept. For him, the Sovereign is the exercise of the will of the body politic. In as much as this is thought of as capable of common political will, a relatively homogenous community is assumed.

[24] Again, I follow Rousseau's terminology, where the Prince is not necessarily a monarch, but he who exercises Executive Power in the State.

state derives allows that any citizen who acts against the interest of the sovereign to be warred against, would it not be justified for the sovereign to war against the state if it behaves in the same way?

It is because of this situation that we find the drop in legitimization to allow or motivate the origins of a bandit, for, as Dabove states: "a bandit is he who maintains through his actions (which may not form part of a conscious 'political program') his 'right' (unusually uncodified) to engage in certain practices that collide with a legality-in the making that portrays such actions as out-and-out crimes." (Dabove 5) As we will see, the bandit often has a political program that challenges a structured discourse that inserts itself between the state and the people. Legality is always in the making, even if it depends so strongly on the fiction of its permanence. So often forgotten, when arguing for democratic tradition are Jefferson's thoughts on intergenerational governance: "We may consider each generation as a distinct nation, with a right, by the will of its majority, to bind themselves, but none to bind the succeeding generation, more than the inhabitants of another country" (Jefferson) If we legitimize a government by the will of the people, what happens to all the people who are misrepresented within? If the majority is very rarely allowed participation in the creation of the law because of how legal discourse and legal production are made inaccessible to them, can it be stated that they are not justified in exercising their political right when it arises out of strict necessity? As we reflected previously on Agamben's statement that "If something is done out of necessity, it is done licitly, since what is not licit in law necessity makes licit. Likewise necessity has no law" (24) might then not necessity be a term that crushes the solidity of the social contract? If legal justification of a tyrannical Prince fails to reduce the instances in which necessity

comes into conflict with the law, then it might be stated that the Prince is a failed Prince. It is in this failure that we can understand how it is that so commonly bandits claim both an appeal to law and an opposition to it. In the face of these oppositions, a need arises to incorporate different discourses into the political sphere.

In order to study this side of the bandit, the Mexican State history and its literary representations is ideal. Given the political, ethnic and religious sincretism that has characterized the multiple iterations of the state, the bandit has played a key role in configuring the nation. We seek to reflect on the bandit's involvement in the legitimizing processes of the state, by establishing a genealogy between the prerrevolutionary bandits we find in Luis G. Inclán's *Astucia* and the contemporary ones in Yuri Herrera's *Trabajos del reino.* These bandits elaborate on theories of how a body politic that rises from the people might look like, from the perspectives of Colonel Astucia, a XIXth century tobacco smuggler, Martín Sánchez, a police officer in *El Zarco,* and *El Rey*, a XXIst century drug runner.

Throughout the long history of bandits in Mexico, the state has intereacted in many different ways with them. They have been configured as radical others, as savage natures, as an alien form that must be purged from a body politic in order to construct its narrative, organic as it is to social tissues. Obviously, there has been great variation in the approach to bandits, as there has been great variation in the states: the conservative government of the first half of the XIXth century, Juárez's liberal republic, Díaz's dictatorship and the institutionalized revolution, to name but the longest lived, could not have had common approaches. These have varied from forclusion, to extermination, to idealization, but every single one has had the bandit pegged as a problem to deal with and

neutralize. It might be such, but reactions towards the bandit always represent problematic emanations of the narratives of the nation.

As far as Santa Anna's government was concerned, its reaction was akin to forclusion, but the liberal movement that followed, built around characters such as Juárez, Lerdo or Altamirano, was actively involved with several of the roving bands that constituted a large part of their armies. The attitudes towards them can be well studied in two novels: Altamirano's *El Zarco* and Inclán's *Astucia*.

Both of these novels are focused on the all-time favorite Mexican bandit: the Charro. It was construed as the symbol of Mexico in an analogous way to how the Cowboy became USA's symbol. Duded up in their fancy black cloth suits and large hats filigreed with silver, the shiny costume gave rise to their better known name in their time: *Plateados*, or silvered. As Dabove states: "The charro-smuggler could very well be, as Inclán himself proposes at the beginning of the novel, a 'national type par excellence. However, the word 'national has a different meaning here than 'nation-state'." (Dabove 133) The hyphen in nation-state is a key part of our argument here. We can trace back the European nation-state to medieval France and how the Capet kings initiated a move to homogenizing a population in order to create one nation under one power, ignoring the differences between, or erasing them if necessary. This process of homogeneization aroused suspicion on the part of the population, but also created a need for discipline.

The national came up against the state in all of the political entities that attempted such homogeneization, in some more succesfully than in others. One way to sum up the history of the civilization and barbarism trope in the Americas is to describe it as the narrative of an inmune response to state discipline.

The problem of state discipline is one that Gramsci comes across in his early writings. In *La città futura* he analyzes a piece by Kipling, where he describes the unity and discipline with which the British empire moves as one in the conquest of India. This prompts Gramsci to try and justify how discipline under socialism might differ from the discipline of the imperial burgeoisie.

His approach points out the need for a sort of functional anarchism in order for socialist discipline to be fair. He states: "The discipline of the Socialist Party makes the subject into a citizen: a citizen who is now rebellious, precisely because he has become conscious of his personality and feels it is shackled and cannot freely express itself in the world" (Gramsci 20). In this exercise of citizenship we find one of the aporetic spots of any theory of the state, how can the people justify their own oppression by the very same institutions they build? The socialist discipline Gramsci proposes is both disciplined and rebellious, free and ordered. The socialist citizen is free to accept the conclusions of historical materialism, gain his class conscience and act accordingly, much like in Catholic dogma, where man is free to accept God's will in his own best interest.

Bandits always arouse distrust from every part of the political spectrum because oftentimes they set themselves politically in the breaking point of political constructs. The social bandit presents the state with an alternative to itself that often must be erradicated through violence, belying principles of freedom or emancipation that states often publicly espouse. Because to a state the lone possibility of its alternative may mean a challenge to its existence, the bandit is prosecuted, in image and in flesh, in military and ideological might.

It is such a violent reaction that they elicit because of the ethereal nature of politics. Power is seldom solid enough to be grasped except when exercised, and even so, when exercised, one can never know the exact moment when it will run out. Dussel states that "politics—the politics of the exploited—is the first philosophy, because politics is the center of ethics as metaphysics" (Dussel 170) If politics is the first philosophy, then we might see the problematic that bandits pose in a different light. Most often the social bandit brings echoes of decay in political discourse, for there is a natural distrust from politicians. Most of the time, it is believed that social bandits are there for the taming, so they can be incorporated in other political projects.

Much like the free-roaming Mustangs who originated from Iberian stock run wild, bandits seem to represent in Mexico both the image of the wild and free original man and a resource to be acquired and used. Every bandit roaming in the Commons is political capital to be had or anhihilated if it cannot be had. Liberal democracy, religious conservatives, socialist revolutionaries, political projects of all denominations have believed the social bandit will find their own vision of order to be the right one.

Some decades after *Astucia* and even *Zarco,* we would observe the first Revolution of the XXth century happening in Mexico, started by the bourgeoisie and hijacked by the bandits that fell through the cracks of Porfirio Díaz's regime. Rivers of ink have flown through paper speaking of the link between Charros and Revolutionary armies, but we might do well to revisit the idea of the Charro from another Revolution, one that, contrary to its name, also started in November.

Gramsci wrote of the Bolcheviks, who were more ideologically aligned than most social bandits, that they were a progressive group that was turning power to the people.

At the moment he was writing, it was still not apparent what would become of the October Revolution, whether it would succeed, and even if it did, what its success would look like. What Gramsci thought was that there was great revolutionary potential in the chaos taking place in Russia, stating that:

> *In this drive, many fall by the wayside, so making the needs of those who are left more urgent; the masses are forever in a state of turmoil, and out of this chaos they develop some order in their thoughts, and become ever more conscious of their own potential, of their own capacity to shoulder social responsibility and become the arbiters of their own destiny (Gramsci 34).*

It seems of note the mistrust placed in the popular manifestation of the Bolsheviks. For all the supposed popular sympathies of most political theorists, the notion of the people is always a problematic one. It is always close to the notion of chaos, always close to the loss of the political, to the approximation of a barbarous state. And they might very well be right, exactly right.

For if we turn to the original meaning of barbarous in Greece, it basically meant foreign. And the bandit charros we find in our novels are foreign, in their own way. In the XIXth century, in Mexico, *charro* meant bandit, and as Dabove stated, it was identified with the idea of national. But in this territory, in the Mexican frontier, we find the idea of national to be a very complicated one, as well as the idea of foreign. And that the charro, as a bandit should be identified with both should, at the very least, raise one of our eyebrows.

Civilization and Barbarism are just two terms to reframe the notions of European and Native, shifting, as they may be, and ones that allow for a disconnection between the ideas and the racial origin of the individual, but it still does not preclude oppression. The people are only to be allowed to arbitrate, so long as they decide the way the "civilized" desire. Whether it is Juárez, the mighty Indian at the top of the structure, or any other, it is always history of oppression, of locals bowing to a foreign inspired authority.

From the pampas of the Southern Cone, the Mapuche bands and their malones; gauchos, good and bad, pressed in war; cholos of the Highest Andes thrown into the mines, cangaceiros of the Sertões, looking for a way out of starvation; quilombos in revolt, full of men that once were slaves; revolutionaries of all colors, conservative, liberals and Marxists; smugglers of tobacco or moonshine all along the coasts; Indians throughout mountains North and South, waiting out the slaughter; Indians sweet and sour in all places; Blacks, Mulatoes, Mestizos, Indians and Ladinos; slaves of the Isles and Caribbean; Comanches poisoned in the desert; Yaquis marching out to Yucatán; Seminole, Muscogee, Cherokee, Chickasaw and Choctaw on the trail of tears; freedmen fed with no remorse unto Jim Crow; migrant workers on the Prairie fields; Chinese immigrants laying down the rails, and on and on until you find the Innuit protected by the snow; all throughout the continent what we find is colonized and colonizing states, where an elite regards a wide section of the population as an internal colony, or a population that has or should adopt the perspective of their oppressors.

As it is in politics, so it is in thought, or perhaps it is the other way around, but it is difficult to speak of true politics in a state of oppression. Where the people cannot philosophize, and cannot theorize the way they themselves organize politically we can't

speak of political legitimacy. While developing the notion of a philosophy of liberation, Dussel raised the question of whether "a Latin American, African, or Asian philosophy of the peripheral world [is] possible? Peruvian Augusto Salzar Bondy, now deceased, answered courageously: No! No, because a dominated culture is one in which the ideology of the dominator has been adopted by the dominated—by the colonized" (Dussel 172). Bandits in Mexico were very much the forces of chaos, but they were also amongst the most organized of institutions. Often they were one of the very few ways the people had to defend themselves from the forceful drafts, or the raids of any of the multiple armies that roamed the country in the continuous warfare that characterized the nineteenth century, where Juárez and Altamirano would say: we shall be a modern mason nation, *liberté, egalité, fraternité,* or whatever else, Inclán's Coronel Astucia sees no need for a colonizing political theory. He organizes a group of bandits and installs order in his town, setting up a little utopia in Michoacán. This is only utopic in the sense that Astucia is a good ruler in his lands, but bandits were very efficiently organized throughout the territories. In a less fictitious approach than Guzmán, a French ambassador,

> *The rather prissy and decidedly pompous French Minister to Mexico surveyed national conditions at mid-nineteenth century and concluded that banditry had become institutionalized. In fact, asserted Dubois de Saliguey, "It is the only institution that can be taken seriously and functions with perfect regularity." The minister was not exaggerating. Brigands had indeed earned social status as one of the best-organized special interest groups in the country. (Vanderwood 3)*

Bandits had come to organize themselves to form quasi-institutions, to protect their thievery, but also to help it become a sustainable activity. The whole XIXth century was a struggle to come to a negotiated status quo between bandits and the state, where finally, the triumph of liberals over conservatives left a unified government that proceeded to ally with hacendados and capitalists in order to stop brigandage. And thus bandits became Rurales, a special police force that secured the countryside for capitalistic exploitation with exemplary use of force. "When Mexico's bandits became Rurales, they remained in large part brigands. Bandits and policemen: they are not the antagonists they are assumed to be. They are fluid and interchangeable (…) They are double agents of order and disorder" (Vanderwood 63). Between most bandits who ruled in the countryside and the bandits who ruled in Mexico City, the problem was not that of alienation, but that of kinship. The violence elicited by the conflicts of civilization and barbarism runs so deep because of the similarities between one and the other, because the "civilized" act the same, yet pledge a different faith. The story is framed as if the barbarous was a twin of the civilized, normally the evil one, but how could we ever decide which is which? Who is the evil twin and who is the good one if they both behave the same?

The disorder of the masses was so pointedly derided only so a supposed order from a civilized elite would seem all the more orderly even though it failed to materialize once and again. But bandits, like governments, came in many forms and embraced many shapes, some orderly, some chaotic. Much like government approved tariffs, levies, taxes

and police corps such as the Rurales, bandits took to racketeering, kidnapping, excising tolls at the roads and the formation of self-defense organizations[25].

Stricu senso, Altamirano and Inclán speak of very similar characters facing similar situations, that nonetheless respond in very different ways to the role of the State and the way a body politic becomes established. Whether their popular caudillos are framed as leaders of weaponized mobs, or as founding fathers, it must be clear that they were a force at odds with the state, resisting its monopoly of violence.

The criollo elites that inherited the role of government from their Spanish forebears had a very problematic relationship with bandits because they raised the issues that surrounded the questionable legitimacy of the criollo position. The symptomatic relationship of a state that imposes its rule by force, much the same as the bandits do, leads us to reflect on one of Charles Tilly's lines of research, where he states that "If protection rackets represent organized crime at its smoothest, then war making and state making—quintessential protection rackets with the advantage of legitimacy—qualify as our largest examples of organized crime." (169) Most discourses constructed around bandits in the XIXth century were focused on domesticating their barbarous ways, in order to deviate the attention from the similarity between that which remained inside and outside of the state. These discourses reflected the liberal state's project to coopt bandits,

[25] Of interest here is a comparison between *Astucia* and Alonso Sánchez Baute's chronicle *Líbranos del bien.* Coronel Astucia and Sánchez Baute's depiction of the real life paramilitary leader Jorge 40 have many similarities. These almost Plutarchian figures show common manifestations of rural violence in Latin America, the main difference being that Inclán idealizes Astucia, while Jorge 40 is represented in a much cruder way.

using the church, elites, and foreign invaders as mortar, in order to hold together the blocks of the theoretical nation.

The liberal party started several state building and reconciliation narratives, even if they weren't comprehensive. By incorporating the indigenous population to power structures, the ethnic constitution of the state changed, a process represented by Indians such as Altamirano or even Juárez, the man who became the main symbol of the state: the first indigenous president in America. This happened as Juárez, Altamirano, Díaz and other symbolic characters within the liberal party became acculturated to a secular, liberal, masonic state. In a way, this process opened a path to power for the under privileged, allowing the indigenous population access to the elite centers through an educational system. In principle, this would constitute the basis for an enlightened state. In practice, this system developed in a way much more similar to that narrated by Ángel Rama in *The Lettered City*- Separation between those who possessed letters and those who didn't, between those who thus possessed power and those who didn't, became by itself a process of exclusion that was marketed as its opposite, an inclusion process.

Even though this process displaced racial dynamics beyond its traditional spaces[26], oppression was not finished, it merely redistributed agents. Where the nation building novels that Altamirano wrote, in order to use an influential example, use racial marriage to create a metanarrative of inclusivity, this model betrays itself from the origin.

[26] One very good example might be the beginning of the Mexican Revolution, where the very white Madero rose from *the shackles of oppression* against Huichol dictator Porfirio Díaz, or the story of how the Yaqui Indians were oppressed by the "white" state, made up of mestizo soldiers and led by the Huichol Díaz.

It doesn't look at the otherness within. What the discourse aims to do is to deracialize the discourse of civilization and barbarism, by configuring *Zarco,* the villain, as a character of European ancestry, blond and blue-eyed, while the lettered and civilized hero is an indigenous man. Regardless of these efforts, as Dabove states, "the Plateados continued to occupy letrado consciousness because they challenged the state on its own terms. *El Zarco*, then, must be read as a fable in which all colusion between the Plateados and the state is erased and the Plateados as a group must be crushed for the nation-state to emerge." (Dabove 101) The problem banditry presented for the new mestizo state that was being proposed was essential, as it showed the blind spots in the inclusivity the liberal party's nation building promised[27].

Zarco's death, within Altamirano's proposed system is a precondition for the development of the state, as he has the man in charge of prosecuting bandits in the novel

[27] In all due fairness, the mestizaje Project is complicated, but not without merit, as Enrique Krauze puts it: "We have left behind racial (and racist) theories about the ethnic dominance of "mestizos" in the Mexican mosaic. Formulated by Vicente Riva Palacio, Justo Sierra and Andrés Molina Enríquez, these theories could, in their time, serve as ideological vehicles of national unity or political legitimation, but no one defends them any longer. It seems clear, all in all, that mexican mestizaje, seen as a process of cultural convergence and social cohabitation, differentiated Mexico from most American countries where the rule was widespread discrimination, segregation and even systematic extermination of indigenous peoples" (Krauze 8). While many criticisms might be addressed to this project, it did manage to suppress a great deal of the racial violence that has been the norm in most of America.

say: "Martín Sánchez then reflected that while the fight against the bandits was not undertaken in force, while the people did not see a fight with no quarter given between the authorities and malfeasants, they would never decide in favor of the first" (Altamirano 242). Thus, the state can't find its legitimacy if, its first role being to protect its people from aggression, it finds itself unable to offer such protection from external attackers (The French army) or internal ones (El Zarco). This narrative ends with the suppression, not only of the villain, but of Manuela as well, a perverse criolla who chooses the fair-skinned bandit over the lettered and indigenous Nicolás. Martín Sánchez, who obtains a wide array of powers in order to fight bandits, ends up configuring himself outside the State, as well as within, in order to protect the State itself, conveniently stepping outside the rule of law, which theoretically would be the main difference between himself and the bandits.

That this process is violent, as well as racialized (even if the poles are inverted) is undeniable when Altamirano describes Sánchez's investiture: "One dark skinned [Juárez] the fully indigenous type, the other one yellowish, [Martín Sánchez] the mestizo, peasant type; both of them standing in all seriousness and gravity, anyone who could read the future would shiver. It was the law of public health arming honesty with the ray of death" (Altamirano 246). The nation offers as its narrative that of a State represented by a fair and strong Indian, as well as an informal police made up of yeomen farmers, represented by a fair mestizo, willing to back his judgment with his life, all of them ruling over a nation built on the foundation of racial marriage under one law.

In stark contrast to *Zarco,* Luis G. Inclán's *Astucia,* our other example of bandit narratives of the XIXth century, builds a very different kind of national history. His

perspective is focalized through Lorenzo Cabello, a.k.a. *Colonel Astucia*, the leader of a group of charros, *The Fellowship of the Leaf,* dedicated to tobacco smuggling, a trade that was reserved for a state monopoly, at the beginning of the country's history, due to laws and structures that had been inherited from colonial times.

In this narrative it can easily be seen that there is no wide abyss between the smuggler and the people, for the Fellowship of the Leaf sees their actions as not contradicting a social contract, but rather, as resisting a tyrannical will that, *de jure*, has been expelled from Mexican Territory. This is so, for the laws that prohibited the tobacco trade were written by the Spanish colonial government, written by the Spanish Sovereign against the Mexican Sovereign, even if the State has not decided to abolish them. This can be observed in Astucia's apology of the Fellowship of the Leaf, as he is being tried for the crime of smuggling tobacco:

> *I deny my guilt in the crime of smuggling of which I am accused; that I was caught red handed is libel, for it is an expression used for thieves when they are caught with the product of their trade; we drove our loads bought with our own money; the leaf we traded with was sold to us by their owners, at the expense of their effort, leaf they had sown by the sweat of their brow, and profit they extracted from land they owned; and in respect of the laws that forbid the free trade of a monopolized commodity, I believe the only ones we have will not be in effect, for they were imposed by the Spanish government when we were under its yoke, and then were to be extended even to farmers, for, after so many years of war and so much blood spilt by good Mexicans, who managed to free*

> *themselves from their chains and to reach our Independence, it is a bad end to keep the damned laws despotism imposed on us. (Inclán413)*

The separation between the people and the law is one of the central elements in most bandits's discourses. Two hypothesis might be established in relation: one, that bandits become such because they find such separation intolerable and look for some reconciliation between the law and the people, and/or two, that without said reconciliation having an important role in their actions, the bandit uses it to justify his position, to unrecognized the State as a representative of the Sovereign, and then to erect himself as a military entrepreneur, where

> *by "military entrepreneur" I refer to a category of men who take up arms and who wield violence or the threat of violence as their stock in trade. I use "military" here not in its contemporary common connotation of a national army, but in an older, more ambiguous form referring only to the use of arms and weapons. They are entrepeneurs in the sense that they are purveyors of a commodity-violence. They may act in the employ of others or as agents in their own right (Gallant 26).*

In this way there is a break in the body politic, where it moves from the status of a community to a partitioned union of particulars. What is theorized as the exercise of a monopoly of violence with the purpose of withholding the common good shows itself in practice as the participation in a market of violence, where the presence or absence of commodities generates economic movement, whether in the private or public sector.

