

WOMEN ON THE LINE: STRATEGIES OF RESISTANCE IN THE WAKE OF
NAFTA, GLOBAL ECONOMIC RESTRUCTURING, AND TRANSNATIONAL
ASSEMBLY LINE DISPLACEMENT IN MEXICO

by

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A THESIS

Presented to the Department of International Studies
and the Graduate School of the University of Oregon
in partial fulfillment of the requirements
for the degree of
Master of Arts

June 2009

“Women on the Line: Strategies of Resistance in the Wake of NAFTA, Global Economic Restructuring, and Transnational Assembly Line Displacement in Mexico,” a thesis prepared by Natalie Anne Duke in partial fulfillment of the requirements for the Master of Arts degree in the Department of International Studies. This thesis has been approved and accepted by:

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An Abstract of the Thesis of

Natalie Anne Duke

for the degree of

Master of Arts

in the Department of International Studies

to be taken

June 2009

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Approved: _____

Dr. Anita M. Weiss

NAFTA has had a significant impact on production, exchange, and labor throughout North America. An area significantly transformed by NAFTA is the maquiladora production region in northern Mexico. While once predominantly a female space of labor, we now see more male workers employed by industrial units there than in the past.

This thesis interrogates what has happened to the women workers of the maquiladoras. In what ways have NAFTA, global economic restructuring, and the resultant legal atmosphere affected women's daily lives and employment opportunities? What strategies of resistance have these women developed to contend with the new economic landscape? I argue that women are adapting by moving away from the U.S.-Mexico border to work in garment industries and resisting the economic and social

pressures resulting from globalization by engaging in subtle protests within in the maquiladoras, opting to participate in the informal economy, and utilizing community groups to facilitate social change.

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ACKNOWLEDGMENTS

I wish to express my deep appreciation to Professors Weiss, Mendoza, and Gassama for their assistance and support as I wrote this thesis. They have supported me with continuous encouragement and advice throughout the research and writing process. I would also like to acknowledge and thank my wonderful family who never ceases to express the utmost faith in me, whatever I do. And, to the irreplaceable Timothy Lane Bailey, thank you for your continued support, encouragement, and love (at times tough) over the past four years.

To the workers of the maquiladoras, and to Jordan Michael Duke, 1983-2006.

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CHAPTER I

INTRODUCTION

This thesis is concerned with women and employment in the Northern Mexico borderlands, particularly the connection between women and the assembly plants, or maquiladoras. My interest in writing this thesis stemmed from a realization that while women once constituted the majority of workers in the assembly plants along the U.S.-Mexico border, the gender dynamic has shifted a great deal in the past ten years. As a result, I sought to understand the reasons for this changing dynamic and discovered that more men have been seeking jobs in the assembly plants due to a lack of other available employment and, as a result, women have been exploring alternatives to the work in assembly plants. This thesis interrogates what has happened to the women workers of the maquiladoras. In what ways have NAFTA, global economic restructuring, and the resultant legal atmosphere affected women's daily lives and employment opportunities? What strategies of resistance have these women developed to contend with the new economic landscape?

In narrowing the scope of this thesis, I focus on two main elements: i) the economic and systemic elements of the maquiladoras, including: the history of the maquiladora industry, gender dynamics within the industry, Mexico's labor laws, and the changes perpetuated by the North American Free Trade Agreement (NAFTA) and globalization; and ii) modes of resistance that women employ to survive in the difficult

economic conditions created by the presence of the maquiladoras, including: workplace resistance, participation in the informal economy, and the formation of community-based organizations and NGOs (non-governmental organizations). I argue that women are adapting by moving away from the U.S.-Mexico border to work in garment industries and resisting the economic and social pressures resulting from globalization by engaging in subtle protests within the maquiladoras, opting to participate in the informal economy, and utilizing community groups to facilitate social change.

In Chapter II, I provide a historical analysis of the assembly plant industry in the U.S.-Mexico borderlands. This analysis extends back to the end of the U.S. bracero program, examines industrialization patterns, and turns to look specifically at the assembly plant industry in Mexico. Towards the end of the chapter, I shift to examine the data surrounding gender dynamics in particular maquiladora industries. In Chapter III, I turn to the North American Free Trade Agreement (NAFTA) and the impact of the agreement in the assembly plants. I examine NAFTA and, more generally, globalization from the perspective of policy-makers and economists, and from the perspective of workers, who experience the effects of NAFTA on a much more personal level than do policy-makers. Chapter IV is concerned with the labor laws that govern workplace labor relations in Mexico, and the systematic challenges that largely prevent the formation of legitimate unions. It continues to examine border politics and the effects of globalization post-NAFTA.

Chapter V shifts direction from the challenges present in the maquiladora industry and offers an analysis of the ways in which women are responding to the difficulties they

have encountered post-NAFTA. I focus on women who work in the maquiladoras, or who would likely work in the maquiladoras, but no longer find employment there due to displacement. I have divided this chapter into three sections. The first section looks at the ways in which women have resisted the dominant forces in the employment environment through subtle, and at times not so subtle, strategies of resistance. This section provides examples of women working on the assembly line, and two cases studies of women who confronted the status-quo as related to cultural expectations and management structure.

The second section focuses on women who are likely candidates to work in the maquiladoras, but participate in the informal economy instead. These women express various reasons for their participation in the informal economy, but most experience a sense of empowerment stemming from control over household resources. Additionally, women utilize creative strategies to engage in employment that fits their home-life, family needs, and personal aspirations.

Lastly, in the third section, I examine the history of women's grassroots organizing efforts and NGO formation in Northern Mexico. I look at the ways in which women have been able to find solidarity through organizing and to implement strategies born out of women's groups, both in the maquiladora environments and more broadly.

A final note before the analysis begins: this thesis is inspired by the women who perform the difficult work required of them to survive. Since I live in the United States, and have worked with women who have migrated from Mexico in a variety of settings, I have both personal experiences that tie me to this topic, and also the stories of women

who I have met over the years. The women who have shared their stories are the motivating force behind this thesis. Here, I want to point out two details. First, these maquiladora workers are making things that we, in the United States, consume on a regular basis, often without thinking about their location of origin. Check the label on your jeans, see if you can even find a label on the parts in your car, chances are they may have been made in Mexico (or Asia). The leather on your steering wheel? Workers have been fighting labor conditions in a plant that manufactures that piece for quite some time. I say this to draw a connection—even though we may not know these workers on a personal level, we interact with them constantly. Only, that interaction is taking place on an economic level where goods are free to travel across borders, but workers are not.

The second detail I want to emphasize is that I have chosen to structure my thesis in the way I have because I want to make sure that readers understand one thing: these women are survivors. Although many of the people in this thesis have difficult lives, they have chosen to employ greatly creative and adaptive strategies of self-empowerment. Sometimes they had no other choice. I want to focus on these examples of self-empowerment, and, as a result, they make up the bulk of this thesis. Choosing to resist is powerful, and sometimes, revolutionary.

CHAPTER II
HISTORY OF THE ASSEMBLY PLANT INDUSTRY IN MEXICO

Mexico's Border Industrialization Program

During the first part of the twentieth century, many third world countries shaped their economic policies around import-substituting industrialization (ISI). The theory behind ISI is that countries could reduce their foreign dependency through local production of goods in order to increase exports.¹ However, “[a]s a development strategy ISI tended to be self-limiting . . . Not only was much of the technology purchased abroad, but much of the capital to finance the industrial projects was borrowed from foreign lenders.”² The heavy loans that resulted from this practice led to debt crises for many Latin American countries. In addition, ISI facilitated increased rates of unemployment “by displacing traditional producers, whose handmade goods could not compete with cheaper, mass-produced items.”³

In the face of rapidly expanding global markets, leaders of developing countries throughout the world began to explore new strategies. One of the resulting strategies was

¹ SUSAN TIANO, *PATRIARCHY ON THE LINE: LABOR, GENDER, AND IDEOLOGY IN THE MEXICAN MAQUILA INDUSTRY* 13 (1994).

² *Id.*

³ *Id.*

the development of export processing zones (EPZs). EPZs were designed to attract foreign corporations by providing them with tariff-free zones in which to locate assembly factories, along with a cheap source of manual labor. Firms also receive such incentives as tax breaks, cheap electricity, and physical infrastructure.⁴ “By the late 1980s, EPZs existed in over fifty Third World nations.”⁵

With the growth of EPZs throughout the world also came a corresponding trend of restructuring the labor environment itself with the goal of increasing productivity. The prevailing theory restructured the production process into “discrete tasks assigned to different segments of the work force,”⁶ or the production line, which was designed to increase efficiency and diminish the skill required for each position, thus making workers interchangeable. This economic shift resulted in the automated assembly line, standardization of production, and an unprecedented scale of manufacturing throughout the world.⁷

During the 1950s and 1960s, foreign investors implemented the modern production line throughout Asia as many developed countries looked to maximize on the economic profit that resulted from the low cost of labor. Several years later, in 1965, “Mexico entered the export-processing arena . . . when its Border Industrialization Program (BIP) created an EPZ within the 12.5 mile strip along the U.S.-Mexico border in

⁴ *Id.* at 13-14.

⁵ *Id.* at 14.

⁶ *Id.*

⁷ *Id.*

order to offer U.S.-based TNCs a cost-effective alternative to Asian investment sites.”⁸ The Mexican government saw the BIP as a solution to the various economic and social problems plaguing the border region at the time. The Mexican government wanted to bring the border economy up to speed because it had traditionally lagged behind other industrial centers throughout Mexico. The border region was geographically situated in the perfect location to lure U.S. companies, thus, policy-makers viewed the BIP as the method by which to foster economic growth. Additionally, the Mexican government intended to alleviate the high level of unemployment along the border zone through the development of the BIP.

Mexican border regions experienced particularly acute unemployment in 1964 when the Bracero program terminated abruptly. Previously, this program allowed Mexicans to enter the United States legally to work as guest workers, predominantly in the agricultural industries. When the program ended, approximately two hundred thousand Mexican workers were immediately and abruptly displaced. Many of the workers relocated in the border cities.⁹ The Mexican government viewed the establishment of an EPZ as a way to provide the displaced workers with much needed jobs.

The BIP proved attractive to U.S. companies. However, before U.S. companies began moving abroad, they first experimented with geographic relocation within the United States. Companies created factories in the South and Southwest, where the work

⁸ *Id.* at 18.

⁹ *Id.* at 19.

force was generally not organized in unions and wages were lower as a result. The resulting savings prompted companies to expand overseas in search of even larger savings.¹⁰ “By the 1970s, international assembly had become a favored strategy of U.S. corporations seeking to stem the tide of growing international competition for domestic and international markets.”¹¹ The development of the Mexican EPZ coincided with a willingness on the part of U.S. companies to relocate production overseas.

The Mexican EPZ provided many advantages for American companies, but the most important was the proximity between Mexico and the United States. The distance between the United States and Asia made logistical issues such as transporting materials, components, and technology to Asia, and the finished product back to the United States, a logistical nightmare. As a result, Asian countries were encouraging U.S. companies to use Asian materials in production and the U.S. companies were looking for an alternative. The Mexican BIP attracted U.S. companies with incentives such as: allowing for a simplified process of shipping U.S. equipment, materials and components between the U.S. and Mexico, reduction of costs, and close proximity to the Mexican workforce. As in Asia, the Mexican system was designed to allow companies to build factories without having to pay import tariffs; the materials, technology, and equipment would be supplied by the United States, Mexican workers would assemble the parts into a product, and then the finished product would return to the United States and be sold to U.S. consumers.¹²

¹⁰ *Id.*

¹¹ *Id.* at 15.

¹² *Id.* at 14.

The Maquiladoras

The Mexican factories have come to be known as “Maquiladoras,” or “Maquilas,” reflecting the exchange of labor on the part of the Mexican people for a finished product. In colonial times, the Maquila was represented the flour that the miller kept after grinding corn. In this scenario, Mexico plays the miller, keeping wages and production costs, while the finished products are returned to the U.S.; “[t]he maquila program was specifically deigned to make foreign investment easy and painless, particularly for U.S. companies.”¹³

The maquila industry experienced a great deal of growth and expanded from the border region throughout Mexico.¹⁴ Over the years, Mexico “has been one of the most important locations for facilities that manufacture for export (maquiladoras).”¹⁵ Generally, the BIP “experienced sustained growth as measured by the number of plants and employees,” however, in recent years there has been a decline, especially along the border.¹⁶ South attributes the current industry decline to NAFTA, implemented in 1994.¹⁷ However, a recent report by the Instituto Nacional de Estadística, Geografía e

¹³ LESLIE SKLAIR, *ASSEMBLING FOR DEVELOPMENT: THE MAQUILA INDUSTRY IN MEXICO AND THE UNITED STATES* 10 (1989).

¹⁴ TIANO, *supra* note 1, at 19.

¹⁵ Robert B. South, *Spatial Variations in Mexican Maquiladora Closure*, 27 *URB. GEOGRAPHY* 734, 734 (2006).

¹⁶ *See id.* at 735; Susan Fleck, *A Gender Perspective on Maquila Employment and Wages in Mexico*, in *THE ECONOMICS OF GENDER IN MEXICO: WORK, FAMILY, STATE, AND MARKET* (Elizabeth G. Katz & Maria C. Correia eds., 2001).

¹⁷ South, *supra* note 15, at 736.

Informática (INEGI), Mexico's national statistical agency, does not demonstrate drastic levels of decline in the maquila industry. Notably, the agency did change their methods of collecting and displaying research since the maquiladora industry officially ended in 2001 "as tariffs on manufactured goods between the U.S., Mexico, and Canada were eliminated under NAFTA."¹⁸ After the implementation of NAFTA, Mexico applies "maquila-type tax incentives to all U.S. and Canadian imports and exports, and maquiladora plants [are] more like other Mexican manufacturing industries."¹⁹ As a result, the scheme of data analyzed by South in his article ends in 2000, and I have not found a comparable set of data for the post-2000 years. Accordingly, I utilize the INEGI data presented in South's article to contextualize the maquila industry by region and industry type. In this way, I hope to paint a picture of the environment where the individuals who are the true focus of this paper work and reside.

Close to two thirds of Mexico's maquiladoras are located along the U.S.-Mexico border. This is attributable to the early development of the BIP discussed above. Table 1 below details the percentage of plants along the border versus those located in the interior of Mexico between 1990 and 2000. Table 2 details the locations of the maquiladoras by state and city. Map 1 shows the Mexican states with symbols noting areas with high numbers of maquiladoras.

¹⁸ *Id.*

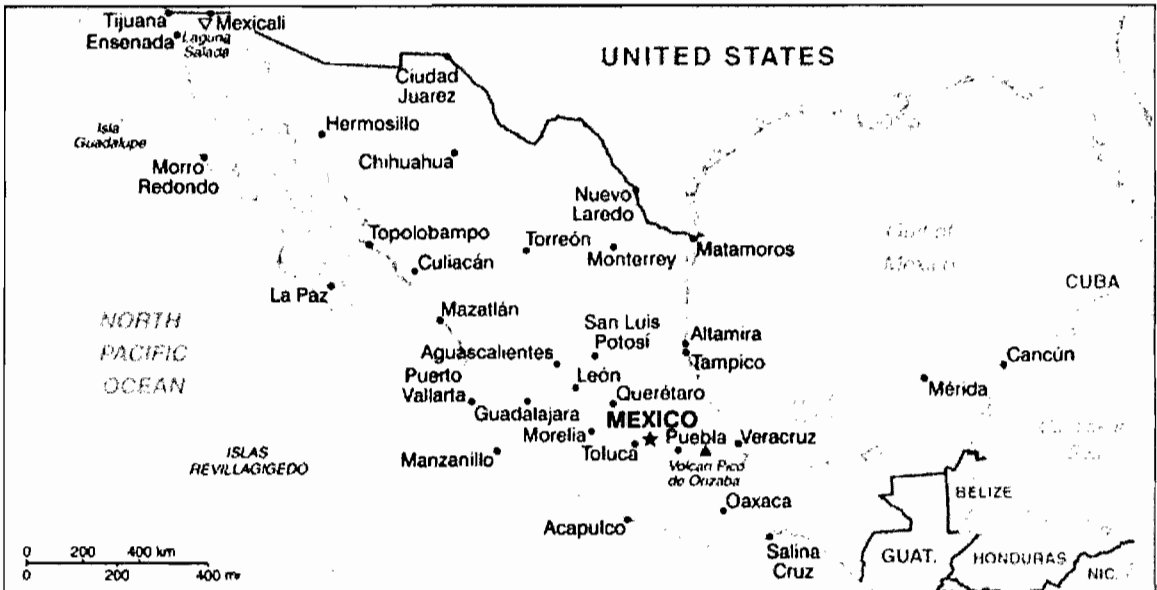
¹⁹ Fleck, *supra* note 16, at 136.

Table 1: Maquiladora Distribution by Region: 1990-2000

	Number of Maquilas	Percent of Total
Total Maquiladoras	5,540	100.0
Border	3,212	57.9
Interior	2,328	42.0
U.S.	2,577	46.5
Mexican	2,391	43.1
“Other foreign” and joint venture	376	6.8

Adapted from South 2006, *supra* note 15, Table 1.

