Intellectual Property Law and the Ethics of Imitation in Guatemala

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ABSTRACT

This article examines the cultural and moral context of trademark piracy in Guatemala. In particular, I analyze what accusations of envy among small-scale Maya garment manufacturers who participate in trademark piracy reveal about two aspects of the social field: first, the changing economic and cultural conditions following waves of neoliberal reform including the criminalization of piracy; and, second, the nonlinear reproduction of forms of moral and legal reckoning at the margins of the global economy. I examine how practices of copying and imitation among manufacturers and competitive behavior more generally are evaluated locally in light of kin relations that promote the sharing of knowledge and resources within a somewhat loose property regime and given ideologies of race and nation that encourage class-based solidarity among Maya people. I find that the normative models and business practices evident among these manufacturers parochialize official portraits of progress, business ethics, and development promoted in neoliberal policy agendas and international law. [Keywords: Intellectual property, brands, piracy, legal pluralism, apparel industry, Guatemala]

Guillermo Ordóñez owns a garment workshop in Tecpán, a town on the Pan-American Highway in Guatemala's central highlands. Guillermo, a 40-year-old Kaqchikel Maya man, specializes in youth sweaters and sweatshirts featuring the logos of globally-popular fashion brands such as Abercrombie & Fitch and Hollister. Typical of this cottage industry, his business occupies a cinder-block room built onto the back of his family's house. Teenage boys ride their bikes from the outskirts of town or nearby hamlets each day to operate the half-dozen Juki sewing machines imported from Japan and two Universal knitting machines from Germany, shouting to one another in Kaqchikel, the local indigenous language, over the mechanical noise. Barely heard, the radio plays bachata or reggaeton music, maybe an Evangelical sermon.

As one workday ends, Guillermo loads his Mazda microbus with garbage bags full of finished garments, carefully folded, stacked, and bundled by the dozen. He leaves at four the next morning for San Francisco El Alto, a town in the Western highlands with a vibrant wholesale garment market. Dozens of other producers from Tecpán make the same trip each week. Guillermo and I sit in his kitchen for a cup of coffee, and he complains about rising levels of competition among these producers over styles and pricing, competition that he says is unfair and disrespectful to one's neighbors. "The apparel business has made people in Tecpán *muy individualistas*. People are envious and only watch out for themselves," he says. "So, you have to watch out for yourself." He contrasts Tecpán with neighboring towns—San Juan Comalapa's artisanal traditions in weaving and painting, Patzicia's broader agricultural base—whose residents have apparently been able to maintain a sturdier sense of cooperation and solidarity. In giving this analysis, he is clearly nostalgic about what he feels has been lost in Tecpán, where envy and individualism seem to be thriving.

In this article, I draw on 16 months of ethnographic research in Tecpán to examine what garment manufacturers such as Guillermo mean when they commonly say that people have become envious and individualist.[1] I am concerned with apprehending what June Nash (1981) calls the "ethnographic aspects of the world capitalist system." Processes of economic and legal globalization shape a changing "context of accountability" (Douglas 1992) in Tecpán's garment trade, with its differently positioned participants and its ambivalent relationships to the past and to the nation. I analyze what accusations of envy among garment manufacturers and within the wider community reveal about two aspects of the social field:

first, the changing economic and social conditions in highland Guatemala following nearly four decades of armed conflict and waves of neoliberal reform and, second, the nonlinear reproduction of historical identities and forms of moral and legal reckoning at the margins of the global economy. I focus particular attention on kin relationships based on ideals of reciprocity that encourage the sharing of knowledge and resources among workshop owners, relatives, and employees, a major factor in the industry's rapid expansion in recent years. I also look at how competitive behavior among workshop owners is evaluated locally in light of ideologies of race and nation that encourage class-based solidarity among Maya people. My findings emerge from extended conversations with manufacturers about what is right and wrong in business, about the concept of economic development, and about the law. The normative models and business practices evident among garment producers parochialize official portraits of progress and models of business ethics and development promoted in neoliberal policy agendas and international law.

In the apparel trade, accusations of envy often emerge alongside moral evaluations of pervasive practices of copying and imitation. Examining the ethics of copying within this cottage industry provides analytical purchase on paradoxes related to the recent problematization[2] of brand "piracy" in international trade and legal frameworks. An important dimension of contemporary capitalism is the spread of intellectual property rights (IPR) to the developing world, drawing new attention on the part of law enforcement, government officials, and the media to the unauthorized copying of fashion brands. The World Trade Organization's Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, signed in 1995, tied international trade policy to intellectual property law and signaled a new era in the globalization of IPR protections. Practices of sharing, appropriation, and copying—some of which qualify as piracy under national and international law—have a lengthy history in Guatemala. Maya garment manufacturers have long borrowed from and imitated one another, in addition to copying global trends. Certain acts of imitation have also been disparaged by manufacturers (as manifestations of envy, for example) even in the absence of IPR formalization. As TRIPS is rolled out, piracy and counterfeiting in developing countries are on the rise. "We have seen little evidence—and indeed few claims—that enforcement efforts to date have had any impact whatsoever on the overall supply of pirated goods," a recent study of digital media piracy explains (Karaganis 2011:iii). The

piracy of music and films comprises upwards of 85 percent of the market in many developing countries, and the unauthorized reproduction of fashion brands represents a $350 billion market worldwide (Hilton et al. 2004). Authorized goods often sell at price points that many people simply cannot afford (Karaganis 2011). Anthropologists demonstrate that diverse cultural understandings of authenticity, originality, and ownership also guide consumption habits and complicate the implementation of IPR frameworks (Luvaas 2010; Nakassis 2010; Lin 2009, 2011). Elizabeth Vann (2006) demonstrates that among Vietnamese consumers the categories "real" and "fake" have more to do with a product's utility than with the formal relationship between products, brand names, and corporations spelled out in trademark law. Ethnography is useful for understanding the failures of implementation efforts and the limitations inherent in globalized property regimes.