Lorenzo "Astucia" Cabello's banditry arises precisely within this environment. A state official rips him off while he is dedicated to the moonshine trade, by asking him, on

the one hand, a bribe to guarantee his merchandise's circulation outside law and taxes, but on the other, using public force to dispossess him of his goods and livelihood. Astucia's reaction prepares his conversion to tobacco smuggling, as he reflects on the disparity that exists between those who participate of the violence market:

> *that there may be some so infamous that after auctioning themselves, sucking at two tits, intend to rob even more, exercising the position they occupy, unworthy, and to hold themselves to the law only to finish flaying alive the unhappy ones who fall within their clutches! Those aren't men, they are entities cursed by the human genre; I, in order to get a* peso*, risk my fortune, wandering treacherous roads, through the thick of the forest, at the mercy of beasts, falling and then getting up again, while these brigands, in their chairs at a toll booth, or exercising their expertise in taverns, prosper at the expense of the whole world (Inclán 67).*

The use authorities make of public force, as indicated in the picture Inclán makes throughout his novel, is no different from the use Zarco makes of private force in Altamirano's book. While the *Plateado* is judged because he participates in extorsion and highway robbery, the authorities are accused of exactly the same crimes here. If the bandit is configured as a participant in an illegal cartel, as a part of a body politic that generates a contract of community with the sole purpose of carrying out his activities in safety and predictability in the benefit of common goals, the kinship we find between this kind of association and the nation state is considerable and suggestive.

Here, however, we may do well to distinguish between what a bandit is and what a criminal is, especially around the notion of affiliation, a very important difference that

Dabove makes, as he argues: "Unlike the social bandit, the criminal does not know any affiliation beyond his gang. The criminal may be employed by someone, but this relationship belongs to the market of violence-and it implies violence as a commodity-and therefore cannot be properly termed an affiliation" (Dabove 13). A bandit, in as much as he can be considered as belonging to a public order organization, recognizes a dichotomy that can be defined as civilian/military, central to the workings of the notion of affiliation. Without the existence of the notion of a civilian, a bandit's community could never be more than a criminal association, where it would be a body politic devoid of a constituency.

In the case of Martín Sánchez, Altamirano's super police officer, there is a clear distinction between the civilian and the military, as he is hired by the government to use public force with the backing of the Sovereign. In the case of Lorenzo Cabello, this exists too, even if it is not as obvious. One of the main tasks of the Fellowship of the Leaf, is precisely, to rid the roads of robbers: "I warn you that if you ever set foot three leagues from here, we will hang you in the first tree available, for we don't hold commerce or relent ever with robbers; get away from here, before I dispatch you, in an instant, to hell" (Inclán 141). Likewise, they see themselves as righters of wrongs, for the presentation of the Fellows of the Leaf, where they transmit their lives is a succession of stories of justice restoration, where the smuggler who tells the story always presents himself as suture for the community, guarantor of an order where everybody gets his just deserts.

A very interesting example is Pepe el Diablo's story, which tells of how he met his wife and freed her. His wife was the daughter of an *Hacendado* who was dispossessed by the laundry lady and her lover, through a marriage and some legal stratagems. When

Pepe finds this situation, the daughter feigns insanity in order to preserve her life, the laundry woman is pretending to be a conservative *Catrina*, and the lover pretends to be a landowner of old, a standard of the law. When Pepe uncovers this couple's crime, he assumes an analogous position to that of the King in plays of the Renaissance, where he reestablishes the natural order, or naturalizes the established one: "What do you say now of he who could not speak with smugglers, and wished to see them hanged? What say you of she who had such a sensitive heart, and was so delicate and impressionable? You've seen it, they've been well lodged in a car, and who knows how they'll do when they meet their fate?" (Inclán 122) In more than one way, this reestablishment of a status quo is a carnavalesque inversion of social order, where the bandit brags about his honesty in contrast to a police chief's dishonesty, as one of the characters states: "Have some shame, man—Chepe added—, if you have a family, work honestly to support it" (Inclán 265). The authorities are configured here as a sort of parabandit, which is a much more accurate way to describe the status quo than saying the bandit is a sort of paraauthority. The distaste Inclán shows at the way the authorities seek to impose the law is never more clear than at a point where he describes a murder investigation. The town's mayor, who is in charge, approaches the dead man and carries out the following formula: "Indalecio, in the name of God and Law, respond to the question the authorities ask of you: Who killed you?" (Inclán 379) This extreme in ritualization of the law is commonly construed as a useless process that makes no sense, countered by the bandit's practicality, expediency and good judgment.[28]

[28] As we can see in Carl Schmitt's *Legality and Legitimacy,* the formulaicity of the parlamentary notion of legality can lead to an empty form of legality. In this situation,

Through this reorientation towards a casual[29] political construct, we may recognize a problem that has been repeatedly framed since the times of Greece, in relation to the construction of legal systems:

> *Discovering the rules of society best suited to nations would require a superior intelligence that beheld all the passions of men without feeling any of them; who had no affinity with our nature, yet knew it through and through; whose happiness was independent of us, yet who nevertheless was willing to concern itself with ours; finally, who, in the passage of time, procures for himself a distant glory, being able to labor in one age and find enjoyment in another. Gods would be needed to give men laws (Rousseau,* On the social contract *39).*

In Ancient Greece, laws were always entrusted to foreigners (or gods, depending of the city and author) or mythical heroes, such as Minos or Lycurgus (themselves claiming inspiration from Zeus and Apolo). This was the case because there was a recognition of a contradiction between two necessities within a legal environment: the participation of the Sovereign in law, in order to establish legitimacy for such a system, and the inviolability of the law, in order to guarantee their application.

---

substantive law would disappear in favor of procedural law, which severs the law's profound relationship with content in favor of procedure. The example of the Weimar Republic and the rise of the Third Reich show the dangers of embracing procedural law on its own.

[29] Refering to the casual approach to the application of the law, differing from the more general approach to its production.

The path Inclán follows is similar, for he establishes the fallibility of men, and resolves conflict through ultramondane pathways at the same time. Astucia, a foreigner and bandit, becomes a factor outside and inside the law, one that allows for the people to overcome themselves in the law. As Plato states: "all men everywhere are the enemies of all, and each individual of every other and of himself; and, further, that there is a victory and defeat—the best and the worst—which each man sustains, not at the hands of another, but of himself.' And does this extend to states and villages as well as to individuals?" (Plato *Book I)* Thus, there is a need to establish a distinction between the outside and the inside of the people, so that someone who has been part of the people can be separated and exercise the law, allowing for the Sovereign to come out victorious in a fight against himself.

Nevertheless, the bandit utopia Inclán produces around the paramilitary turn of Colonel Astucia is no more real than the state utopia that Altamirano builds around Juárez and Sánchez. When Colonel Astucia is configured as head of Public Safety in Túxpam, Inclán builds a utopia of good government for rural Mexico in the XIXth century:

> *As soon as funds were available, after establishing schools for boys and girls, he rebuilt Túxpam's bridge, where he spent nearly five thousand pesos. He even carried out the role of priest, for women and men who had domestic trouble would reach out to him. The justice of peace was in paradise, for he received his good salary for no work at all; criminals were scarce, and most civil suits were arbitrated by the Colonel,*

who would mediate between contending parties in such a way that they would end up conforming to his judgment (463).

In the same way that Altamirano's utopia is dependent on the extraordinary figure of Martín Sánchez, a man untouchable by the temptation of power, Lorenzo Cabello is untouched, and uses power for the common welfare. What both stories do have in common is their low esteem of a system of legality, in favor of a system of legal execution. In the end, Dabove's point that "Inclán breaks away from the closure imposed by nationalists à la Altamirano, which defined the national from the vantage point of high culture, incorporating, in a highly restrictive fashion, selected elements of popular culture" (Dabove 134), is relevant. Both writers depart from the same diagnosis of Mexico, even if their proposed treatments are the opposite prescription. While Altamirano proposes to strengthen a State, providing a strong ideology as a way to guarantee safety, freedom and equality, Inclán proposes an ideological weakening of the State, to the same end. We can draw this from Astucia's political program: "I pronounce myself this very same moment against all bandits, wearing no political colors, whatsoever, here are my accomplices present, and you in the first place; my plan only has two articles: to exile revolucionaries, and to hang bandits" (Inclán 442). Both postures had their moment in Mexican History. Altamirano's found its zenith during Porfirio Díaz's liberal regime, which incorporated bandits into its structure through the infamous Rurales, while Inclán's found its when and where with the one party system of the 20th century, as the men who arrived to power with the Mexican Revolution institutionalized Revolution in the PRI.

Derrière chaque grand fortune se cache

un grand crime.

—Honoré de Balzac

After Mexico's institutionalized revolution put a host of bandit warlords or caudillos into power, these mixed with the old bourgeoisie and created a new ruling class that, starting in the 1960s, began to alienate the underprivileged classes of the country via domineering centralization and a closure of the paths to power. Nowadays we have a new iteration of the bandit caudillo: the *narco*, or drug dealer. This section focuses on a drug dealer in Yuri Herrera's novel *Trabajos del reino* and his Kingdom, a nation-within-a-nation in northern Mexico. I will show that this creates the possibility of a political identity for the dispossessed[30] in a city that, despite having no name and being populated by characters with abstract names, is very similar to Ciudad Juárez. I will suggest that the

[30] By this I mean those who, because of their socioeconomic status, are excluded from the body politic, poorly represented in political bodies, and subject to structural poverty and abuse by the authorities. The main factors in this exclusion are endemic poverty and the status of recent immigrants, which leads to a lack of the community support networks that have traditionally played an essential part among the desperately poor in Mexico.

drug cartels and the state share an organizational structure, the differences between them being mostly stylistic and only secondarily political, and that, in any case, these differences have little significance in comparison with the large number of casualties produced by the war between them—an estimated 150,000 people.[31]

Yuri Herrera's novel is about a singer and composer of corridos, Lobo, called "the Artist," who becomes part of the court of "the King" and finds a place there that society has previously denied him. From his position in the "Palace" he is able to observe how the cartel functions and realizes that the members of this para-state are part of a machine that keeps the political entity operating. After a legitimacy crisis involving the King, he realizes that his feeling of belonging was illusory and decides to leave the cartel as the Heir replaces the King. My analysis of the novel focuses on the theory of a social contract from the perspective of those who are not represented in formal government structures or in the society to which they allegedly belong. Using E. K. Hobsbawm's notion of the "social bandit," I will seriously question the concept of the law and its justification with regard to the groups that are part of the social fabric but not part of the institutions that produce the laws that rule them.

Best known from the Robin Hood archetype, the social bandit is a category developed by Hobsbawm in an exploration of the way bandits interact with the

[31] These estimates vary considerably. In an article in *Proceso***,** Enrique Mendoza estimated more than 60,000 up to December 2011; *La Jornada* (March 21, 2010) cited Leon Panetta and set the number at 150,000.

population to create a proto-state within the state. (Hobsbawm, *Primitive rebels*) In his analysis of Italian robbers of the eighteenth and nineteenth centuries, Hobsbawm shows how these characters place themselves between the people and the state, replacing the latter while carrying out some governmental functions on behalf of the excluded. In his analysis of Carlo Levi's book *Christ Stopped at Eboli*, which deals with the bandits of southern Italy, he discusses "how profound the memory of the bandit-heroes is among the Southern peasants, for whom the 'years of the brigands' are among the few parts of history which are alive and real, because, unlike the kings and wars, they belong to them" (Levi 21) The affinity of these characters to a population that the state views as surplus while nevertheless benefiting from its production and consumption generates the illusion of a community with something akin to genuine political representation.

In Hobsbawm's reading of Levi's text, the environment is significantly, if deceptively, similar to our subject area. The peasants surrounding Levi are regarded as people who cannot escape their place of origin; they are residues, surplus. As Levi puts it, "Those who are left in the villages are the discarded, who have no talents, the physically deformed, the inept and the lazy; greed and boredom combine to dispose them to evil. . . . It is therefore, a matter of life and death to have the rule in their own hands, to hoist themselves or their relatives and friends into top jobs." (Levi 28) The narrative generated by this explanation of the state of things creates a vicious circle whereby those who are already alienated become increasingly excluded for the same reason that they are being barred from privilege. The use of words like "inept" and "lazy" contributes to the naturalization of this imbalance. At the same time that he is trying to revalue the inhabitants of Gagliano and other villages in Southern Italy, Levi reproduces the

paradigm that reinforces the status quo. His assertion that Gagliano was "a tiny village far from the traffic of men; the passions that reigned there were simpler and more primitive, but no less intense than those of the world without" (Levi 22) is a significant logical leap, one that takes off from the fact that the subjects are poor. As does Hobsbawm, Levi finds a deep affinity between the society of the have-nots and his own but is unable to acknowledge it in these terms and has to describe the former as "primitive."

When Hobsbawm tries to explain how the bandit conceives law and lawlessness, he is forced to fall back on the notion of a stateless society. Thus he points to the origin of the legal alienation of these bandits: "In stateless societies, where 'law' takes the form of blood-feud or negotiated settlement between the kin of offenders and the kin of victims), those who kill are not outlaws but, as it were, belligerents. They only become outlaws, and punishable as such, where they are judged by a criterion of public law and order which is not theirs" (Hobsbawm, *Social bandits* 7). The criterion of public law and order that categorizes them as fugitives or beings outside the law does not belong to them; a different approach is required, but the same external criterion is still applied. "Stateless" is a term that indicates precisely what this society is *not* and manages to avoid the need to consider what it *is*.

Herrera's King comes from a sector that is often euphemistically described, in political discourse, as "poorly represented"—poorly represented in legislative bodies and separated from the making of the laws that govern it or, as the Artist, reflecting on his relationship with "respectable" people (those with money), puts it:

> *So they do not want him… so he is small fry for the moneyed, so he makes their ears itch. It was far from the hundredth time they had scorned*

> *him, but this time he didn't feel humiliated, he felt provoked, he felt aggrandized. He clenched his teeth and realized, all of a sudden, that he could think with great clarity. Being rejected by others defined him. (Herrera 58)*

Considering oneself as rejected by the moneyed, the ones who have access to the nation, means that the law is identified with the enemy. As in the days of the *Charro*, the law is seen as a vehicle of violence against one's group. Most of the criticism of drug trafficking focuses (not unreasonably) on the violence generated by the traffickers; few analyses pay attention to the horrific violence inflicted on the groups from which the cartels conscript their soldiers. At the same time that the cartels violate the social contract implicitly assumed by the state, the state breaks down as far as the "poorly represented" communities are concerned.

In many cases, this situation leads those who are forced into this role to seek their own cultural representation in opposition to the society that excludes them, leading to what the press has called a "narco culture." This term may be inadequate for referring to the complex sociocultural environment of organized crime in Mexico. Decidedly polymorphous, this manifestation of popular culture cannot be reduced to a single definition. In the complex system that surrounds the drug trade, as Astorga points out, "the terms ['traffic' and 'narco'] only partially signify what they purport to cover, but their symbolic power makes us believe that what they actually do is summed up in what they say." (Astorga 24) The narco is not only a drug dealer but a guarantor of social order, sometimes murderer and sometimes benefactor—an outlaw in almost all his manifestations but occasionally also a source of law, as was Pablo Escobar during his

stint in the Colombian Congress. Built in opposition to the culture of the state and strongly regional in nature, the narco culture combines elements of a popular culture that precedes the dominance of organized crime in Mexico with the definition of a region, the Mexican North (including the U.S. Southwest), the political propaganda of organized crime groups, a ballad tradition (the corrido) that can be traced back to medieval romances or the *Claros varones de Castilla*, and many others, although the privileged representations of the narco emphasize his relationship with hired assassins.

Trabajos del reino is a milestone in the literature surrounding the narco culture, for Herrera refuses to place it within the presumed criminal framework imposed by the nation-state. His work becomes part of a political discourse based on the point of view of inadequately represented political subjects. Rather than finding stories of hired assassins, we are taken to a different arena that, although perhaps erroneously, is ascribed to social bandits. This way of conceiving the segments of society that the system fails to incorporate not only separates this stateless society from the one possessing a state but renders it dependent, in need of guidance. That this population does not feel that it belongs in the social contract should not come as a surprise.

When from the center of the country the inhabitants of the Northern slums are viewed as stateless barbarians or social bandits, we fall into an error similar to that noted by Juan Pablo Dabove regarding Darwin's description of the Rosistas in Argentina: "The analogy between Rosas's army and a gang of bandits is for Darwin little more than a commonplace literary hyperbole well suited to the exotic surroundings. Moreover, by quoting Salvatore Rosa, the seventeenth-century painter whose images of bandits and forbidding landscapes were well known, Darwin was linking the Argentine rural scene to

European classical art." (54) Here, of course, we are not dealing with a Rosista army or Rosa's painting, Colombian drug lords, or fugitives from Hollywood. In spite of all the similarities, it is inappropriate to resort to the Robin Hood archetype when speaking of Herrera's King. If we attempt to describe the novel via familiar archetypes of social banditry we may fail to understand what is happening in the text and, more importantly, the project that the protagonist, the Artist, pursues throughout the narrative: self-representation. Simply put, he seeks to represent himself and his environment freely.

Representation is central to the ideological constructions of the King and his court. The actual situation faced by poor people in drug territories is not very different from that portrayed in the novel; in the midst of the prevailing violence caused by lack of membership in the surrounding society, mass migration, and the absence of positive prospects, all poor young men have been criminalized a priori. Those under thirty years old are barred from any participation in the social contract. In political discourse, "Every young man executed is considered, a priori, a member of a criminal gang. This presumed lack of innocence turns these male corpses into mere bodies lacking subjectivity, a biography, and, often, funeral honors. Their citizenship denied, they are reduced to thugs. In this drama of violence, the voice most ignored is that of young people" (Domínguez Ruvalcaba)

This environment leads to the flowering of parallel societies, and some people in this situation are forced, willingly or not, to play a role similar to that of the King. Hobsbawm's analysis addresses and separates the functions of this archetype[32] and is

[32] Many features of his analysis are not relevant here, in particular the structuralist tendency to favor deep structure over causal particularity and the Marxist tendency to

useful in that many of its theoretical foci can be applied to the figure of the drug lord. One of Hobsbawm's proposed archetypal requirements for the social bandit can be seen in Herrera's novel: "The noble robber begins his career of outlawry not by crime, but as the victim of injustice, or through being persecuted by the authorities for some act which they, but not the custom of his people, consider as criminal" (Hobsbawm, *Social bandits* 47). Drug traffickers find themselves profoundly dislocated between the system of values through which their society operates and the laws imposed on them. While other crimes committed are recognized as such, the crime that identifies the drug trafficker (since he is not being prosecuted for murder, kidnapping, or illegal weapon possession) produces justified resentment:

> *As they see it, cocaine is just one more crop in the history of tropical countries producing such crops, from sugar to tobacco through coffee. Exporting it is a business like any other, and in this instance one that exists simply because the U.S. insists on snorting or smoking the stuff in ever more astronomic quantities. Left to themselves and the principles of Adam Smith, the consortia of Medellín investors would no more see themselves as criminals than did the Dutch or English venturers into the*

---

establish a positive temporal progression. The notion of progress encapsulated in his generous use of the terms "primitive" is probably the most problematic in its sense of superiority. Finally, his tendency to create lists of archetypal requirements, though at times useful, is also problematic.