Map 1: Map of Mexico



Source: CIA Worldbook, Map of Mexico, 3 November, 2008, available at http://commons.wikimedia.org/wiki/Atlas_of_Mexico.

Table 2: Maquiladora Locations by City: 1990-2000, 25 Plants or More

State	City	Number of Plants
Puebla	Tehuacán	57
Nuevo León	Apodaca	59
Puebla	Puebla	28
Sonora	Agua Prieta	42
Jalisco	Zapopan	28
Aguascalientes	Aguascalientes	88
Sonora	Nogales	157
Yucatán	Mérida	103
Sonora	Hermosillo	79
Baja Calif. Norte	Ensenada	126
Durango	Lerdo	20
Coahuila	Torreon	107
Baja Calif. Norte	Tecate	196
Baja Calif. Norte	Tijuana	1,174
Tamaulipas	Reynosa	185
Coahuila	Acuna	91
Sonora	San Luis Rio Colorado	61
Baja Calif. Norte	Mexicali	317
Guanajuato	Irapuato	32
Tamaulipas	Matamoros	203
Chihuahua	Juárez, El	517
Coahuila	Saltillo	40
Guanajuato	Léon	42
Tamaulipas	Nuevo Laredo	99
Nuevo León	Guadalupe	41
Durango	Gomez Plalacio	138
Chihuahua	Chihuahua	154
Coahuila	Piedras Négas	81
Tamaulipas	Rio Bravo	26
Tamaulipas	Valle Hermoso	30
Jalisco	Guadalajara	73
Nuevo León	Monterrey	47
Queretaro	San Juan del Rio	

Adapted from South 2006, *supra* note 15, Table 2. (Locations in bold are situated along the U.S.-Mexico border.)

Table 3: Total Number of Maquiladoras by Product Group, 1990-2000

Product Group	Total Number Maquilas	Percentage of Total
Machinery, electrical, and electronic	220	3.97
Electrical and electronic accessories	820	14.8
Chemical Products	236	4.25
Services	347	6.26
Transportation equipment	360	6.5
Apparel/textiles	1,628	29.4
Other manufacturing	808	14.6
Tools and equipment, non-electrical	74	1.34
Toys and sporting equipment	103	1.86
Food products/packaging	147	2.65
Wood and metal products	684	12.3
Leather products/shoes	113	2.04
Total	5,540	100

Adapted from South 2006, *supra* note 15, Table 4.

The two largest industries reflected in the chart above are the electronics industry and the apparel industry. Although these industries both comprise a similar percentage of the maquilas and corresponding workforce, they have developed in very different ways over time. The highly technical nature of the electronics industry limits the participation to multi-national corporations while the “low levels of capital investment and technological sophistication needed for apparel assembly enable small, domestically

owned shops to operate under subcontract with one or more firms.”²⁰ The difference extends to the physical space of the maquilas. The electronics firms located in Mexico tend to be “large, modern enterprises located in industrial parks. They are often housed in spacious, recently constructed buildings with adequate lighting, up-to-date heating and air-conditioning systems, comfortable cafeterias, and modern audio systems for piping in background music.”²¹ The working space is segmented by task, the work is repetitive, and the pace is controlled by the pace of the machinery. The skills in one particular firm may be different from the skills required at another firm, and are thus not necessarily transferable.

In contrast to the electronics industry, apparel firms span the wide spectrum of formal to informal. Many of these firms are domestically owned operating under subcontracting agreements, either with a specific manufacturer, or changing over time. As a result, the industry experiences a degree of instability: “Although . . . minimal start-up costs facilitate the ease of entry into the industry for companies that may otherwise not possess the financial backing, they also offer these firms little financial cushion when contracts are unavailable or business is slow.”²² Additionally, working conditions also vary from state of the art facilities to sweatshop like conditions with out-dated technology.²³

²⁰ TIANO, *supra* note 1, at 26.

²¹ *Id.*

²² *Id.* at 27.

²³ *Id.*

Gender and Employment

The gendered dynamics of the maquila workforce are intricately related to type of industry, and have shifted over time. For many years, the maquila workforce was predominantly female, although this trend has shifted in recent years.²⁴ Globally, women have been a characteristic part of the labor force in areas with export-led growth strategies:

On the one hand, economic need and family responsibility push women into the labor force. On the other hand, possibilities of increased autonomy and bargaining position in the household, greater employment opportunities, and access to wage and non-wage benefits attract women to the labor force, outweighing costs of transportation, childcare, and other opportunity costs.²⁵

Many women choose to enter the workforce, weighing an exchange between working for money at a maquila and working as a mother, daughter, sister, or primary caregiver. “In the early decades of the maquiladora program women comprised up to ninety percent of the total labor force and were concentrated in electronics, clothing, shrimp and other food processing, toy making, and coupon-sorting.”²⁶ Historically, men were preferred in “making transportation equipment, leather and synthetic goods; wood and metal furniture; photographic, sporting, and paper goods.”²⁷ However, in areas where “labor was the major manufacturing cost, women workers predominated. Clothing and

²⁴ Fleck, *supra* note 16, at 133.

²⁵ *Id.*

²⁶ NAFTA FROM BELOW 5 (Martha A. Ojeda & Rosemary Hennesy eds., 2006).

²⁷ *Id.*

electronics, still the largest industries, are the sectors where women's employment remains concentrated."²⁸

While a large number of women are still employed in the maquilas, firms are increasingly hiring men. In fact, "[i]n some border areas today, married men now represent a majority of *maquila* workers."²⁹ In fact, "women's share of production-worker employment in all *maquiladora* plants has fallen steadily from 77 percent in 1980 to 57 percent in 1998, even as overall employment opportunities in *maquiladora* plants mushroomed."³⁰ Fleck suggests that the shift in gendered employment is a result of the changing firm characteristics; larger, multinational firms now dominate the maquila market. These employers are largely responsible for the shift towards a more male-dominated workforce:

First, employers perceive a reduced militancy of male workers. Second, there has been a growth in the presence of multinational firms and a shift in the perception of employers of the ideal worker from young single women to responsible family men and women. Third, industries that traditionally had a greater share of men have been expanding. Fourth, the skewed female-male employment ration has decreased over time in all industries.³¹

Interestingly, the predominant factors that the author identifies are determined by the transnational management of the corporations. The perceptions of gender that the

²⁸ *Id.*

²⁹ Fleck, *supra* note 16, at 133.

³⁰ *Id.* at 145.

³¹ *Id.* at 144-45.

business owners and managers hold have a direct impact on the Mexican workforce, and particularly, on women.

Ojeda also contributes the shift in labor demographics to the increased demand for cheap labor in the 1980s; women could not meet the demand, as a result, men were hired to fill the gap.³² However, while there is evidence that women were becoming less docile workers during the 1980s, the “profile of ‘feminine’ expectations still defined the preferred worker.”³³ The female profile was adapted so that it could be applied to both men and women. The chief characteristics of the female subject include: dexterity, docility, tolerance, and willing to accept low pay.³⁴ Additionally, plants will go to great lengths to avoid hiring female employees (even providing birth control on-the-job) because of Mexico’s mandatory ninety-day pregnancy leave.³⁵

The trends of female participation in the maquila industry also correlate with the type of industry, wages paid, and the location of the maquila. Fleck explains:

Hourly earnings are lowest in food and apparel, both majority female industries. The best-paid workers are in the majority male industries of machines and tool assembly, and in the transportation equipment industry, which—while it has a smaller-than-average share of female employment—has both the largest plant size of all industries and the majority of its production along the border.³⁶

³² NAFTA FROM BELOW, *supra* note 26, at 5.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 5-6.

³⁶ Fleck, *supra* note 16, at 135.

According to Fleck's data, women are predominantly engaged in the industries that pay the least, while men obtain the jobs that are higher paying. The predominantly male industries of tool assembly and transportation equipment tend to be located along the U.S.-Mexico border. As a result, "[t]he history of migration to the border has shaped the population of maquiladora workers."³⁷ In the past, many workers seeking employment in the border zone migrated from nearby states, however that pattern is shifting.³⁸ "Now, there is increasing migration north from rural areas farther south as indigenous farmers and *campesinos* displaced from their lands head to northern cities for work."³⁹ Additionally, because the female-dominated industry of textiles has in large part moved towards the interior of Mexico, women are more likely to seek work in central Mexico, rather than along the border with the ultimate goal of immigrating to the United States.⁴⁰

The displacement of female maquiladora workers by male workers is a central theme in this thesis. As these women are being displaced, how are they adapting? How are they surviving and providing for their families? How does the gender demographic in the maquiladoras correspond to patterns of migration associated with globalization, especially with respect to indigenous people? In order to respond to these central questions, I first turn to examine the role of NAFTA, globalization, labor law, and border politics in changing the patterns of employment within the maquiladoras. I then look at

³⁷ NAFTA FROM BELOW, *supra* note 26, at 6.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ The diverging patterns of immigration between men and women are intriguing especially in light of the recent violence along northern Mexico's border region.

the adaptive strategies which women have employed in the face of changing economic dynamics in northern Mexico.

CHAPTER III

GLOBALIZATION, NAFTA, AND THE ASSEMBLY INDUSTRY

Background and Context

In order to investigate the changes in the maquiladora industry in recent years, and the corresponding effect in the lives of women, I begin with a discussion of NAFTA.⁴¹ The discussion of NAFTA is essential to this paper because of its effects on trade, industry, foreign investment in Mexico, and labor throughout Mexico. Although the agreement includes the United States, Canada, and Mexico as parties, the most profound impact of the agreement is felt in Mexico. As I discuss, NAFTA's impact varies a great deal depending on whether one examines the agreement from the perspective of policy-makers, economists, and government officials, or through the perspective of a laborer. In this section, I situate NAFTA within the phenomenon of globalization, explain the purpose of NAFTA as intended by policy makers, examine NAFTA's impact on the maquiladora industry, discuss NAFTA's relationship to the shifting gender demographics within the maquiladora industry, and introduce the ways in which NAFTA has impacted the labor movement within Mexico.

⁴¹ North American Free Trade Agreement [NAFTA], U.S.-Can.-Mex., Dec, 17, 1992, 32 I.L.M. 289 (1993) (codified at 19 U.S.C. §3301 (2009)).

Globalization

The implementation of NAFTA in 1994 corresponds with a larger trend of reducing “trade barriers through multilateral negotiations.”⁴² The General Agreement on Tariffs and Trade (GATT), originally established in 1947, was renamed, and, arguably, restructured, into the present-day entity, the World Trade Organization.⁴³ Unlike GATT, the WTO requires that members “accept all of its rules unconditionally” and “does not offer its members the option to chose which of its rules to enforce.”⁴⁴

Additionally, “the rules extend far beyond tariffs and nontariff barriers to include intellectual property rights, investment, and other trade-related matters. WTO has a dispute settlement system and operates on a global scale.”⁴⁵ Critics have pointed out that the WTO, as an institutionalization of the principles of globalization, does not “address problems of workers’ rights” and does not provide equal representation: “poor countries may suffer severe underrepresentation with no more than one delegate, whereas rich countries not only have delegates, but also have busloads of lawyers, advisors, and other professional staff.”⁴⁶

⁴² BARBARA P. THOMAS-SLAYTER, *SOUTHERN EXPOSURE: INTERNATIONAL DEVELOPMENT AND THE GLOBAL SOUTH IN THE TWENTY-FIRST CENTURY* 155 (2003).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.* at 156.

The problem is compounded as the WTO does not allow southern countries the leeway needed to diversify economically. As a result, participation in the WTO may negatively impact domestic industries.⁴⁷ For example, membership in the WTO has negatively impacted subsistence farmers in many southern countries:

WTO trade liberalization rules have been applied in a manner that, amongst other things, has required developing countries to eliminate subsidies that support local producers of food crops, while northern countries continue to subsidize their producers. This has led women's organizations and others to criticize the WTO for enforcing a "one-sided and unequal globalization."⁴⁸

Instead of allowing community members such as farmers a voice in the globalized economy, the WTO tenets of globalization focus the locus of power on the multinational corporation. In today's technological and economic climate, multinational corporations control production across country lines, largely ignoring the realities faced by people on the ground in those countries. The end result:

Most trade . . . is controlled by a few hundred giant corporations that are larger economically than most nations. The growth of transnational corporate investments and the steady dispersal of the elements of production across many nations has transformed the system of trade so that much of it is generated within the multinational companies themselves, exporting and importing among their own foreign-based subsidiaries.⁴⁹

The system of globalization perpetuated by the WTO and, as described below, NAFTA, further disadvantages marginalized communities and concentrates wealth in the hands of

⁴⁷ *Id.*

⁴⁸ AMNESTY INT'L, BUSINESS AS USUAL: VIOLENCE AGAINST WOMEN IN THE GLOBALIZED ECONOMY OF THE AMERICAS 5 (May 2006), *available at* http://www.amnesty.ca/archives/resources/business_as_usual/business_as_usual_report.pdf.

⁴⁹ THOMAS-SLAYTER, *supra* note 42, at 158.

the already rich. In a system where the market is supposed to regulate problems, costs that are not readily measured in financial terms are largely ignored.

An Amnesty International Report entitled *Violence Against Women in the Globalized Economy of the Americas* summarizes the effects of globalization as follows:

[Globalization] has...come to be closely associated with a variety of specific trends and policies, including an increasing reliance upon the free market, a significant growth in the influence of international financial markets and institutions in determining the viability of national policy priorities, a diminution in the role of the State and the size of its budget, the privatization of various functions previously considered to be the exclusive domain of the State, the deregulation of a range of activities with a view to facilitating investment and rewarding individual initiative, and a corresponding increase in the role and even responsibilities attributed to private actors, both in the corporate sector, in particular to the transnational corporations, and in civil society.⁵⁰

In the context of globalization, economic power rests largely in the multinational corporation at the expense of the state, local communities, and especially vulnerable populations such as the poor and women.⁵¹

⁵⁰ AMNESTY INT'L, *supra* note 48, at 5.

⁵¹ Joseph Stiglitz, former economist of the World Bank, addresses these and other failures of globalization and the International Monetary Fund (IMF) in his book *Globalization and Its Discontents*:

I believe that globalization—the removal of barriers to free trade and the closer integration of national economies—can be a force for good and that it has the *potential* to enrich everyone in the world, particularly the poor. But I also believe that if this is to be the case, the way globalization has been managed, including the international trade agreements that have played such a large role in removing those barriers and the policies that have been imposed on developing countries in the process of globalization, need to be radically rethought.

JOSEPH E. STIGLITZ, *GLOBALIZATION AND ITS DISCONTENTS* x (2003).

“Stiglitz condemned NAFTA as a failure. He pointed to the empty promise to narrow the wage disparity. Instead, real wages have declined in Mexico at the rate of .2 percent per year.” NAFTA FROM BELOW, *supra* note 26, at 9.

NAFTA

NAFTA is an agreement between Canada, the United States, and Mexico that was enacted by the U.S. Congress in 1993. NAFTA “allows for the freer movement of goods, services, and investment—but not people” among the three countries.⁵² More specifically:

NAFTA covers goods and services produced in the United States, Canada, and Mexico that must be assembled partly or entirely from North American components in order to qualify for tariff-free treatment. The nationality of a factory’s owner is not at issue. . . . NAFTA phases out tariffs over a five- to fifteen-year period. It dismantles Mexico’s virtual ban on American banks and allows American securities firms into the Mexican market. (Mexican banks were already allowed to buy American banks.) Mexico is able to retain its ban on foreign ownership of oil and natural gas reserves, but American drilling companies would be allowed to share in some of the profits from striking oil in Mexico.⁵³

NAFTA essentially expanded the tariff-free zone that formerly existed only in Northern Mexico to include the entire country. Policy makers conceptualized the agreement as a way to incentivize foreign investment in Mexico and as a way for American and Canadian companies to spend less money in the production process by taking advantage of the relatively cheap labor in Mexico.

Authors Raquel R. Márquez and Harriett D. Romo explore the corresponding economic and social impacts of NAFTA in their book, *Transformations of La Familia on*

⁵² STIGLITZ, *supra* note 51, at 4.

⁵³ THOMAS-SLAYTER, *supra* note 42, at 170

the U.S.-Mexico Border. Márquez and Romo first explore NAFTA from an economic perspective⁵⁴ before engaging in a critique of the agreement:

The North American Free Trade Agreement, or NAFTA, signed by Mexico, the United States, and Canada and approved by the U.S. Congress in 1993, represented a dramatic change in U.S.-Mexico relations. Incorporating Mexico into an international “bloc” with its dominant northern neighbor and once hostile enemy, the agreement stimulated employment growth and increased foreign exports, especially along the northern frontier of Mexico that borders the United States. Thus, NAFTA created an economic community, in terms of geography and demographics, that is much larger than the European Union or the Pacific Rim. . . . Guillermo Gómez-Peña notes that this agreement is “based on the arrogant fallacy that ‘the market’ will solve any and all problems, and it avoids the most basic social, labor, environmental, and cultural responsibilities that are actually [at] the core of any relationship between the three countries.”⁵⁵

While NAFTA did not significantly impact problems associated with poverty, especially in Mexico’s southern states, the agreement did bring about dramatic economic changes and internal modernization. Data show that the results of NAFTA include the liberalization and growth of the Mexican economy, more foreign investments in Mexico, and employment growth especially within the northern Mexican border states.