Intellectual Property Values

As a signatory of TRIPS and the Central America Free Trade Agreement (CAFTA), implemented in Guatemala in 2000 and 2005, respectively, the Guatemalan government has expanded trademark protections covering brand names and logos, the kinds of words and images that highland apparel manufacturers often copy.[3] The inclusion of intellectual property law in multilateral trade negotiations reflects the interests of powerful corporate lobbies in the fashion, film, music, pharmaceutical, and software industries claiming that the worldwide explosion in piracy and counterfeiting since the 1980s drastically impacts their profitability. Although piracy often helps more than it hurts trademark owners,[4] intellectual property law now travels as a core feature of the international economic development agenda. In both its basic premises and, thus far, practical failings (Gilbert 2002), this program is akin to Peruvian economist Hernando de Soto's (1989) neoliberal plan to grant formal land titles to Latin America's urban poor in order to incite capitalist enterprise and rectify structural inequalities. Economists, legal scholars, and business scholars claim that IPR encourages innovation by making new ideas profitable, and that innovation drives economic growth (Grossman and Helpman 1991); firms are unlikely to invest time and resources in building a brand or developing technology if these are not protected. "Competition is anticipated, even imagined" within the intellectual property law framework, writes

Marilyn Strathern (2002:254). Meanwhile, neoliberal economists and allied international institutions strategically compel competition through the promulgation of a *homo economicus* ideology and legal and economic frameworks that enforce and expand particular political-economic relationships and modes of behavior.[5]

Given the empirical failures of enforcement efforts, business and legal scholars commonly blame "culture" for piracy's continued proliferation. For example, marketing professors Robert Green and Tasman Smith write:

> Many of the countries where counterfeiting flourishes are highly collectivist in nature, as opposed to the more individualist West. [C]ollectivist societies place less value on the role of any individual person or company's contribution and place a premium on the benefits to society. [There is] a significant relationship between a country's level of individualism and the extent to which intellectual property rights are protected. (2002:92-93)

As exemplified in this quote, culture is used to stereotype various world regions as a means of advancing neoliberal market objectives and legitimizing uneven development (Ferguson 2006, Cooper and Stoler 1997). IPR scholarship frequently draws on reductionist portraits of "national cultures" (Husted 2000) that are "fixed, simple, and unambiguous" (Herzfeld 1992:73) to construct a map of the world and a hierarchical ranking of supposedly "discontinuous spaces" (Gupta and Ferguson 1997:33). Green and Smith's dualistic view of the world, with its "given, reified categories, opposites paired in a structure of domination and subordination" (Chakrabarty 2000:27), begins with an inherent bias against developing regions and an assumption that all humans are, or ought to be, self-maximizing calculators (Zaloom 2006).

The notion that private property rights are not a universal principle could provide a starting point for critical discussions within the legal and business literatures about the globalization of IPR frameworks (Hann 1998). In fact, to the extent that "culture" and "traditional knowledge" have become keywords in development discourse, the WTO has instituted negotiations regarding alternative, *sui generis* property rights systems that purport to take communal forms of ownership and local relationships to knowledge and natural resources into account. When it comes to populations that participate in piracy and counterfeiting, however, cultural difference more

often serves as evidence of moral shortcomings, as if "collectivist" and other approaches to property were indicative of a faulty ethics. Business professors Alexander Nill and Clifford Shultz explain the benefits of educational campaigns against piracy and counterfeiting as follows: "People are made aware of the ethical issues involved; awareness is a prerequisite for ethical reasoning" (1996:39). It is presumed that people who participate in piracy, characterized as deviant, aberrant, and criminal in the business literature (Albers-Miller 1999), can be reoriented toward a new culture and ethics if the law is clearly explained to them. Difference is deemed acceptable only if it can be managed as part of the expansion of an overarching set of Western understandings of property and rights (Mohanty 1988). Anyone who reads the law, it is assumed, will come to an identical conclusion about the problem of piracy, ethical behavior seems possible only in the context of formal legal governance, and respect for the law ought to be independent of socioeconomic status and other conditions of life or citizenship. As US Vice President Joe Biden stated in 2010 when announcing the release of the US Joint Strategic Plan on Intellectual Property Enforcement: "Piracy is theft. Clean and simple. It's smash and grab. It ain't no different than smashing a window at Tiffany's" (Sandoval 2010 as cited in Karaganis 2011:66).

But, in many places, the law is anything but clean and simple. Political scientist Rachel Sieder (2003), writing of "the historical legacy of citizen mistrust of the law" in Guatemala, describes the postwar state judiciary as "bereft of legitimacy in the eyes of the majority of the population. Most Guatemalans rightly [tend] to see the law as something that operates to the benefit of powerful individuals and groups" (2003:141). Given the lack of accountability related to wartime atrocities—the country's internal armed conflict and state-led genocidal campaigns against the indigenous majority in the early 1980s left 200,000 people dead and over a million displaced (CEH 1999); while the peace process, concluded in 1996, granted blanket amnesty to the perpetrators—the promotion of anti-piracy laws and the penal logics ensconced therein reflect a rather foreign concept, that crime is crime. Given rampant criminal impunity—Guatemala ranks fourth in per capita homicides globally (UNODC 2010), and less than two percent of homicides result in a conviction (Wilson 2009)—the idea that modern state sovereignty is defined by the punishment of crime seems misguided. A culturally peculiar criminology, premised on the notion that punitive law prevents crime and improves civic

life in addition to governmental and economic efficiencies (Pasquino 1991), shapes the ideological context in which arguments in favor of the expansion of IPR protections are often couched in terms of the spread of democracy, progress, and prosperity to nations that are seen as politically and culturally backward (Lippert 1999, Bettig 1996).[6]

The Guatemalan state has demonstrated its commitment to IPR enforcement through various efforts,[7] including the appointment of a special prosecutor for IPR and sporadic, well-reported crackdowns in which police confiscated illegal CDs, DVDs, and clothing sold in Guatemala City streets (Mauricio Martínez 2004, Larios 2011). The many street vendors I interviewed assured me that, following raids, the underpaid police simply turn the corner from Sixth Avenue to Eighteenth Street and fence the stuff for their own gain.[8] The government recently removed most of these vendors (and the clients who depend on their cheap goods) from the city sidewalks, part of a larger public-private partnership to convert the heart of Zone 1, the capital city's historic center, into an upscale entertainment district (Véliz and O'Neill 2011). The street vendors have been relocated to an interior space in a multi-story building on Sixth Avenue, making product piracy a less conspicuous feature of the capital city's urban landscape. The US Trade Representative's latest report on international IPR infringement urges the Guatemalan government to "extend its efforts to pursue raids and prosecutions, not just against small-scale sellers, but also against manufacturers of pirated and counterfeit goods" (USTR 2010). In April 2011, eight people were detained in two separate raids on capital-area homes where millions of CDs and dozens of computers along with CD and DVD burners were confiscated (*Prensa Libre* 2011).