> *Indies trade (including opium), who organized their speculative cargoes in much the same way. The trade rightly resents being called a mafia. (Hobsbawm,* Murderous Colombia*)*

The King sees himself as a legitimate businessman and feels that others, the "respectable" people, are hypocrites—people who seek to apply to him a value system different from the one that they may or may not, depending on the circumstances, apply to themselves. This drives him to work with culture producers to create a system of meaning that is consistent with the world in which he lives.

This separation between law and reality creates a mythology that provides a bipolar view of the world: "The distance between the actual traffickers and their world and the symbolic production that speaks of them is so great that there seems to be no other actual and feasible way of referring to the subject than a mythological discourse the poles of which could be represented by legal codification and drug-trafficker *corridos*" (Astorga 12). Inasmuch as the social construct seeks to create a legitimate view of reality as conceived from and about drug trafficking, as is the case with the Artist in the King's court, we can approach the novel as addressing these conflicts of representation in a way that is analogous to that of the *narcocorridos*. This genre of epic poetry often serves as a political form of resistance and a source of unity for the less privileged sectors in a state that barely takes them into consideration.

It is not surprising that communities that are massively criminalized—such as undocumented immigrants or the young men of northern Mexico—who are readily

assumed to be criminals if they die in violent circumstances, do not feel part of society.[33] The a priori construction of these subjects as outlaws further erodes the possibility of incorporating them into a legal framework, creating illegal identities inspired by persecution and deliberately erroneous representations.

These stories of persecution and extralegality have contributed to the environment in which drug traffickers can take advantage of imaginaries of illegality to develop their approaches to sovereignty.[34] As Cabañas puts it, "The issue of 'illegal identity' has marked the metaphorical connections between drug trafficking and illegal immigration. Both were crucial aspects for a Northern, border audience because by eluding the 'rinches' or 'rangers' the drug lord hero offered a model that stressed the Mexican's resilience in the face of persecution" (Cabañas 525). The tendency to establish fixed sides supplies a large part of the discursive basis for the environment created by drug lords. When one of his followers, *El Pocho* (named for his use of Spanish heavily interspersed

[33] While examples are plentiful, some of the most representative are the massacres in Juárez, in Villas de Saválcar (*El Universal,* February 3, 2010), and in Las Juanas (*El Universal*, July 18, 2010) and the murders of students in Monterrey (*La Jornada*, March 21, 2010), where several of the young male victims were regarded as drug traffickers until it was proved otherwise.

[34] Thomas Hobbes (1886: 48), for example, derives sovereignty from honor: "To obey is to honour, because no man obeys them whom they think have no power to help or hurt them. And consequently to disobey is to dishonour." As a result, "Honour consisteth only in the opinion of power" (50).

with English), who has worked for law enforcement agencies on the other side of the border, finds himself in a position to capture the King, the narrator explains that he suddenly realizes that the status of "good guy" is arbitrary—that he operates in more than one system and can choose or negotiate between them.

Even so, it would be difficult to argue that the King is an example of a primitive tendency toward state construction. Rather, he evidences the decline of the nation-state under which he operates and the erosion of the social contract that that state uses to justify its existence, giving rise to other systems that stand as representatives and organizers of the communities in question.

Thus, the caudillo begins constructing a parallel state, one that enables the community to live its own history and replaces the nation-state with a popular political organization that can operate in its place or at least appear to do so. At this point the cultural products known as *narcocorridos* (drug-trafficker corridos) come into conflict with cultural products of the nation-state such as journalism. Cabañas says: "competition between *narcocorridos* and journalism is commonplace, since the former offer a very tough critique of the co-opting of the media" (Cabañas 527). As access to the mass media becomes increasingly difficult, the corrido singer campaigns against the media's apparent legitimacy. As Herrera's narrator says, "to keep fools busy with clean lies, the Journalist had to make them resemble truth. True news were his, the subject of corridos" (Herrera 35). Here the presumed objectivity of journalism and the subjectivity of narrative have changed places as their styles are employed to address the field of action originally assigned to their opposites.

In this environment, corridos become a way of telling true stories, even if they are fictitious. Corridos such as Mario Quintero Lara's 2008 "Propiedad privada" (Private Property), performed by Los Tucanes de Tijuana, represent a political manifesto, a proposal for a social and commercial organization that explicitly states its operating values: "He who won't pay won't cross the line/ and he who crosses the line will pay/You'd better be careful, friends/so that nothing will befall you/You know this is your house/ but it's private property" (Los Tucanes de Tijuana). This is a product that closely follows the key economic doctrine of the continent, neoliberalism, which favors private ownership as its main right and laissez-faire as the organizational system of the body politic. Other corridos chronicle the deeds of important characters in the drug wars, sometimes in much more powerful ways than those of the official discourse. In Gerardo Ortiz's 2009 "En preparación" (In preparation) performed by Banda MS, for example, the degree to which the war is based on violence is clear: "If you're no good at killing/then you're good for killing" (Banda MS). This corrido also remarks on the esprit de corps among these groups: "I'm preparing/to join the team/my code name is respected /and I carry a badass badge / which is why I'm effective/known in the mafia/number one among my people/active collaborator" (Banda MS). The word "collaborator" is characteristic of this environment and indicates loyalty to a community.

Another very interesting and contrasting case is Teodoro Bello's 2009 "La granja" (The Farm), performed by Los Tigres del Norte, in which the collective viewpoint portrayed is distanced from any focal power point, belonging neither to the state nor to any of the established surrounding powers but to the people themselves, equally alienated from the state and the cartels. The song portrays the people as farmers

alienated from political actors, which are presented as animals: “Nowadays we have//lots of insecurity/because the bitch got loose/made a total mess/among all the farmers/We need to tie her up.” (Los Tigres del Norte) In this corrido we find the cartels represented by a raging bitch, politicians as pigs, the media as chickens, and the president as a fox. This allegorical rendition of the Mexican political situation at the end of the 2000s is a parody and a call to action comparable to Orwell’s *Animal Farm*.

As we can see from these few examples, corridos do not all have the same kind of message, nor are they all located on only one side of the border. The farm, for example, is about the Mexican body politic, with Los Angeles as the place of enunciation. Not all corridos come from the same community, although generally speaking they tend to appeal to any of the political collectives in the territory. The people spoken of are a group that sees itself as a deeply regional as well as deeply transnational. In a way, the role of the corrido has to do with the creation of an identity, a citizenry that does not belong to any of the states that exclude it. “This step of becoming ‘a citizen’ is presented as the *corrido*’s project: restoring the pride and dignity of the individual in the transnational space” (Cabañas 533). It is this drive to find pride and dignity in the local environment that provides the drug dealer with a certain legitimacy in his progress toward the image of the caudillo while his sights are set on pulling together the significant system around him like a monarch: “The King is undoubtedly the point of 'suture' of social totality, the point whose intervention transforms a contingent collection of individuals into a rational totality -yet precisely as such, as the point which 'sutures' Nature and Culture, as the point at which a cultural-symbolic function (that of being a

king) immediately coincides with a natural determination" (Žižek, *For they know not what they do* 20)

The naturalizing function of the state creates value for its members in that it organizes the relationship between the social body and reality; at the same time, it diminishes that value and makes this relationship happen through the King or his symbol. Žižek tells us how this function forces the members of the state to justify their membership in the body politic:

> *The King radically 'de-sutures' all other subjects; makes them lose their roots in some preordained organic social body that would fix their place in society in advance and forces them to acquire their social status by means of hard labour. It is therefore not sufficient to define the King as the only immediate junction of Nature and Culture--the point is rather that this very gesture by means of which the King is posited as their 'suture' de-sutures all other subjects, makes them lose their footing; throws them into a voide where they must, so to speak, create themselves (20).*

Herrera's characters feel themselves clearly subordinated to the King. They all have a role to play in the court and understand that they owe this position to his power. The Jeweler, for example, recognizes his role, which is to be available on the days when court is held: "This is what we're good for… to give him power. On his own, what good is any one of us? Nothing. But in him we are strong, in him, in his blood." (Herrera 60). In more than one way, the drug lord takes the place of an absent nation-state, developing a kind of corporate state that carries out its functions, administers justice, and

restructures the social order in a way that favors some of the dispossessed.[35] Hobsbawm reports something similar with regarding to one of the Italian social bandits: "When he arrived in any village, it is reported 'he had a tribunal set up, heard the litigants, pronounced sentence and fulfilled all the offices of a magistrate.' He is even supposed to have prosecuted common-law offenders. He ordered grain-prices to be lowered, confiscated the grain-stores held by the rich and distributed them to the poor" (*Primitive rebels,* 21). Herrera describes the King and his activities in a similar fashion: "Deep in the room, surrounded by the Court, the King looked everyone in the eye, listened to their pleas, gestured the Manager, and the Manager took note" (59) The King here serves as an arbiter of society, the personification of an immediate and decisive state that provides efficient and necessary services for its client population.[36]

Thus, the cultural products of caudillo states such as the one portrayed by Herrera point us toward notions of sovereignty and politics rather than banditry. After all, if it looks like a state, sounds like a state, and smells like a state, why is it not a state? And if

[35] They, however, remain dispossessed; they are dependent on their leader, even though they obtain tangible and irreplaceable benefits from their interactions with him.

[36] Domínguez Ruvalcaba (2010) tells some of the stories of cartel recruits in Juárez. For example, "The welfare state is absent from Erick's story. The young man's daughter required medical attention and selling drugs—what was available in the labor market—guaranteed her life. Since this job is dangerous and carries the risk not only of being arrested but killed, the desire of leaving this activity is as predictable as are the high costs of doing so." Coupled with intimidation, the economy of personal favors is essential for cartel recruitment.

the state acts like a kind of social bandit, sounds like one, and smells like one, can we not then describe both of the states involved as bandits (social or otherwise)? This kind of "banditry," perhaps best described as caudillismo, is not a primitive version of the state; rather, it represents a tradition and a path toward political thought much more pertinent to actual state building than the fictions proffered by social contracts or Hobbes's *Leviathan*. When Charles Tilly talks about the state as a crystallization of the relation between organized crime and its constituents (174), he emphasizes the tendency to consider external problems much more important than internal ones, giving greater weight to external agents that could replace it than to the individuals that, in theory, should pose a bigger threat. The nation-state is much more like a cartel than like a social contract.

The characters in the novel choose the functions of a state for themselves and their political organizations in order to set themselves up as the main referents for the body politic to which they belong. The lack of ability or willingness on the part of any of these nation-states to recognize the conflicts of most of its constituents represents the breaking point of its political legitimacy and the fact that the caudillo, "bandit," or founder occupies a position of legitimized power. The situation is similar to the one described by Dabove in his discussion of *Astucia*: "The law of the bandits is the 'original' law, a law in connection with justice, emanating from the constituent power of the insurgent multitude, before the constituted power lost contact with its origin and became a husk or a skeleton, one mobilized for perverse purposes." (139) In a way, according to this argument, we could say that what is sometimes described as a proto-state is even closer to the original law, since this aspect is what appears in the use of the legitimacy

machinery (corridos) employed by Herrera's cartel, building legal systems and laws opposed to the laws and systems of the nation-state within which their own states exist. The "bandits" in question present a solution to a problem that the nation-state is not solving or perhaps even acknowledging.[37] Constituted not as a force of chaos but as a necessary tool of environmental order, they do not quite conform to Hobsbawm's definition of the social bandit.

Similarly, speaking of the bandits of nineteenth-century Mexico, reflects that they may have constituted the power behind the system organizing the modernization process pushed and then rejected by the Díaz regime: "Order and progress are what bandits bring to Mexico, because in [Manuel Payno's novel] *Los bandidos de Río Frío* [in contrast to Hobsbawm's version] banditry does not resist modernity." (204) The nation-state, with its projects of improvement and economic expansion is, for the King, incidental at best. In the absence of prospects within a nation-state that appears strange and foreign, the emergence of an independent parallel organization presents itself as a fair and useful alternative. As the King tells the Artist, "Why would you sweeten these fuckers' ears? It's enough that what we are fits us. Let them be scared, let the decent folk be astonished, put them under. Why else would you be an artist? (Herrera 62). This exemplifies the rebellion against the representation of reality exercised by the instruments of the nation-state. And that is exactly the nightmare of the state, of the "lettered city": being replaced as barbarism presents itself as more civilized than civilization and the informal state becomes a sign of order. Herrera shows us how the Artist conceives this fear of the other:

[37] Here it would also be fair to consider that they create many problems that did not precede them, but this rarely goes unnoticed.

They are scared One might bring unto himself everybody's flesh, that He shall be keeper of everybody's strength. They are scared of who he is, and how he is, and how he says it…. They'd rather hear just the pretty parts, right?, but ours are not songs to get permission, corridos are not a picture looking pretty in the wall. It's a name and a weapon.

Funny they're all scared.

Perhaps, who knows?, in the end they'll found out they're maggot meat. (64)

The fear described here is at the center of the power that law and letters give the state, the representation of "All" in "One." Reflecting on this, we can refer to how it is precisely those who have inherited the lettered city and the mechanisms that deny power to the dispossessed who are frightened by the corridos. The use of letters and their institutions to create the spectacle of a city, a state, and a nation that are then superimposed on the experience of the majority of the population loses most of its ideological power as it loses its referents in reality and as other discourses expose this loss. The legitimacy crisis faced by the depopulated lettered city leads to the emergence of alternative powers with their own claims to legitimacy.

In this representational conflict, the figure of the Artist is trapped between the two bandits, the "respectable" state and the King. On one hand, the respectable state is food for maggots, disassociated from the reality of most of its population—a seller of protection unable to deliver the goods it advertises. On the other hand, the King is the central node of an organized crime group. The legitimizing propaganda that the Artist produces for the King may indicate the decline and the criminality of the respectable

state, but this does not make the King any less a criminal, even though he is ideologically closer to the Artist than the nation-state leaders are. The woman with whom he is sleeping reminds him of this when she says, "What else will it be?, you dumbfuck…. That they're sons of bitches and you are a clown". (Herrera 68). Her calling him a clown refers to his inability to control the state machinery in any meaningful way, regardless of his beliefs. He keeps the machinery going but does not influence its direction.

There is a parallel story in corridos operating outside of Herrera's novel. Songs such as Teodoro Bello's 1993 "Pacas de a kilo" (One-Kilo Bales), for example, create an identity discourse around the figure of the caudillo/bandit/drug trafficker. When Los Tigres del Norte sing, "I like riding through the mountains,/I grew up among the bushes,/I learned my math out there/just by counting sacks," they are placing the drug dealer within a tradition of heroism related to the foundational narratives of the Mexicans who inhabited the lands north of the plateau, including the nineteenth-century nomadic bandits. Interestingly, this figure is linked to a landscape that binds it to the territory and separates it from the respectable state, which is seen as belonging to faraway Mexico City. The traditional northern agricultural occupations are also linked to drug trafficking: "Very close to the mountain range,/I have a cattle ranch/cattle that will get no ticks/that I take abroad/ How pretty look my cows/with little lamb tails.[38]" Like the cowboy, the drug dealer is a merchant, transporting desired goods from their place of origin to a place of consumption. All this creates an imaginary that invests him with positive regional values.

This signifying device suggests a revolutionary potential that it unfortunately does not have. As the Artist discovers, the finery worn by the drug lord does not change him

[38] Lamb tail or Cola de Borrego is a marijuana varietal grown in Mexico.

any more than the spectacular apparatus with which the United States and Mexico invest their presidents changes those presidents. Watching the King deposed and replaced by the Heir, the Artist "had a minutely detailed image of the King's face, as if through a magnifying lens he saw the loose tissue of his skin, of such a precatious constitution as that of any one person in this place" (Herrera 95). He thus realizes that the epic narrative his corridos have contributed to the Kingdom is to be found only in songs. Recognizing that, like any politician, the King pursued the interests of others only in terms of his own, the Artist understands that "the only peculiar thing was him, who saw it all from the outside. The only one that was *special* was him." (Herrera 94). The cartel is too much like a nation-state.

Failure to recognize the similarities between the state and its bandit counterpart becomes a blind spot that prevents the creation of a stable environment that can offer peace to its citizens; it impedes the establishment of a social contract. The construction of others as ignorant and politically disabled leads to a political corporation built on an empty historical dialectic, one that lacks memory and does not recognize the lives of all the subjects that make up the body politic. If we cannot understand what is going on in the head of a man who is willing to leave his position in the state and enter a political organization so brutal that it uses heads to communicate its intentions, how can we understand the conflicts posed by banditry in this country? There is a tendency to use ignorance and poverty as explanations for the state of desperation in which a large sector of the population lives, alienated from a state that cannot provide a solution to a political conflict between at least two socioeconomic and cultural forces that, at least in principle, should be made up of equals. There is a tendency to criminalize a priori all those who are

pushed to the periphery of the social contract, generating a political reaction that answers violence with violence. Organized crime and social banditry, the nightmares of the modern state, are generated by the same process and for the same purpose. It is not that the sleep of reason produces monsters but that the dream is seen from the outside. The cartel is founded upon the gaps of the nation-state.

BANDITS: ILLEGAL REPRESENTATIVITY

"I like corridos because they tell our people's real facts"

Los Tigres del Norte

Not quite belonging to one law or the other, riding between two conceptions of order, legality and illegality, Chicanos find themselves living between systems of fluid conceptions, where *Weltanschauungs* must be negotiated between the different elements that, whether from Mexico or the U.S., are imposed upon him. In this section, we will observe negotiation and construction of legality from a Chicano perspective.

We will have to understand some peculiarity of material cultural production in the Mexican-American border in order to understand the way legality and illegality play out in borderer political imaginaries. By studying literature in other zones, if we followed the European modern model, we would look to libraries for the first texts produced by individuals who belonged to a political clasification. We would look to the first Chicano writers who appeared in print, perhaps the first ones who found commercial success, or those that first received critical acclaim. Perhaps we would move to Chicano authors such as Tomás Rivera, or Américo Paredes, as it is been common to speak of the Border Renaissance, due to the novelty and sophistication they employed. While aluding to this literary environment as foundational for Chicanos is not quite inaccurate, and it would be very unfair to speak of authors such as Rolando Hinojosa or Dagoberto Gilb without

recognizing its due value, it would be at the same time deceitful to think of Paredes and Rivera as the foundational figures of Chicano literature. While works such as *With his pistol in his hand, George Washington Gómez,* or *Y no se lo tragó la tierra,* represent a considerable shift in Mexican American cultural production, and it is easy to think of these works as the beginning of a cultural tradition, that is something they are not. The narrative inheritance a borderer receives from his ancestors extends further back, rising mostly from corridos.

This genre, between literature and history, emerged from the Hispanic tradition of Mexicans in the Aridoamerican desert, and represents a very influential narrative in the Border Renaissance and beyond. Writers such as Hinojosa would be very hard to understand appropriately unless we understood the rhetorical traditions he inherited from border ballads. These ballads have commonly been traced to their relationship with Spanish Romances, an epic genre of medieval origins. This trace can be tracked throught Samuel G. Armistead's work on Spanish epic and Hispanic ballads, where he states that "If we are going to look at the *corrido*'s medieval origins, we will, I believe, need to go all the way back to medieval epic poetry and its own distant--and ultimately unknowable-- origins." (Armistead 95). Other origins have been proposed, an interesting example being Mario Colín, who, departing from research upon precolumbine cultures ventures that "Father Ángel María Garibay, who knew the indigenous past so well, said that when speaking of ancient or precortesian poetry, we should turn back to Corridos, for before the Conquest, festivities, facts and confrontations where celebrated with music and with letters akin to those of Romances" (Colín xii). Nevertheless, whether their origins lie in Anahuac, Iberia or the miscegenation of both cultures, the importance of ballads as a

vehicle for history and cultural cohesion has been widely researched. The path they take to arrive at our location, the corrido, goes through the incorporation of many different elements that Armistead sums up by saying that:

> *these epic narratives share three crucial features in common: Each poem involves ethnic or religious conflict; each also involves armed confrontation along a disputed frontier (today we would say a border); and each narrative, too, has, at its beginnings, a more or less distant historical nucleus, a core of historical fact, that, over the years, usually over centuries, may have acquired a dense overlay of legendary elaborations, but which, all the same, can still yield its basic historical outline to informed philological analysis (Armistead 97).*

The corrido's main function is to represent a comunitary conception of a conflict that represents its circumstances through resistance. In the Rio Grande Valley, the epicenter for our purposes of Mexican-American culture, corridos have carried out the function of coagulating an identity. This task has been carried out in the midst of a fluid cultural intromission both from the Eastern United States and Central Mexico. Corridos provide a sorely needed discourse to this population, in as much as "the corrido emerged as a "dominant form of Lower Border balladry" because it satisfied the rhetorical needs of those living along that border, a means of discursively opposing encroachment from both sides, particularly as embodied in Mexican *federales* and American *rinches*, the derogatory term for Texas Rangers" (Noe 598).