NAFTA did allow for growth of the Mexican economy by formalizing the tariff relief that foreign plant owners have enjoyed since the commencement of the BIP.

⁵⁴ Here, the term economic perspective refers specifically to a formal vision of economics, as one educated in western economic theory may hold. Here, I am not referring to the economic perspectives of the laborers who experience the effects of NAFTA in a way that contrasts sharply with the experience of business owners, formally trained economists, government officials, and policy-makers. I will take up this issue at the end of the chapter.

⁵⁵ TRANSFORMATIONS OF LA FAMILIA ON THE U.S.-MEXICO BORDER 7 (Raquel R. Márquez & Harriett D. Romo eds., 2008).

Additionally, NAFTA erased the regional limitations associated with the Border Industrialization Zone; companies are now free to set up shop throughout Mexico (however, the northern region still proves to be attractive to many U.S. corporations due to its proximity to the United States). The raw goods or components are still brought in from the United States and assembled in Mexico.

As expressed in the quote above, from a purely statistical standpoint, NAFTA has fostered growth in the Mexican economy and increased foreign investments in the Mexican economy.⁵⁶ The authors also refer to the notion that the market would take care of any problems resulting from the agreement. This notion is at the very base of western economic systems. As we shall see later in this section, the market has failed to resolve issues surrounding labor policy, migration and immigration, and economic stability, all of which are felt most acutely by the people who find (or found) employment in the very assembly plants which NAFTA has encouraged to settle in Mexico.

⁵⁶ A report from the World Bank evaluating NAFTA explains:

The research suggests . . . that Mexico's global exports would have been about 50 percent lower and foreign direct investment (FDI) would have been about 40 percent less without NAFTA. Also, the amount of time required for Mexican manufacturers to adopt U.S. technological innovations was cut in half. Trade can probably take some credit for moderate declines in poverty, and has likely had positive impacts on the number and quality of jobs. During 1994-2002 our estimates suggest that NAFTA made Mexico richer than it would have been without the agreement by about 4 percent of its gross domestic product (GDP) per capita.

DANIEL LEDERMAN ET AL., LESSONS FROM NAFTA FOR LATIN AMERICA AND THE CARIBBEAN 2 (2005).

However, the report continues to conclude that the increase in technological progress in Mexico spurred by NAFTA is not enough to allow Mexico to match the technological achievements of the United States. *Id.* at 247.

NAFTA and the Maquiladora Industry

When NAFTA passed in 1994, it allowed “for multinational and transnational corporations to extend their factories from the maquiladoras on Mexico’s northern border to the entire country where they continue to thrive on tax breaks and an abundance of cheap labor.”⁵⁷ Most of the maquiladoras in Mexico are “subsidiaries of US companies” who have located assembly factories in Mexico.⁵⁸ Currently,

[t]here are almost 3,000 maquiladoras in Mexico and over one million men and women work there. Most live in the colonias or shanty towns that surround the factories where they earn poverty wages working on the assembly lines of profitable multinational corporations. Most workers are between the ages of 16 and 25, and the majority of unskilled workers are women.⁵⁹

Of note in this passage is the number of workers who labor in the maquiladoras. Over one million men and women are employed. In general, employees of the maquiladoras do not enjoy a high standard of living, and this has not changed since the enactment of NAFTA. Additionally, women employed in the maquiladoras tend to hold the jobs requiring the least “skill,” yet these same jobs are also extremely physically demanding.

Ever since the Border Industrial Zone was created, the maquiladora sector has been impacted by the rise and fall of the U.S. economy. Since the enactment of NAFTA in 1994, the relationship between the two economies has grown even stronger. As a result, during the U.S. recession in 2000, “many maquiladoras in some northern cities

⁵⁷ NAFTA FROM BELOW, *supra* note 26, at x.

⁵⁸ *Id.*

⁵⁹ *Id.* at x-xi.

(Cd. Juarez, Piedras Negras, Torreón) closed, moving south or to China in search of cheaper sources of labor. In other northern cities (Reynosa, Laredo, Tijuana), however, new maquilas began arriving to take advantage of Mexico's location and skilled labor force."⁶⁰ There is a push and pull between the U.S. economy and the maquiladoras. Some multinational companies are not able to produce goods cheaply enough for their plants in Mexico to survive a U.S. recession while other companies find more incentive to take advantage of Mexico's labor pool during recession times.⁶¹

With respect to the overall status of the economy post-NAFTA, one author writes:

The integration of Mexico with its North American neighbors . . . under NAFTA resulted in a sharp increase in trade among the three member countries. Mexico increased its manufacturing exports significantly, but to a large extent these exports entailed a relatively low value added based on assembly activity or *maquilas*. Accordingly the high percentage of manufacturing exports needs to be viewed with caution.⁶²

These words of caution warn analysts not to jump to the conclusion that NAFTA is responsible for a net economic gain. The lack of specificity in the data from INEGI (see

⁶⁰ *Id.* at xi.

⁶¹ I should mention the extreme contention that accompanies U.S. debate on outsourcing labor. In the current economic climate, unemployment in the U.S. is approaching rates unparalleled since the 1930s. In turn, this situation fuels the argument that U.S. jobs should not be "shipped overseas," but instead kept in the U.S. to provide more employment opportunities for American workers.

⁶² Claudio M. Loser Loser, *The Macroeconomic Environment of Competitiveness, in CAN LATIN AMERICA COMPETE? CONFRONTING THE CHALLENGES OF GLOBALIZATION* 27, 40 (Jerry Haar & John Price eds., 2008).

Chapter I) suggests that the Mexican government is not too eager to make particular conclusions with regard to production throughout the country.⁶³

NAFTA from Below

The title NAFTA from below comes from a book produced by the Coalition for Justice in the Maquiladoras located in San Antonio, Texas.⁶⁴ This title points succinctly to the idea that the workers are the ones who bear the brunt of the trade agreement that may be characterized as economically beneficial. In this section, I seek to examine the ways in which NAFTA has changed the lives of workers, particularly female workers, by looking at the specifics of the work environment and labor issues on a personal level. By including this section, I want to alert the reader to a) the effects that large scale policy decisions in general may have on individuals; b) to the daily lives of the workers who assemble goods so that we, in the United States, may take advantage of cheaper prices as we consume those goods; and c) the relationship between NAFTA and labor law and policy in Mexico.

⁶³ A recent *New York Times* article looks at the impact of NAFTA, fifteen years after its implementation. See Elisabeth Malkin, *Nafta's Promise, Unfulfilled*, NY TIMES, Mar. 23, 2009, available at http://www.nytimes.com/2009/03/24/business/worldbusiness/24peso.html?pagewanted=1&_r=1&emc=eta1 (“In some cases, Nafta produced results that were exactly the opposite of what was promised. For instance, domestic industries were dismantled as multinationals imported parts from their own suppliers. Local farmers were priced out of the market by food imported tariff-free. Many Mexican farmers simply abandoned their land and headed north. Although one-quarter of Mexicans live in the countryside, they account for 44 percent of the migrants to the United States.”).

⁶⁴ NAFTA FROM BELOW, *supra* note 26.

While NAFTA does address trade between the three countries, we must also acknowledge what it does not address: immigration reform, macroeconomic stability, labor issues, or security issues on the U.S.-Mexico border, among other things. Although immigration reform and border security are beyond the scope of this thesis, I return to a brief discussion of migration patterns in the conclusion.

In spite of the World Bank's assertion that Mexico experienced economic productivity and growth as a result of NAFTA, the Coalition contends that NAFTA has "worsened the distribution of wealth and income" in all three member countries.⁶⁵ The Coalition continues to explain: "While Mexican exports have increased over 300 percent since NAFTA, surpassing over a trillion dollars, these exports were mainly manufactured goods to the US. But foreign sales did not translate into growth in the Mexican economy."⁶⁶ In fact, "former deputy director of Mexico's Ministry of Finance, Carlos Heredia, said when research groups refer to the benefits of NAFTA they allude to the gains made by US multinationals."⁶⁷

⁶⁵ *Id.* at 8. In this section, I focus my discussion on NAFTA's effects on the Mexican economy. However, "[c]onservative estimates are that about 500,000 US workers lost their jobs due to NAFTA, many in the apparel industry." *Id.* at 9. While the loss of U.S. jobs seems significant, the corollary losses—of jobs, wages, and farmland—in Mexico are disproportionately higher.

⁶⁶ *Id.* at 8.

⁶⁷ *Id.*

While a superficial glance may indicate an increase in Mexico's export economy as a result of NAFTA, the reality is that "nearly all components of those exported goods are imported," generally from the United States.⁶⁸ Further:

A large portion of the trade surplus with the US is due to assembly of imported components and intra-firm trade among US companies. Foreign investment that has flowed into Mexico as a result of NAFTA also doesn't translate into productive projects. During these 12 years of NAFTA, exports from the maquiladoras increased, but the maquilas spawned few local suppliers or markets. Total productive investment has dropped 30 percent since the 1970s. This de-nationalizing of the country's productive structure is one of the most profound negative effects of NAFTA.⁶⁹

The authors indicate that the statistics collected since the implementation of NAFTA project a false sense of increased productivity. In reality, as noted above, the total productive investment has been decreasing since the maquila industry became widespread in the 1970s.

In addition to the decrease in production of Mexican goods, the agricultural subsidies brought about by NAFTA resulted in depressed agricultural prices in Mexico. As a result, many farmers operating small and medium sized farms have been forced to give up farming and seek employment.⁷⁰ These farmers are migrating throughout Mexico and to the United States. Additionally, World Bank figures indicate a rise in rural poverty as a result of this displacement.⁷¹ The additional jobs in the manufacturing

⁶⁸ *Id.* at 9.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

sector could not keep pace with the incredible loss of jobs in the agricultural sectors.⁷²

The jobs that were created did “not provide any of the benefits required by law—social security, Christmas bonus and vacation.”⁷³ In comparison to U.S. workers,

Mexican workers earn 75 percent less than their US counterparts. . . . Between 1994 and 2003, wages in Mexico dropped nine percent and minimum wages in Mexico lost 20 percent of their purchasing power. It has been the Mexican government’s policy to hold down wages in order to meet structural adjustment goals and maintain global competitiveness.⁷⁴

This disparity in wages has also widened the gap of income distribution in Mexico. Not only has the number of households living in poverty been steadily increasing since the 1980s, the number of Mexicans living in dire poverty increased from one in seven before 1994 to one in five in 1996; arguably, this increase corresponds with the implementation of NAFTA in 1994.⁷⁵

⁷² Although NAFTA made it easier for foreign companies to assemble goods in Mexico, the reliance on “foreign investment didn’t produce a stable economy.” DAVID BACON, *THE CHILDREN OF NAFTA: LABOR WARS ON THE U.S./MEXICO BORDER* 45 (2004). Bacon explains that the loss of jobs during the first year after the enactment of NAFTA was related to the devaluation of the peso prompted by the sale of Mexican government bonds in late 1994. The value of the peso fell, interest rates climbed, and newly inaugurated President Zedillo “agreed to a package of reforms mandated by the International Monetary Fund (IMF) as the price for a \$20 billion bailout, organized by U.S. president Bill Clinton. In stead of producing growth and prosperity, Mexico lost a million jobs, by the government’s count, in 1995, the year after NAFTA went into effect.” *Id.* While the IMF bailout provided protections for foreign investors, it failed to create similar protections for Mexican workers. *Id.* at 46.

⁷³ NAFTA FROM BELOW, *supra* note 26, at 9.

⁷⁴ *Id.* at 10.

⁷⁵ Ojeda and Bacon explain:

Income inequality in the US also increased during the decade before NAFTA and has continued to rise due in part to the growing wage gap between skilled and unskilled labor. In 1999 the . . . Center on Budge and Policy Priorities

In light of these negative statistics, one might wonder who has benefitted from NAFTA. Unsurprisingly, the richest of the rich in Mexico, Canada, and the United States are the ones who have benefitted. “In the US after NAFTA the richest 20 percent of households increased their share of national income from 40 percent to over 50 percent, and in Canada since NAFTA the top two percent of households saw their incomes increase. The incomes of all other sectors in all three countries declined.”⁷⁶ “Through bailout and loan conditions, the U.S. government enforces a low-wage policy on the Mexican economy, with the Mexican government’s active cooperation”⁷⁷ Additionally, worker’s rights have suffered greatly; over twelve years of hearings under

announced that the gap between the rich and poor in the US was the widest since 1977. NAFTA has contributed to “structural adjustment” in the US in that the movement of manufacturing jobs to Mexico has widened the income gap between skilled and unskilled workers. Although incomes are relatively more equal in Canada than in Mexico or the US, income inequality has increased since 1989 and trade has had an impact on declining social services. NAFTA FROM BELOW, *supra* note 26, at 10.

Over the past two decades, the income of Mexican workers has lost 76 percent of its purchasing power. Under pressure from foreign lenders, the Mexican government has ended subsidies for basic necessities, including gasoline, electricity, bus fares, tortilla, and milk; and prices have risen dramatically. The government estimates that 40 million people live in poverty, with 25 million in extreme poverty. . . . The National Union of Workers . . . puts [unemployment] at more than 9 million people, or a quarter of the workforce.” BACON, *supra* note 72, at 54. Bacon attributes these conditions to IMF structural readjustment policies. *Id.* at 54.

⁷⁶ NAFTA FROM BELOW, *supra* note 26, at 10.

⁷⁷ BACON, *supra* note 72, at 50.

NAFTA labor provisions, “not one fired worker has been returned to his or her job and not one independent union has won a contract as a result of the process.”⁷⁸

Several recent developments continue to impact the way that NAFTA filters through Mexican society. First, the U.S. recession in 2000 caused plants to close and led to increased unemployment along the U.S.-Mexico border.⁷⁹ Additionally, many plants have decided to relocate overseas (predominantly to Asian countries) due to the termination of the Multi-Fiber Agreement (MFA) in 2005.⁸⁰ The agreement had previously “protected garment manufacturers from cheap labor competition in Asia” through import quotas and “preferential pacts.”⁸¹ Now, many garment producers can compete more readily in the world economy by relocating to Asia where labor is cheaper and labor laws are less stringent, although one could hardly call the current lack of enforcement of labor laws in Mexico “stringent.”⁸² Nevertheless, “[e]mployers in Mexico have been citing the MFA as a reason they can’t afford unions and have to move.”⁸³

⁷⁸ NAFTA FROM BELOW, *supra* note 26, at 10. Not to mention the vast environmental degradation that has resulted.

⁷⁹ *Id.* at 11.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

However, in spite of the 2000 U.S. recession and the changes in the garment industry brought on by the termination of the MFA, some areas of industry still thrive along the U.S.-Mexico border. While various electronics and automotive plants move to Asia, other companies moved from the United States to Mexico (Ford), while still others returned to Mexico, bolstered by Asian or European capital.⁸⁴ Additionally, Asian companies such as Mazda, Honda, and Toyota, have established plants in Mexico. In light of the current economic crisis that is plaguing the United States and countries worldwide, one can expect another wave of change in the maquiladora industry in the near future.

NAFTA's Disproportionate Impact on Women

A recent Amnesty International Report explains that NAFTA has had a disproportionate effect on women, particularly indigenous women. In summarizing the effects of NAFTA, the report states:

In Mexico, exemptions from taxes and duties attracted maquiladoras—factories for the assembly of imported component parts into clothing, electronics and other consumer goods for export—creating thousands of new jobs for poor, often young women. While these jobs provide increased autonomy, most women workers continue to live in poverty due to low pay, few benefits and no job security. Violations of labour rights are common, and have included forced overtime, exposure to dangerous chemicals without proper protective equipment, poor ventilation and other unsafe working conditions, forced pregnancy tests and sexual harassment. The right to organize is routinely violated, and women who have attempted to do so have been fired. Labour rights are not included in the

⁸⁴ *Id.* See Chapter IV *infra*.

core text of NAFTA but dealt with in a side agreement whose provisions have proved difficult to enforce.⁸⁵

In preparing for the implementation of NAFTA, Mexico removed a “constitutional guarantee of communal lands for Indigenous peoples.”⁸⁶ This change allowed investors to buy the *ejidos* which were formally owned and farmed by indigenous populations. In addition, “production subsidies and loans for small farmers were cut, while tariffs on the import of agricultural products were removed.”⁸⁷

On the same day that NAFTA was enacted, the largely Mayan Emiliano Zapata Army of National Liberation took brief control of several municipalities in Chiapas.⁸⁸ The leader of this movement, Subcomandante Marcos, “called NAFTA ‘a death certificate for the Indian peoples of Mexico.’”⁸⁹ Soldiers from the Mexican army were sent out to control the uprising and set up many checkpoints in the process. In the wake of this conflict, many women, both indigenous and non-indigenous “report being the victims of sexual abuse by unidentified, armed and masked men who attacked them by

⁸⁵ AMNESTY INT’L, *supra* note 48, at 7.