The criminalization of piracy converges in everyday conversation and media reports with ideologies of ethnicity, culture, and class in ways that make already marginalized populations available for new kinds of blame. The social and spatial proximity of street vendors hawking pirated goods in the capital city to street crime (e.g., pick-pocketing, mugging, and assault) leads to piracy being lumped into a generalized portrait of deviance and violence as an intractable part of urban life. The fact that street vendors generally belong to an urban underclass and are often indigenous (Offit 2011) also fits with stereotyped portraits of delinquency that blame poor, rural people who many non-indigenous *ladinos* say are "corrupted," that is, drawn into a life of crime, when they move to the capital city (Camus 2011).[9] This stereotype and ubiquitous "talk of crime" (Caldeira 2001) in

Guatemala partially emerge out of brutal realities. But an alarming rise in violent crime rates since the end of the armed conflict more accurately reflects the influx of transnational drug gangs into the capital city and widespread conditions of poverty and insecurity that make life precarious for most Guatemalans (O'Neill 2011). Paramilitary groups of ex-soldiers carry out so-called "cleansing" campaigns against Guatemala City's poor (Sanford 2008). There are political assassinations, and gangs wage brutal turf wars and command extortion rings that target businesses (O'Neill and Thomas 2011). Sensational media accounts that conflate piracy with organized crime and violence belie the fact that crime is not a homogenous category and discourage sophisticated analysis of the factors that underpin the physical insecurity that many Guatemalans currently face (Benson et al. 2008). Pirates do not always or even usually belong to drug gangs, and piracy is a widely-accepted practice on the local level, indeed a staple of Guatemala's marketplace. As much as 80 percent of software run by Guatemalan companies is pirated, despite dozens of court cases in which private businesses have been fined (Marroquín 2010). Pirated goods are sold openly in urban streets and highland market towns. In large towns throughout Guatemala, retail shops with names such as *El Estreno* (Premier) and *La Nueva Moda* (The New Style) feature pirated fashion brands. Maya manufacturers involved in piracy do not necessarily see themselves as engaging in criminal behavior or breaking the law. Nor do they view their activity as something that undermines the health of the economy. A simple criminology of piracy overlooks the ways that transnational normative regimes intersect to produce the "profound moral—even righteous" (Bourgois 1996:41) ethical codes that so often underlie criminalized behavior.

The Rumor Mill

A successful but greedy local businessman possessed a strongbox full of gold that, no matter how much was spent, always remained full; anyone other than its owner who looked inside, however, would see only a tangled mass of black snakes, a clear sign of its nefarious origins. (Fischer 2001:38)

This story, recounted by anthropologist Edward F. Fischer, is but one of the more colorful rumors linking wealth and witchcraft that circulate in Tecpán. Assumed to be motivated by envy, *envidia* in Spanish, wealthy people are often suspected of accumulating their wealth through occult, unethical, or illicit means. The term combines meanings of coveting and jealousy, as well as greed. Envy is understood as a dangerous affective disposition, a malicious personality, and is associated with *mal de ojo*, the evil eye. Falling under the stare of an envious person results in your bewitching, bringing illness or other misfortune, a common belief across many peasant and petty capitalist societies (Foster 1972, Dow 1981). Talk of envy has a long history in the highland region (Tax 1957) and is a dominant discourse used to express and evaluate the moral hazards that have accompanied rapid industrial change and transformations in Tecpán's social organization in recent decades. The discourse of envy also offers Maya manufacturers an important frame for evaluating practices of copying and imitation in the highland apparel trade. As discussed below, garment producers attribute certain forms of copying and competition to envy, understanding those practices as the result of a greedy and jealous disposition. Apprehending the social meanings of envy is indispensible for tracing the intersections and divergences between international intellectual property law and the informal property rights regime that governs practices of sharing, appropriation, and imitation within this cottage industry.

Closely associated with material accumulation and processes of class stratification, envy is often regarded in the anthropological literature as a negative mechanism for the maintenance of egalitarian social and economic relations. George Foster's (1965) seminal work on envy explains its ubiquity and power in terms of a worldview shared among Latin American peasants founded upon the "Image of the Limited Good." Peasants regard resources such as wealth and prestige as finite and scarce, creating a "zero-sum game" in which people who accumulate more than is customary are seen as taking away from other people (Taussig 1980:15). Emphasis on class and ethnic solidarity among a subordinated population has been theorized by a long line of anthropologists working in the Maya region (Vogt 1961, 1969; Annis 1987) as evidence of what Richard Wilk (1983:103) calls a "fierce egalitarian ethos," enjoining the distribution of material resources across indigenous families through well-organized political and religious institutions, such as the fraternal *cofradía* system (Wolf 1957, Warren 1978, Brintnall 1979). With this scholarship as a backdrop,

I am interested in the politics of fairness and equality in changing Maya communities, understanding egalitarianism not as a static trait but as a contested norm, a fraught reality, and a normalizing discourse.

The accumulation and concentration of wealth yields accusations of envy in Tecpán, where relatively well-to-do manufacturers are accused of obtaining their wealth by nefarious means and violating a loose property regime—what the political scientist James Scott (1976) might call a "moral economy"—that allows for certain forms of sharing, copying, and imitation. Cooperation among kin and neighbors has been an economic resource for tecpanecos since the early 1960s, when a handful of Maya men in the rural hamlets around Tecpán bought semi-industrial knitting and sewing machines from dealers in Guatemala City. The burgeoning industry, which has been an "economic revolution for Tecpán," as one informant put it, offered new opportunities for Tecpán's indigenous population, whose traditional household economy, based in subsistence agriculture, has been increasingly threatened by land privatization and a growing population. Wage labor options were historically limited to seasonal labor arrangements on highland coffee *fincas* and coastal sugar and cotton plantations (Fischer 2001). Unlike labor on plantations or in *maquiladoras* (large-scale, mostly foreign-owned export factories that opened up along the Pan-American Highway since the 1980s), garment manufacturing allowed tecpanecos control over the means of production, an important cultural and moral value among Maya peoples (Fischer 2001, Watanabe 1992). Manufacturers need no formal education, important since only half of the Maya children in the department of Chimaltenango (where Tecpán is located) who enroll in school complete their education through the sixth grade (MINEDUC 2008). Also, the cottage industry requires minimal capital investment. A used, manual knitting machine costs around 1,000 *quetzales* (US$125) and thread, yarn, and cloth distributors routinely sell on credit. The industry has expanded largely through apprenticeship and kinship connections. People who are already established in the trade help the next generation get started, teaching them the necessary skills and providing capital gifts and loans.[10]

Kinship patterns in Tecpán are patrilineal, favoring the father's line (Fischer and Hendrickson 2003:46). A new bride commonly goes to live with her husband and his family. It is customary for the new couple to remain with the husband's family until a proper home has been prepared for them on the family's land, the plots getting smaller with each successive

generation, or, more commonly in Tecpán's semi-urban center, a few more rooms can be constructed on the family's house. The husband's patrimony often includes the means to make a living as well. If the family could not afford to send him to high school or university for professional training, he may take up his father's trade. This is common among apparel manufacturers—whose sons work beside them from a young age and are often given machinery and cash as capital when they marry—and is part of a constant, informal flow of gifts and loans among parents and children in Tecpán (Fischer 2001:174). From an early age, male children are expected to "pay back" their parents' "life-giving generosity" through household labor, and in adulthood, demonstrate "filial piety in the form of gifts," including money (Fischer 2001:144). Reciprocity may reach beyond consanguines. If a new husband's work prospects are viewed as paltry by the bride's family, her parents or other kinsfolk intervene to provide training and capital to get the couple started. Mutual aid relationships also extend to employees. Workshops generally employ young men of meager means and little education from the town center and especially surrounding hamlets. Employers often teach what they know about operating and repairing machinery, crafting designs, and marketing to these teenagers, many of whom leave these factories to start out on their own, sometimes taking along a rusty machine and a capital loan.