The structure of Mexican and Chicano corridos is not very different, both northerners and Chicanos resent the imposition of an order foreign to their society.

Corridos restructure their economic processes in order to harmonize them with what, in the best of cases, might be considered an illegitimate government, and in the worst, a crime syndicate. Both northerners and Chicanos find access to mass media limited, and, in Gregorio Cortez's period (beginning of the XXth century), foreclosed. It is because of this that they opt for corridos as a means to challenge the ideological cartography of the border that leaves them off the map. The hero in corridos becomes a representative of society, a cultural hero, competing for representation of reality with official constructions of it:

> *In taunting the Rangers, Cortez revises their discourse and its ability to order their subjectivity. The Ranger is no longer an individual, but a member of a mob; he no longer represents order, but the violence that inevitably underscores demands for order. In particular, "El Corrido de Gregorio Cortez" challenges the Texas Ranger as the personification of this dominant version of reality (Noe 598).*

This genre, in its effort to deterritorialize the cartographies of reality that are imposed upon Mexican-Americans, is the main literary heritage for the Chicano Renaissance writers, as its oral traditions are employed by them, turning it into their tradition. "Américo Paredes demonstrated, in the most elegant and eloquent terms, how a narrative poem in the oral tradition is continually recreated, reshaped and reinterpreted by traditional singers as it is passed on from one generation to another, in a dynamic process of poetic creativity." (Armistead 93) In this chapter I will reflect on how oral literature transfers an attitude in relation to legality and illegality. This attitude is shown throughout Paredes's work, which focuses on the conservation of knowledge through stories, as well

as the need to adapt to temporal circumstances. In his work, we find in Gregorio Cortez's popular story the substance of his project, in the different ways the story is told, and how its mythology is reinterpreted.

The node of resistance that corridos provide for Paredes is shaped around a rhethorical system that emphasizes the parody of an official discourse, and its rearticulation for later appropriating it. "It may be that border rhetorics, as exemplified by the corrido, can be used to resist being appropriated by academic discourse through mimicry of the conventions of that discourse" (Noe 604). By reappropriating discourses, corridos permit a deterritorialization of the discoursive weapons of opposing narratives. One very good example might be Los Tucanes de Tijuana's *Propiedad Privada,* which reinscribes the smuggling of psychoactive substances into neoliberal discourses, equating the values of the prosecuted with the core values of the prosecutors. (Los Tucanes de Tijuana) another very good example is Gregorio Cortez's corrido, where the Castle Doctrine[39] is used to justify his actions, as he states: "Said Gregorio Cortez / with his pistol in his hand: / —I'm not sorry I killed him / self-defense is permitted" *(Paredes, A Texas-Mexican cancionero* 65)

The result of this deterritorialization is the construction of an identity in a cartography that is "neither Mexican nor American," important because oppositional

[39] The present form of this doctrine in Texas law has not changed much, and the relevant section would be "(e) A person who has a right to be present at the location where the force is used, who has not provoked the person against whom the force is used, and who is not engaged in criminal activity at the time the force is used is not required to retreat before using force as described by this section" (Texas Capitol)

binaries operate at the friction points between the inside and the outside. The corrido, as a border rhetoric, questions that metaphor by insisting on a border space in which oppositional binaries no longer order discourse." (Noe 599) By escaping the colonial logic of oppositional binaries of civilization and barbarism, of law and banditry, corridos avoid the discourses that seek to make Chicanos accept their place as outlaws, outsiders of the state. Through corridos, the people generate a tradition that resists the construction of order that gives rise to the stories of "desperadoes".

In film and song, we have heard this story many a time. The characters in the story have an easily recognizable code. Within a broad desertic expanse, bandits roam, murdering and pillaging. When those whereabouts are not teeming with bandits, fierce, murderous Indians constantly patrol them. In spite of how much it is described as an empty territory, the prairies and deserts east of St. Louis seem like a very populated space. That is, unless their inhabitants are not considered human.

Stories of "desperadoes", an adaptation of the Spanish term "desesperado", or "without hope" permeate the territory, creating an image of a cruel Mexican who lies in wait to terrorize innocent pioneers. Walter Prescott Webb, in his infamous *The Texas Rangers, a century of frontier defense,* speaks of how "without disparagement, it may be said that there is a cruel streak in the Mexican Nature, or so the history of Texas would lead one to believe. This cruelty may be a heritage from the Spanish of the Inquisition; it may, and doubtless should, be attributed partly to the Indian blood" (Webb 14). This cruel streak, and how it is different from the cruel streak in American, Chinese, French, or any other nature, is never clearly defined, and takes in no account the situation of the Mexicans who were dispossessed in 1836 or crossed by a border in 1848. They suddenly

found themselves deprived of land and possessions and often summarily executed by the same officers of the law that should, at least in theory, protect them. Suddenly, they found themselves on the wrong side of borders, honor, and law. From the justified mistrust of this legal system, arises that many of them would face no choice but to place themselves outside of the law, defending their right by their might, dissolving a social contract, and aiming to construct other informal collectivities that might help to defend their physical integrity, as well as their property.

In this situation, both in California and Texas, the most densely populated territories of the 1848 expansion of the U.S.A., several famed bandits arose, like Joaquín Murieta or Tiburcio Vásquez. While in some ways the description of these men as bandits may be appropriate, it is most often a discursive construction in bad faith of their life and activities. When speaking of Vásquez, a Californio bandit in his play *Bandido*, Luis Valdez remarks on how "the roots of banditry in California run deep" (Valdez 127) and how those roots generally make us think of bandits as different kinds of characters, maybe not better, but certainly more complex.

Joaquín Murrieta was most likely a man from Sonora, whose family was murdered, and who was deprived of his earthly possessions. He represents a need for revenge, a man who has no other purpose but to try to achieve with his own hands the justice a biased legal system has denied him. As a historical character he is very difficult to depict, as there is very few certifiable data to back any which version of his life. Nonetheless, he is a character who inhabits narrative, from corridos to novels, one of them attributed to Ireneo Paz. This character is often depicted as blood-thirsty, but in Paz's novel, he conceives of himself as a sort of zombie, a dead man who is animated

solely by his will to obtain revenge. He describes his situation, himself, in the following way:

> *Comrades, replied Joaquín with his turn, I have suffered more than any of you that rage that inspire americans to hangings, for I have seen strangled my poor brother in front of my eyes, he who had done them no wrong, and in a time when it was imposible for me to save him or to punish the murderers (Paz 154).*

The representation of this rage is outside the legal discourse of America. In the representation of bandit violence, there is usually a much more than biased selection. History erases the violence carried out by Anglos, placing it behind the phantom of legality and focusing upon others the light of illegality.

The backing of a state apparatus for this selection of representation makes bandits an even more complex subject of analysis, as they are rarely studied[40] through solid historical sources, but rather, as Robert McKee Irwin states: "most representations of Murrieta appear to be works of fiction, though each claims basis in historic fact." (Irwin 39). While he shows himself wary at the difficulty of using him as a historical character, he uses the term “cultural icon” for Murrieta.

A cultural icon is a character that has achieved cultural significance that has become real in and of itself, like a performative story. The actual, historical circumstances of his life might be hard to ascertain, or contentious, or even fictitious. The story however, has found resonance within a culture, as it represents the struggle of many and acquires its political power from this process.

[40] and sometimes it isn’t even possible

Irwin's use of the characters he analyzes as cultural icons seems very interesting in these circumstances, as he studies how certain characters achieve a cultural notoriety that makes them hyperrealistic, not withstanding how much actual reality is inserted into their literary or cinematic representations. This Nietzchean [41] approach to cultural icons allows us to fixate a large and solid enough fragment of popular culture, with the purpose of studying it and presenting a coherent image of this character. Murrieta, the bandit he analyzes, becomes a pseudo-historical character through the way he typifies the experience and circumstances of numerous existing characters who have been lost to history throughout the years.

Joaquín Murrieta, nevertheless, is not alone amongst the icons of banditry in Greater Mexico, or the American Southwest, or the Aridoamerican deserts. There are many more, such as Tiburcio Vázquez and Juan Nepomuceno Cortina. Cortina was a condecorated officer who served both in the armies of the Mexican United States and the United States of America, as well as Gregorio Cortez, and many others.

Cortez, very much unlike Murrieta, has a historical persona that is quite clear, though not devoid of controversy, as he was not able to clear his name by writing memories, or commissioning biographies that could hide his faults from sight. Gregorio Cortez, of corrido fame, lived in the Rio Grande Valley, in South Texas. His notoriety for academic purposes arose from Américo Paredes's famous counterhistorical narrative:

---

[41] "The falseness of a judgement is for us not necessarily an objection to a judgement (…) The question is to what extent it is life-promoting, life-preserving, species-preserving, perhaps even species-cultivating." (Nietzsche 6)

With his pistol in his hand, a book written against the representation of ethnic conflict in Texas as depicted by Walter Prescott Webb in *The Texas Rangers* and *The Great Plains.*

This is almost a book-form corrido, where Paredes tells of his struggle and that of his people facing the cultural production of Anglo-Americans and its political influence. In it, Paredes focuses on questioning the representation of Anglos, and more specifically Rangers, represented as symbols of law and order, while Mexican Americans are portrayed as horse thieves.

Paredes's work represents a landmark in the efforts to understand the conflicts that take place in border territories. His book, centered on Cortez's figure, seeks to provide a countercultural history of the "population" of the South Texas Valley by Anglos. His ethnographic study of the Valley and the variations of Cortez's story remarks on the multiplicity of experiences present in Texas and claims central validity for his own experience, not a minoritary position in the periphery. This project becomes more and more necessary as we dwelve deeper in histories such as Webb's that adopt the frontier thesis with no problematization, building a heterotopic discourse that hides the vital experience of one of the largest population groups in the territory in question.

Paredes's territory is very different from Webb's. Whilst Webb describes one forged in strife and violence, one with a population molded from their warrior prototypes, Paredes describes Nuevo Santander, the Hispanic name for the Valley, as a mostly pacific environment. The main figure in the configuration of this community was José de Escandón, who refused to follow the Presidio structure that Spaniards applied in a good deal of the now borderlands, and installed a colonist model in the Valley. From this moment on wards, the identity of the region was forged around the idea of a shelter:

> *The Lower Rio Grande, known as the Seno Mexicano (the Mexican Hollow or Recess), was a refuge for rebellious Indians from the Spanish presidios, who preferred outlawry to life under Spanish rule. Thus, at its earliest period in history the Lower Rio Grande was inhabited by outlaws, whose principal offense was an independent spirit (Paredes,* With his pistol in his hand *8).*

This calling to be a shelter would return later, as it ended up being one of the last shelters for Mexican Americans within the United States. This status was possible because of its isolated locale. Before railroads, "In 1846 it took Taylor a month to move his troops the 160 miles from Corpus Christi to Brownsville". (Paredes, *With his pistol in his hand* 10). The idea of a community that managed to sustain class mobility and a certain equality amongst its members, where the owner of the land lived and worked the land among peasants and cowboys, seems very different from the way Webb describes his environment, focusing on the significance of the Texas Rangers in order to comprehend it, using mostly the images of racialized conflict in order to inform and describe the way life took place within:

> *The organization commonly known as the Texas Rangers may be defined as a fighting force which had its origin in a three-cornered racial and cultural conflict. The history of this conflict, which constitutes a unique chapter in American life, is a little less than the history of the Texas frontier and a little more than the history of the Texas Rangers (Webb 1).*

This focus on building an environment through conflict and racialization represents the point of departure that feeds the confusion between legality and illegality in this frontier. The organism in charge of applying the law is conceived from the beginning as an instrument of conflict, partial to only one of the groups that exist in this territory under the law, and an instrument that seems to course through its history.

Thus, when in the Mexican American war a shift in political borders occurs, this is represented not only by a change in legality, but by a generalized change in the conception of the standard status of the social environment. Such an environment shifts then from one conceived around the possibility of peace to one conceived in and from conflict. The environment was racialized, and the illegality in legality found in this divisive line its main axis. The border that settled in the maps was extended through several representations. Thus, the ending of the Mexican American war and its conclusion in the largely ignored (save for the part of moving the border) Guadalupe Hidalgo treaty came to change radically the world in which the borderer lived, adding a line, a border in the center of the environment, that served both as an elment of division as well as a unifying one.

> *It was the Treaty of Guadalupe that added the final element to Rio Grande society, a border. The river, which had been a focal point, became a dividing line. Men were expected to consider their relatives and closest neighbors, the people just across the river, as foreigners in a foreign land (Paredes, With his pistol in his hand 15).*

Establishing the border line resulted in the configuration of a set of identities, imaginaries and legalities that was extremely complicated, and made people negotiate

their enrollment within one or the other in function of the circumstances, or to risk the most patent of injustices in the name of justice itself. The difficulty of establishing a clear image of this border and its divided imaginary leads us to the common representation of the Rio Grande as an open wound, as shown by Gloria Anzaldúa when she says: “The U.S.-Mexican border es una *herida abierta* where the Third World grates against the first and bleeds. And before a scab forms it hemorrhages again, the lifeblood of two worlds merging to form a third country--a border culture." (Anzaldúa 25) In her metaphors, the border is conceived as an element of separation, where Mexico and the United States face each other. Nevertheless, her vision of the border as a focal point persists, marking the double consciousness in which the people that inhabits this territory live. On the one hand, they can trace their presence and heritage to the XVIIIth century, and on the other, they are considered foreigners and sometimes not even people.

The status of these subjects who find themselves trapped between the two states have their agency put into question, for the racialized preconceptions use the border to deny them participation within the body politic. Reflecting on Paredes’s novel, *George Washington Gómez,* Ramón Saldívar shows it as a reconfiguration of the discoursive environment with the purpose of reaffirming Mexican subjectivity and the possibility of self-representation in a world that questions its viability. “At virtually the same time that C.L.R. James was exploring how the past is conceived in relation to the present and the future by subjects whose status as subjects has been open to question, Américo Paredes was completing a novel attempting to reconceptualize the past in order to imagine a different set of symbols of the future" (155). Paredes thus, takes up the task of reverting the process by which Mexican-Americans lose agency and the means of self-

representation. This allowed the Anglo-American to create a biased image of him, creating a myth of banditry that would bring pain and suffering to a great many Mexican-Americans. Paredes shows this process in a comparison to slavery in the Southern United States.

> *The 'cattle barons' built up their fortunes at the expense of the Border Mexican by means that were far from ethical. One notes that the white Southerner took his slave women as concubines and then created an image of the male Negro as a sex fiend. In the same way he appears to have taken the Mexican's property and then made him out a thief (Paredes, With his pistol in his hand 20).*

Through this representational deconstruction, Paredes brings us to the condition in which Gregorio Cortez finds himself: a victim represented as the victimizer. A foreigner in his native land, Gregorio Cortez (both in fiction as in history, that other fiction) finds himself deprived of his rights and of consideration as a man, as guaranteed by the Constitution. Anglos, in spite of their obsession with individual development, choose not to consider Mexicans as individuals, but rather as a stereotyped collective, almost a part of the décor.

Chicano writers often reflect circumstances that satirize the Anglo officers of the law that can't recognize an individual Mexican amongst the collective. Both Tiburcio Vázquez, who argues with the sheriff who is prosecuting him without being recognized, (Valdez 105) and Sonny Ruiz, who passes for Japanese in the eyes of military police, after deserting during the Korean War (Hinojosa, *Korean Love Songs* 45) take advantage of this lack of interest. These writers parody a historical circumstance by which Mexican-

Americans are denied individuality. This usually had much more tragic endings, as is evidenced in the procedure by which, according to Paredes, Texas Rangers prosecuted Mexican-Americans as murderers or horse thieves:

> *The killing of innocent Mexicans as 'accomplices' became a standard procedure-especially with the Texas Rangers-whenever a Border Mexican shot an American. The practice had an important influence on Border balladry and on the lives of men such as Gregorio Cortez (Paredes,* With his pistol in his hand *20).*

The lack of respect for Mexican American lifes by Texas Rangers that Paredes shows is the origin of Gregorio Cortez's trials. His story begins with an uneven but legal deal that his brother, Román, carries out with an Anglo-American. Through his wit, Román reverts an attempt by the Anglo-American to fool him, giving him a lame horse instead of a healthy mare. He asserts that the Anglo-American points to the lame horse as the object of the exchange, even if he doesn't tell him it's lame, and he insists that the deal, if struck, is irreversible, saying:

> *"With just a little arguing you might convince me to trade this horse for that worthless mare of yours. But I don't know; you might go back on the deal later on."*
>
> *"I never go back on my word" the American said. "What do you think I am, a Mexican?" (Paredes,* With his pistol in his hand *38)*

This probably references a stereotype Webb portrays, where he claims that the Mexican "won more victories over the Texans by parley than by force of arms. For making promises -and for breaking them- he had no peer" (Webb 14). All the while,

Webb ignores how American law reneged on the Guadalupe-Hidalgo Treaty, and presents Mexicans as people without honor. In this story, we see how Román fools an Anglo-American in a similar way to that in which many of his kind were tricked in real estate deals. Trickery, however, does not work both ways, as the Sheriff murders Román as a horse thief, while invoking the Texan patron saint:

> *Now there are three saints that the Americans are especially fond of-Santa Anna, San Jacinto, and Sanavabiche-and of the three it is Sanavabiche that they pray to most. Just listen to an American any time. You may not understand anything else he says, but you are sure to hear him say, 'Sanavabiche! Sanavabiche! Sanavabiche!' Every hour of the day. But they'll get very angry if you say it too, perhaps because it is a saint that belongs to them alone. (Paredes,* With his pistol in his hand *39)*

Paredes uses the Sanavabiche joke to illustrate the division of the proper use of language, law, and power in Texas. This helps him emphatize how Mexican-Americans are withheld from the community, restricted from discourse and participation. Sanavabiche is a good analogy for the law in Texas. When Gregorio faces a Sheriff in his property he faces the following situation: A) The Sheriff attempts to carry out an illegal arrest, with no warrant, B) The Sheriff is trespassing on private property, C) The Sheriff has summarily executed Gregorio's brother, Román, D) He proceeds to physically threaten Gregorio, E) Gregorio kills the Sheriff in self-defense, under the Castle Doctrine. Had racial difference been the opposite in this story, the outcome would have been much different, and the rule of law would have been imposed. Gregorio Cortez, however, was Mexican-American, and like many before him had to take refuge in illegality. He became

an outlaw, and, under common usage and tradition, against the law, became a Homo Sacer.

This story becomes symbolic because it isn't a private exception, nor a novelty tale, but the reiteration of a common problem. The story of how it was that Gregorio Cortez manages to avoid the Rangers, Sheriffs, and posses that persecuted him throughout the fields, happened some thirty years after the Cortina Wars, and only a few years after Aniceto Pizaña's *Plan de San Diego*[42]. During the period he lived in, only a few years after his chase, the main newspaper in South Texas could declare that:

> *The finding of dead bodies of Mexicans, suspected for various reasons of being connected with the troubles, has reached a point where it creates little or no interest. It is only when a raid is reported, or an American is killed, that the ire of the people is aroused. (San Antonio Express)*

Even such a biased author as Webb calculates the number of people murdered by the Texas Rangers somewhere between 500 and 5000 (Webb 478), with an enormous margin of error that bears witness to the lack of importance such victims might have had for him. The number of Mexican-Americans killed in Texas during the zenith of the Rangers surpasses American casualties in the Spanish-American War by an order of

[42] The Cortina Troubles and Aniceto Pizaña's rebellion under the San Diego Plan were just two of several uprisings in the Rio Grande Valley meant to protect Mexican Americans from the unwarranted brutal treatment they received from the cattle barons and law enforcement agents.

factors and equals the deaths in the Mexican-American War without provoking in Webb enough interest to approximate the number to the thousands.