⁸⁶ *Id.* at 27.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

the roadside and raped them”⁹⁰ Women continue to bear the brunt of this conflict, especially women in Chiapas who suffer disproportionately in the wake of NAFTA.⁹¹

In response to NAFTA, farmers and landowners who are not longer able to make a living through subsistence farming are migrating within Mexico to find paying jobs. In large part, the men who were farming land prior to NAFTA now require other sources of income. As a result, some of these men have found employment in the maquiladora industry, displacing women who would have otherwise worked there. Still others have migrated to the United States, leaving women and families behind to adapt. In the following section, I continue to examine the changes that have taken place since NAFTA’s implementation, and the resulting impact on women and the maquiladora industry.

⁹⁰ *Id.*

⁹¹ *Id.* at 28.

CHAPTER IV
IN THE WAKE OF NAFTA: MEXICO'S LABOR LAW AND THE POLITICS OF
GLOBALIZATION

I begin this section with a discussion of labor laws and worker protections in Mexico. I continue to examine the connections between Mexico's lack of labor protections, NAFTA, and globalization.

Mexico's constitution guarantees relatively progressive labor protections; however, as actually implemented, the laws lack enforcement and frequently fail to serve the workers they are supposed to protect. When these labor laws are combined with the protections guaranteed to employers under NAFTA, workers face a great disadvantage.⁹² Workers are at the Mexican government's mercy when seeking to form unions, enforce labor provisions, protest or strike, or engage in virtually any method of grassroots activism. This holds especially true for female workers who often hold the most physically demanding jobs on the maquiladora floor, in spite of the perception that the jobs on the line are not physically demanding because the workers are sitting while

⁹² It is important to note that Mexico is not alone in this respect—most of the locations that are attractive to multi-national corporations are attractive precisely because they allow the corporations to access a cheap workforce, which in turn cuts production costs. Labor protections increase costs, and are ultimately not attractive to corporations. What is said in the section below can be applied to many of the countries where multi-national corporations choose to locate production factories.

performing these jobs.⁹³ I first present a history of Mexico's labor laws, then continue to explain the state of labor law today and the resulting impact on workers. Subsequently, I discuss ways in which female workers have resisted these constraints and continued the struggle for workers' rights and protections.

When written in 1917, Mexico's Constitution was the "most progressive labor law in the world."⁹⁴ Article 123 of the Constitution "gave workers the right to organize labor unions and to strike. It also provided protection for women and children, the eight hour day, and a living wage."⁹⁵ In short, Mexico's constitution provided for all of the modern-day protections that unionized U.S. workers may enjoy. Article 123 was converted into legislation via the Ley Federal de Trabajo or Federal Labor Law (LFT) in 1931.⁹⁶ This legislation provided for the establishment of "the Juntas de Conciliación y Arbitraje (the Boards of Conciliation and Arbitration), made up of representatives of the government, employers and labor unions. The state thus became the ultimate arbiter of labor relations, a role strengthened over time."⁹⁷

⁹³ See generally NORMA IGLESIAS PRIETO, *BEAUTIFUL FLOWERS OF THE MAQUILADORA* (Michael Stone trans., University of Texas Press 1999) (1985).

⁹⁴ Dan La Botz & Robin Alexander, *Mexico's labor Law Reform: Employers' Rights vs. Associational Rights*, 60 GUILD PRAC. 149, 150 (2003) (the Mexican Constitution resulted from the Mexican Revolution (1910-1920)).

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

Through this system, the Secretary of Labor and the above mentioned labor boards “maintain a strict system of legal control over labor unions. Unions must have a legal registration (*registro*), must have an officially recognized right to negotiate collective bargaining agreements (*titularidad*), and must periodically re-register their officers and be accepted by the state (*toma de nota*).”⁹⁸ La Botz and Alexander described the effects of this system as follows:

Although this system of labor relations initially conferred real benefits on workers and peasants whose organizations supported the government, it now chiefly serves to maintain a status quo that benefits only employers, corrupt union leaders and the political parties that rely on their support. This tri-partite structure is especially effective in keeping independent unions out, since (1) the seat of the representatives of labor is almost always filled by the largest of the official union federations, the CTM; (2) the business representative will always oppose an independent union; and (3) the presidency of the labor boards is held by the government—generally the PRI (Institutional Revolutionary Party), occasionally the PAN, and only on very rare occasions by the PRD. This means that in virtually all cases at least two, and usually all three, members of the labor board have a vested interest in seeing that the independent union loses.

These tri-partite labor boards can block democratic unions from representing workers by any number of bureaucratic ploys. First, unlike in the United States, a union must have a certification or *registro* before it may legally represent workers in a particular workplace. While these are theoretically available by following a relatively simple administrative process, and in fact are available to the official unions in a matter of days or weeks, the pretexts for denying them to independent union are, in the words of one democratic lawyer, “as vast as one’s imagination.”⁹⁹

As the authors indicate, the political reality often prevents unions from actively protecting members of the working class public, and even prevents workers from forming unions in the first place. Instead, the government protects industry and business interests

⁹⁸ *Id.*

⁹⁹ *Id.* at 150-51.

by blocking the formation of democratic unions. The requirement for initial union registration with government easily facilitates government veto of the union; the government may block unions at will, with no one to challenge its power. Additionally, employers may also avoid legitimate employee unionization efforts by “entering into protection contracts with *sindicatos fantasmas* or ‘ghost unions.’”¹⁰⁰

These protection contracts act as a barrier to legitimate unionization of the workplace in several ways: first, they only contain minimal worker protection provisions, protections that are already required by Mexican law; second, they generally contain an “exclusion clause,” which gives the workplace the right to fire workers at will; and third, they impede the legal organization of a legitimate union.¹⁰¹ In Mexico, once a workplace union has been certified by workers filing the proposed contract and issuing a strike notification to the employer, the challenger must seek an election through filing a petition with the labor board.¹⁰² The labor board, generally supportive of the protective contracts with the “ghost unions,” will create delay upon delay in order to avoid the election.¹⁰³

¹⁰⁰ *Id.* at 151. For example, workers at the Plásticos plant in Tijuana, Mexico were unaware of the existence of a “ghost union” as they tried to organize and file for a new union. The existing union “had never held a union meeting at their plant. Workers had no idea that union dues were being paid in their name, since the company paid CROM directly.” BACON, *supra* note 76, at 65.

¹⁰¹ La Botz, *supra* note 94, at 151-52.

¹⁰² *Id.* at 152.

¹⁰³ *Id.*

Even if the proponents of the union are fortunate enough to be granted an election, the obstacles do not end here; the election will take place by a voice vote, and not a secret ballot.¹⁰⁴ This process is fraught with difficulty due to employer pressure on employees, institutional barriers created by the labor board (who require workers to “present their credentials” in the face of employer and “official union” representatives).¹⁰⁵ The employer also has the right to exclude representatives of the proposed union from the elections.¹⁰⁶ As a result, the election is not likely to come out in favor of the proposed unionization.

These difficulties are perpetuated by the fact that there is no legal requirement for a public registry of unions or contracts; therefore, employees attempting to organize a new union are generally not aware of the existence of a prior protective contract.¹⁰⁷ Because a union must choose among various petitions based on whether a protective contract already exists, the lack of awareness of an existing “contract” presents a distinct barrier to potential organizing efforts. As a result, employees attempting to organize are at risk of filing the wrong paperwork and having their petition dismissed. The board has been known to dismiss “a representation petition because the name or address of the incumbent union which is being challenged is incorrect.”¹⁰⁸ After the 2000 election,

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

when the PAN political party was elected, “some had hopes for labor law reform and labor revitalization. However, the neoliberal economic policies of the PAN have essentially ensured the status quo.”¹⁰⁹

These barriers to workers’ rights were further compounded by NAFTA, which pressured Mexico to accept structural adjustment policies championed by the IMF.¹¹⁰ Under NAFTA, employers faced increasing pressure to conform from policy-makers in the north:

International financial institutions also got into the act, explicitly requiring that Mexico reform its labor law in accordance with the neo-liberal model which was the basis for structural adjustment programs throughout the world. As Mexican labor lawyer Manuel Fuentes suggested, a new labor regime was gradually being imposed on Mexico from the North.¹¹¹

In spite of the existence of labor protections in the U.S. and other developed countries, the economic interests of such countries prompted policy-makers to pressure Mexico to conform, thereby resulting in less expensive labor costs for would be investors. In light of the corporation-friendly trends as expressed via the WTO and NAFTA, state governments face little incentive to expand employee protections. In fact, a government that did take a strong stand on labor would likely be penalized in economic terms under globalization.

The implementation of NAFTA has further weakened constitutional protections for workers in Mexico:

¹⁰⁹ CAROLINA BANK MUÑOZ, *TRANSNATIONAL TORTILLAS: RACE, GENDER, AND SHOP-FLOOR POLITICS IN MEXICO AND THE UNITED STATES* 61 (2008).

¹¹⁰ La Botz, *supra* note 94, at 53.

¹¹¹ *Id.*

There are several reasons that the labor provisions of the constitution are not enforced. First, these provisions are not attractive to foreign capital investment. Second, Mexican industries, which must abide by the provisions, are not able to compete with foreign investors. Third, Mexico has a long history of entrenched union corruption and state involvement in labor relations.¹¹²

Lowered protections for workers tend to go hand in hand with globalization and outsourcing of labor. Without the enticement of lax labor laws and lower pay in developing countries, most CEOs would choose to continue to do business at home. In other words, if the conditions in developing countries did not correlate with a positive impact on profits, there would be no point in outsourcing. Mexican companies, in turn, are not able to compete with these foreign investors; this means that Mexico then becomes dependent on the foreign investors as a source of labor for its population, and locally based production, goods, and innovation suffer as a result. Thus, when a foreign corporation establishes an assembly plant in Mexico, and then relocates (to Asia for example), the Mexican workers as individuals and the Mexican economy as a whole all suffer.

The discussion of Mexico's labor policy would not be complete without mention of how U.S. immigration and economic imperatives define Mexican policy.¹¹³ Muñoz attributes the methods of employment and interaction in border assembly plants to U.S. immigration policy and border militarization strategies:

¹¹² MUÑOZ, *supra* note 109, at 60.

¹¹³ Although I frame this discussion of globalization policy in terms of U.S. policy, I want to caution that Mexico's government played an active role in the process. "Making Mexico attractive to foreign investors . . . is the policy of *both* the Mexican and U.S. governments." BACON, *supra* note 72, at 72 (emphasis added).

U.S. state policies also impact the labor process in Mexico. The extreme militarization of the border and the criminalization of immigrants create a system whereby men more commonly take the risks of crossing the border while leaving their families behind in border cities with few or no familial networks. Women are thus forced into the labor market and serve as a supply of cheap, vulnerable labor for the maquila industry and Mexican national industries operating on the border. The process of globalization, which involves the neoliberal export-processing development model and NAFTA, World Bank, and WTO, has forced Mexico to loosen its constitutional provisions protecting the rights of workers. Mexican state nonintervention is, in fact, a strategic policy as the state, like the charro [or ghost] unions closely allied with it, turns a blind eye to violations of labor law by both Mexican and transnational corporations alike. This feeds these corporations with a pool of cheap, female labor.¹¹⁴

The end result of Mexico's labor policies coupled with globalization is to foster an environment where enforcement of the constitutionally guaranteed protections is nearly impossible. Workers, particularly female workers, find themselves employed with very few corollary rights and guarantees. Therefore, employers are able to use the knowledge that their employees lack protections in order to perpetuate the lack of rights; as long as workers are afraid of becoming unemployed, they will not organize, revolt, or raise havoc, or so the story goes. In fact, workers do face incredible odds, the cards are stacked against them.

However, social movements continue to persist as female workers struggle to find new and creative ways to assert their rights, whether this be through taking more

¹¹⁴ MUÑOZ, *supra* note 109, at 63. Muñoz continues to explain that women aren't entirely passive in the process and continually assert active resistance to the status quo, an issue I will take up in the next section of this thesis. The connection between the militarization of the border, immigration ratios of men versus women, and the gender politics on the factory floors is compelling, and serves as one explanation for the historic preference for female labor in the maquiladoras. However, the fact that the ratio of female to male workers is now shifting towards a preference for male workers calls the last sentence of the quote into question.

bathroom breaks than they need while working on the line, or through grassroots organizing efforts. Specifically, women have proven to be great agents of social change in this regard, adapting to new scenarios and environments, persisting in their struggle for survival.

Today, many women do continue to work in the assembly plants, while others embrace other strategies as they confront a lack of employment caused by the relocation of a plant or by the increased employment of men in a particular plant. In spite of these challenges, Mexican women continue to devise and implement strategies of resistance, both within and outside of the maquiladoras. Women are engaging in strategies including NGO formation, local organizing efforts, women's empowerment groups, and unofficial labor unions. These women who engage in small and large acts of resistance on a daily basis are the reason for this thesis and are the subject of the next sections.

CHAPTER V

STRATEGIES OF RESISTANCE

Introduction

Women in the maquiladoras often go to work in order to provide for their families. This section explores the ways in which women engage with the economic and political institutions that govern their employment, wages, and the social pressures exerted upon women. First, I focus on the ways that women have resisted the workplace pressures resulting from NAFTA and the lack of labor protections in Mexico (as described above). Second, I turn towards two strategies of resistance women are employing throughout northern Mexico: (1) women's participation in the informal economy, and (2) women's activism in grassroots community organizing and NGO formation.

These strategies of resistance include a wide array of social organizing efforts, both in Mexico and in solidarity with workers across the U.S.-Mexico border. I find these strategies, and the women who create them, incredibly compelling and instructive. The webs of community and support that result merit examination by any group of people who seek to form strong bonds, networks, and a socio-economic system that departs from

the dominant ideology of the times. In short, these women demonstrate ways in which to reclaim control of one's own life, and, in turn, to survive.¹¹⁵

The Labor of Change: Modes of Resistance in the Assembly Industry

I want to acknowledge that workers have employed a wide variety of tactics in the fight to secure adequate union representation, safe workplace conditions, and to rectify other injustices that take place on a regular basis within the maquiladoras.¹¹⁶ Workers

¹¹⁵ With my use of the word “survive,” I am indicating not only survival on a physical level, which is often the concern of women in this thesis, but also survival on a spiritual level. This spiritual survival stems from resisting systems of oppression that continue to ignore the importance of women, deny their needs, and, in short, to operate as if these women did not exist (or as if those in charge wished they would simply disappear).

For example, Dulce Cortez, “cofounder of Mujeres por la Democracia (Women for Democracy) in Pátzcuaro, Michoacán, stated: ‘One of the things important to me in this work is gaining knowledge in order to share it with the other women I represent in this area. I have come to see that for me the most important thing is for *our society to take us into account.*’” MILAGROS PEÑA, *LATINA ACTIVISTS ACROSS BORDERS: WOMEN’S GRASSROOTS ORGANIZING IN MEXICO AND TEXAS* 4 (2007) (emphasis added).

¹¹⁶ One worker describes a rare victory for workers:

[I]n 2000 after five years of this complaint for unjust dismissals we gained the first favorable resolution, but the company appealed. In 2002 we won the complaint for reinstatement and back salaries for five years. Breed refused to reinstall us, so they gave severance payments to everyone. Including the severance payment, seniority, and back pay, they paid each of us 10,000 dollars.

That set a precedent in our community because until then the maquilas just closed and left when they wanted and no one ever made them pay up. Thanks to the five years of resistance by my co-workers and the international solidarity that we received, this was the first time that five years of struggle weren’t in vain in the face of the corruption and impunity of the labor authorities and the government.

–Pedro López, former Custom-Trim Worker

NAFTA FROM BELOW, *supra* note 26, at 20. Custom-Trim workers sewed the leather coverings for car gearshifts. The workers experienced major problems due to chemicals, toxins, and injuries caused by repetitive movement.

have turned to the Mexican courts, unions, and inspection agencies, and to the international community (via the National Administrative Office of the North American Agreement on Labor Cooperation), but with often less than ideal results.¹¹⁷ Additionally, workers have utilized formal strikes (as allowed in the labor process), wildcat strikes, and formal protests as methods of resistance.¹¹⁸ Some workers' rights groups have partnered across country lines, finding solidarity with U.S. workers.¹¹⁹

All of these strategies have proved useful, and at times, powerful, instruments in the advancement of workers' rights in the maquiladoras, although the success rate has been categorically low. Fully developing each of these strategies would require more space than this thesis allows. As a result, I focus this chapter on modes of resistance employed specifically by women in the workplace. These strategies are frequently more subtle than the traditional methodology (i.e., strikes, lawsuits, protests). These women engage in subtle strategies of workplace resistance that range from taking more bathroom breaks than officially allocated to implementing a management system divergent from official policy in order to maintain a productive line.

In order to provide a context for this section, I begin with a more thorough description of the inner-workings of a maquiladora. First, the supervisory structure. While historically most of the line workers in the maquiladoras are women, most of the supervisory roles are occupied by men. Each line of production has a line supervisor who

¹¹⁷ See generally NAFTA FROM BELOW, *supra* note 26.