I sat down with Manuel Chicoy, one of the earliest apparel producers in Tecpán, to talk with him about the former employees, not to mention two sons, who left his workshop over the years to start their own businesses. Manuel specializes in women's sweaters. About 70-years-old, he now divides his time between overseeing the garment workshop, where his youngest son manages day-to-day operations, and the two-story hotel near the center of town built with his profits from the apparel trade. As we talked in the hotel office, I asked Manuel about the growth of the cottage industry. His reply reflects a style of Spanish that is common in indigenous towns such as Tecpán, where, for most people of Manuel's generation, Spanish is a second language. Sentences are often short, and due to the influence of both Christianity and traditional Maya spirituality, ordinary conversation often involves parable and a moral lesson. He said,

> It's like this. You encounter a man in the street, and he says, "I don't have work. My family is hungry and I don't know what to do." So, you say to him, "Come with me. I'll give you work." Years later, he says

that he wants to start his own workshop. You say, "Very good, here's your capital, buy what you need." That is what we have to do—help each other, help our neighbors.

Cleanly-shaven and neatly-dressed in tailored pants and a collared shirt, Manuel sits across from me at the table in his otherwise bare office, relating this story to me with great intensity and conviction. Knowing from previous conversations with workshop owners and town residents that such moral tales generally convey an ideal rather than report a factual state of affairs, I press him on the question of whether or not more workshops in town would mean greater competition, and whether or not that might challenge the sustainability of his own business.

Manuel does not give my inquiries much thought before he continues: "I think it is development [*un desarrollo*] for everyone. The more production we have, the more business, the products just get better and better. I don't see it as competition. It's a way for all of us to better ourselves. That's the kind of development we should pursue."

This genre of talk about neighborly kindness and mutual obligation echoes religious themes that circulate globally and manifest in particular ways among Guatemalan Catholics and a booming neo-Pentecostal movement (O'Neill 2009). Protestant pastors advocate "participation in the new community of 'brothers and sisters' who work towards the common goal of self-betterment" and promote a "new ideology [that] emphasizes individualism, competition, personal improvement, and social and economic progress" as positive values (Goldín and Metz 1991:334). Both Protestants and Catholics involved in commercial enterprise increasingly embrace these values (Goldín 1992), though not without protest. Many garment manufacturers bemoan a generalized ethical shift away from solidarity toward individualism. In an interview, a medium-sized producer complained, "We in Tecpán are very individualistic. We dedicate ourselves to our work, to our own affairs, our own commitments…everything that has to do with our family and our business, and that's it." He blamed individualism for many problems, ranging from fights among neighbors and family members to *delincuencia,* a general term for disrespectful or criminal behavior perpetrated by town youth. The integration of commercial enterprise with social institutions such as religion, family, and economy is never simple. At the same time, anthropologists note that the discourse of competition and self-betterment promoted within Protestantism and now

widespread among highland Maya people is often grounded in appeals to "fundamental Maya values associated with community solidarity, support, and guidance" (Goldín and Metz 1991:334). This kind of hybridity is readily apparent among apparel manufacturers, whose livelihoods involve competitive market behavior but who are nonetheless expected to integrate themselves into networks of reciprocity and, in a model reminiscent of the older cofradía system, support the success of neighbors and kin through financial as well as spiritual and moral assistance. As the uncertainties of capitalist enterprise put a strain on communal ties and induce further competition, producers sometimes grow nostalgic about lost values of solidarity and egalitarianism, sentiments that are, in turn, interpreted in ethnological accounts as evidence of a sullied past.

Manuel cautions against the destructive nature of competition, even as he extols commercial enterprise as a source of self-improvement and community development. One day, I climb the tiled stairway with him from the hotel lobby to the second-story rooftop. Looking out over the neighboring houses, Manuel points out the home-workshops of other manufacturers he had trained or assisted over the years. He returns to his earlier point about the importance of helping one another, then adds,

> Not everyone understands it as development. Instead, they take it as envy, as competition. But if someone asks you for something, you give it to them. People come into town and ask me where a different workshop is because they want to buy something there, and I tell them. If I were to say that I don't know where it is, just because I don't want them to buy from a different workshop, that's pure envy.

At least in part, Manuel is positioning and politicking. Helping your neighbors and sharing your resources are common refrains among tecpanecos, who are constantly negotiating their standing given that garment manufacturing has led to some socioeconomic stratification (Thomas 2009). Manuel literally sits above most of his neighbors in his two-story home and workshop, not to mention the adjacent hotel. He and others who got their start before *la violencia* (as the bloodiest years of the conflict are known) capitalized on the new markets opened up by apparel manufacturing and, in relative terms, amassed small fortunes, enough to build a large house, buy a car, send a child to college in the capital city, or open a second business.

Constraints on employment and educational options for indigenous people meant that scores of men in Tecpán opened up workshops after the conflict subsided in the late 1980s and throughout the 1990s. The kinship and apprenticeship model of social reproduction has enabled growth despite the seeming contradictions between its emphasis on reciprocity and solidarity and the neoliberal model of entrepreneurship promoted on a global level. Yet, the rate at which new workshops have opened, together with the market pressures impelled by structural adjustment policies, contributes to intense feelings of competition among neighbors. The crowded marketplace makes it difficult for anyone to earn a "minimum income" (Scott 1976), the level of economic security that petty capitalists seek to maintain amid market pressures and given sentiments of community solidarity. Neighbors look at the wealth that older manufacturers like Manuel display in multi-story houses and late-model cars and wonder how anyone could achieve that level of success without dealing in the occult or engaging in unscrupulous behavior. When it comes to how Mayas see upward mobility, there is often suspicion about assimilation to non-indigenous culture. Racial, class, and cultural divisions have separated Guatemalans into two groups since the early 19th century, when a "complicated colonial racial scheme" collapsed into a dualistic division between indigenous people and ladinos (Grandin 2000:83-85). As anthropologist Linda Green notes, economically successful Mayas are sometimes accused of "acting as agents" of racism and oppression (2003:56), which anthropologist Liliana Goldín attributes to the fact that ladinos are "thought to be wealthy (or wealthier than Indians) from the exploitation of poor Indians" (1992:112). As for Manuel, he appeals to neighborly ethics at a time when the "regional class system" (Smith 1984:194) is undergoing new and different changes and when the specter of conspiracy and neo-colonialism hovers over some houses and workshops more than others.[11]