It is in this environment that Gregorio Cortez finds himself an outlaw, for he has no elements to think that the legal system might offer him the protection that the U.S. Constitution should grant him. As Paredes states, there was a common conception of the Rangers amongst Mexican-Americans: "The Texas Ranger always carries a rusty old gun in his saddlebags. This is for use when he kills an unarmed Mexican. He drops the gun beside the body and then claims he killed the Mexican in self-defense and after a furious battle." (24) Presumed guilty by birth and ethnicity, Cortez sought refuge with a friendly family, as he fled from the mobs that aided the new Sheriff as he played the role of judge, jury and executioner. A hopeless Desperado, he went to the Robledo's, where Sheriff Glover ambushed him. Sheriff Glover's drunken posse took the house by assault in an action described by the *San Antonio Express* as "a tale of bravery unsurpassed on the part of the officers and of desperation on the part of the Mexicans. That more of the officers were not killed is little short of a miracle… The Mexicans had the advantage." (San Antonio Express). The alternative story of the fight, as Paredes compiles it is: "The shooting stopped, leaving on the field two officers dead-Glover by the hand of Gregorio Cortez, Schnabel by that of one of his own comrades-in-arms. On the Mexican side a woman and a boy were wounded, both noncombatants. Captured were Martín Robledo, his wounded wife, his two youngest sons and the wounded Rodríguez boy." (71) The posse hanged summarily the youngest of the children as an accomplice, with the purpose of extracting information. It was not the members of this family that were considered

assassins, or outlaws, it was the desperado instead, who fled for his life as the people who fed him were physically harmed, with no legal mandate, for aiding an innocent man.

If we follow the image of Texas's police corporations that Paredes presents us, it is hard to understand how they could represent a symbol of law and order, specially when their behavior was denounced both by Mexican-Americans and Anglo-Americans. Much less partial sources, such as General Winfield Scott of the U.S. Army, describes the behavior of the Rangers towards Mexican-Americans stating that they "commited atrocities to make Heaven weep and every American of Christian morals blush for his country…. Murder, robbery and rape of mothers and daughters in the presence of tied-up males of the families have been common all along the Rio Grande." (Scott 111) Given that the law, now and then, forbade murder, theft and rape, it is hard to understand how the Texas Rangers were construed as a legitimate element of police work, and furthermore, how they came to represent a valiant corps that was key to establishing order in the Rio Grande Valley. If it is accurate that the Valley was a pacific territory before their arrival and a territory in chaos after it[43]; if their stories of conquest represent the appropriation of a territory where firearms were illegal, how do we arrive at a border ballad like that of W.A. Phelson:

They fought grim odds and knew no fear,

They kept their honor high and clear,

[43] María Josefina Saldaña-Portillo has studied extensively the processes by which Norteño Mexicans used to negotiate peace with Indians throughout the territory, achieving by trade and diplomacy a stable form of coexistance with minimal war, at least as compared to the relationship Anglo-Americans undertook.

And, facing arrows, guns, and knives,

Gave Texas all they had-their lives" (Webb 17)

It is more than justified to ask just what Texas it was that they gave their lives for. It remains to be seen if it is a sovereign state, Texas, constituted by its whole population, or Texas, the private property of cattle barons, with which they were often economically partnered. These cattle barons acquired quickly huge expanses of land, by "acquiring" land and cattle from Mexicans and Mexican-Americans.

Even officers of the U.S. Army who were assigned to the region spoke of the *Sedicioso* movement in very measured terms: "General Funston, believing then and continuing to believe for several months that the trouble arose principally from actions by Texans rather than by Mexicans, considered the problem to be a local and state police matter". (Cumberland 289) That is, by judging the problems to be national problems, between citizens of their own country, it judges on how inappropriate the description along national and ethnic lines was.

Paredes points towards the possibility of imagining a different territory. He opens our perspective by depicting the story of a cultural hero, someone who actually existed and lost it all to the illegality wielded by those who were charged to uphold the law. This different territory he imagines is one without a small group of people who destroy law and order in order to further the profit of a small group of aristocrats. This territory could be configured differently if we reorient our view of banditry in it, and recognize its place within the multicultural dynamics.

Banditry is a wrong name to give to the cultural heroes of the border. It depicts an unbalanced power relationship that ignores facts selectively. There is scarcely any town

in the Mexican bank of the Rio Grande that does not have a history of raids with the Rangers as main characters. Would not the story be different when we think of those who allegedly uphold the law find themselves looting, and razing civilized towns? Even Webb recognizes quite a few of these incidents: "In order to escape from their situation, or to cover their plundering in the Mexican town, they set fire to Piedras Negras and crossed the river under the protection of the flames. The burning of Piedras Negras was wholly unwarranted." (146) We find that even those who supported that group can't deny their behavior. There were several incursions carried out in Mexican territory even after the filibuster Stephen Austin succeeded in separating Texas from Mexico in order to establish slavery in the territory. In order to establish the ground for a more cooperative territory, history must be rewritten in a less biased way, carrying out a much fairer attribution of historical facts. One of the things that is most interesting of Gregorio Cortez's corrido, is that it allows us to see how the discourse of legality wielded around the Rangers can be turned on its head, and described as one of injustice and illegality.

Paredes questions the image of Texas Rangers as border heroes, by stating that "more than legend seems to have been involved in the heroization of the Rangers at that particular time." (80) By observing the results of their actions we should conclude that the objective exercise of the law was not exactly their goal. It was alleged that they would usually shoot first and ask questions later, killing Chicano landowners. Often, it was claimed, cattle barons, with whom several Rangers were in business partnershipa, will consequently claim their land. The development of cultural products that would elevate the acts of Texas Rangers to legendary status should make us wary of their role in Texan history.

This process is, in current Anglo-American culture, vehemently condemned as social engineering when the color lines are reversed. Nevertheless, it was considered useful when it was used to deprive a rather large segment of the population of its material wealth in order to transfer it to a rather small segment.[44] According to Ramón Saldívar:

> *Many [Texas mexicanos] were murdered simply because they happened to be working near sites of seditionist action, making for terrifying instances of guilt by contingency. This reign of terror virtually cleared south Texas of landholding Mexican Americans, making feasible the Anglo development of the region into its capitalist agribusiness formation in the 1920s" (R. Saldívar,* The Borderlands of culture. Américo Paredes and the Trasnational Imaginary *155)*

Through the use of a heavily biased use of the law along ethnic lines, a massive redistribution of property took place, such a successful one, that some of the largest stretches of property in the world were shaped in a very short time. These issues can't simply be considered bygone, as they continue to be influential in very real and present

[44] Paredes provides evidence and testimony from respected citizens to support his claim that, as an example of a selective and unprosecuted murder, a Ranger, identified as "Bekar" shot the last Cerda, before his land was bought by a 'cattle baron'. (30)

That shooting is documented by Webb (Webb 464) who gives no further details and Dobie (Dobie 32) as the extermination of the raiders of Norias. Then, the process by which these selfless rangers offered Texas their lives should come into question, and we should wonder whether this Texas represents anything but the interests of a few profiteers.

problems. The end result is that Anglo barons became scared of social engineering and class warfare, because they knew them quite well, and along with the present plutocracy, fear destitution as the result of cries for equality. The economic inequality between Mexican-Americans and Anglo-Americans is considerable, and has bearing on the opportunities both have to lead their lives. Rather than following the stereotype of the lack of industriousness, much of the divide is dependent on patrimonial wealth, itself derived from the use of Rangers in order to dispossess Mexican Americans of property, by starting a process of placing Chicanos on the outside of the law, branding them as bandits, or horse thieves, starting a process which would later be continued with the construction of illegal immigration. Paredes's use of tradition allows him to parody the history of the Rangers, dearticulating their prejudice through their own resources, but also allows him to construct a nodal core of reappropriation of Chicano history.

By deconstructing the idea of the Chicano bandit in order to start a history of cultural heroism, he provides means to reaffirm Chicano resistance to unfair treatment. These cultural heroes are ones who like Cortez, find their place in history: "the Chicano Murrieta reasserts himself within U.S. culture but as a symbol of defiant Mexican American participation in old Californian culture despite Anglo-America's attempts to exclude it" (Irwin 76). The replotting of institutions such as the Rangers, is essential both to Mexican-Americans and Anglo-Americans, for such institutions might be exactly that which motivates Irwin to state that: "Strange conditions are found in the United States, in that populace that wishes to be a model for everyone else; there together with the most refined civilization appears the most degraded barbarity" (Irwin 53). The creation of institutions that are meant to buttress civilization, and to preserve peaceful ways to

interact within a polis becomes the production of barbarism, merely another way to manifest organized crime and violence within.[45]

We could always reformulate the political narrative that leads us, restructuring the way we think of Gregorio Cortez, Tiburcio Vázquez, Joaquín Murrieta or Juan Nepomuceno Cortina, going from a narrative that configures them as outlaws into one that recognizes the culture for which they are heroes. With their pistols in their hands, the corrido says, but what those pistols stand for, is always up for us to say, even if the law refuses to ask.

[45] It could be feasible to understand the U.S. through the best ideas that have been thought by its citizens. But the U.S. has to live up to its own ideals. After all, the document by which it came into existence begins with the following words: "We hold these truths to be self-evident, that all men are created equal" (National Archives and Records Administration)

GREEKS IN ROMAN COURTHOUSES: PROCEDURAL LAW AND COLONIAL CODES OF HONOR

"Los sueños de la razón
producen monstruos"
Francisco de Goya.

The great political fantasy of the modern world was the image of universality: a utopia of reason that would allow for both freedom and equality while making for an ethical political framework. Institutions were built and spread around the world, creating entities that would rule us in seeming fairness and equality. As the modern state took shape, embracing values of universality, equality, liberty, and reason, institutions and non-physical entities were wrought to govern our political units and offer equality under the law. One instance from which I argue the promise of equality under the law fails is in the encounter between colonial moods of statehood and legal practices. Rolando Hinojosa's work, the *Klail City Death Trip Series*, a novel in many volumes, shows Chicano dwellers of the Rio Grande Valley in Southern Texas and the long history of legal discrimination of the United States of America.

Hinojosa writes about three centuries of Rio Grande Valley dwellers and the fate of their families, focusing most importantly on the years during which this territory has been a part of the United States. The purpose of this section is to explain how in the

works of Hinojosa, commensurability and incommensurability of legal and honor codes is played out, following a divide along a cultural divide that is also marked as racial.[46]

The arguments I will present are divided in two sections, representing different approaches to a problem of cultural coexistence and commensurability. The first one is focused on Jesús *el Quieto* Buenrostro, a cultural hero: a Chicano cowboy who is central to a fictional history of resistance that mimics a historical process of self-preservation. While inspired in the epic hero, *Quieto* performs no superhuman feats; he simply uses wit and his strict ethics to defend himself, and his people. It is centered on the history of confrontation that followed the incorporation of Texas into the United States. This section is constructed around the confrontation of the law and honor codes, and the use of the universality of the law as a rhetorical strategy of objectivity that hides a heavily biased construction of the polis. While pretending that the law is an institution independent from them, those who design the legal system get to occupy the law and deny commensurability to people who do not share in their culture.

The second one is centered on the figure of Jehú Malacara, an Odysseus-like figure who is a lawyer and works at a bank in Hinojosa's fictional Belken County. It

[46] It is very important to point out that this divide is only one amongst many, and that the gender divide is also an enormously important one in this context, as both the honor and legal codes in the borderlands are heavily masculinized. This critique is important, so much so that it would displace the one I am proposing here should I decide to pursue it. I, therefore, choose not to pursue a reading of this cultural system along gender lines, but recognize it as one of the most serious issues in the mapping of borderland culture.

constructs a narrative of identitary incommensurability that, historically, I argue, succeeded the histories of confrontation in the Chicano Wild West. In this section, I analyze how, through Hinojosa's narrative, Chicanos in particular, but non-whites in general, experience law as applied and designed through otherness. A system of polycentered honor codes is required to navigate through competing polis without succumbing to the siren song of the law.

The protagonists of these stories of cultural strife dwell in spheres that clash with a legal system that is in opposition to their selves and/or culture. They inhabit a space felt as foreign and as domestic at the same time, like Greeks in Roman houses, and courthouses. Their narratives are politically engaged with mimicry of a legal history that has been destructive for Chicanos within a very unequal legal environment.

At the same time, as we ride a theoretical pendulum, and generalize from this particularity, these characters help us to illustrate shortfalls of a legal system proposed by the USA. This problematic is not one that arises in spite of the democratic ideals which allegedly inspire the polis, but because of the structure of processes intrinsic and ignored within representative democracy by which the law is shaped, interpreted and exercised on the body (both metaphorically and literally) of minority races or cultures. As Hinojosa's characters state: "Everything within this country's laws, and this country sure has got some laws, don't it. A great country, but you've got to watch those laws, leave you naked if you don't." (Hinojosa, *Becky and her friends* 14) Minorities experience laws within, as a weapon to dispossess. The history of the Buenrostros might, from the Anglo point of view, been characterized as banditry at times, for they took up arms at several points in

history. But they experience resistance towards the law not as a crime, but as a defense against continuous legal and illegal aggression: a necessary defense, at that.

To approach this subject, we should begin with a detour, reflecting on the nature of the conception of rights towards the state. Ideas acted out in literature, also bring into question the feasibility of a universal principle for legal codes. In this, we find a vantage point in Chicano literature which, amongst many other kinships might be kin to postcolonial literature. I find this kinship, in defining a postcolonial experience as the experience of self through otherness, such otherness being in particular the Eurocentric imperial modernity. I depart from Natalie Melas's description of cultural colonialism: "Colonialism is indeed the imposition of a single law, at least in the cultural realm, for the civilizing mission brings everything into comparison; the world it imagines is composed, if one may say so, only of apples [instead of apples and oranges]" (Melas 278) In principle the incommensurability of both value systems should not imply incommensurability in coexistence between them, provided the existence of a system of value relativization. The problem here, however, within the framework of a legislative state that aims to mediate between private parties and their values (in representative democracy, generally, and the United States, particularly) is that the Law itself is posited as a universalizing system, a system dedicated to creating objective parameters to establish behavioral patterns for all individuals within the state.

Though not devoid of virtue, the universalizing discourse of European philosophy and political theory, amongst other things, behaved as a masking element for reterritorializing colonialized subjects' cultures. These cultures were never conceived as possible parts of a universal globe; but were designed to be replaced with a European

culture that, by erasing other cultures, might be conceived of as universal.[47] Thus law, blind but not egalitarian, conceives of all subjects not as equals but as identical[48], which might be one of the most powerful means of oppression, creating a situation of internal colonialism within a State. In such a tendentious mode of impartiality, a set of common values is assumed for anybody subject to it, as if, in any way law would be applied it could do so in the same exact way without incurring injustice. The eradication of difference that the legislative state offers displaces difference in all particularities that fall under its rule, as Melas states:

> *The version of inconmensurability which posits a radical separation between autonomous systems seems problematic in a colonial context simply because colonialism is a complex of social, economic, and*

[47] While for the purposes of this text, discrimination based on colonialist processes is the focus, but it does not mean that other kinds of discrimination do not exist, or that the process by which a minority is disengaged from the body politic which we address here is necessarily different if we changed the optic through which discrimination is carried out. We might think of class or gender as other lenses with which to study the process and we would find similarities. After all, were not women deprived of participation in the body politic in name and effect until the twentieth century? Other histories of this process are possible.

[48] And of course, the failure by a subject to achieve identity would be punished by de *facto*, even if not *de jure*, exclusion from the body politic's most important institutions.

> *cultural practices predicated precisely on the eradication of autonomous realms. Subsuming the globe under its law, it sets all differences into relation with European metropolitan powers as the economic center and the cultural standard (278)*

By establishing a formal system in order to support a universalizing legal code that is bound to establish itself as the only behavioral standard in a territory, should make us question the theoretical validity of procedural law. It can use difference and identity to uphold structural injustice. Perhaps we can trace this tendency to a tradition of legal thought that descends from Kantian ethics, whose Categorical Imperative might be construed as a clear shape of legal universalizing aspirations:

> *But what sort of law can that be, the conception of which must determine the will, even without paying any regard to the effect expected from it, in order that this will may be called good absolutely and without qualification? As I have deprived the will of every impulse which could arise to it from obedience to any law, there remains nothing but the universal conformity of its actions to law in general, which alone is to serve the will as a principle, i.e., I am never to act otherwise than so that I could also will that my maxim should become a universal law. Here, now, it is the simple conformity to law in general, without assuming any particular law applicable to certain actions, that serves the will as its principle and must so serve it, if duty is not to be a vain delusion and a chimerical notion. (Kant 228)*

Kant's intention might be to have a will with no impulses, dedicated only to conforming to law without any regard to particularity, which presents itself as the goal of the categorical imperative, to find a law that can be accepted in its universal application, since the person considering it would accept that it be applied to him or to everybody. Even though in some light this is not a test without some value, experience has shown it to be deeply twisted.[49]

For to imagine a legal system that is merely procedural, is to dream an eerie dream that opens itself to everykind of nightmare as we try to find out just what it is that is moving those institutions around town.

---

[49] In Hannah Arendt's book, *Eichmann in Jerusalem,* we find how one of the major players in the Holocaust:"suddenly declared with great emphasis that he had lived his whole life according to Kant's moral precepts. And especially, according to a Kantian definition of duty. This was outrageous. In the face of it, and also incomprehensible, since Kant's moral philosophy is so closelv bound up with man's faculty of judgment, which rules out blind obedience. The examining officer did not press the point, but Judge Raveh, either out of curiosity or out of indignation at Eichrnann's having dared to invoke Kant's name in connection with his crimes, decided to question the accused. And, to the surprise of everybody, Eichmann carne up with an approximately correct definition of the categorícal imperative: 'I meant by my remark about Kant that the principle of my will must always be such that it can become the principle of general laws' (which is not the case with theft or murder, for instance, because the thief or the murderer cannot conceivably wish to live under a legal svstem that would give others the right to rob or murder him)." (Arendt 136)

Kant's system did not push discretionality and exceptionality out of the political realm. While his system was aimed at countering the whims of absolute monarchs in the incarnation of modernity in his time (Let us not forget that he lived most of his life under the reign of Frederick the Great, the enlightened despot), it merely pushed discretionality to another realm of thought, that of the underlying principles. The impersonal mechanism proposed by Kant creates simulacra of equality in the face of the Law. This makes individuals disappear in the simulacra, losing sight of the distinction between procedural law or substantive law, that is, upholding a method for the discovery of good, rather than an agreed notion of good.

The focus on a procedure that might render a proposition as universal eases the passing of such a proposition into a guiding principle for manufacturing notions of duty. Thus, when translating the universal principle into duty, we might find different endings from those anticipated, for should we find duty bound to such a will, bound to such a law to serve, might we not find the same "vain delusion(s) and chimerical notion(s)"? The key part of the exercise of power is outside the theorization of law. This makes it possible for the elements that guide legal application to be buried in jurisprudence that can slowly invert the operating principle of the law. By doing this, substantive notions of rights and freedoms are rejected in order to establish procedurally generated laws that in upholding law violate its foundations in social contract theory.

We reflect on this problematization of the social contract implied in representative democracy through the Klail City Death Trip Series. In it, Hinojosa constructs a fictional Texas, superimposed on the Rio Grande Valley, on both sides of the border, offering a reinterpretation of history. He continues Américo Paredes' project to show another side

to Anglo constructions of history, law and justice. Within this system, Hinojosa takes us from the 18th century to the late 20th century and shows us how Chicanos circulate through the different ethical and legal codes that are presented to them, and the way in which some amongst them negotiate honor and law, terms commonly separate for them and, often opposed. Hinojosa's characters react to a body politic that structurally misrepresents them, forcing another culture's notions of honor upon them, and imposing laws that systematically disavow their rights. They navigate this situation by negotiating abidance to law and to honor, by knowing two disparate social systems and shifting between them as needed.

His narration is constructed as anti-epic narration of modes of honor, where "there are no heroes of legend: these people go to the toilet, sneeze, wipe their noses, raise families, know what it means to day with open eyes, rarely crumbles, and (like green wood) resists cracking up" (Hinojosa, *Klail City y sus alrededores* 11) In his stories, he claims, characters merely act the way they have to, aspiring to being chronicles, rather than mirrors for princes. In this genre, he sets out to represent the inequalities of the political system his Chicano characters inhabit.

My first approach to the inequalities of this system is focused around the figure of *El Quieto,* the land owner. Belken County, the center of Hinojosa's fictionalized Rio Grande Valley, is ruled indirectly by a consortium of three intermarried families: the Klails, Blanchards, and Cookes. They became rich in the nineteenth century, acquiring the largest cattle ranch on the planet and have since branched out into other businesses. The source of their riches though, is the illegitimate appropriation of lands belonging to Chicanos under the Spanish land grants. The correlation between a historical process of

racial conflict and Hinojosa's Belken county is the motivator for the way the story moves throughout.