¹¹⁸ See *id.*; BACON, *supra* note 72.

¹¹⁹ See generally NAFTA FROM BELOW, *supra* note 26; BACON, *supra* note 72.

literally oversees the work women undertake on the line. This supervisor is also viewed by another level of supervisors, who, in turn, report to managers, all predominantly male. My point is that each position is constantly under surveillance with men observing women. Historically, the passive production line roles belonged to women where men occupied the active, supervisory roles (passive and active defined by whether one sits or stands).¹²⁰

Maquiladoras come in a vast variety of shapes and sizes, with different job functions depending on the good being manufactured. However, I provide the example of specific labor on the line to elucidate the complexities involved in work on a production line located in Ciudad Juárez, Mexico:

The following ergonomic description of position 29 on the line illustrates the extent to which one woman worker had to respond to model changes within the twenty-two-second cycle. For model A, this position is laid out as a series of left- and right-hand motions calculated to insert seven parts within twenty-two seconds:

1. Transport time 3.0 seconds
2. Right hand inserts part A 1.8 seconds
3. Left hand inserts part B 1.9 seconds
4. Right hand inserts part C 1.8 seconds
5. Left hand inserts part D 1.9 seconds
6. Right hand inserts part E 1.8 seconds
7. Left hand inserts part F and check[s] the polarity 2.2 seconds
8. Right hand inserts part G 0.9 seconds
9. Release the pedal (to move circuit board down the line) 2.0 seconds

Note: Do not grab more than five components at the same time.

Rest time: 4.0 seconds

Efficiency rate: 97 percent.

¹²⁰ MELISSA W. WRIGHT, *DISPOSABLE WOMEN AND OTHER MYTHS OF GLOBAL CAPITALISM* 56-57 (2006).

For model B, this same position had to insert eleven parts, three of which were different from those in model A, so each motion pared down to even fewer increments of time. For model C, the worker had to insert seven parts, two of which were not parts used in either model A or model B. In other words, a single worker in position 29 had to remember which parts pertained to which model, how to move her body according to the scripted design, and how to assess the work without slowing down.¹²¹

The work described in the passage above is incredibly exact and leaves little room for error. Most line positions in the maquiladoras require similar degrees of measured movement and precision. The prolonged and tedious work takes a great physical toll on the workers. Angelita, a worker employed on a toy assembly line, explains her job and the resulting physical pain:

I had to pull their little clothes on from the neck down and fasten two tiny buttons. For sure, these little dolls say good-bye and hello, but nothing in the world would make me buy one of the dolls for myself or my daughter. I hate them.

We never had a fixed production standard; we just had to make as many dolls as the supervisor wanted, the number demanded by the buyer. All of us girls stood in a kind of circle, and as the conveyor belt went by, some of us grabbed the dolls to dress them, and the rest did other things to the dolls. The pace was so swift that very quickly the dolls began to stack up. When that happened the supervisor would come to reprimand us, and we just got more agitated.

The work was unpleasant. My hands really ached, every day worked to the bone by the speed of the work. My hands hurt so much that when I got home I couldn't do the housework; I couldn't even change my son's diapers.

One day I just couldn't go one, and I told the supervisor that I wasn't going to work anymore, that my hands just couldn't take it. "No," he said, "wait until quitting time. Don't you see the dolls are going to stack up on your co-workers?" I answered, "Who cares?" In any case, I tried to continue working, but I went very slowly, because my hands hurt so much. They couldn't take any more. Then the old man came up to me and asked, "Why do you have so many dolls stacked up?" I replied, "I just can't do the work." He told me, "Well, just quit then," "That's what

¹²¹ *Id.* at 55-56.

I'm going to do. I was just waiting for you in order to submit my resignation." Angrily, I left the dolls there and walked out. I lasted only one month.¹²²

Many women do quit work in the maquiladoras due to negative physical side effects, boredom, and the lack of worker protections. In fact, the maquiladoras count on the women quitting instead of succeeding in organizing workers; there are always other women waiting to fill the job.

Similarly, Alma woman discusses her work in a maquiladora where she was involved in a struggle to organize female workers:

We women did they complete piece. They gave each of us a pattern, and we had to make the dress nearly from beginning to end. They gave us the cut material and we had to sew it together. It wasn't like the majority of textile maquiladoras, where the work is very segmented. That is, some sew the sleeves, other the collar, others put on the buttons, zippers, and so forth. By contrast, here they are always changing the pattern according to variations in fashion and changing seasons. We just about get used to making something and gain some skill with a piece, then they change it on us!

The dresses we make are beautiful, for very fashionable women. They're incredibly expensive! They sell them in the best stores in the United States and they cost \$200 or \$300. And what do we get? We make 45 pesos [about U.S.41.00] per dress. Incredible, don't you think? We spend ten hours a day in front of a sewing machine to make a man rich and we don't even know him. And the worst of it is that we continue doing it, some not even making the minimum wage, without complaining, asleep at the wheel, watching time go by, years in front of the sewing machine. I recognize the glares, I know how we protest on the inside because we don't dare say anything to the bosses. We wait for the quitting bell to ring so we can hit the street, believing that it's all a bad dream, and that it's going to change. It's like we put these thoughts aside for a moment and go back to work, without doing anything more about it. At times we forget why the devil we're working, just waiting for a little bit of money so our kids can survive.

You get used to it all, or at least we pretend to. At times we let ourselves be carried away by the noise or the music of the radios we all

¹²² PRIETO, *supra* note 93, at 8-9.

carry. It helps us forget the fatigue and the back pain we all have from working in front of the sewing machine. The moment came when I just couldn't take any more and I quit, knowing that the money my husband makes, together with what our oldest daughter gives us, wasn't going to be enough. I knew we were in for some hard times, but I never knew just how much.¹²³

Like the woman above, Angelita, Alma explains the pain, fatigue, and dull ache to the soul resulting from work on the line. The risks of maquiladora work stem beyond the hazards described above. Here, Gabriela explains her work with dangerous chemicals in a maquiladora:

I had to make chemical mixtures, and it was quite dangerous because we did not have all the necessary laboratory safety and ventilation equipment. I worked with a variety of acids: nitric, sulfuric, hydrofluoric, acetic. We also worked with trichloroethylene, acetone, nickel, Freon, and other substances. I breathed those acid vapors for many hours on end; often ventilation was poor, and I would get sick to my stomach. One time they had to put me on worker's compensation for four months because my body was completely saturated with the chemicals. I received various detoxification treatments at the Social Security clinic, and they told me I could no longer work with chemicals. My stomach burned a great deal and I had constant headaches. When I returned to the job, I went to work again in the chemicals room; I felt like I was going to faint, and I began to feel ill again. So I requested a transfer to another department.

The room still lacks good fans, and the ones they have often don't work at all. I don't now how the *muchachas* keep working there, because neither the general conditions nor the safety measures have been improved in the least. Surely, they are going to suffer the same problems that I did.

...

One time there was an explosion and two co-workers were burned. Fortunately, their clothing was stripped off right away and they were washed down, which kept them from being badly burned. If the chemicals had gotten on them, even one drop in the eyes, they would have been blinded. One of the safety measures that we did have was goggles, but we rarely used them because they made us so hot, as the room has not ventilation.¹²⁴

¹²³ *Id.* at 17.

¹²⁴ *Id.* at 10-11.

These women illustrate a range of the jobs that maquiladora line employees perform. They also demonstrate a range of risks and negative side effects associated with maquiladora work. Many of the women interviewed eventually quit their jobs as line workers, only to have to seek another one due to economic hardships. However, other women resisted the pressures of the work by taking more bathroom breaks than allotted, purposefully slacking on their output, and engaging in organizing efforts. These forms of subtle protest are limited because many women do fear losing their jobs. I now turn to two women who held supervisory roles in the maquiladoras, a rare feat for a woman in these male-dominated spheres.

The women I discuss in the following section have all achieved higher levels of education than a typical line worker. However, the women obtained the education at varying times in their life; one woman began her work at a maquiladora with a middle school-level education, but through evening classes, she obtained a college degree while still maintaining her employment with the maquiladora. The women who are the subjects of this section demonstrate a remarkable ability to read the work environment, adapt, and create social systems that allow them to comply with the demands of their superiors and also create strong bonds and alliances among co-workers. Because this type of resistance is best explained in specific terms, I turn now to two specific examples.

Case Studies: Cynthia and Gloria

The information for this section comes from Melissa Wright's book *Disposable Women and Other Myths of Global Capitalism*. While some of the analysis I employ

differs substantially from Wright's, I find her descriptions, interviews, and insights useful and persuasive. Cynthia and Gloria both demonstrate varying levels of resistance to the established maquiladora order. Wright employs Cynthia's experiences to question the relationship between American and Mexican (and particularly Mexicana-- grammatically, the female possessive of Mexican) cultures in the maquiladora. Cynthia confronts the established order by asserting her Mexicana style and reveals differing cultural expectations of what it means to dress professionally. Gloria also confronts the established order, but by establishing her own managing mechanisms that are almost wholly unknown to upper management. Through her management style and the resulting alliances, Gloria obtains the loyalty and support of her workers, which becomes an important element of her story.

Cynthia

Cynthia challenged the established order of the maquiladora where she worked in a variety of ways. First, she was a highly educated woman, Second, she managed a line of Mexican men on the shop floor. Third, she would not bend to the American established norm of professional dress, and continued to wear clothes that she considered to be professional for a Mexican woman in her position. Wright explains, Cynthia was the "managerial liaison to the manufacturing engineers, all Mexican men, on the shop floor. With a college degree in engineering and chemistry, Cynthia had the most years of education in her family" and was working on her Masters of Science.¹²⁵

¹²⁵ WRIGHT, *supra* note 120, at 109.

In spite of the high level of education and workplace status, Cynthia was consistently disciplined because, as Wright alleges, she was too Mexicana.¹²⁶ Although some of the write-ups attributed the discipline to her workplace performance, these references were vague and unconvincing.¹²⁷ On one occasion, management disciplined Cynthia for wearing a particular bow in her hair. Cynthia's response and management's response are as follows:

“Do you know what they said to me? Those fuckers. . . . My bows. They say I can't wear my hair bow!” She took a sparkling purple bow from her hair and showed it to me. “My mom gave these to me for my birthday. . . . And it's Rosalía [another Mexicana manager] telling me this First it was my hair: ‘tone it down.’ Steve calls me in his office and says he wants me to look more like an American engineer. He said I had gone too Mexican. Who the hell does he think he's talking to?”

Over a series of conversations, Steve explained to me that Cynthia simply did not look professional, given her position. “I don't know if she's here to discover her roots or what. I don't care. I just want my engineers to act like engineers. I can't have my boss coming down here and bumping into glitz and bows when he wants to talk about the fuel system. . . . This might sound bad, but that's just how it is in this world. If she wants to be a manger, she had better tone down the Mexican stuff.”

Cynthia was not bending to the pressure. One day she came in wearing a violet blue dress suit with rhinestone buttons and a bow to match. “I dare them to say anything,” she told me in the hallway. When I asked Cynthia if she was tempted to yield in an effort to mitigate tensions, she expressed anger and said, “Look, I'm not a white girl like you. And I'm not ashamed of who I am. I show it. I'm a woman, I show it. I'm *mexicana*, I show it. Outside, I wear blue jeans but here I'm professional and that's what I show. If they don't like it, fuck 'em.”¹²⁸

Several intriguing perceptions are at play in this passage. First, Cynthia's outrage at being disciplined for wearing an outfit that she considered to be professional. Cynthia

¹²⁶ *Id.* at 110-112.

¹²⁷ *Id.*

¹²⁸ *Id.* at 109-110.

explains that she will not yield to the pressure management placed on her because she wanted to dress in a way that was considered appropriate for a professional woman in her perception of Mexican culture.

Clearly, this perception of professional dress was at odds with that held by American managers, as well as Rosalía, another Mexican manager. Interestingly, competing perceptions of professionalism exist among the Mexicanas working in supervisory roles. Therefore, the conflict cannot be boiled down to a binary struggle between the American male managers and the Mexican women.

Steve, an American, explains that he has an established view of how engineers should dress, and Cynthia's mode of professional dress clearly did not fit into his parameters. He attributed her dress to a desire to "discover her roots" and asked her to "tone down the Mexican stuff." Steve apparently had no desire to push the issue with his own boss, who Steve seemed to want to shield from the glare of the bow worn by Cynthia (sarcasm intended). While many workplaces do have dress codes, I consider Steve's response to be sexist, racist, and, at the very least, completely non-sympathetic to Mexican culture, especially gender norms as expressed culturally. Cynthia's response shows considerable resolve. In the face of Steve's comments, Cynthia continued to wear even more elaborate clothing.

After the events described above took place, Cynthia was written up in vague terms for "not fulfilling her professional duties."¹²⁹ "Paradoxically, while hours of staff time were dedicated to the controversy over Cynthia's appearance, her performance as a

¹²⁹ *Id.* at 110.

quality engineer, measured in terms of product defects and reliability, won the highest award in the company, worldwide.”¹³⁰ She was forced to resign, but obtained another comparable position and obtained a wide degree of success in her career.¹³¹ Cynthia’s remarks prior to her resignation summarize the situation: “You know, I think these white guys are in for a big surprise. . . . There’s a lot of us, and we know what we’re doing. This is one of the few places where a *mexicana* can really do something in industry and be recognized. We know both sides down here, and that scares them.”¹³²

Cynthia expresses an element of fear on the part of American management that Mexican women will gain power in the industry and across the field, and perhaps displace some of those very managers from their positions. In reality, Cynthia’s perception that the Mexicanas “know both sides” is incredibly accurate. Workers like Cynthia and Gloria are able to flow between cultures in a way that many of the American managers actually refuse to do, for example, by clinging to racist perceptions as expressed by Steve, above, and refusing to engage in a dialogue regarding cultural difference. The American managers simply demand that their expectations and cultural norms be followed and that the workers will do so in order to keep the job. However, in the end, that philosophy is not practical in the working environment. It is also not appropriate to completely ignore cultural difference and diversity in the workplace; managers have a responsibility to promote cultural sensitivity and dialogue. As Cynthia

¹³⁰ *Id.*

¹³¹ *Id.* at 112.

¹³² *Id.*

expressed, the Mexicanas have more skills in this regard than their male American supervisors. Cynthia and others have worked in the factories and know the accepted norms, but also have an intimate understanding of Mexican culture. Perhaps the increase in male maquiladora employees may also be explained, in part, by a difference in the ability or willingness to conform to the Americanized perception of professionalism.

Gloria

Gloria's remarkable story demonstrates that her job—a job which management considered to be a low-skill job—required enormous skill and creativity. Gloria created her own management system¹³³ to mitigate the cultural differences between the American managers and the Mexican line workers; through this system, Gloria obtained the almost impossible levels of productivity required by her American bosses. The story is complicated by the fact that Gloria's resistance to managing norms was actually implemented to obtain management's objectives: a productive line.

Gloria works as a supervisor at Tres Reyes, a Mexican subsidiary of a Tennessee-based coupon manufacturing plant.¹³⁴ Gloria began working at the plant when she was seventeen, and was also expected to take care of her eight younger siblings.¹³⁵ In the plant, her job was to ensure that the coupons coming from El Paso were separated, coded,

¹³³ *Id.* at 137 (“Gloria enforced the corporation’s division of labor but not in the manner described by her managers. She had developed over the years an elaborate social network of insiders and outsiders to a patronage system encircling her.”).

¹³⁴ *Id.* at 127.

¹³⁵ *Id.* at 133.

scanned with computers, invoiced, and then shipped.¹³⁶ Although management saw Gloria's supervisory duties as requiring little skill, Gloria demonstrates that she orchestrated a complicated system of social order in order to ensure production. Gloria countered the idea perpetuated by upper management that the supervisory work in the plant was easy due to the computer system (designed to remove the need for human skill).¹³⁷ When asked whether the supervisory work was easy, Gloria replied, "absolutely not."¹³⁸

Gloria mapped and divided "the Tres Reyes production area into sections of older and younger, female and male, married and unmarried, single mothers and wed mothers, rockers, rappers, gang members, urban and rural, and migrant and local employees who performed a variety of tasks."¹³⁹ Gloria's vision of Tres Reyes was clearly different from that of her managers. Additionally, "her vision of how women became supervisors was also at odds with the managerial account of their promotion. . . . male supervisors were replaced with women who were adept at reading the complex networks within the city's labor force."¹⁴⁰ Wright summarizes Gloria's perception of the plant organization as follows:

¹³⁶ *Id.* at 133-36.

¹³⁷ *Id.* at 133.

¹³⁸ *Id.*

¹³⁹ *Id.* at 136.