Ethnic classificatory schemes in Guatemala are flexible; for example, indigenous people often "pass" as ladino outside their home communities to avoid discrimination (Warren 1998:10-11). Carol Hendrickson writes of "relative ethnicity" in Tecpán, by which she means that people are often said to "act like" a Maya or a ladino "in certain contexts and for particular reasons" (1995:33). The more successful manufacturers in Tecpán are referred to, somewhat jokingly, by other manufacturers and town residents as "*medio-ladino*," implying an aspiration to associate

with, and adopt the public markers of distinction that set apart, an economically and politically more powerful group. The label sometimes also connotes a sense of ethnic betrayal. The adoption of a non-indigenous "cultural style" (Ferguson 1999), variously defined according to more extravagant consumption habits, wearing less formal or more expensive clothing, an air of conceit in relation to indigenous peers, even use of an indoor shower rather than the traditional *tuj*, or sweat bath, is often interpreted as a loss or rejection of traditional values. In short, to say that someone is acting "ladino" generally means that person behaves selfishly, takes advantage of people, and thinks himself above or better than his indigenous peers (Hendrickson 1995:18). This haughtiness might be comical, since he is unmistakably indigenous to local people because of family ties, a Kaqchikel surname, or physical features socially inscribed as indigenous traits. One producer commented that another man was becoming "like the ladinos" because the man was consumed by greed, had built a fancy house with an ostentatious brick façade, and grew out his curly hair, an unusual style among indigenous men. Another producer referred to a neighboring manufacturer as "medio-ladino," explaining that he had two cars, including a late-model SUV, and was wearing "*original*" clothing, more expensive styles purchased in formal retail shops. If ethnic boundaries are somewhat flexible in Guatemala, it is also the case that there are well-defined modes of policing those boundaries and latent assumptions and anxieties about who belongs where and how ethnicity is related to morality, propriety, and social class.

Talk of envy has genres. One frequent invocation of envy is to explain the tragic and unfair collapse of collective ventures, especially economic ones. For example, a group of garment manufacturers formed a cooperative in the late 1980s to more efficiently source raw materials. After some initial success, the cooperative began to struggle and was eventually dissolved. I talked with dozens of manufacturers about why the cooperative failed. They told me about a national thread and textile firm opening a retail outlet in Tecpán, basically eliminating the need for the cooperative. Many people then added that the real problem was envidia. They alleged that the cooperative's directors were envious. They paradoxically did not like seeing the members benefit from its services, so they ran it into the ground. Some even stole money from its accounts. There are dozens of stories like this in my field notes; a situation ostensibly caused by structural dynamics is also explained in terms of morality. One young apparel producer

complained to me that another manufacturer had beaten him out of several lucrative production contracts to make school uniforms. In contrast to the vagaries and crediting demands of the wholesale and municipal market trades, these contracts guarantee the sale of a specified quantity and promise full payment within a month or two of delivery. The producer, who had lost several contracts, described his competitor as such,

> This man has a workshop in one of the *colonias* on the edge of town. Not just a workshop, it's a *media-maquila*. He wins contracts because he deals in prices that are much lower than what we can offer. The truth is, I think he's a *narcotraficante*. He walks around with a pistol, and that's why I say, maybe he's a drug trafficker, and he has this maquila in order to throw people off his trail (*para despistar*), because he sells everything at prices that are way too low to make a profit.

In a contemporary twist, it is not the devil with whom this entrepreneur has allegedly made his pact (Nash 1979, Taussig 1980), but the murderous drug gangs who today wreck havoc on Guatemala's capital city and Northern provinces. The fact that he is known to have significant advantages of scale does not prevent speculation that his pricing is simply too low for a legitimate, profit-earning enterprise. Fantastical tales about his shady dealings are facilitated by the fact that he lives "on the edge of town," has no known family connections in Tecpán, and seemingly appeared out of nowhere just a few years back.

One of the wealthiest, best known factory owners in town is also a frequent target—rumors circulate that he cheats neighbors for personal gain, and is ultimately motivated by envidia. He was one of the first producers to invest in high-capacity knitting machines, thus one of the first to increase the scale of production. Many workshop owners in town say that he is the main reason for declining prices, increased competition, and all kinds of economic hardship. The most egregious acts he is rumored to have committed relate to the armed conflict, however. It is said that this man led guerilla fighters and received money from the government as part of the peace settlement. Instead of disbursing the funds among his troops, he reportedly pocketed the total amount, using it to establish himself in the apparel business. Among many other meanings, this rumor reflects a sense of uneasiness about the peace process and concerns about who benefited and how the promises made regarding assistance for

indigenous communities affected by violence have or have not been kept. This man's success is marred by suspicions of theft and betrayal.

The impersonal workings of the market economy, the mastery that some entrepreneurs develop over the skills and dispositions necessary to accumulate capital, and the structural forces that make it difficult for many to do so become ordinary or eventful in the idiom of envy. This sociology of symptoms and suspects is itself symptomatic of the touch of various cultural frames and historical burdens. The military strategically targeted indigenous professionals and business owners during the armed conflict, fueling rumors that people turned one another over to the state out of envy (Fischer and Hendrickson 2002, Sanford 2003). More than petty gossip, rumor has emerged in the post-conflict era as a key medium used by national and local officials to generate uncertainty about who precisely is to blame for the shortcomings of Guatemala's peace process while localizing blame onto amorphous troublemakers who are said to be responsible for disrupting community life (Benson 2004). Rumors about envy and accusations of individualism fold in a great deal of suspicion related to "that odd fusion of…hope and hopelessness, of utility and futility, of promise and its perversions" that characterizes millennial capitalism in general (Comaroff and Comaroff 1999:283) and postwar national development policy in Guatemala in particular. Entrepreneurship, promoted by international institutions, national officials, and NGOs as the key to ending poverty and achieving first-world modernity, does not always or even usually lead to economic security and also entails moral and legal hazards. Tecpanecos sometimes respond to the competitive market situation in which they find themselves by drawing on moral discourses that help to make sense of the promises of entrepreneurial success, on the one hand, and the difficult realities of postwar social life and economic struggle, on the other.