As Zilles describes, "In *Estampas*, (92) we learn that the skirmish betweeen the old families and the Rangers-Leguizamón faction later turned into a week-long siege of the Rancho del Carmen during which the Buenrostros proved worthy of the Cortina legacy and repulsed the attackers." (Zilles 154). In Belken, through the use of both the Texas Rangers, and a faction of Mexicans who ally themselves with the Anglos and reconfigure themselves as Spaniards[50], the KBC clan manages to grab hold of most of the land and translate it into capital.

Whilst Chicanos did not take the oppressive measures lying down (several insurrections, most often classified by Anglo historians as banditry are proof), the superiority in numbers and weaponry was clear. By the middle of the 20th century, the old Spanish land grants were a fading memory.

---

50 The subject of Mexicans reconfiguring themselves as Spaniards in order to become allies of the Anglo establishment by claiming "pure white blood" and separating themselves from miscegenation is complex and a strong subject throughout the KCDTS, Often, characters will point out the differentiation in fragments such as this: "They were old Mexicans, mexicanos viejos, but at one time they thought of themselves as Spaniards; can you beat that? Just like the Leguizamóns. Oh, sure. The Leguizamóns considered themselves Spaniards for a while there… And get this: they'd been mexicanos on another occasion, and then they became Spaniards. How 'bout that? Talk about your turncoats!" (Hinojosa*, Becky and her friends*) 34

The significance of the changes in land ownership by legal, illegal or dubiously legal methods had an impact in the configuration of the polis in Southern Texas. Colonel Klail's counterpart in reality, Captain Richard King, was the main owner of the famous King Ranch; the other partner was Gideon "Legs" Lewis, a captain of the Texas Rangers[51]. As Denhardt states: "Having a captain of the Texas Rangers as a partner was a real advantage, King realized, for the bitter struggle to tame the strip between the Nueves and the Río Grande had now begun in earnest." (Denhardt 21)

King began his empire with two broad strokes, after making a small fortune in contraband during the U.S. Civil War. First, he acquired the nucleus of his Ranch, 15,500 acres of land, from the widow of Juan Mendiola who held that land under a Mexican title preceding the Texan Independence war. This land was acquired for less than two cents an acre. To put this into perspective, one year later, King sold five mules and one horse for 280 dollars (Denhardt 24). Then, after securing the land, during a drought, King

> *in a master stroke, showed the breadth of vision for which he was to become famous—and thereby forestalled any future labor shortage on his ranch. At a small village south of Camargo (Mexico) he purchased all the available livestock. Then, realizing that the villagers were left with nothing, he asked all of them to return with him to the Rancho de Santa Gertrudis [later the King Ranch] (Denhardt 23)*

[51] We will later, when reading about the San Elizario Salt War, reflect on just how far this Alliance between public and private goes.

Having secured superiority in the main forms of capital in the región, King and his associates became key members of society, and exercised tremendous power within the area. It would not be difficult to imagine how a Mexican American might be reluctant to contest the legal power of the King Ranch, while living in Kingsville. One colorful way to describe the way that cattle barons would go about the business is fictionalized by Larry McMurtry in *Lonesome Dove.* In this nostalgic novel of the western lifestyle we can find a peculiar counternarrative, within the mainstream retelling of the west, to counter the construction of the Mexican as a cattle rustler, and one that might be more in line with the historical experience of the Southern Texas Valley. Captain Call and Augustus McCrae use cattle rustling as a way to build up their herds:

> *Every now and then, about sundown, the Captain and Augustus and Pea and Deets would strap on guns and ride off into that darkness, into Mexico, to return about sunup with thirty or forty horses or perhaps a hundred skinny cattle. It was the way the stock business seemed to work along the border (McMurtry 12)*

Later, the narrator claims Mexicans also participate in the same tactics, but the story never shows any of it. By becoming involved in the stock business at the same time they were representatives of an institution dedicated mostly to solving murder and cattle rustling cases (both offenses punishable by death), Rangers became a pernicious influence in the land. They, in association with cattle ranchers, executed people using accusations of being cattle rustlers as a pretext, or executed them when they attempted to recover their own cattle. This series of actions led to Anglo-Americans appropriating the

means of production that used to be in Mexican-American hands, whether land or stock was the capital in question. They accomplished this by only marginally legal means, helping the cattle barons achieve what they would not have been able to do through legal means.

The way in which people who were by and large the owners of the largest sum of capital within a polis is then imagined by Hinojosa in his fictional accounts of Belken County. We can listen to Everett Blanchard Cooke, one of the leaders of the Klail-Blanchard-Cooke clan:

> *As for politics, that's what we are all about and that, Galindo, is merely farmed out to Noddy; look, we have businesses everywhere, and Klail is but a part of it; the money started here years ago, and we started the town… from the Anglo point of view, anyway.* (Hinojosa*, Dear Rafe/Mi querido Rafa*) *219*

The perspective this clan has on Belken and subjacent counties is one of ownership, and the tactics that are shown by the Rangers in Hinojosa's book are in agreement. The politics, farmed out to Noddy Perkins, are run like the family business, where NP assigns people to elected positions and removes them at his leisure. *Dear Rafe* is basically a political thriller, told from many perspectives, and intermingled with several of the intergenerational stories of the KCDTS.

El Quieto Buenrostro was a figure of renown within Hinojosa's series, not only because he held on to some of the larger chunks of land amongst Mexicans, but because he was able to beat the legal system by his wits. *El Quieto* divided his land into a myriad

of small parcels, and used a system of trust holders to make the legal expenses of taking the land over much higher than what it was worth.

> *El Carmen. Small ranch, but definitely the most beautiful place in the Valley. And we will never buy it. We can't. It was divided in so many parcels that there aren't enough lawyers and papers to come to an agreement. That Quieto was something, wasn't he? (Hinojosa,* Los amigos de Becky, *62)*[52]

Because of the success of his strategy, the Leguizamón family, allies of the KBC, executed him in cold blood, and with impunity from the Texas Rangers. Over the years, this turns out to be a landmark event for Belken, shaping the lives of several of the main characters of the narrative, not only because of the way Jesús *Quieto* Buenrostro was able to outwit the KBC, but also because of the fallout of the violence. The events are scattered throughout the Series, but are more or less summarized in a diatribe against Choche Markham, a Ranger: "The Leguizamóns killed don Jesús as he slept and what did Choche Markham do?—I ask you, raza—, what did Choche Markham the great raza friend do? You know: he did nothing. He did jack-shit." (Hinojosa, *Klail City y sus*

[52] I translate this fragment myself, as Hinojosa's English language novel does not include a direct translation of this dialogue. His novels often differ greatly between English and Spanish language versions. The original reads: "El Carmen. Rancho pequeño pero decididamente el lugar más precioso del Valle. Y no lo vamos a comprar. No podemos. Se dividió en tantas parcelas que no hay bastantes abogados y papeles para llegar a un acuerdo…. Otra cosa ese Quieto, ¿eh?"

alrededores 19).[53] Since representatives of the law would not investigate the murder of his brother, Julián (el Quieto's brother) avenges him and kills the murderer.

The spiral of violence that surrounded *el Quieto's* murder becomes a paramount event in Belken, as different strategies were devised by all parties to further their interests. These events serve within Hinojosa's narrative to propose a transition from the period in Tejano history characterized by confrontations between "bandits" and Rangers, usually for the benefit of a few cattle barons who would often include Rangers as associates.

However, what these events also bring to the fore, is a confrontation of notions of honor, that is, ethical codes which are not written into the law, and which guide the decisions and actions of people, often running counter to the law itself. As Robert Cover states: "The normative universe is held together by the force of interpretive commitments --some small and private, others immense and public. These commitments -- of officials and of others -- do determine what law means and what law shall be." (Cover 7) The beliefs shared by those who are in charge of applying the law give shape to its actualization. Law without honor codes used to bring it into being is the realm of pure virtuality, pure potential with no manifestation. Without taking into account the system by which elected officials arrive at their positions and the belief systems they bring with them, the legal procedures by which they must abide hold very little substance. We see the following scene in *Dear Rafe,* where Noddy Perkins sits down a candidate for office and insinuates the way power structures within Belken work:

[53]The original reads: "Los Leguizamón mataron a don Jesús mientras dormía y ¿qué hizo Choche Markham -les pregunto, raza-, ¿qué hizo Choche Markham el gran amigo de la raza? Pos ya saben: no hizo nada. No hizo una chingada."

> *Noddy sat him down (literally) and talked about the importance of water rights in the Valley. How the water was apportioned in Belken County; who manned the irrigation ditches; who assigned the watering days and the amount, and when it was to be let out.* (Hinojosa, *Dear Rafe/Mi querido Rafa* 39)

Those who own the majority of capital within the territory depicted by Hinojosa are convinced they own said territory, as might be seen in his construct, as his Anglo-Texans seem to be operating within a version of the Castle Doctrine, by which, as Texas Senate Bill 378 states: "A person who has a right to be present at the location where the force is used, who has not provoked the person against whom the force is used, and who is not engaged in criminal activity at the time the force is used is not required to retreat before using force". (Capitol) The value system implicit in this law is problematic to say the least. [54] It was designed to shift the burden of proof away from the person who used deadly force onto the person killed. [55] This might compel us to consider how Mexican-

[54] Even if the reader is inclined to not take into account the numerous murders carried out in Texas during the 19th and 20th century, how problematic such a law would be that would allow men to use murderous force when threatened with such wide limits might be more than apparent in the recent Trayvon Martin murder trial.

[55] This law provides an excellent example of the way a honor code is forcibly implemented by a majoritarian party. Republican Senator Jeff Wentworth of the 25th district describes the current iteration of Texas Castle bill in the following way: "This means that if we are standing in our front yard, a mall, a grocery store, or any place we

Americans (who, under the Guadalupe Hidalgo Treaty were supposed to be accepted as citizens of the United States should they desire to do so) are seen and treated as invaders and trespassers by the descendants of the Anglos who invaded and appropriated the territory. The generalized exercise of violence on brown bodies throughout the narrative leads to consider their status within this body politic, denied their basic constitutional, even if the state *de facto,* if not *de jure,* is held not belong to them.

There are many ways in which the *de facto* and *de jure* states diverge. Most often, it likely arises from divergences between what law and honor require of a man (male), the way the cultural narratives of world order compel men to interpret the path of the law. “No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning. For every constitution there is an epic, for each decalogue a scripture." (Cover 4) It is my argument that notions of honor are basic to the underlying substantive aspect of the law. Substantivity within a legal system evolves from the culture’s concepts of honor feeding into the notions that give shape to the positive and procedural law that serves as epicenter for legality. For the sake of this argument “honor”

---

have a right to be legally, we are not required by law to retreat but may defend ourselves if attacked.” (Wentworth) Thus, a man in Texas is allowed to fire a weapon in “self-defense” should he feel threatened in any part of the territory where they have a legal right to be in. It is, however, much more interesting the way the senator describes the motivation for the law, for which he states that: “This law was needed because many Texans believed that they already had the right to use force in these situations. My bill clarified that right and shifted the burden of proof under the law to favor the intended victim instead of the criminal intruder or attacker”. (Wentworth)

would be defined as an aesthetic configuration of social codes, shaped as a mythopoeic collection of narratives that are utilized in order to weave collective ethics. In order to illustrate the particularity in what I mean by honor, let me refer to a fable proposed by Amartya Sen:

> *Three children - Anne, Bob and Carla - should get a flute about which they are quarrelling. Anne claims the flute on the ground that she is the only one of the three who knows how to play it (the others do not deny this), ... In an alternative scenario, it is Bob who speaks up, and defends his case for having the flute by pointing out that he is the only one among the three who is so poor that he has no toys of his own. The flute would give him something to play with (the other two concede that they are richer and well supplied with engaging amenities) ... In another alternative scenario, it is Carla who speaks up and points out that she has been working diligently for many months to make the flute with her own labour (the others confirm this), and just when she had finished her work, 'just then', she complains, 'these expropriators came along to try to grab the flute away from me'. If Carla's statement is all you had heard, you might be inclined to give the flute to her in recognition of her understandable claim to something she has made herself. Having heard all three and their different lines of reasoning, there is a difficult decision that you have to make. Theorists of different persuasions, such as utilitarians, or economic egalitarians, or no-nonsense libertarians, may each take the view that there is a straightforward just resolution staring at*

us here, and there is no difficulty in spotting it. But almost certainly they would respectively see totally different resolutions as being obviously right (13).

Very clearly when faced with a choice such as this, one could not argue that reason on its own could solve the problem at hand without referring to different sets of beliefs that, while reasonable on their own, might exclude each other's rationality, and might appear or be cruel to someone approaching from a different angle. The rational behavior exhibited by a person requires a departure point, which can't be defined by reason alone. It is not possible to build an objective system to resolve all moral dilemmas without the intervention of actual humans. The system Schmitt describes as one where ""Laws govern," not men, authorities, or nonelected governments" (3), is not feasible. Thus, different approaches that could be taken towards this fable are informed by a set of narratives that cloud the aporias reached by rational discourse. The partiality of this process, however, can be easily hidden because such narratives are often shared throughout a culture. Perhaps even it could be said that the sharing of such narratives is, in and of itself, the defining aspect of a culture. Honor, conceived in such a way, would be a social norm for behavior entailing sets of rights and duties towards the rest of the community. One aspect in which honor might appeal more than law to a collective may have to do with its flexibility. Honor codes depend upon existence in a community, made up of different members in different stations of different characters. It can be construed to guide people in their private behavior, based on an interpretation of narrative paradigms.

The results of the trend to exclude minorities from participation in the construction and application of public policy has often derived in armed conflict and the

breakup of a social compact which is later enforced by military action. One good example of how such a thing happens can be found in the San Elizario Salt War of 1877, near El Paso, TX. In most official renderings of the uprising, "Mexican-Americans and Mexicans involved in it were, at the time, referred to as 'hot blooded' and 'deluded' their actions assumed to be triggered by their 'ignorance and disorganization'" (Notes 942) In a different way from that in which minority exclusion was framed on African Americans, in this case, Mexican Americans were excluded on the basis of language, as the whiteness of Mexican Americans has often been a very contended issue, usually shifting to exclude Chicanos from political power. In *Lyles v State, 1874,* the Texas Supreme Court ruled that only English speakers could serve on juries, thus excluding Mexicans from the legal system on an apparently pragmatic and neutral basis. As the Harvard Law Review states:

> *For newly arrived Anglos, the persistent use of Spanish was frequently an annoyance. For the mexicanos already established in the area, however, the advent of an Anglo-American justice system --along with its abuse by some Western Anglos-- too often proved a serious threat to their persons and property (Notes 945).*

The notion that *mexicanos* might have felt threatened by such a political and legal system is predicated on the fact of their exclusion from the system:

> *In the 1870s, the area that is now known as El Paso County boasted a population of approximately 3700 people, only 80 of whom were not of Mexican descent. (...) Despite their small numbers, by 1870*

> *Anglo settlers held a variety of important posts, including county judge, sheriff and customs inspector. (Notes 947)*

This adverse system derived in an armed conflict when, in 1877, Charles Howard, a Virginian by birth, attempted to claim a Salt Lake that had been, under Spanish Land Grants, conferred to the town of San Elizario as communal property, and which had been communally exploited, maintained and improved upon. Howard had two mexicanos arrested for *claiming* they would extract salt from the lake Howard had claimed and was still disputing. After many attempts to negotiate the release of Juárez and Gándara, the arrested parties, a conflict arose which was negotiated with Howard posting a bond of twelve thousand dollars to back his promise never to return, and the release of Juárez and Gándara. Not long after leaving, Howard came back, and shot Louis Cardis, (a state legislator who helped negotiate a resolution and represented mexicano interests) point blank and in public. In this war:

> *there were two legal injustices, rarely noted by Anglo writers, that especially angered local Mexican residents: the release of Howard, a known murderer, on bail without a proper examination; and the arrest of two Mexicans for a crime that did not exist on the law books. (Notes 957)*

Numerous attempts to resolve the conflict peacefully were unsuccessful, as the courts and officers of the law broke the law in order to protect Howard, using Texas Rangers as personal bodyguards, releasing him on bail, and refusing to judge him for Cardis' murder. Only after recurring to the Texas Constitution, presenting signed papers and agreements that were refused by courts and being refused all legal succor, did

mexicanos resort to force, (which was construed as the violence of a wild, fanatical mob) and resorted to the same behavior Anglos incurred in and was *de facto* sanctioned by the law.

The conflict ended with 12 dead people, 50 injured parties and a regiment of the armed forces that settled the conflict by force, establishing a precedent where "Members of the board did not assume that the contest over resources was one between equals, but rather that it was one that American military force would have to-- and could legitimately-- bring to an end." (Notes 963) The lack of participation on the part of minorities in the processes of creation, interpretation and application of the law are central to the relationship that is developed between the law and minorities, and a serious issue in the legitimacy of the legal system that rules over Chicanos in the U.S.A. Most often the conflicts that arise were solved by paralegal means or legal means that systematically hurt Chicano interests, leading to a world where Chicanos become dispossessed of means of production and capital. This was the world in which Quieto lived, is the history within which the KCDTS is set. However, Hinojosa does depict a more complicated environment than that of his forebears, where Chicanos do participate in the legal processes, even if they do so from a disadvantageous place.

The ethnic struggle in Hinojosa's valley is a reinterpretation of a history of ethnic violence which is officially compiled and framed from the point of view of the Anglo Texan majority. He makes this history of conflict hinge between two parts, an initial history of direct confrontation that ended mostly in physical violence, which took place when there were no Chicanos occupying structures of power, symbolized by the struggles of *Quieto,* and another period, where some Chicanos, still in a minority, occupy some of

these structures, where conflict tends to result mostly in structural violence, a period marked mostly by subversion of political structures, a struggle reflected in Jehú. In an interview where Rolando Hinojosa was asked whether he shared Gloria Anzaldúa's perspective of the border as an open wound, he answers:

> *that Valley of Anzaldúa began to disintegrate after World War II; the Veterans' Entitlement Act, popularly known as the G.I. Bill, became the source of higher education for many Mexican Americans or Chicanos. In 1915, for example, there was one Valleyite in the Texas Legislature. Now? They are in sufficient numbers that some are heads of the Texas House and Senate committees. (...) It's another world and has been since after 1950. Why 1950? Because that was when the first mass of Chicanos graduated from colleges and universities, that is, five years after the end of World War II. (Raab)*

Even as the history of clear cut strife of the older Valley never disappears from the KCDTS, it mostly depicts the more nuanced ways in which this struggle continues, mostly through Jehú Malacara.

In the Odyssey, there is a moment when on their way home, the Danaans must sail through a pass that will put them within reach of the siren song. Circe had warned them that their song was beautiful, but it will lure men to their death, having them jump from the ship in an attempt to follow the song. And so Odysseus instructs:

> *First she said we were to keep clear of the Sirens, who sit and sing most beautifully in a field of flowers; but she said I might hear them myself*

so long as no one else did. Therefore, take me and bind me to the crosspiece half way up the mast; bind me as I stand upright, with a bond so fast that I cannot possibly break away (Homer The Odyssey Book XII).

Just like the Siren song of Odysseus, institutions and modernity sing their song, entice us to let them loose and set up our polis in this or that way. But the wise man, the hero of wits, arranges it so he can participate and be withheld from them. And it is in this situation that we find Jehú Malacara. In his functions as a lawyer and banker within the KBC Bank, he represents a character that negotiates the schism between the universal and the particular. His involvement in banking leads to a continuous negotiation of the multitude of behavioral codes in the KCDTS, an exploration of a bridging of multiple polis on the same territory.

In many ways, Jehú, the banker, is a very different cultural hero in this mythopoeia of the Rio Grande Valley than Gregorio Cortez or Juan N. Cortina would be. Jehú undertakes his role from within the Anglo machinery, living on a sharp edge between becoming a sellout and being excluded from power, inhabiting two legal, religious, and honor systems, and navigating through them freely. In this guise, I would like to compare him to a different kind of hero of legend, Odysseus.