¹⁴⁰ *Id.*

Unlike her managers, she did not see the company as run by the computer system. Instead, she said that the workers actually exercised a great deal of control over their own work because they controlled the pace. The challenge for supervisors was to make sure that workers performed their jobs up to speed and within the proper quality ranges. To accomplish this task in such a way as to seem automatic, Gloria organized an elaborate social system that her managers did not know even existed. Moreover, given their descriptions for her, they thought her to be incapable of such organizational skills.”¹⁴¹

Notably, Gloria understood that to actually reach the levels of production required by the standards imposed by plant managers, she could not simply rely on the computer system to ensure production. Instead, she created her own elaborate system of management, which divided workers into segments where they would work well together to meet the production quotas. Ironically, the perception of a smoothly functioning system may have actually contributed to management’s erroneous perception that the supervisory role required little skill.

Gloria’s management system won incredible loyalty on the part of the workers.¹⁴²

The people who worked the lines could see what Gloria’s managers were unable, or unwilling, to see: Gloria’s job as a supervisor requires an enormous amount of skill and

¹⁴¹ *Id.* at 137.

¹⁴² To summarize:

Gloria enforced the corporation’s division of labor but not in the manner described by her managers. She had developed over the years an elaborate social network of insiders and outsiders to a patronage system encircling her. Her social network extended through the supervisors to the section leaders and down to the operators in a dynamic system of give and take, which she manipulated to oust rivals to her authority at all levels.

Id.

organization. The perception that Gloria's job required little skill made it easier for management to discount her and the work she put into Tres Reyes.

An important aspect of Gloria's system, which management overlooked, is the *confianza* between Gloria and her workers. *Confianza* is usually translated as a "combination of intimacy, trust, confidence, and loyalty."¹⁴³ Gloria's networks of *confianza* were endlessly useful to her:

[H]er networks of *confianza* were critical for identifying who belonged where within the division of labor and for controlling them in their jobs. She relied upon her networks of *confianza* to identify the employees—as *cholos*, single, rappers, mothers, and so forth—and to keep these various sorts of people in line. . . .

"You can't expect people to do something for you if they're always afraid of losing their job," Gloria explained. Her response to this rigid and punitive social arrangement was to trade flexibility for loyalty. Several operators talked of how Gloria would help them out, give them advances and personal loans, provide pointers, and even turn a blind eye to an occasional absence as long as they were loyal to her. Loyalty meant advising a supervisor of a *rebelde* (someone who thought of organizing workers for any reason) or *lider* (someone who challenged authority and resisted being managed), or notifying a supervisor if someone was cheating and stashing coupons in the bathroom trash to pad their numbers.

In exchange for loyalty, the operators were treated with leniency and respect. One operator, Miriam, explained that she had worked at Tres Reyes for over a decade because "when you find a supervisor who will talk to you and find out why you missed a day or why you weren't feeling well, then you stay. In other maquilas, they don't care. . . . Of course, you have to give something in return."

The return to Gloria was an internal policing system. Information passed up and down the floor, favors were handed out, and loyalty promised such that Gloria knew most of the five hundred operators by name. She also knew whom she could not trust if the employee had not responded to supervisory efforts to cultivate *confianza* with them.¹⁴⁴

¹⁴³ *Id.* at 138.

¹⁴⁴ *Id.* at 138-39.

Because Gloria herself began working in the factory as a line worker, and slowly worked up to a supervisory role, her understanding of the various positions in the plant may have helped her to gain the trust of her co-workers and to empathize with them. As a result, Gloria was an incredibly generous manager by any standard. Her willingness to become personally involved with her workers allowed the company to benefit by retaining its workforce. While many people in the United States would view such personal involvement as unprofessional, it may have been the only way for Gloria to reach management's goals and objectives. Through her use of unconventional methods and skill, Gloria achieved what many people could never have achieved, precisely because of her willingness to interact with the workers on a personal level. Ironically, the very skills which Gloria possessed, and management failed to see, were perceived as undesirable traits in management's search for a new production manager.

Ultimately, Gloria's system of alliances and *confianza* helped her to achieve the position of production manager in spite of incredibly hostility on the part of management. The managers wanted to promote a male, Mauricio, from the operator line to production manager. Mauricio had a master's degree in agricultural engineering.¹⁴⁵ Mauricio saw himself as "being stricter and more authoritative than Mexican women, on average, and more than Gloria, in particular,"¹⁴⁶ and perceived these qualities as desirable in a

¹⁴⁵ Gloria also had almost completed a master's degree in business administration. "When she started working at Tres Reyes, she had only finished the seventh grade, but after years of night courses, she finally attained her goal of a college degree. Yet, her education and years of work experience at Tres Reyes did not lay the foundation of skilled experience according to the managers." *Id.* at 143.

¹⁴⁶ *Id.* at 142.

production manager. From Wright's conversations with plant management, she "heard that Mauricio was qualified for the position precisely because he did not present the image of the typical Mexican woman," defined as a submissive female "with minimal economic power."¹⁴⁷ Additionally, "Mauricio's ability to Americanize" also worked to his advantage.¹⁴⁸ Like Cynthia, Gloria also faced similar push-back for her dress, and people interpreted Gloria's dress as a sign that she was not qualified for the production manager position.¹⁴⁹

Ultimately, Mauricio was offered the job, but Gloria's *confianza* network provided her with incredible support which led to a reversal of this decision. One worker explained: "They are trying to get rid of Gloria but it won't work. She knows how to run this place with her eyes closed and they will soon see that. . . . Just wait, Gloria will get the job. . . . Two days later, she did. On that morning, everyone came to work and sat quietly at their desks and work stations, the coupons were not moving."¹⁵⁰ The entire plant threatened to walk out. However, a walk out did not take place, management bowed to the pressure and Gloria was offered the job. The loyalty and respect that resulted from Gloria's *confianza*-based system facilitated her promotion.

Gloria's story is an example of the ways in which individual strategies of resistance can impact and affect every person in a working environment. Even though

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* at 144.

¹⁵⁰ *Id.*

management was unaware of Gloria's networks of support and of the degree of skill she employed in her supervisory duties, the entire staff of the plant was aware of these qualities. The flow of information on the plant floor ultimately led to management's reversal of its decision to hire Mauricio. This story calls into question the definition of skilled labor; the skills required of a certain position vary based on perception. Here, Gloria utilized such skill to supervise and orchestrate the plant floor that she rendered her skill almost invisible to management. Ironically, it was her very skill that allowed management to continue in their perception that her job required little skill.

The story also challenges the modes through which resistance can take place on the ground in plants. Traditionally, we think of wild-cat strikes, organized strikes, and other labor movements as the primary methods of achieving change in a workplace environment. However, Gloria worked tirelessly to ensure that there were no efforts to organize labor or rebellion on the floor; in short, she worked continuously to achieve management's objectives. Still, she had her own methodology for achieving the desired results. While management did not understand the extent and power of this methodology, it nevertheless proved incredibly effective and resulted in movement from the bottom (plant floor) when Gloria's promotion was threatened.

Dollars and Sense: Women's Participation in the Informal Economy

One of the best ways to resist the pressures of capitalism is to subvert the system as a whole. I include this section because it ties in to the discussion of NAFTA and globalization—in the globalized economy, where individual and state actors, particularly

women, are losing power in the economic arena, what viable economic alternatives exist? We know that men in northern Mexico are seeking jobs in the maquiladoras formerly occupied by women. How are women adapting to this economic change?

Women are struggling to survive and, increasingly, to support families as men migrate north for work in the maquiladoras or in the United States. This is especially true for indigenous families who have been ejected from subsistence farms and are now adapting to an entirely new economic scenario. Indigenous women face increased threats of violence and economic challenges, especially as male heads of household migrate in search of employment. This section explores the connections between women and the informal economy, and demonstrates how women who, in the past, may have sought employment in the maquiladoras are now adapting to the post-NAFTA globalized economy.

The concept of the informal economy grew out of the idea that a person could be an economic actor without engaging with systems established by the state. One author explains, “[i]nformality thus encompassed economic behaviors that were not inherently illegal but occurred outside the purview of the state; it also constituted a field where economic actors—employers as well as workers—circumvented government legislation.”¹⁵¹ Generally, women have constituted a majority of the participants in the informal economy:

Structural adjustment policies implemented during recent decades affected female employment, and the economic crises resulted in a proliferation of

¹⁵¹ OUT OF THE SHADOWS: POLITICAL ACTION AND THE INFORMAL ECONOMY IN LATIN AMERICA 1 (Patricia Fernández-Kelly & Jon Shefner eds., 2006).

income-generating survival strategies in popular sectors of countries like Mexico. In general, women concentrated in small-scale commerce. These occupations are precarious, poorly paid, and lack benefits. Women who participate in these occupations earn less than those who have formal jobs do. In addition, they frequently engage in subsistence activities requiring intensive workdays. Moreover, women home workers hold jobs that are more precarious compared to those which men hold. However, women who are independent home workers frequently have better labor conditions than do women industrial subcontractors who work in their homes.¹⁵²

The above quote captures the negative implications of participation in the informal economy. As I explain below, participation in the informal economy is risky—it does not pay as well as the formal economy, it offers less predictability, and the wage gap between women and men is exaggerated. However, as eluded to above, participation in the informal economy also provides women with flexibility in their schedule, decent labor conditions, a strong sense of agency, and the ability to stay at home with their families. Participation in the informal economy takes many forms, from creating a neighborhood restaurant in a home kitchen at lunchtime, to sewing buttons on dolls (for eyes), to making tortillas for retail sale. Women participate in the informal economy in an endless number of ways.

First, I look at women's participation in the informal economy, the wage differential between men and women in this area, and the urban-rural divide associated with the informal economy. I then move on to look at the ways in which work in the

¹⁵² Silvia López Estrada, *Work, Gender, and Space: Women's Home-Based Work, in TIJUANA, MEXICO, IN THROUGH THE EYES OF WOMEN: GENDER, SOCIAL NETWORKS, FAMILY, AND STRUCTURAL CHANGE IN LATIN AMERICA AND THE CARIBBEAN* 172, 173 (Cecilia Menjívar ed., 2003).

informal economy benefits and empowers women, including some case studies as examples.

To begin, I address the reasons why women have been compelled to participate in the informal economy. One author attributes women's participation generally to changing social conditions in Mexico:

Options in the marriage market and social expectations of married women to stay in or close to the household have in the past led women to take part-time jobs, create home-based self-employment, or opt out of the labor force altogether. However, the share of the population under age 12 has been declining nationally, potentially freeing up women's time previously dedicated to childcare.¹⁵³

Although women in Mexico may still be encouraged to remain close to the home, they are having fewer children and thus can utilize their time at home to participate in money-generating activities. Another author connects the inability to maintain employment outside of the household to self-employment: “[I]f women are unable to get salaried work because of employer discrimination or because of household responsibilities, then those who are not entrepreneurially talented might be forced into self-employment.”¹⁵⁴ This applies directly to women who are unable to get work in the maquiladoras due to gender-based discrimination.

Women participate in the informal economy because they are unable to find work elsewhere, because they need the money as they are the head of household, or, simply,

¹⁵³ Fleck, *supra* note 16, at 134.

¹⁵⁴ Susana M. Sánchez, & José A. Pagán, *Explaining Gender Difference in Earnings in the Microenterprise Sector*, in *THE ECONOMICS OF GENDER IN MEXICO: WORK, FAMILY, STATE, AND MARKET* 174, 184 (Elizabeth G. Katz & Maria C. Correia, eds., 2001).

because it is a good alternative. Let's put it on the table: women may actually *enjoy* being self-employed. A woman may enjoy the sense of accomplishment that stems from thinking of creative ways to make money, creating a business plan, and actualizing that plan. She may enjoy contributing money to the household, or supporting herself. And she may enjoy the sense of freedom and agency that comes from hard work.

Whatever the reason for their participation, women make up a large part of the informal economy in Mexico, however, they receive less than half the wages of male participants. "In Mexico . . . women have become active participants in the microenterprise sector through business ownership, job creation, and through their contribution to overall economic growth."¹⁵⁵ With respect to ratios of employment among genders, "[f]emale-owned small businesses in rural and urban areas represent 26 to 44 percent of all of these firms in Mexico; nonetheless, women earn 36 to 50 percent of what their male counterparts earn."¹⁵⁶ The author continues to illustrate the gender-based wage differential throughout Mexico:

Female participation in Mexico's microenterprise sector rose dramatically during the first half of the 1990s. According to the Mexican National Employment Surveys, female representation in the microenterprise sector in localities with less than 100,000 inhabitants increased from 36 percent in 1991 to 44 percent in 1995, whereas female representation increased from 26 percent to only 29 percent in more urban areas. About 24 percent of microenterprises in urban areas and 39 percent of microenterprises in rural areas are owned by women. Nonetheless, female-headed microenterprises account for 16 percent of total sectoral earnings in urban

¹⁵⁵ *Id.* at 174.

¹⁵⁶ *Id.*

areas and 27 percent in rural areas, and the former earn about 50 percent and the latter 36 percent of what male-headed microenterprises earn.¹⁵⁷

The article continues to link the urban-rural divide to lower education levels of rural women (and lower education levels of women as compared to men on the whole).¹⁵⁸

Notably, the increase in female participation in the informal economy correlates with the enactment of NAFTA in 1994. Perhaps the increase is due to women who were displaced from their land and turned to alternative forms of income generation. In general, women are much more likely to participate in the informal economy in rural settings as opposed to urban environments. Women who are unable to find employment in rural environments, which are devoid of assembly plants, factories, or other employment opportunities for women, particularly those lacking education which is prevalent in rural areas, seek to create their own home-based employment. The increase in female participation in the sector may be due to women who were employed by the assembly plants but were unable to maintain those jobs and returned to their homes in rural areas.

The high levels of female participation in the informal economy may also be explained by the relationship between gendered household responsibilities and the ability (as measured by time and feasibility, not skill) to work outside the home:

Family responsibilities have a direct effect on earnings by reducing the amount of energy and effort available to devote to income-generating activities. Because household responsibilities generally have predetermined schedules, women's microenterprises are more likely to be home based. This arrangement allows them to have greater flexibility in hours worked, although at the expense of a lower growth rate and earnings than those firms with fixed business premises. On the other hand,

¹⁵⁷ *Id.* at 176.

¹⁵⁸ *Id.* at 183.

accommodating work schedules might lead to lower earnings as a result of compensating wage differentials arising from favorable working conditions that allow women to combine family and job responsibilities.

Further, women and men might have different goals with respect to microenterprise activity, which influences their business strategies and, thus, their earnings. For example, many women select self-employment to supplement family income and reduce risk. Thus, a woman might engage in low-risk, low-return activities to provide her family with a stable source of income. In fact, in Mexico's urban areas, 57 percent of women enter the microenterprise sector to supplement family income, while 47 percent of men go into self-employment out of their desire to become independent.

...

Finally, credit constraints might be an important impediment to microenterprise growth. The presence of credit constraints affects the availability of business owners to smooth consumption over time and undertake profitable investments. Thus, the investment behavior of microenterprises—and, therefore, their growth and earnings potential—might be restrained by limited access to credit services.¹⁵⁹

Sánchez brings to light many important aspects of women's participation in the informal economy through this passage. First, the passage highlights the exchange of a lower growth rate and less potential earnings for the flexibility of working from the home; this flexibility makes it possible for women to combine family duties with employment. The flexibility intrinsic in self-employment is attractive and may allow many women who otherwise would not be employed to experiment with income earning strategies.¹⁶⁰

Also, Sánchez verbalizes the important point that women may choose self-employment because of their own goals with respect to income.¹⁶¹ Women who engage

¹⁵⁹ *Id.* at 184-84 (citations omitted).

¹⁶⁰ “In both first- and third-world countries, home-based work enables women—particularly those with small children—to generate income for their families while also fulfilling their domestic roles” López Estrada, *supra* note 152, at 174.

¹⁶¹ I appreciate Sánchez approaching the problem from the perspective of women who choose to participate in the informal economy. The word choice is instructive here.

in employment in order to substantiate family income and to avoid market risks may be coming from a very different perspective than women who work in the maquiladoras. As the passage points out, the majority of rural women who do enter into the microenterprise sector do it to substantiate family income. These women wish to participate in the family life on a daily basis, and a similar degree of participation is not possible when women are employed in the maquiladoras; the travel time to work alone will generally add on two hours to the nine- or ten-hour work day.¹⁶² As a result, substantial participation in the everyday workings of the family life is all but impossible.

Regarding wealth and access to money, the relationship between access to money, a need for money, and a lack of money may influence women's participation in the informal economy, but perhaps to a lesser degree that many may at first imagine. Some women choose to become self-employed because that employment facilitates a greater degree of flexibility (as discussed above), personal freedom, and increased agency. Even "women's perceptions of poverty may well be contingent upon the power they themselves have over money and the degree to which the generation, allocation, and use of income is dictated by their spouses or used as an instrument of male control."¹⁶³

From the outside, it may be common to think that women who work in the informal economy do it solely because of necessity; the passage, and the discussion below reveal otherwise.

¹⁶² See generally NAFTA FROM BELOW, *supra* note 26.

¹⁶³ Sylvia Chant, *Female Household Headship, Privation, and Power: Challenging the "Feminization of Poverty" Thesis*, in OUT OF THE SHADOWS: POLITICAL ACTION AND THE INFORMAL ECONOMY IN LATIN AMERICA 126, 143 (Patricia Fernández-Kelly & Jon Shefne eds., 2006).