The Ethics of Imitation

There has been an explosion in foreign goods coming into Guatemala since the armed conflict ended. Mexican-manufactured clothing, Chinese and Taiwanese imports (much of it featuring pirated brands), and second-hand clothing from the US spill out from the brightly-painted concrete block shops onto the sidewalks in the wholesale garment district along La Bolívar, one of Guatemala City's major avenues. The influx of these products puts downward pressure on prices; imports may be of higher quality

but are often cheaper than Guatemalan-made goods. The globalization of the Guatemalan clothing markets also means access to new designs, styles, and brand names for highland manufacturers. Imitation is the most basic and ubiquitous mechanism through which they develop their product lines, sometimes imitating imitations, since Guatemalan manufacturers frequently copy pirated apparel from China.

Alberto Ixim, a 32-year-old Maya man, owns one of the factories in which I worked. Born in Xenimajuyu', a tiny hamlet outside of town, his mother moved the family to Tecpán in 1982 after Alberto's father, an early purveyor of children's clothing, was killed by the Guatemalan army. Alberto often invited me to his house for afternoon coffee after a long day in the workshop. One day, he complained to me that wholesalers have lost interest in the children's clothing styles he produces. He is embroidering Winnie the Pooh and Spiderman figures on the little shirts and pants, but many manufacturers use these same popular cartoon characters on their garments. So, he wants to set himself apart from the competition. Alberto reaches across the kitchen table to grab a small fleece shirt and says, "This is what I want to do." I ask if the garment is a *muestra*, a sample he is working on to show potential buyers. He replies that it is a Mexican import that he bought a few days before on La Bolívar. Alberto explains: "When I go to the capital city, I look at what the Mexicans are doing. I prefer to copy the Mexicans or the Chinese. A lot of people just copy what their neighbors are doing. But you make enemies that way."

Alberto sells to wholesalers on La Bolívar every Friday morning. One Friday, we arrive very early, before some of the shops have opened. He says that he hoped to get there before anyone else from Tecpán.

> When everyone is walking around at the same time, people see your newest designs. They see how many bundles you're delivering, how much you're selling. They might be envious. Some will come along right behind you and ask the wholesaler how much you charged him. And they'll say, "I can make that for less." That's how the *copiones* work.

The term *copión*, which means a copycat in the classroom, is commonly used to disparage garment manufacturers who copy other producers in ways said to be unethical. For example, if you do not make some kind of

change, introduce some creative element when you copy someone else, you are called a copión.

There are similarities here to the norms related to copying and imitation among handicraft vendors and traditional weavers in highland Guatemala. The anthropologist Walter writes, "[Handicraft] vendors try to give tourists the impression that they are not in competition with each other" (2004:120). Yet, Little continues,

> Unsuccessful vendors are jealous of successful vendors and say derogatory things among themselves about those who consistently have high sales, and they try to copy successful designs...Showing jealousy, trying to steal customers and otherwise attempting to demean competing vendors in front of tourists is considered to be not only poor taste but wrong. (Little 2004:120)

Here, outward displays of ethnic solidarity emerge as an economic strategy since foreign tourists often go looking for "Indians," people who belong to a presumably homogenous and harmonious group defined "in relation to both tourists and to Ladinos" (2004:119). Feelings of "jealousy," what I gloss in this article with the term envy, challenge vendors' abilities to live up to globally-circulating stereotypes about the "perceived steadfastness" of traditional communities (Dudley 1996:47), since these feelings inspire what is perceived to be unethical behavior, including the direct copying of competitors' designs. Likewise, Carol Hendrickson's (1995) work on Mayan weaving shows that it is a matter of pride for weavers to know what designs to imitate, but also to add some creative inflection that demonstrates their particular skills. This mode of imitation indicates respect for past generations as well as the weaver's participation in a community-based form of production.

Garment manufacturers also take pride in improvising on styles they see in malls, online, and at the markets and shops where they sell. For example, Alberto might take a fleece romper design that he sees on the Baby Gap website and substitute sweater knit for the bodice—partly because he can make sweater knit with his machinery, so it is cheaper for him, and partly because this improvisation will be a selling point for him in the market. In an interview with a young manufacturer from another apparel-producing town, he notes proudly that his family deals in "*imitaciones.*" "We copy it, but we make it better," he says, explaining that they start with popular youth styles

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they see on websites and in upscale commercial centers and tailor them to the local market, producing something that suits their clientele in terms of price, but also in terms of color palette and overall design. It is common for highland producers to mimic certain elements of a neighbor's design as well, but they are expected to make changes that will set their garments apart in a meaningful way. A producer might copy the cut and brand of a cotton t-shirt that his neighbor is manufacturing, for instance, but change the color scheme and also screen-print rather than sew on the logo. This is seen as a legitimate form of borrowing and appropriation. Although directly copying a neighbor's design is admittedly easier, it takes advantage of an already open system, where producers acknowledge the economic and moral legitimacy of limited kinds of copying and imitation.

Those labeled copiones do not just copy exactly what someone else is selling. They sell the product for less than what the other manufacturer is charging. That is what Alberto was trying to evade during our early-morning visit to La Bolívar. "It is a normal reaction," one producer explains, "for people to get angry with one another, especially when you are offering the same product at a lower price to the same buyer. That is when people get really upset." Another producer tells me that he has begun travelling to more distant markets to avoid meeting up with other manufacturers who might steal his designs. Already part of a "shadow" economy (Nordstrom 2004) in an out-of-the-way place, he refers to his strategy as "selling undercover." "*Yo vendo escondido*," he says. "If not, they will copy what I am selling and then come back and offer it to my buyers at a lower price. It always depends on what kind of machinery you have and your talents, but everyone tries to copy everyone else." Alberto and many other garment manufacturers interpret price-based competition, a predictable and rather ordinary market strategy in neoclassical economics, as both unfair, since everyone suffers when prices go down, and morally problematic, evidence of envidia.

Part of why the pirating of global fashion brands is socially acceptable throughout much of Guatemala is because the expensive products sold by international fashion firms are beyond the reach of most Guatemalan consumers. There is also the idea that foreign manufacturers do not know what the people want to buy, so it is up to local workshop owners to tailor styles to local tastes. Copying an imported garment or a style made popular by a foreign company is seen as part of the business, a good way to avoid the problems of local competition, and an intelligent business strategy. As one producer admonished, "If you don't have any creativity, copy

the good stuff," by which he meant the high quality "*originales*" sold in formal retail shops and marketed in the media. People who resort to directly copying neighbors are seen, from his perspective, as unskilled, indiscriminate, and unsavvy. Meanwhile, foreign corporations and manufacturers seem distant. Driving through Tecpán at the close of another workday, Alberto and I passed by a clothing shop with several Abercrombie sweatshirts displayed on clothes hangers in the entryway. He commented, "You see a lot of clothing that says Abercrombie on it. Abercrombie is not here." Then he began to laugh. At once a critique of Guatemala's position in the world system, as a place from which globally-popular things like Abercrombie simply do not originate, Alberto was also making a joke out of the fact that the Abercrombie name and logo are indeed everywhere in Tecpán and in Guatemala more generally.