Clearly a cultural hero, Odysseus never quite conforms to the epic hero character that Achilles, Hector, Nestor or Theseus represent so keenly. He always was a little off, willing to do things other heroes wouldn't, taking shortcuts or roundabouts in order to achieve his objectives . "When the typical hero found his path to fame and glory blocked, his instinct was to batter his own or someone else's head against the obstacle until something broke... Odysseus was no less determined to gain his purpose; but he was far

less intransigent. He was prepared to undermine an obstacle or to look for another path, to imitate the mole or the fox rather than the rhinoceros" (Stanford 131)

Several installments of the KCDTS make a comparison between Jehú Malacara, a relative of the Buenrostros and Ira Escobar, a relative of the Leguizamóns. The old conflict between *El Quieto,* Alejandro Leguizamón and the KBC is renewed in a different guise, utilizing finances instead of guns. The difference between Jehú and Ira is not so much in the sphere of being but in the sphere of belonging. Their circulation through the geography of Belken marks them: "Ira es buena gente; él ni se *arrima* al *Aquí me quedo* y menos al *Blue.* Jehú sí" (Hinojosa, *Dear Rafe* 194). In this context, the *Aquí me quedo* is an emblematic bar for the Chicanos of Belken, one used in earlier novels as a public forum for the Mexican part of town, conferring a political affiliation. Ira is clearly aligned with the KBC, devoid of certain qualities integral to Chicano political identities, and involved in shady political dealings. Meanwhile, Jehú works for the bank, but he does not identify with it: "The mexicanos weren't going to vote for him [Ira]–he's Noddy's boy. On the other hand, they got nothing against Jehu, he works there. That's different." (Hinojosa, *Becky* 19) In a way, Jehú acts as a peace-maker, being somewhat unattached to either side in the conflict. At times such an attitude is termed as selfish, but it is the only path through which Mexicans can negotiate themselves into power structures.

Jehú's virtues, much like those of Odysseus, are not the virtues of excess of passion or selflessness as would be the case with Quieto, who gives away *his* lands in order to keep them in the community, but the virtues of the fine line, ambiguous traits that can easily turn to excess or lack. Stanford also describes this as a key trait of

Odysseus: "one other aspect of Odysseus' Homeric character needs to be kept in mind at the last. In a way it is the most important of all for the development of the tradition. This is the fundamental ambiguity of his essential qualities. We have seen how prudence may decline towards timidity, tactfulness towards a blameworthy *suppresio veri*, serviceability towards servility and so on" (137). We find him described as someone who cares little about the ways either the Mexican or American establishments can limit him, and he is always willing to negotiate himself to a position of advantage: "Jehu doesn't give a damn if someone says something about him. They just better not say it to his face. Think about that. He has a very good idea of who he is and gossip or rumor are just that and nothing more to him" (Hinojosa, *Becky* 100). Curiously, it is by accepting loss of face from both perspectives of what and how a society is, that Jehú is able to maintain his position between the two of them. And it is exactly this focus on perspective (which his figure better represents in Hinojosa's conception of the political) that is central to what we can derive from the KCDTS for this analysis. It is not only a bilingual novel, where the narrative is introduced in two languages, but Jehu is a character that is immersed in several social codes: Protestant and Catholic religions; Anglo and Mexican identities; Napoleonic and Common law; racial and cultural ordering principles.

I will now return to Melas' allegory, where instead of apples and oranges, universalization only proposes a world where everything is apples, where apples and oranges or bananas are always compared in function of their appleness. In this system, the disenfranchised can only lose, as Melas' points out in the analogical situation of Fanon:

> *Heeding the call of assimilation, the evolue endeavors to acquire French civilization through education, language, culture, behavior. From his standpoint on the distant islands, he takes whiteness figuratively as the sign for the most advanced stage of the civilization whose universal standard has deemed his society inferior. Indeed, the civilizing mission, predicated on an evolutionary teleology that has determined whiteness the cultural standard, necessarily makes that culture available to acquisition, to general dissemination. But, along the way, on his journey to the metropolis, the evolue will encounter in racial difference an insuperable obstacle to assimilation (277)*

The disenfranchised individual within this system is always in a situation of multiple consciousness. In function of racial status, several cultural standards are imposed upon him, and all behaviors should take them into account while attempting to surpass them. The aesthetic notions of whiteness or private property that are masked via the pretense of universality are not as absent, or as all embracing as the legal codes that arise from them are imagined to be.

In attempting to simply transfer one culture into another one, European imperialism disguised Euro-centrism as universalism. By bringing its precepts into a territory, it attempts to erase particularity in it. Narratives such as Walter Prescott Webb's history or US cowboy films attempt to dissolve these differences. Characters like Jehú Malacara show us how it is that Belken is not a discrete territory, but a polyvalent mesh that is, both from political and cultural perspectives one and many things at once. In his role as a lawyer at the KBC Bank he subverts its land-appropriating machinery from

within. Unlike *Quieto*, who was unable to survive while attempting to use similar legal strategies through direct confrontation, Jehu cracks open a barrier, allowing Chicanos access to capital and legal strategies that were denied them before attempting subversion. Having worked as a goat shepherd, protestant preacher, altar boy, sweeper in a barbershop, barkeep, soldier, law student, and loan officer within a bank, Jehú has gotten knowledge of the world that allows him to situate himself both from within and outside the *Raza.* His job at the KBC is a Trojan Horse within the Anglo oppression machine. Much like Odysseus, Jehu allows himself to listen to the siren song of the Law, while tying himself to the mastpost of his honor codes, in order not to succumb, like Ira, to the othering lying in wait in that song.

There is a general situation of structural injustice from within legality[56]. Jehú is, in the face of it, detached from the machinery that is being used by Anglos to oppress Chicanos, while working within it. In the meanwhile, he manages to stay out of politics, as Zilles states, since the Bank's board think that Jehú "is too honest and not maleable enough to be *our boy*" (Hinojosa, *Dear Rafe/Mi querido Rafa* 128) Even though the scale in which Jehú manages to counteract the land-grabbing attempts on the part of the KBC is small by comparison, it is a path towards resistance. Jehú intervenes, along with Rafa

[56] A good example of how Jehú initiates his opposition to the bank has to do with an episode in his youth, where he meets with a counselor who tries to persuade him to use his GI Bill money to train as a shipwright, instead of studying at UT Austin. (Hinojosa, *Estampas del Valle* 127). After a while, he finds out that the Bank was indirectly, but profitably involved in the schools that trained the shipyard's workforce, as well as the shipyards (Hinojosa, *Rites and witnesses* 55).

Buenrostro, in a plot by the Bank to buy land and sell it to the Leguizamóns by creating an alliance that buys and repartitions land into multiple parcels. By repartitioning this land in Dellis County, the Mexican families manage to contain the Leguizamóns and the KBC advance, elevating the legal costs that would be required to appropriate it, preserving some power.

The focus on creating universalized law and institutions, sets the basis for injustice, as they are created with bias. While apparently setting an even ground for everybody under the law, the transfer of labor related to capital and disenfranchisement related to race[57] should bear weight on reflections about the structure of justice in the "democratic" representative republic. While institutions are developed within a tradition that focuses on setting up a system around one notion of justice and expanding it to the fullest, can we expect that they might not commit larger injustices than the ones they right?

As we reflect on the situation of the multicultural state[58,] we might find that the model of representative democracy is hardly appropriate, as most of the nation-states in

[57] Even in the age of affirmative action, Native Americans are still recognized as wards of the state, and have limited political rights. In a much less clear manner, the differential in capital between white people and brown or black people sets everything but an even ground, as the educational or professional opportunities for either group are heavily limited because of the capital differential.

[58] Multicultural states are rather the norm. The homogenous state was a particularly European development, arising mostly from the consolidation of early

which this model arose presupposed the erasure of difference, as is apparent even in Europe. After the process of Italian unification, Mazzini is quoted as stating: “Having created Italy, it remained to create Italians” (Hammerton 310). The process by which the nation becomes an issue of appleness, or oneness, in which everything is inscribed as unity is the underlying political principle behind representative democracy. If we go back to Rousseau’s notions of the state[59], the state is considered at war with any opposition: "any wrongdoer, attacking social right, becomes by his own doing, a rebel, and a traitor to his country; violating its laws, he ceases to be a part of it, and it might even be said that he wages war on it.” (Rousseau, On the social contract 40). Non-compliance with the law is conceived of as waging war upon the state. The identity of citizen and state is assumed as automatic, though the identity between the citizen and the prince might not be presumed.

As the nation state came into being, the opposition that gave rise to the enlightenment uprisings was that between the people and the aristocracy. The solution that was sought for was to unify the people into a state, but that state allowed for no difference, and yet, required the existence of difference on the outside. The nation “seeks to represent itself in the image of the Enlightenment and fails to do so. For Enlightenment itself, to assert its sovereignty as the universal ideal, needs its Other; if it could ever

---

modern monarchies, which strove to create states with one religion, one language, one people.

[59] Though we must point out that Rousseau did not fully believe in the virtues of democracy: “Were there a people of gods, it would govern itself democratically. So perfect a government is not suited for men” (Rousseau, On the social contract 79)

actualize itself in the real world as the truly universal, it would in fact destroy itself." (Chatterjee 17) The state endeavors to create its apples, and to suppress any oranges. Universal law, in theory would rule equally over all. But minoritary groups, either because of race, gender or ethnic makeup find themselves excluded from the making of the law, creating a different class of aristocracy, a class that owns the nation. Or, as Hinojosa reflects, in *Klail City,* "We are Greeks, don Manuel. Greeks in Roman homes… I say we are Greeks, don Manuel, slaves in Roman homes… we must educate the Romans" (137). By self-design, but also by imposition, Chicanos identify as such, around a different language and a different culture. This identification, however, means that they are not incorporated as citizens, that there is a hidden particularity to universality.

Anglo-American control of private and public structures excludes ethnic Mexicans from participation in the body politic. Fictions of equality under the law are constantly denounced as such for Hinojosa's characters, which see the butt of the joke thrust upon them constantly. As Noddy Perkins, in *Dear Rafe,* hosts a party of the most influential people in Belken in order to fix the elections, Jehú notices the divide: "As soon as she gets in: Well, just how many Mexicans *did* Noddy invite? (…) I believe we all need to experience something like that every once in a while so we don't forget, and so we can drop the ungrounded idea that everything is allright." (Hinojosa, *Dear Rafe/Mi querido Rafa* 151) No matter what strategy towards integration is followed, an individual belonging to a political minority remains segregated. A different system built around the possibility of multiplicity is needed in the globalized world, to be able to account for the multiplicities now implicit in most of the globe. So long as the honor codes of multiple cultures in interaction under any one legal system are not accounted for and we attempt to

ignore the particularity of people in favor of an alleged universality our systems are doomed to failure. For in the search for universal law, we disperse particular crimes.

INCONCLUSION: LAUGHING AT VOLCANOES

> Whenever I hear anyone arguing for slavery, I feel a strong impulse to see it tried on him personally.
>
> Abraham Lincoln

In his *Politics,* Aristotle devotes a few pages to slavery, and presents us with a theme that is, I believe, central to discussion of legality. Even though he establishes from the beginning of the book that there is a difference between the master and the statesman, it is all too proximate, all too often. In it, Aristotle tells us that

> *there is a difference between the rule of master over slave and the rule of a statesman. All forms of rule are not the same though some say that they are. Rule over naturally free men is different from rule over natural slaves; rule in a household is monarchical, since every house has one ruler; the rule of a statesman is rule over free and equal persons. (Aristotle 74)*

His analytic method is used to analyze the necessary parts of a state. He begins by studying the domestic sphere, which, to Aristotle is not a nuclear family, but a political

association, as "it was out of the association formed by men with these two, women and slaves, that a household was first formed" (Aristotle 57) In the same way that there is a class system in the private, where men rule over women and them both over slaves, Aristotle proposes a class system for the state, the Athenian democracy which is a state ruled by free men, not one where all men are free and they all rule.

At the core of this democratic system is the notion of citizenship. This distinction allows for Aristotle to find purchase in what was the central political theory of his time, focused on arriving at the concept of aristocracy, ἀριστοκρατία, from the roots ἄριστος, which means excellent, and κράτος, power. For Aristotle, *eudaimonia*, (εὐ, good and δαιμον, spirit) is the most important human aspiration. In the pursuit of *eudaimonia*, it is understood that citizens need assistance, for as Saunders states: "it is taken for granted that a citizen, if he is to develop the qualities worthy of a citizen, must not do work that is felt to be degrading. But it is recognized that if the citizens are not going to do their own dirty work, there must be a subordinate class to do it for them; and this class is bound to be a source of trouble." (Aristotle 140) The structure that he presupposes for a state implies dividing human beings between those who relate to laws, and those who, even as they form a part of the state, are excluded from it.

The configuration of this state guarantees ritualized violence in favor of one class to the detriment of everybody else. Such a class, that of the citizens, who in theory represent society's values, take up the position of rulers and masters: "if the state is to be classed as a composite thing; so clearly we must first try to isolate the citizen, for the state is an aggregate of citizens. So we must ask, Who is a citizen? and, Whom should we call one?" (Aristotle 57) The citizen becomes the main and almost only participant in

legality, arriving at a system that bases the constitution of the state upon a system of circular definitions.

The citizen, pillar of the state, must dedicate his life to developing civic virtues, whatever they are, a task which absolves him from manual or economic labor that may distract him from martial, political, or philosophical prowess. And since excellence in martial, political, or philosophical matters is the only excellence that matters when Greeks thought of aristocracy, those who had to undertake menial labor where incapacitated for public preparation and denied citizenship.

Aristotle explains it in the following way: “What effectively distinguishes the citizen proper from all others is his participation in giving judgment and in holding office.” (Aristotle 169) Then, in this system, we find that political participation is that which allows a man to become a citizen and that being a citizen is what allows for political participation. The rest of the population is divided between free men who have only nominal participation, women, and slaves.

It is very important here, however, to point out one thing when we think of these disenfranchised populations in the Athenian state or πόλις (city). Here, slaves, women, or Thetes (θέτης, free men who did not have enough property to occupy political or military offices) held more fluid positions (downwardly of course) than might have been expected. They could be, depending on the moment and definition, be considered either as property, or subdued peoples. The true definition for them, however, derives from the rights that they lack.

Moses Finley offers us a set of categories that are very helpful to understanding the gradations of liberty (or lack thereof) in a slave’s conditions in Helas. These

categorizations of rights, duties, and privileges could be described in the following ways: property rights, authority over other people's work, the power to punish other people, legal rights and duties, family, religious privileges and rights (Finley, *Economy and society in Ancient Greece* 131). Landless freemen would have family, religious, and military rights and duties, as well as property rights, but would lack many legal rights, such as participating in judgments, or having authority over other people's work.

We begin with slavery in order to analyze institutionalized violence in the Athenian state, due to the fact that it is an most extreme and clear example of its cruelty. In spite of this, the phenomenon of interest is not slavery per se[60], but the precedent for defining a procedure by which the state can claim to be fair at the same time it disenfranchises entire sectors of the population, conceding privileges and rights to a group of people and bestowing all the duties into another one.

The process of disenfranchisement is one of the most basic for the notion of legitimacy in legality, for it represents a disparity in the principles of basic equality that should be assumed at the moment of establishing a law. If we harken back to the idea Rousseau presented that might was in no way grounds for legitimizing political action, it stands to reason that disenfranchisement cannot be a fair political process. Montesquieu, in *The Spirit of Laws*, presents the injustice of slavery in the following way:

> *The lawfulness of putting a malefactor to death arises from this circumstance: the law by which he is punished was made for his security. A murderer, for instance, has enjoyed the benefit of the very law which*

[60] Most importantly because it is a long-abolished system of slavery.

> *condemns him; it has been a continual protection to him; he cannot, therefore, object to it. But it is not so with the slave. The law of slavery can never be beneficial to him; it is in all cases against him, without ever being for his advantage; and therefore this law is contrary to the fundamental principle of all societies. (Montesquieu 229)*

A state cannot be wholly configured in such a way that it would establish such different classes while retaining legitimacy. To create an underclass for whom the law is never advantageous is not a way to produce legitimacy. This happens when it proves impossible to persuade a section of the population to perform a specific role in the community and oppressive and violent methods are required. Here, a similar situation is produced to that which Montesquieu describes:

> *All these laws operated even against persons whose innocence was proved; the intent of them was to inspire their slaves with a prodigious respect for their master. They were not dependent on the civil government, but on a fault or imperfection of the civil government. They were not derived from the equity of civil laws, since they were contrary to the principle of those laws. They were properly founded on the principles of war, with this difference, that the enemies were in the bosom of the state. (Montesquieu 235)*

In such a State, non-citizens can be construed as an internal colony, and the State is in a perpetual path of war. For classical ancient societies, the legality of slavery was akin to a legality of illegality. According to Aristotle, in the *Politics,* the legality of a

slave arose from the natural, spiritual inferiority of the slave in respect of the master, but, as we saw earlier, this justification affords a host of unresolved problems.

One of the most problematic issues in this narrative (and let's not forget, it is a story) is what exactly is spiritual superiority? And even more crucially, what does virtue mean? Amongst the Laecedemonians, Aristotle's favorite study subject, virtue was construed around martial prowess, and Lycurgus certainly had this in mind as he wrote the Spartan constitution. This constitution, amongst Greeks, was widely praised and esteemed, even more so during the centuries of Spartan hegemony in Helas. In Aristotle's time, this was no longer so, as hegemony had moved to Pella, in the kingdom of Macedon. Time had shed light on Spartan failures, and brought stronger criticism towards its political organization, but admiration remained.

The Laecedemonian state was built for ever-lasting war, both inwardly and outwardly. Somewhere around 10,000 Σπαρτιάται, or Spartans, constantly on the warpath, kept watch over Mesenia. The Εἵλωτες, or helots, or formerly, Mesenians, were crushed under the Spartan foot, as they were fiercely kept in check. They were in charge of all productive labor, and had no option to be a part of the Σπαρτιάται, or Spartans, the "noble" warriors of Laecedemonia. Helots were hunted ritually, every year, to keep their population numbers stable, and to prevent them from being able to organize and rebel. This oppression allowed for Spartans to focus on their most cherished virtue: the ability to kill.

This martial *Weltanschauung* never suspended the state of war against Mesenia, refraining from incorporating its population into the state. Its main moral justification in exercising this role as an army of occupation was very simple: Spartans could. Greek

affectual matrixes tended to state that when someone was victorious, it was because he was good. That is, until they lost their independence to Romans, when they seemed to change their mind. In most of their constitutive political treaties, opinions such as this abound:

> *The reason for this difference of opinion, and for the overlap in the arguments used, lies in the fact that in a way it is virtue, when it acquires resources, that is best able actually to use force; and in the fact that anything which conquers does so because it excels in some good. It seems therefore that force is not without virtue, and that the only dispute is about what is just. Consequently some think that 'just' in this connection is a nonsense, others that it means precisely this, that 'the stronger shall rule'. But when these propositions are disentangled, the other arguments have no validity or power to show that the superior in virtue ought not to rule and be master. (Aristotle 71)*

In times of Aristotle there had actually been arguments against slavery, most notably those that arose from Solon's reforms. These reforms prohibited the use of a person as collateral for a loan, and therefore, the enslavement of an Athenian citizen as repayment for a loan. But such arguments had been confined to ethnic criteria. Solon's reforms forbade enslaving Athenian citizens, as it would diminish the polis to have them enslaved: "For this reason they will not apply the term slave to such people but use it only for non-Greeks" (Aristotle 72). Slavery for non-citizens was undiminished however. And things stayed that way for centuries on end. It was not that Athenians did not conceive of slavery as wrong, for they forbade it amongst themselves. It was that they

thought another section of the population disenfranchisable because they had told themselves a story about their virtue, their superiority and their entitlement.

I have gone on at length about slavery in Ancient Greece in a study about the contemporary political stories of the Aridoamerican desert because the Greek self-deception should be obvious, in ways that perhaps ours are not. For our current system is not much different. The rich, the entitled, tell themselves stories about how they picked themselves up by their bootstraps, and have earned their lot in life. Bill Gates might say he became the richest man in the world after being a nobody, but he was wealthy enough to have access to a computer mainframe in 1968, when the public's idea of what a computer looked like was much like the chrome painted cardboard boxes of *El Santo* movies.

We attend the cinema in order to watch films where a billionaire replaces Jesus as the messiah and frees us from our own self-government, sacrificing his life in the process. And we loved to watch *The Dark Knight Rises* (Nolan). We tell ourselves all sorts of stories to affirm what it is that we want to be true, to build affectual matrixes so strong, that it will not even matter if it *is* true.