If faced with the choice between managing a household by herself, or managing a household with a man, women may choose relative poverty in exchange for increased agency: “[w]hen [women] manage households without men, for instance, they may have fewer material resources but experience greater personal empowerment and even security than they do in situations where male earnings do not translate regularly or substantially into disposable income for domestic use.”¹⁶⁴ When women control their household finances, they may experience personal empowerment at creating the income-generating strategy, exerting the strategy, and providing for their families and themselves. Take, for instance, the situation of women who face a dissolution of a partnership: “While financial pressures may force some women to search for other partners following conjugal breakdown, it is also significant that most female heads in the case study localities choose to remain alone rather than return to ex-partners or to form new relationships.”¹⁶⁵ These passages reveal that women take into account the experience of agency, flexibility, and freedom from abuse when judging their options; a purely financial analysis fails to reveal all of the elements in play.

Women may, in fact, value the experience of agency and empowerment more than tangible material wealth.

[C]ontrary to conventional wisdom, female-headed households often have comparable, if not higher levels of per capita income than their male-headed counterparts. . . . Accepting too that poverty is not just a material

¹⁶⁴ *Id.* at 143.

¹⁶⁵ A general failing of the market-based capitalist system which fails to allocate for intangible aspects of life such as empowerment and satisfaction, or, in the environmental field, for value to the ecological community as a whole.

state, but a perceptual one influenced by feelings of vulnerability, power, and control over resources, it is interesting that many female heads not only declare that they are better-off without men but sometimes forfeit material assets (a spouse's wage, a family home, and so on) in the interests of enhancing the overall or longer-term well-being of their households.¹⁶⁶

Chant points to the link between the experience of poverty and feelings of vulnerability and lack of control. Essentially, two women living in households with equal income may feel varying degrees of poverty; the woman with relative power and control over her resources will likely experience less poverty than the woman who lacks that control. The experience of agency and empowerment contribute so much to feelings of relative wealth that women may even forgo material assets that a spouse, father, or brother could provide in the interest of the overall well-being of the household.¹⁶⁷ The willingness of women to forgo material wealth in exchange for a greater experience of agency and well-being demonstrates that empowerment and agency are, in some circumstances, actually valued more highly than material wealth.

Departing from the theoretical background, at this point I turn to a discussion of the practical aspects of female self-employment in Mexico. I explore the types of income-generating activities that women engage in, and how women create the space for those activities inside the home. Throughout this section, I refer primarily to an article by Silvia López Estrada. López Estrada analyzes women's home-based work. While most of women's participation in the informal economy is home-based work, note that other

¹⁶⁶ *Id.* at 144.

¹⁶⁷ For example, take the specific instance of dividing food at meal time. As is customary, men are generally given the best portions of food, while women place the needs of their children ahead of their own. The hierarchy of man, male children, female children, mother shifts when women establish themselves as the head of household.

possibilities for participation are also possible. In general, “[t]he nature of home-based work is diverse, ranging from commerce and service occupations—such as the processing of foodstuffs, the production of handicrafts, the marketing of groceries or catalogue merchandise (Tupperware, cosmetics, clothes), child care, hairstyling and sewing—to professional services—such as dentistry, accounting, and cosmetology.”¹⁶⁸

In order to balance the domestic duties associated with being a wife and mother and home-based work, women arrange their schedules, physical space, and priorities accordingly, often utilizing a great deal of creativity. For example,

a worker who prepared food preferred to work on the weekend because she felt less pressure to care for her children and husband in terms of preparing their meals and doing their laundry. For some workers, another important reason for working weekends was that the product they sold was in greater demand at that time. This was particularly true for a woman who baked cakes for birthdays, weddings, and other events, since these usually take place on the weekend. Many women worked by appointment because that gave them flexibility. If the client could not keep an appointment, she or he could call to postpone or cancel and, being at home, the woman home worker could continue doing domestic chores, something that would not have been possible if she was working outside the home.¹⁶⁹

Estrada points to the flexibility inherent in at-home work and notes that women may appreciate that flexibility as related to the ability to work during a particular time of day, week, season, or periodically, as shaped by an upcoming event. Many women choose to complete work on the weekends to minimize the conflict between family demands,

¹⁶⁸ López Estrada, *supra* note 152, at 173.

¹⁶⁹ *Id.* at 179-80.

availability of physical space, and work.¹⁷⁰ However, women were also comfortable adjusting their work schedule to accommodate the needs of their family. Some women worked for a particular goal (for example, to pay for a daughter's quinceañera, a major rite of passage for young women in Mexico), while others decided whether or not to take in more work based on the needs of their families.¹⁷¹

Additionally, to restate the obvious, at-home work allows women to maintain a physical presence in the home while participating in the informal economy. While this point seems obvious, the associated benefits merit consideration. A woman working from home can take care of her children when required, does not have to spend hours away from home traveling to and from her job site, does not have to find childcare, is not put out when a client cancels or re-schedules, and can adjust her work schedule as necessary judging from the needs and demands of her family life. Unlike women who work in the maquiladoras, at-home workers are able to complete domestic tasks such as the shopping and cooking. Women working in the maquiladoras are hard pressed to complete these tasks because of the long hours required by their employers, the great travel times to and from the workplace, and because stores are often not open for business in the evening hours, when these women return from work.

In spite of the potential benefits of at-home work, some women experience such work as a strain on their domestic lives and on personal boundaries:

¹⁷⁰ *Id.* at 187.

¹⁷¹ *Id.* at 189.

Although this flexibility in organizing time seems to work well for some women, others find that it leads to working longer, harder days than if they had been employed in a formal occupation. For example, Mariana, a seamstress, worked while her husband and children were sleeping, and Tony, a distributor of pharmaceutical products, had clients who came to her home at all hours.¹⁷²

In these situations, the at-home work interferes unduly with domestic life, and because the work takes place at home, no physical boundaries that exist in other workplace settings are present. For example, clients would not be able to acquire pharmaceuticals at a formal place of business at all hours; clients showing up at all hours of the night would be incredibly disruptive to domestic life, even though potentially beneficial to clients.

Women may also simultaneously carry out domestic tasks and income-generating activities (what Estrada terms “reproductive” and “productive” tasks, respectively) simultaneously, as in the instance of a seamstress doing the family’s laundry while sewing.¹⁷³ But, certain activities render this impossible, such as dentistry, which requires a great deal of concentration.¹⁷⁴ Home conditions often not right for the job and make the tasks more difficult than they would be in a space with better lighting, ventilation, and storage.¹⁷⁵ Work may also be interrupted by the needs of children and other family members.¹⁷⁶

¹⁷² *Id.* at 180.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.* at 187.

Overall, “women interviewed in this study expressed their satisfaction with their work. The working-class women said that their work was necessary for the survival of their families.”¹⁷⁷ However,

[m]iddle-class professional women experienced contradictory feelings about family and work. Intrusion of home-based work into family life caused them to perceive that they were not adequately performing their maternal roles. In their narratives, they gave priority to being a mother, but, in practice, this was a source of conflict for them because they wanted to continue doing their paid work. Because being a home worker was also an important part of their identity, these women could not ignore those occupations and the meanings attached to them.¹⁷⁸

Notably, this sense of ambiguity was greatest among middle-class women; these women are seen as having the “option” of whether to take up work in addition to the domestic duties of a mother and wife. Where working class women worked to ensure the survival of their families, middle-class women do not face that same pressure. However, both middle-class and working-class women derive a great deal of worth and enjoyment from their home work.

Women also noted that society granted less value to in home work as opposed to work outside the home.¹⁷⁹ Estrada points out that “[p]eople’s perceptions about home-based work seem to be attached to conventional definitions and the meaning of the home as a nonworkplace.”¹⁸⁰ Women commented that the space in their home does not have

¹⁷⁷ *Id.* at 190.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.* at 191.

¹⁸⁰ *Id.*

the same appearance of a professional office that provides similar services (for instance, a woman working as a dentist from her home would not likely have a waiting room or a receptionist, which is what people have come to expect of their interfaces with medical offices).¹⁸¹ The discrepancy between expectations of a professional environment and the reality of home-based work environments serve to perpetuate the idea that women who perform home-based work are not as socially valuable as women who work outside the home. The problem of perception plagues women as they participate in the informal economy and as they complete the domestic work associated with motherhood. Both aspects of participation in the informal economy tend to be valued less than employment outside of the home.

One author suggests the possibility of community collaboration in order to strengthen the position of the relative participants: “The possibility for subsistence and perhaps success for informal grassroots market economies is predicated upon the presence of networks of cooperation that can help strengthen the position of informal actors. Cooperation can help level the playing field and allow informal actors to compete more successfully.”¹⁸²

The possibility of informal grassroots market economies is appealing in that it raises consciousness of women’s participation in the informal economy by bringing

¹⁸¹ *Id.*

¹⁸² José Itzigsohn, *Neoliberalism, Markets, and Informal Grassroots Economies*, in *OUT OF THE SHADOWS: POLITICAL ACTION AND THE INFORMAL ECONOMY IN LATIN AMERICA* 81, 82 (Patricia Fernández-Kelly & Jon Shefner eds., 2006).

together a critical mass of women participants and allowing them to engage with consumers, or other members of the community. In this way, perhaps the grassroots market approach would help women to gain more value in society as more and more people were made aware that many women in their community do, in fact, contribute to household earnings and economic production. Women might also find a support network through the structure that the market would provide. Such a structure opens the potential for shared childcare duties and communal meals. Additionally, the forum may provide a space for women to share their experiences, strategize for the future, and to create positive change.

Home-based work is a viable alternative to maquiladora work, especially in the face of changing gender dynamics in the maquiladoras and increased migration of male heads of household. The flexibility inherent to at-home work allows for adjustment to changing dynamics. However, at times the income generated by participation in the informal economy may not bring in enough money for women to provide for their families. These women are likely to turn to other sources of income including sex work and the maquiladoras.

Women, Grassroots Efforts, and NGO Formation

Mexican women face social challenges both inside and outside the maquiladoras. One strategy increasingly in used to promote social mobilization among women in all arenas is the formation of community-based grassroots groups. Grassroots organizing can take many shapes and forms, from the formation of an NGO or community

organization to community education campaigns to small weekly meetings in someone's kitchen. I consider participation in all of the above as strategies of resistance. When women come together to figure out a way to confront a specific problem, to improve their community, or to strategize in order to achieve social change, they are resisting the dominant culture and society. In this section, I first establish the background of the women's movement via grassroots organizing in Mexico. I then look at specific strategies of resistance in response to the maquiladora industry and suggest ideas for the future.

A core strategy of resistance utilized by women in Mexico (and Latin America as a whole) is the formation of grassroots organizations and collectives—sometimes in the shape of Non-Governmental Organizations (NGOs). In my mind, women's collectives (whether they take the shape of an informal women's group, a community organization, or are formalized as an NGO) provide a forum for organizing efforts stemming from a central mission or goal. They also provide a formal space for this organizing, and the resulting social movements and activities, to take place. The creation of a space for organizing activity to occur is important; in order to create social change, we must often carve out spaces and places for concepts and ideas to take shape where none existed before. In other words, social change does not materialize out of thin air. It requires effort, planning, execution, collaboration, participation, education, and community buy-in to manifest as a reality. Creating a conceptual space and physical place for the work to happen are stones along the path to revolution.

Women's collectives tackle a wide range of topical subjects throughout the world. A short description of the history of NGOs in Mexico and Latin America provides a context in which to analyze community organizing efforts more generally. "NGOs are diverse institutions having two things in common: they are separate from any state or government agency and they engage in social work or community organizing around social issues."¹⁸³ Historically, NGO formation in Latin America can be linked to:

(1) the 1960s U.S. economic plan for Latin America called the Alliance for Progress, followed more recently by the neoliberal policies of the North American Free Trade Agreement (NAFTA); (2) the Catholic Church's Second Vatican Council, which encouraged religious organizations to work more closely with the poor; and, (3) the church's Latin American Episcopal Conference in Medellín, Columbia, in 1968, which also emphasized working with poor and marginalized groups.

In the wake of these events, one notes two basic types of NGOs: those that channel resources and administer projects funded and shaped by the strategies of organizations like the U.S. Agency for International Development (U.S. AID), and those that are supported by nongovernmental actors like philanthropic foundations and are committed to grassroots organizations. These more 'nongovernmental' NGOs, which are more likely to have evolved from protest or resistance groups, are the ones that tend to link themselves to and become a part of women's movements. . . . [W]omen's NGOs can deepened the women's agenda by mobilizing with global economic and political perspectives.

While virtually all NGOs may be categorized as resisting the cultural and social norms, those funded by U.S. AID and other governmentally funded institutions often have a distinct agenda as funding is tied to implementation of particular policy goals and programs. As a result, I exclude this category of NGOs and organizations from my discussion. In contrast, the NGOs funded by philanthropic foundations and other fundraising efforts are less inclined to be tied to an outside agenda (arguably, no NGO is

¹⁸³ PEÑA, *supra* note 115, at 6.

completely free from outside influence as funding does inevitably influence programming). The NGOs and collectives that have evolved as a result of grassroots struggle, protest, or resistance movements, are the natural loci for the furtherance of the women's rights movement. These are the groups that form the base of the following discussion.

When women's collectives are employed in order to resist or change the social norm, the internal structure of the organization can serve as a model for the change that women wish to create in society. Author Milagros Peña tackles this topic in her book *Latina Activists Across Borders*:

Mexican and Mexican American women who form their own NGOs tend to reject hierarchical forms of governance. In describing the organizational structure of La Mujer Obrera (the Woman Worker) in El Paso, its director, María Antonia Flores, noted: "We do not have a pyramid. We have a collective organization, an organization that functions through a collective working, with respect, and collective unity. Yes, within it we have a board of directors as any organization needs, but the implementation of our work is a circular one as a collective, as equals."¹⁸⁴

The equality at work within the organizational structure of La Mujer Obrera models a shift in hierarchy that would give women more power and a louder voice if embraced throughout society at large. The women working within the group also gain the experience of working within the model, and discover a new way of relating to one another that will inevitably impact their relationships with their families and society¹⁸⁵:

¹⁸⁴ *Id.* at 17-18.

¹⁸⁵ This statement stems from my own work in a non-profit dedicated to providing women with access to women's healthcare, birth control, education, and reproductive choice.

Social and personal crises bring women to [women's collectives] "to network, to interact, and to communicate" on issues central to their needs and from there to "influence, negotiate, and make decisions" that empower them as a group. Moving from personal crises, which often begin in local communities, to activism can be an important process in the development of a political voice.¹⁸⁶

Thus, the collective also serves as a mechanism to spur the transition from personal empowerment to group empowerment, which is the base of community activism.

Women gravitate towards community collaboration and participation on a wide variety of issues, depending on the needs present in their own lives and communities.

Peña further elaborates on the topical foci of the organizations she studied:

Developing strategies to confront the forces of global capitalism is no easy task, and it requires collaboration among like-minded people. Women in the two communities I studied [Michoacán and El Paso/Ciudad Juárez] identified core issues that their NGOs address, including the marginalization of women by a patriarchal system of dominance; violence against women; the increasing number of single women who head households and raise families while under- or unemployed; abuse of low-income workers that affects women in particular ways; and health, environmental, and other issues that link women to larger human-rights concerns.¹⁸⁷

The topical list of issues tackled by women's collectives and NGOs reflects many of the substantive issues addressed in this thesis, specifically, single women who head households, the abuse of low-income workers, violence against women, and the health and environmental issues associated with work in the maquiladoras. The scope of already-existing organizations is expansive and broad; women may be enticed to join an organization because it provides an existing structure and framework with which to

¹⁸⁶ PEÑA, *supra* note 115, at 19.

¹⁸⁷ *Id.* at 21.

confront a particular problem. Also, in the instance where a collective has not yet been formed to confront a specific problem, women may be able to look to an already-existing organization to provide them with the structural framework that would allow for the creation of a new organization.

Another important element of grassroots organizing is that it allows women who share similar goals to collaborate and cooperate in spite of existing social hierarchies. Historically, alliances across lines of race and class were not always characteristic of women's activism in Mexico, however, those alliances formed over time to allow a broadening of social movements throughout Mexico:

The study of women's activism in Mexico shows that what was elusive to the movement in the 1970s, a convergence with women across class and race lines, began to take shape in the mid-1980s. . . . What is particularly important about the change is that women from a number of other movements, primarily poor urban, rural, peasant, and indigenous groups, made demands of what had been a predominantly academic and upper-class women's movement. This is important for students of social movements because poor people's movements throughout history have made demands of societies and sometimes of other social movements. The transformation of the Mexican women's movement underscores the fact that social movements often impact each other, intentionally and unintentionally.¹⁸⁸

The formation of alliances between women from diverse classes and racial groups allowed for an expansion of social movements in general; the work done in solidarity between women of diverse backgrounds demonstrated that grassroots movements could function to create social change, and thus, opened the door for the formation of new social movements based on a similar organizational model. Marginalized groups were

¹⁸⁸ *Id.* at 68.

then able to seize upon the opening created through alliances across race and class, and use the organizational structure to further other goals.