"Do you mean that Abercrombie is not from Guatemala?" I asked to make sure I got the joke, and he laughed even harder. "It is definitely not from Guatemala, and definitely not from Tecpán," he replied.

It is not, as legal scholars assume, that Maya entrepreneurs are not aware of how they are connected to international markets. Producers like Alberto are all too aware of how market dynamics, from the importation of cheap garments to the subsidization of multinational manufacturers rather than domestic producers, challenge the sustainability of their local industry. Producers tend to respond to these conditions in ways that seem ethical given their obligations to kin and community. A normative order that privileges the proximate is evidence that values other than those assumed to be natural or superior within the international development agenda exist even in places that have a longstanding relationship to it.

In general, manufacturers did not try to hide from me the fact that they copied global brands and fashion designs. The use of brand names and logos was simply one aspect of garment design and a routine part of the trade. Yet, despite a lot of talk about copying, the term piracy rarely surfaced in our conversations. In an interview with one small-scale producer, he suggested that the copiones are just like the *piratas* (pirates) he had read about in the newspaper who sell CDs and DVDs on the capital city streets. "The people who make the original discs complain because they can't sell them for the price they want," he explained. This producer, who traded in pirated brand names himself, interpreted the criminalized problem of piracy in line with the localized ethics of copying, as a problem of pricing and fairness rather than ownership.

Even though a consolidated discourse regarding piracy has yet to take hold in Tecpán, the discourse of the copión does reinforce some of the same goals as intellectual property laws that cover trademarks and fashion design.[12] Those who complain about copycats seek to protect an investment they have made in crafting what they consider to be a new or unique design so that they can reap reasonable profits from their work. This sometimes leads manufacturers to adopt defensive strategies such as selling in more distant markets or selling at odd hours of the day in order to protect their designs from would-be copycats. It can also lead to more direct claims of ownership. For example, Pedro Serech, a Maya man who owns an embroidery shop in Tecpán, explained to me that some of the characters, figures, and logos he stitches onto clients' garments have owners. Pedro bought a used, eight-head embroidery machine from a dealer in Guatemala City in 2004 with loans from the bank, his father, and a sister who works as a secretary in Guatemala City. Almost all of the embroidery designs he uses come from CDs loaded with pirated digital images of cartoon characters, popular fashion logos, and sports team logos (especially soccer clubs). Pedro can customize one of these images on his desktop computer and then reproduce it simultaneously on eight garments by loading it onto the computerized embroidery machine.

As we looked through the images stored on Pedro's computer, he showed me how he organizes the files into folders, and explained, "There are folders for each one of our clients. For example, if someone wants embroidery for a [school] uniform and we made it for them before, I have it right here. And in this folder," he said, pointing to the screen, "I have everything that is of general use for baby clothing. And here [pointing to another folder], I keep everything that doesn't have an owner." He double-clicked the mouse and opened the folder to show me these "unowned" images, which included everything from Mickey Mouse characters to Reebok logos. "These are the ones that I can sell to anyone. They aren't exclusive designs. For example, here are some that belong to Alberto Ixim." Knowing that I helped out in Alberto's workshop, Pedro felt comfortable using him to illustrate the point, and he showed me several digital images that I recognized from Alberto's garments. There were teddy bear and flower designs that Pedro said he and Alberto worked on together, starting with just a pencil-and-paper sketch or a generic clip art file. Others were trademarked cartoon characters. "So, this is just for him [sólo es de él]," he declared.

"You wouldn't sell them to other people if they asked for them?" I inquired, trying to understand how this kind of protection works given the seeming ease with which people copy one another.

"No, I don't want to sell these to other people. So, I have all these others that I can give to whoever wants them. I maintain, I try to maintain that difference, because you can't trust other people, because the competition is always like this. At any time, they can copy you. So we, at least, try to help out our clients."

In the embroidery business, providing a measure of intellectual property protection has emerged as a way for Pedro to differentiate himself from his competitors. He tries to "help out" his clients by protecting them against the copiones. In a subsequent conversation, Alberto explained to me that he usually asks Pedro to hold a particular design in reserve, just for him, for a period of two or three months. After that length of time, either the design is no longer in demand or, if it has been successful, people have noticed and begun copying it, regardless of Pedro's safeguarding (it is easy to have another embroiderer reproduce the image), and it is time to move onto another idea. Pedro's respect for individual ownership over designs provides at least some measure of protection for his clients, even it if is short-lived. And he, like Alberto, attributes the need for this kind of protection to the moral dispositions of apparel manufacturers, "because you can't trust other people." This shortcoming is explained, in turn, as part of what competition means: "the competition is always like this."

The parallel between producers' attitudes and some of the principles that underlie intellectual property law apparent in such cases "emerges from the context…and from the kind of work that they do—from the labor process," as anthropologist Kathleen Gordon (2011) argues regarding the convergence of market vendors' strategies and neoliberal ideology in highland Bolivia. Gordon writes, "Vendors, because they rely on their own resources and face competition in the marketplace, must be entrepreneurial and competitive" (2011:37). Her point is that indigenous people in developing countries often adopt strategies that seem to confirm liberal assumptions about human nature. And yet, if we situate these people's economic behavior within the historical and ethnographic context, we find layers of interplay among social structures, cultural meanings, and market realities that influence the kind of work that people do and the strategies they adopt to make ends meet. From the perspective of many tecpanecos, as

Pedro's comments illustrate, moral failures go hand-in-hand with market competition, which both inspires envious stares and unethical behavior, and heats up precisely because of such behavior. Many apparel producers view competition as a vicious cycle in which people must protect themselves—not only their market position, but also their personal well-being and moral integrity—from the dangerous forms of individualism and envy that are part and parcel of the social field that market participation so often elaborates.

Conclusion

The "geography of blame" (Farmer 1992) in Tecpán's apparel trade traces the "articulation of different layers in a multilayered system" (Smith 1984:194), from the discourses that circulate in national media reports on piracy to indigenous people's suspicions about state power and jurisprudence to the social embedding of senses of moral worth and accountability in a changing industry. Examining these layers of legal meaning and how they inform moral experience and market behavior converges with a scholarly emphasis on holism in the "new legal pluralism" evident in anthropology since the 1970s, which encourages ethnographic attention to the multiple "forms of normative ordering" that hold sway within a single social setting (Merry 1988:873). Legal anthropological studies in Guatemla have most often analyzed the dichotomy between state law and what is alternately termed customary law, indigenous law, *derecho maya*, or *el sistema jurídico maya*, all attempts to capture a set of norms, rules, and procedures that some indigenous people advocate as a more traditional or community-oriented approach to conflict resolution (Ordoñez Mazariegos 2005, Esquít and García 1998, Godoy 2006, Sieder and Witchell 2001). My emphasis is more on a consideration of the political economic issues surrounding state law, homogeneity in international law, and a need to understand the complex impacts of those laws in diverse settings, where there is likely to be a great deal of friction (Tsing 2004).