Before the iron curtain acquired its current rusty red tone, while the dust from the demolition of the Berlin Wall was still settling, back in the summer of 1989, Francis Fukuyama, thinking he was riding history's wild steer, said that history, what we really meant by history, was done for, finished, saying "What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of post-war history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western Liberal Democracy as the final form of human government".

(Fukuyama 1) We tell stories about how we became victorious or victimized. We tell ourselves stories about how we think our political system works. Which perhaps ends up being more like how we think it should work. And possibly, even, the stories might end up being about how a political system not anything like ours except in name works.

In *My heroes have never been cowboys*, Sherman Alexie speaks about the role cowboy movies had in his self perception, how these films made him into an extra in his own film: "Did you know that in 1492 every Indian instantly became an extra in the Great American Western?" (Alexie) Much like my father watching Toro (Tonto) on the screen, or me dancing to Mowgli's song, Alexie's experience was one of dislocation with himself. We look at all these naturalizations of inequality and discrimination, all the ways politics become self-evident through narrative, and adopt the gaze of the other. We look at them and mock.

We all look at those people, those savages, getting ready to toss the white man into the volcano and laugh. Oh, we laugh.

WORKS CITED

San Antonio Express 1915 11-September.

San Antonio Express 1901 16-June.

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life.* Trans. Heller-Roazen, Daniel. Standord: Stanford University Press, 1998.

—*State of exception.* Trans. Attell, Kevin. Chicago: University of Chicago Press, 2005.

Alexie, Sherman. «My heroes have never been cowboys.» 1998. *University of Idaho.* 8 de April de 2014 <http://www.webpages.uidaho.edu/isem101-26/CORE%20My%20Heroes%20Have%20Never%20Been%20Cowboys.doc>.

Altamirano, Ignacio Manuel. *El Zarco.* La Habana: 1976, 1976.

Anzaldúa, Gloria. *Borderlands/ La Frontera.* San Francisco: Aunt Lute, 1987.

Arendt, Hannah. *Eichmann in Jerusalem*. New York: Penguin, 1963.

Aristotle. *Politics.* Trans. Saunders, Trevor J. New York: ePenguin, 1981.

Armistead, Samuel G. "Spanish Epic and Hispanic Ballad; the medieval origins of the Corrido." *Western Folklore* (2005): 93-108.

Astorga, Luis. *Mitología del narcotraficante en México.* México: Plaza y Valdés, 1995.

Athearn, Robert G. *The mythic West in twentieth-century America*. Lawrence: UP of Kansas, 1986.

Banda MS. "En Preparación." *En Preparación.* DISA. 2009. CD

Beat, Borderland. «Another Zeta Training Camp, Six Sicarios Killed.» 16 de June de 2011. *Borderland Beat.* 5 de March de 2014 <http://www.borderlandbeat.com/2011/06/another-zeta-training-camp-six-sicarios.html>.

Berlant, Lauren. *Cruel Optimism*. Durham: Duke UP, 2011.

Bingham, Dennis. *Acting male : masculinities in the films of James Stewart, Jack Nicholson, and Clint Eastwood.* New Brunswick: Rutgers UP, 1994.

Bronowski, Jacob. *Science and human values*. New York: Harper & Row, 1965.

Cabañas, Miguel A. "El narcocorrido global y las identidades transnacionales." *Revista de estudios hispánicos* (2008): 519-543.

Capitol, Texas. *Texas Capitol*. 2010 6-September <http://www.capitol.state.tx.us/tlodocs/80R/billtext/html/SB00378F.htm>.

«Case 5:10-cv-01186-M Document 85 Filed 08/15/13 .» United States District Court For The Western District Of Oklahoma. 15 de August de 2013. *American Civil Liberties Union.* 1 de October de 2013 <http://www.aclu.org/files/assets/awad_v_ziriax_--_order.pdf>.

Chatterjee, Partha. *Nationalist Thought and the Colonial World: A Derivative Discourse*. London: Zed, 1986.

Colín, Mario. "Introducción." Colín, Mario. *El corrido popular en el Estado de México*. México: Biblioteca Enciclopédica del Estado de México, 1972. i-xxiv.

Cover, Robert M. «The Supreme Court 1982 Term Foreword: Nomos And Narrative.» *Harvard Law Review* 97.1 (1983): 4-69.

Cumberland, Charles C. "Border raids in the Lower Rio Grande Valley- 1915." *Southwestern historical quarterly* (1954): 285-311.

Dabove, Juan Pablo. *Nightmares of the lettered city.* Pittsburgh: University of Pittsburgh Press, 2007.

Deleuze, Gilles. *A thousand plateaus*. Trans. Massumi, Brian. Minneapolis: University of Minnesota Press, 2005.

Deleuze, Gilles and Félix Guattari. *Anti-oedipus: Capitalism and schizophrenia.* Trans. Massumi, Brian. Minneapolis: University of Minnesota Press, 1983

Delgado, Richard. "The law of the noose: A history of Latino Lynching and is relation to Official English." Delgado, Richard, and Jean Stefancic ed. *The Latino Condition.* New York: New York University Press, 2011. 583-589.

Denhardt, Robert Moorman. *The King Ranch Quarter Horses: And Something of the Ranch and the Men that bred them*. Norman: U of Oklahoma Press, 1995.

Dobie, J. Frank. *Versos of the Texas Vaqueros*. s.n.: S.I., 1925.

Domínguez Ruvalcaba, Héctor. "Ciudad Juárez: La vida breve." *Nexos* 2010 йил 01-June.

Dussel, Enrique D. *Philosophy of liberation*. Trans. Martínez, Aquilina et Morkovsky, Christine. Maryknoll: Orbis Books, 1985.

Eastwood, Clint. (Dir.) *High Plains Drifter.* Perf. Clint Eastwood. Malpaso Company. Warner Brothers, 1973.

Eastwood, Clint. (Dir.) *Unforgiven.* Perf. Clint Eastwood. Malpaso Company. 1993.

Finley, Moses. *Economy and society in Ancient Greece*. Princeton NJ: Markus Weiner, 1998.

Freud, Sigmund. «Mourning and Melancholia.» Freud, Sigmund. *The Standard Edition of the Complete Psychological Works of Sigmund Freud.* Vol. 14. London: Hogarth, 1957.

Fukuyama, Francis. «The end of history and the last man.» *The National Interest* Summer (1989).

Gallant, Thomas W. "Brigandage, Piracy, Capitalism and State-Formation: Transnational Crime from a Historical World-Systems Perspective." McC. Heyman, Josiah (ed). *States and Illegal Practices*. 1999.

Gramsci, Antonio. *Selections from Political Writings (1921-1926).* New York: International Publishers, 1978.

Hammerton, J.A. *Peoples of all Nations: Their Life Today and Story of their Past.* New Delhi: Concept Publishing Company, 2007.

Herrera, Yuri. *Trabajos del reino*. Cáceres: Periférica, 2010.

Hinojosa, Rolando. *Ask a policeman*. Houston: Arte Público Press, 1998.

—. *Becky and her friends.* Houston: Arte Publico Press, 1990.

—. *Claros Varones de Belken*. Tempe: Bilingual Press/ Editorial Bilingüe, 1986.

—. *Dear Rafe/Mi querido Rafa*. Houston: Arte Público Press, 2005.

—. *Estampas del Valle*. Berkeley: Quinto Sol, 1973.

—. *Generaciones y semblanzas*. Berkeley: Justa Publications, 1979.

—. *Klail City y sus alrededores*. La Habana: Casa de las Américas, 1976.

—. *Korean Love Songs*. Berkeley: Justa Publications, 1980.

—. *Los amigos de Becky.* Houston: Arte Público Press, 1991.

—. *Partners in Crime*. Houston: Arte Público Press, 1985.

—. *Rites and witnesses*. Houston: Arte Público Press, 1982.

—. *The Valley*. Tempe: Bilingual Press/Editorial Bilingüe, 1983 .

Hobbes, Thomas. *Leviathan.* Amazon Kindle: Public Domain Books, 2002.

Hobsbawm, E.J. *Murderous Colombia*. 1986 20-November. 2011 20-October <http://www.nybooks.com/articles/archives/1986/nov/20/murderous-colombia/>.

—. *Primitive rebels : studies in archaic forms of social movement in the 19th and 20th centuries*. New York: Norton, 1965.

—. *Social bandits and primitive rebels*. Glencoe, IL: The Free Press, 1959.

Holmes, James R. *Theodore Roosevelt And World Order: Police Power in International Relations.* Dulles: Potomac Books, Inc, 2006.

Hondo. Dir. John Perf. John Wayne. 1953.

Irwin, Robert McKee. *Bandits, captives, heroines and saints: cultural icons of Mexico's northwest borderlands.* Minneapolis: University of Minnesota Press, 2007.

Jefferson, Thomas. «To John Wayles Eppes Monticello, June 24, 1813.» 24 de June de 1813. *University of Groningen*. 15 de February de 2014 <http://www.let.rug.nl/usa/presidents/thomas-jefferson/letters-of-thomas-jefferson/jefl219.php>.

Jornada, Redacción de La. *Alumnos, no narcos, los asesinados frente al Tec de Monterrey*. 2010 21-March. 2010 йил 18-October <http://www.jornada.unam.mx/2010/03/21/index.php?section=politica&article=009n1pol>.

Kant, Immanuel. *Fundamental Principles of the Metaphysics of Morals*. Amazon Digital Services, 2004.

Kipling, Rudyard. «The White Man's Burden 1899.» *Modern History Sourcebook*. 26 de September de 2013 <http://www.fordham.edu/halsall/mod/kipling.asp>.

Krauze, Enrique. "El mestizaje mexicano." *El Norte* 2010 31-October: 8.

Krugman, Paul. «That Old-Time Whistle.» 16 de March de 2014. *The New York Times*. 20 de March de 2014 <http://www.nytimes.com/2014/03/17/opinion/krugman-that-old-time-whistle.html?ref=paulkrugman&_r=0>.

Levi, Carlo. *Christ stopped at Eboli*. Trans. Frenaye, Frances. New York: Farrar, Straus, 1947.

Lévi-Strauss, Claude. *The Raw and the Cooked, Introduction to a Science of Mythology: I*. Trans. Weightman, John et Weightman, Doreen. New York: Harper & Row, 1969.

Livius, Titus. "THE HISTORY OF ROME. BY TITUS LIVIUS." Trans. Spillan, D. 2006 6-November. *Project Guttenberg*. 2011 25-October <http://www.gutenberg.org/files/19725/19725-h/19725-h.htm#d14>.

Locke, John. *Second Treatise of Government*. Amazon Kindle Services, 2011.

Los Tigres del Norte. "La Granja." *La Granja*. FONOVISA. By Teodoro Bello. 2009.

Los Tigres del Norte. “Pacas de a kilo.” *La garra de Los Tigres del Norte*. FONOVISA. By Teodoro Bello. 1993.

Los Tucanes de Tijuana. “Propiedad Privada.” *Propiedad Privada.* FONOVISA. By Mario Quintero Lara. 2008.

Lovece, Frank. «Top 10 highest-grossing Westerns.» 28 de June de 2013. *Long Island Newsday*. 14 de March de 2014 <http://www.newsday.com/entertainment/movies/top-10-highest-grossing-westerns-1.5573403>.

Mahapatra, Lisa. «Educated And Unemployed: Unemployment Rate For Recent College Grads Higher Than That Of High School Grads.» 26 de June de 2013. *International Business Times*. 5 de March de 2014 <http://www.ibtimes.com/educated-unemployed-unemployment-rate-recent-college-grads-higher-high-school-grads-1324431>.

McCarthy, Cormac. *Blood Meridian*. New York: Vintage, 1992.

—. *No country for old men*. New York: Vintage, 2005.

McMurtry, Larry. *Lonesome Dove.* New York: Simon & Schuster, 1986.

Melas, Natalie. “Versions of Inconmensurability.” *World Literature Today* (Spring 1995): 275.

Mendoza Hernándezzeta, Enrique. «Cinco años de guerra, 60 mil muertos.» *Proceso* 11 de December de 2011.

Mitchell, Lee Clark. *Westerns: Making the man in fiction and film*. Chicago: University of Chicago Press, 1996.

Montesquieu, Charles de. *The spirit of laws.* Trans. Nugent, Thomas. Raleigh: Hayes Barton Press, 2006.

Muedano, Marcos. «Muerte o cárcel, caminos del narcomenudeo.» 7 de August de 2011. *El Universal*. 5 de March de 2014 <http://www.eluniversal.com.mx/nacion/187828.html>.

National Archives and Records Administration. *Constitution of the United States of America.* 2009 6-December <http://www.archives.gov/exhibits/charters/constitution.html>.

Nietzsche, Friedrich. *Beyond good and Evil*. New York: Vintage, 1966.

Noe, Mark. "The Corrido: A border rhetoric." *College English* (2009): 596-605.

Nora, Pierre. "Between Memory and History: Les lieux de Mémoire." *Representations,* No. 26 (1989): 7-24.

Notes. «Law, Race, and the Border: The El Paso Salt War of 1877.» *Harvard Law Review* (2004): 941-965. (The Harvard Law Review published no author for the Notes section)

Ortiz, Gerardo. «El Primer Ministro.» *El Primer Ministro*. Sony U.S. Latin, Los Angeles 2012

Ortiz, Gerardo. «En Preparación.» *Ni hoy ni mañana*. Sony U.S. Latin, Los Angeles, 2009.

Owens, Barcley. *Cormac McCarthy's Western Novels*. Tucson: University of Arizona Press, 2000.

Paredes, Américo. *A Texas-Mexican cancionero.* Urbana: University of Illinois Press, 1976.

—. "The folk base of Chicano Literature." Sommers, Joseph et Ybarra-Frausto, Tomás. *Modern Chicano Writers*. Englewood Cliffs: Prentice Hall, 1979. 4-17.

—. "The Problem of Identity in a Changing Culture: Popular Expressions of Culture Conflict Along the Lower Rio Grande Border." Ross, Stanley. (ed). *Views across the border*. Albuquerque: University of New Mexico Press, 1978. 68-95.

—. *With his pistol in his hand*. Austin: University of Texas Press, 1988.

Paz, Ireneo. *Vida y aventuras del más célebre bandido sonorense, Joaquín Murrieta : sus grandes proezas en California*. Houston: Arte Público Press, 1999.

Pérez-Torres, Rafael. *Mestizaje: Critical uses of Race in Chicano Culture*. Minneapolis: University of Minnesota Press, 2006.

Plato. *Laws*. 2008 йил 29-October. 2013 йил 12-March <http://www.gutenberg.org/files/1750/1750-h/1750-h.htm#link2H_4_0004>.

Plutarch. «Parallel Lives.» 12 de November de 2004. *Project Guttenberg*. 1 de December de 2012 <http://www.gutenberg.org/files/14033/14033-h/14033-h.htm#LIFE_OF_THESEUS>.

Raab, Josef. «At Home in the Borderlands: An Interview with Rolando Hinojosa.» *American Studies Journal* 57 (2012). http://www.asjournal.org/archive/57/200.html

Rama, Ángel. *La ciudad letrada*. Hanover: Ediciones del Norte, 1984.

Redacción. «Van 150 mil muertos en México por la narcoviolencia: Panetta.» *La Jornada* 28 de March de 2012.

Reinhart, Carmen and Kenneth Rogoff. «Growth in a time of debt.» *Working Paper series* (2010).

Rice, Hamden. «Most of you have no idea what Martin Luther King actually did.» 29 de August de 2011. *Daily KOS*. 10 de February de 2014 <http://www.dailykos.com/story/2011/08/29/1011562/-Most-of-you-have-no-idea-what-Martin-Luther-King-actually-did#>.

Rosenbaum, Jonathan. *Movies as politics*. Berkeley: University of California Press, 1997.

Rousseau, Jean Jacques. *Emile.* Trans. Foxley, Barbara. Amazon Digital Services, 2004.

—. *On the social contract*. Trans. Cress, Donald A. Indianapolis: Hackett Publishing Co, 1983.

Saldívar, José David. "Rolando Hinojosa's Klail City Death Trip: A Critical Introduction." Saldívar, Jose David (ed). *The Rolando Hinojosa Reader*. Houston: Arte Público Press, 1985. 44-62.

Saldívar, José David and Héctor Calderón. *Criticism in the Borderlands*. Durham: Duke University Press, 1991.

Saldívar, Ramón. *Chicano Narrative. The Dialectics of Difference*. Madison: University of Wisconsin Press, 1990.

—. *The Borderlands of culture. Américo Paredes and the Trasnational Imaginary.* Durham: Duke University Press, 2006.

Sarmiento, Sergio. «Salario y Empleo.» 16 de August de 2012. *Sergio Sarmiento*. 5 de March de 2014 <http://www.sergiosarmiento.com/index.php/columnas/reforma/103-salario-y-empleo>.

Schikel, Richard. *Clint Eastwood:A biography*. New York: Knopf, 1996.

Schmitt, Carl. *Legality and Legitimacy*. Trans. Seitzer, Jeffrey. Durham: Duke University Press, 2004.

Scott, Winfield. *Memoirs of Lieutenant General Scott*. New York: Sheldon & Co., 1864.

Sen, Amartya. *The idea of justice*. Cambridge: Belknapp Press, 2011.

Shaviro, Steven. «"The Very Life of the Darkness": A Reading of Blood Meridian.» Arnold, Edwin T. et Luce, Dianne C. (ed). *Perspectives on Cormac McCarthy*. Jackson: UP of Mississipi, 1993. 143-156.

Silva, Mario Héctor. *Reducen a un ajuste la masacre en Juárez.* 2010 йил 3-February. 2010 18-October <http://www.eluniversal.com.mx/estados/74632.html>.

Sin City. Dir. Robert Rodriguez. Perf. Jessica Alba, Brittany Murphy, Clive Owen, Mickey Rourke, Bruce Willis, and Elijah Wood Benicio . Toro. 2005.

Slotkin, Richard. *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America.* New York: Atheneum, 1992.

—. *Regeneration through violence*. Middletown: Wesleyan UP, 1972.

Smith, Henry Nash. *Virgin Land: The American West as symbol and myth.* Cambridge: Harvard UP, 1950.

Stanford, W.B. “The untypical hero.” Steiner, George and Robert (ed.) Fagles. *Homer a collection of critical essays.* Englewood Cliffs: Prentice Hall, 1962. 122-138.

Strauder v. West Virginia - 100 U.S. 303 Supreme Court of the United States. (1879). Washington , 1879.

The Dark Knight. Dir. Christopher Nolan. Warner Brothers. 2012.

Tilly, Charles. “War Making and State Making as Organized Crime.” Evans, Peter B, Dietrich Rueschemeyer and Theda (ed.) Skocpol. *Bringing the state back in.* Cambridge: Cambridge UP, 1985. 169-190.

Turner, Frederick Jackson. *The early writings of Frederick Jackson Turner*. Madison: U of Wisconsin Press, 1938.

United States of America. «Declaration of Independence.» 4 de July de 1776. *National Archives.* 10 de September de 2013 <http://www.archives.gov/exhibits/charters/declaration_transcript.html>.

Universal, Redacción del. *Ataque a bar en Torreón deja 8 muertos*. 2010 йил 18-Julio. 2010 17-October <http://www.eluniversal.com.mx/notas/680626.html>.

Vanderwood, Paul J. *Disorder and progress*. Lincoln: University of Nebraska Press, 1981.

Velasco, Juan. *Las Fronteras Móviles.* Monterrey: Universidad Autónoma de Nuevo León, 2003.

Webb, Walter Prescott. *The Texas Rangers: a century of frontier defense*. Austin : University of Texas Press, 1965.

Wentworth, Jeff. «Texas' ‘Castle Doctrine' law protects our citizens.» 24 de April de 2012. *mySA*. 1 de September de 2013 <http://www.mysanantonio.com/community/northeast/news/article/Texas-Castle-Doctrine-law-protects-our-3507040.php>.

White, Theodore H. «For President Kennedy An Epilogue.» *Life Magazine* 20 de December de 1963.

Zilles, Klaus. *Rolando Hinojosa: a reader's guide*. Albuquerque: University of New Mexico Press, 2001.

Žižek, Slavoj. *For they know not what they do : enjoyment as a political factor*. New York: Verso, 1991.

—. «Slavoj Žižek: what is an authentic political event?» 12 de February de 2014. *The New Statesman*. 13 de February de 2014 <http://www.newstatesman.com/culture/2014/02/slavoj-zizek-what-authentic-political-event>.