Social movements do not exist in a vacuum; work done within one movement impacts another movement, whether intentional or unintentional. There is a push and pull that sometimes looks inward in self-examination, creating room for alliances, and, at other times, calls for an exerted effort outward to push for specific elements of social change. With this in mind, I examine the specific grassroots efforts through women's organizations that stemmed from the expansion of the maquiladora industry along the U.S.-Mexico border.

Case Study: Ciudad Juárez

On the U.S.-Mexico border, women have formed organizations and NGO's which have been used to confront problems related directly to the great number of assembly plants located there. Unlike other areas of Mexico, activism along the border is fundamentally shaped by border politics, and not by other ideologies of social change:

[T]he present-day women's movement on the U.S.-Mexico border is not directly rooted in the Chicana/o movement or in the locally influential League of United Latin American Citizens (LULAC)—though these movements have a legacy in the region. Rather, U.S.-Mexico border politics shape women's NGO activism today, particularly in greater El Paso/Ciudad Juárez.¹⁸⁹

Let me pause for a moment to consider the elements that comprise border politics.

Border politics is based on U.S. immigration policies—who can come in and out of the U.S., and with what level of ease—and these core policies have a profound relationship

¹⁸⁹ *Id.* at 70.

with labor in the border region. Many of the maquiladoras have offices in close proximity on both sides of the border; the border between the United States and Mexico does not halt the movement of money or goods across country lines. However, the border does prevent the fluid movement of people, or labor, across country lines. In spite of the barrier to the movement of people, the reality is that there are Mexican people working in assembly plants, meatpacking plants, tortilla factories, etc. on both sides of the border. U.S. immigration policy has a profound impact on the reality of who works where, but, as we all know, it is not controlling. People still continue to immigrate the United States without the proper papers.

The lack of a fluid labor policy that would allow workers to cross the U.S.-Mexico border with ease creates a series of corollary issues that also contribute to border politics. These corollary issues include: the differing labor laws of Mexico and the United States, the increased levels of poverty in Mexico as compared to the United States, a myriad of problems that stem from finding work in Mexico or in the United States as an immigrant without legal status, etc. These issues have shaped cross-border organizing efforts and solidarity movements.

The geographical and cultural relationship between Ciudad Juárez and El Paso, Texas illustrates a point I raised in Chapter I; a border between two countries runs through these two towns, however, “El Paso and Juárez are two halves of a single metropolis, sharing the same air, the same water, and the same future.”¹⁹⁰ In spite of the artificial line drawn between Mexico and the United States, albeit a line that has

¹⁹⁰ *Id.* at 72 (citation omitted).

fundamental and profound effects on a great many people, the two cities are linked by a bridge that spans the river separating them. I point this out to illustrate the connections that connect the citizens of El Paso and Juárez, connections that are further extended by the relationship between U.S. companies, the development of maquiladoras, and the women's collectives that have stemmed out of these relationships.

Women who work in the maquiladoras are often immigrants from other areas in Mexico. Because the maquiladoras historically provided jobs that were easy to obtain and that commence immediately, providing a ready source of income, immigrant women who obtain maquiladora jobs arrive in a new city and workplace with few, if any, networks of support. These women are frequently apart from their families and distant from their home towns. To counter these effects and to form spaces of solidarity, women working in the maquiladoras engage in the formation of community networks.

Most women between the ages of fourteen and thirty-five . . . as well as migrant women of all ages, use social networks created through their employment in maquiladora factories to achieve their autonomy. Workplace networks may alleviate isolation and provide support that can be helpful in this process. In most cases, success resulted from taking advantage of contacts through informal work and voluntary work in non-governmental organizations (NGOs). Therefore, gender solidarity through this type of employment proves to be a valuable tool for migrant women who lack other local connections and support.

Regarding maquiladora employment, all younger women interviewed expressed that it is the most accessible job available. Therefore, they were likely to take maquiladora jobs upon arrival or when all other options have failed. When asked their interpretation of their experience as maquiladora workers, 75 percent of younger women of migrant origin reported that maquiladora employment offered them the option to establish valuable social contacts. These contacts allowed them to experience the sense of support and solidarity missing in other personal circles or at their place of origin. Consequently, it provided the opportunity to enlarge women's

networks and offered a potential means towards autonomy and freedom from violence.¹⁹¹

As explained in this passage, the organizations and NGOs served various functions for young maquiladora workers: they provided women with community networks and systems of support that allowed them to experience greater autonomy than they did prior to working in the maquiladora,¹⁹² they were instrumental in creating a space for gender solidarity, they served as a springboard for the formation and extension of other women's networks, and in this way, potentially encouraged women to seek autonomy and a life free of violence. According to Bergareche's account, these women made astounding changes in their own lives and in the lives of other women via participation in grassroots organizing.

While the organizations described above focus on countering the negative effects of life within the maquiladoras, other organizations formed to counter the negative effects of the maquiladoras on Ciudad Juárez. The influx of maquiladoras located in Ciudad Juárez severely impacted the organization and structure of the city. Peña relates the emergence of one organization to the growth of the maquiladora industry in Ciudad Juárez:

As Monreal Molina noted, the emergence of OPI coincided with the growth of the maquiladora industry:

¹⁹¹ Ana Bergareche, *The Roots of Autonomy through Work Participation in the Northern Mexico Border Region*, in *WOMEN AND CHANGE AT THE U.S.-MEXICO BORDER: MOBILITY, LABOR, AND ACTIVISM* 91, 96 (Doreen J. Mattingly & Ellen R. Hansen eds., 2006).

¹⁹² Interestingly, women who come to work in the maquiladoras may experience a greater degree of support and solidarity than they did at "their place of origin."

“This [the coming of the maquiladoras] had everything to do with the way city politics were oriented in favor of the installation of the maquiladoras. That is to say, the urban infrastructure, lights, and public services that were directed to areas where industrial parks were being constructed. That had a lot to do with the demands at that time, demands for basic public services, demand for water, drainage, electrification, and paved roads. At first, it seemed almost a privilege to be in areas where they were going to put a maquiladora. Instead it was local residents, not the maquiladoras, who were charged for putting in the infrastructure.”

In response to the tension with local residents, federal monies were channeled to pay for the infrastructure to attract the factories. But Ciudad Juárez residents continued to be upset that no subsidies were earmarked for the colonias, which were straining the city’s budget. And as maquiladoras grew more numerous so did the colonias, as new waves of migrants came to Ciudad Juárez for maquiladora jobs.¹⁹³

As we see from Molina’s description, as Juárez changed shape due to the expansion of the maquiladora industry, existing neighborhoods and communities were denied services in exchange for extending those services to the colonias (or shanty-towns) where the maquiladora workers were to be housed. I have looked at a wide array of pictures of these colonias online, and I can say that they are in no way luxurious. Most of the colonias lack basic services including access to electricity. But, even the cost of the basic infrastructure, including dirt roads, shacks, washing areas, took away from the citizens who were already living in the city. Notably, the maquiladoras did not bear this cost, the city and the existing residents did.

As citizens responded to the injustice of being asked to shoulder the cost of the new infrastructure that would directly benefit the multinational corporations that run the maquiladoras, and not the citizens of Juárez themselves, a group formed the Organización Popular Independiente (Popular Independent Organization or OPI). The OPI protested

¹⁹³ PEÑA, *supra* note 115, at 76-77.

“that government officials had laid out a red carpet for the maquiladoras at the expense of local residents.”¹⁹⁴ OPI organized to confront the root issues created by maquiladora employment, including: efforts by maquiladora employers to avoid unionization and labor rights, efforts to avoid demands for better pay by threatening to return the company to the United States, the sexism that permeates the employment environment, and the problems of homelessness that result from increased migration to the region by people seeking maquiladora jobs, but finding none. While many of these problems still remain in Ciudad Juárez, now there is a network of support waiting to support women of all backgrounds who confront the repercussions of the maquiladoras.

Women’s grassroots activism in Ciudad Juárez also provided a forum for social organizing in response to the numerous murders of women along the border.¹⁹⁵

[T]he murders of women in recent years along the U.S.-Mexico border has heightened awareness not only of violence against women but also of the plight of migrants, many of women die of dehydration and other causes while trying to cross the desert. Women’s NGOs on the U.S.-Mexico border have emerged to engage in this human rights arena, “constantly struggling to promote their agenda on both sides of the border because for many of them human rights issues transcend the border.”¹⁹⁶

¹⁹⁴ *Id.* at 77

¹⁹⁵ For a comprehensive film on the topic, see *Señorita Extraviada* by Lourdes Portillo, which details the efforts of families to find their daughters who were kidnapped and, in most cases, murdered. Lourdes makes the connection between the impunity of the police and judges and the lack of responses in the kidnapping cases. Additionally, she connects the murders to employment in maquiladoras owned by U.S. businessmen. *SEÑORITA EXTRAVIADA* (Women Make Movies 2001).

¹⁹⁶ PEÑA, *supra* note 115, at 78.

Officials “investigating” the murders were quick to dismiss the case and failed to take the murders seriously.¹⁹⁷ What little information about the murders that is publicly available is largely due to the efforts of a few valiant journalists, the filmmakers who made *Señorita Extraviada*, and the families of the women who were murdered who would not stop pushing until their deaths were vindicated.¹⁹⁸ Those few people who have truly investigated the murders in Juárez have connected the murders to the maquiladoras.¹⁹⁹

¹⁹⁷ SEÑORITA EXTRAVIADA, *supra* note 195.

¹⁹⁸ Often these efforts put the families at risk. *Id.*

¹⁹⁹ *Id.* The popular perception of the murders was complicated by the question of whether the women who were murdered were leading “double lives” or whether they were “good girls.” Melissa W. Wright, *Public Women, Profit, and Femicide in Northern Mexico*, 105 S. ATLANTIC Q. 681, 74 (2006). “The implication was that ‘good girls’ do not go out at night, and since most of these victims disappeared in the dark, they probably were not good girls.” *Id.* The local police then used this narrative to treat the investigation of the murders dismissively. However, women’s groups have countered these murder narratives with a version of the victims as hardworking and poor members of the community who deserve more public attention than they are receiving. Through editorial writing and public appearances, they warn that a “climate of violence against women” pervades the city. They identify male jealousy of wives’/girlfriends’ economic independence and sexual and social liberty as motivating factors behind the crimes as well as behind police reluctance to treat the murders seriously. And they have met with the principal maquiladora trade association (Maquiladora Association, or AMAC) in the city to ask for assistance in curbing the violence. During such meetings, the message has been repeated that, even though thousands of workers have to cross unlit, unpatrolled, and remove stretches of desert as they make their way to the buses that stop only on main thoroughfares, and even as many victims disappear while on such commutes, there is nothing that the industry can do to stop the violence (Author interview with activist Esther Chávez in 1998). Rather, the industry’s stance is that no degree of funding for security personnel, or outlays for improved streetlighting, or in-house self-defense workshops, or changes to production schedules will help.

This position has not changed noticeably even in light of more obvious connections linking maquiladora industrial activity with the murders.

This tragic connection heightens the need for collaboration between NGOs and grassroots efforts in order to tie together work being done to counter the negative effects of the maquiladoras on local communities and the realization of human rights for women in those same communities, not to mention the role of the police and justice system in ensuring that the murders remained unsolved.²⁰⁰

Even now, in the atmosphere of violence perpetuated by drug-related killings, women in Ciudad Juárez refuse to let the public, government, and media forget the murders.²⁰¹

For the Future

Women's grassroots organizing efforts proved to be a useful tool for women in the U.S.-Mexico borderlands. However, the organizing efforts face challenges; these challenges come primarily in the form of funding problems and conflict among the NGOs.²⁰² In spite of these challenges, women's grassroots organizing efforts continue to serve as an outlet for women who wish to create social change. Peña returns to an

Id. at 76-77.

²⁰⁰ SEÑORITA EXTRAVIADA, *supra* note 195.

²⁰¹ Elisabeth Malkin, *As Mexican Killings Rise, Groups Take Envoy to Task*, NEW YORK TIMES, Apr. 12, 2009, http://www.nytimes.com/2009/04/13/world/americas/13envoy.html?_r=1&emc=eta1 (women's groups protesting the appointment of Francisco Barrio Terranzas as Mexico's ambassador to Canada due to his misogynistic reactions to the murders of women in Juárez and his willingness to let the perpetrators live in impunity).

²⁰² PEÑA, *supra* note 115, at 134-41.

example that she presented at the beginning of her book, where one woman noted the similarity between the words “femenismo” (feminism) and “fe-en-mi-mismo” (faith in myself). “[A]s . . . grassroots women’s [organizations] . . . strive[] to accomplish in empowering women to activism, feminist visions can indeed begin with developing “fe-en-mi-mismo” or faith in oneself.”²⁰³

The struggle to define the term “feminism” has permeated the grassroots women’s rights movement in Latin America since its inception; feminism originated in a middle-upper class movement that did not necessarily include/encompass the interests and points-of-view of lower-class women, particularly women with coming from different paradigms that contrasted with the euro-centric perspective that shaped the mainstream feminist movement. Many female activists in Latin America have noted this discrepancy and have “call[ed] for a grounding of feminist visions by incorporating grassroots women’s contributions into them.”²⁰⁴ The dialogue between women of different classes, racial groups, geographies, and country lines must continue as the movement progresses. The history of the women’s rights movement in Mexico and Latin America provides a wealth of information and is a model of inclusivity and grassroots work. The work done by Mexican women via grassroots efforts has already exerted a profound effect on the maquiladora industry and in changing the perception of women’s roles in society.

²⁰³ *Id.* at 146.

²⁰⁴ *Id.* For other accounts of feminist visions and activism in Latin America, see RIGOBERTA MENCHÚ & ELISABETH BURGOS-DEBRAY, *ME LLAMO RIGOBERTA MENCHÚ Y ASÍ ME NACIÓ LA CONCIENCIA* (1985); DOMITILA BARRIOS DE CHUNGARA, *DOMITILA & MOEMA VIEZZER "SI ME PERMITEN HABLAR ...": TESTIMONIO DE DOMITILA, UNA MUJER DE LAS MINAS DE BOLIVIA* (1982); RUTH BEHAR, *TRANSLATED WOMAN: CROSSING THE BORDER WITH ESPERANZA'S STORY* (2003).

However, this tool will prove useful as women continue to combat against the economic and social challenges facing them today.

CHAPTER VI

CONCLUSION

The economic environment in Mexico has shifted dramatically as a result of NAFTA and, more generally, globalization. Maquiladora workers have experienced these shifts acutely due to the lack of labor protections in NAFTA and under Mexico's labor laws. Additionally, the economic shifts have a disparate impact on women, particularly indigenous women, who meet with increasing gender-specific violence and pressure to support themselves and their families. As men displace women in the maquiladoras, women engage in various strategies of resistance in order to survive. Some women resist the cultural norms within the maquiladoras in an effort to challenge the status quo, or in an effort to further the business objective of the corporation—to run an efficient line. Other women have turned to the informal economy in order to bring in money for themselves and their families. These women have engaged in creative strategies to allow for their survival. These and other women participate in community organizing efforts in order to tackle social change. While these strategies do not solve the myriad of problems women face in northern Mexico, they do provide a starting point, a space for hope to grow.

As drug-related violence in Mexico increases, women will likely face increased threats of violence and economic pressure. In the face of these threats, women may be able to capitalize on some of the strategies discussed in this thesis. With respect to legal

remedies, women should continue to use social organizing mechanisms in conjunction with legal strategies for change. Community organizing could prove to be an effective mode through which to achieve a change in the enforcement of Mexico's constitutional labor protections. Additionally, women along Mexico's northern border may also wish to turn to international human rights legal instruments such as the Convention on the Elimination of Discrimination Against Women (CEDAW), which Mexico ratified in July of 1980.²⁰⁵ Organizing efforts may also seek to partner with attorneys, both in Mexico, and across the border in the hopes of utilizing legal tools. Cross-border NGOs may be a valuable place to forge this connection.

In the future, I would like to expand the research reflected in this thesis with an empirical study done in Mexico, tracing the migration patterns of specific women and families, through Mexico and to the United States. This is a large-scale idea that would require extensive funding, but it would help to shed a great deal of light on the connections between the post-NAFTA economic shifts in Mexico and patterns of employment and migration.

This thesis holds a great deal of importance to me on a personal level. As I am about to graduate from law school, I have been reflecting a great deal on my career path. A mentoring attorney told me that I should imagine what type of attorney or professional I would like to be towards the end of my career, and then work backwards with that goal in mind. I see this thesis as a step in that trajectory. In my past professional life, I worked with immigrant women, particularly Latina women, in the arenas of women's

²⁰⁵ See United Nations Division for the Advancement of Women, Department of Economic and Social Affairs, <http://www.un.org/womenwatch/daw/cedaw/states.htm>.

health, birth, and advocacy. In the future, I would also like to maintain my connection with Latina women as a friend, attorney, advocate, and policy-maker. I hope that in writing this thesis I can better understand the realities that women face on both sides of the border.

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