The anthropologist Mark Goodale's notion of "transnational normative pluralism" is helpful for thinking about how multiple moral and legal frameworks come together "within the transnational spaces through which the endemic social problems of our times are increasingly addressed" (2007:3). Piracy production sits at the nexus of transnational projects aimed at

establishing democratic "rule of law" in postwar Guatemala (Sieder 2011), waves of legal globalization that include the spread of IPR, ongoing pressures of market liberalization (with its accompanying narratives on human nature and proper market behavior), and durable histories of marginalization affecting the country's indigenous population. Law has now become a favored mechanism for restructuring and reengineering global commerce. Understanding what is happening in highland Guatemala's domestic apparel trade, then, is not just about getting at a local context, "another country heard from" (Geertz 1973:23). It is also about placing localities within broader systems of power where people have little say, but must contend with consequential impacts.

IPR protections are one set of legal mechanisms through which Guatemala is supposed to become a fully modern nation-state, demonstrating that the country is on the "progressive path" toward development (Vann 2006:289), and its citizens reoriented toward formal, rational market participation. An ethical problem arises when the structural inequalities that make such modes of participation unlikely are transformed into legal problems of guilt and innocence. Participants in Guatemala's informal sector are not strategically engaging in illegal behavior because of a proclivity toward crime. Nor are they defying the law out of some kind of simple self-interest. Rather, they are structurally positioned as informal and illicit actors in the context of neoliberal economic programs that discursively promote entrepreneurship as the key to national progress at the same time that global regimes of governance and commerce criminalize modes of economic participation that challenge hegemonic definitions of ownership and authority. Approaches to legal reform that do not take into account such paradoxes will have little impact on piracy markets and risk contributing to conditions of inequality and marginalization affecting already disadvantaged populations. In Guatemala, one encounters not so much a "culture of piracy" (Condry 2004) as a shifting context of accountability, what Mary Douglas (1992) might refer to as an unfolding "forensics" of blame in the context of large-scale political and economic processes that often involve the delegation of risk and responsibility onto marginalized groups. ∎

Endnotes:

[1]This research was conducted between 2006 and 2009 with workshop owners, employees, and others involved in the trade. Tecpán is a well-known center of clothing production; nonetheless, names and identifying characteristics have been changed.

[2]On the concept of problematization, see Foucault 1997 and Benson 2011.

[3]TRIPS and CAFTA increased the breadth of Guatemalan trademark law and the level of national attention to IPR infractions. For example, TRIPS required new laws protecting "well-known marks," even if they are not in use by their owners in Guatemala, while CAFTA required tougher enforcement protocols and stiffer penalties.

[4]The circulation of unauthorized brands yields "bandwagon effects" and "herding effects" that boost demand for authorized goods, creating a "virtuous circle in which sales of originals drive up sales of pirated products and vice versa" (DeCastro et al. 2008:76). Piracy may also allow firms to charge a "snob premium" to elite consumers who want to distinguish themselves from people who buy obvious fakes (Barnett 2005:1384).

[5]Rosemary Coombe writes, "Intellectual property regimes were inevitably one of the first means suggested to promote the protection and use of traditional environmental knowledge, and through it, biological diversity. Conservation, it was suggested, was not being implemented in developing countries because of the lack of any incentive structure for preserving rather than destroying biological resources. Means had to be found to value them before measures could be found to protect them" (2003:300).

[6]Rosemary Coombe (1993) and Keith Aoki (1998) note a synergy between such narratives and the discourses of "civilization" and "conversion" that underwrote colonialism.

[7]Of course, not everyone in Guatemala supported TRIPS or CAFTA. Popular demonstrations against CAFTA took place across Central America in 2005 and 2006 and Guatemalan president Oscar Berger protested the limitations imposed on generic drug importation, production, and sales built into the agreement, albeit to little effect.

[8]On street vendors and police corruption in Guatemala, see Little (2008, 2009).

[9]See also O'Neill and Thomas 2011 and Little and Smith 2010.

[10]Ortez (2004) documents a similar pattern in the apparel trade's expansion in the Western department of Totonicapán.

[11]Adam Ashforth (2005) makes a similar argument regarding perceived increases in envy and the related problem of witchcraft in post-apartheid, urban South Africa, as intra-ethnic economic inequalities began to rise.

[12]IPR protections for fashion design are much more limited than trademark protections. Even with newly consolidated protections among member states of the European Union, fashion companies rarely pursue litigation against copiers, suggesting that a "low-IP" environment is, in fact, ideal for fashion since rapid and widespread availability of a particular design across market segments encourages the kind of forced obsolescence that drives fashion consumption (Raustiala and Sprigman 2006).

References:

Albers-Miller, Nancy. 1999. "Consumer Misbehavior: Why People Buy Illicit Goods." *Journal of Consumer Marketing* 16(3):273-287.

Annis, Sheldon. 1987. *God and Production in a Guatemalan Town.* Austin: University of Texas Press.

Aoki, Keith. 1998. "Neocolonialism, Anticommons Property, and Biopiracy in the (Not-So-Brave) New World Order of International Intellectual Property Protection." *International Journal of Global Legal Studies* 6(1):11-58.

Ashforth, Adam. 2005. *Witchcraft, Violence, and Democracy in South Africa*. Chicago: University of Chicago Press.

Barnett, Jonathan M. 2005. "Shopping for Gucci on Canal Street: Reflections on Status Consumption, Intellectual Property, and the Incentive Thesis." *Virginia Law Review* 91:1381-1423.

Benson, Peter. 2004. "Nothing to See Hear." *Anthropological Quarterly* 77(3):435-467.

_____. 2011. *Tobacco Capitalism: Growers, Migrant Workers, and the Changing Face of a Global Industry.* Princeton: Princeton University Press.

Benson, Peter, Edward F. Fischer, and Kedron Thomas. 2008. "Resocializing Suffering: Neoliberalism, Accusation, and the Sociopolitical Context of Guatemala's New Violence." *Latin American Perspectives* 35(5):38-58.

Bettig, Ronald V. 1996. *Copyrighting Culture: The Political Economy of Intellectual Property.* Boulder: Westview.

Bourgois, Phillipe. 1996. *In Search of Respect: Selling Crack in El Barrio.* Cambridge: Cambridge University Press.

Brintnall, Douglas E. 1979. *Revolt against the Dead: The Modernization of a Mayan Community in the Highlands of Guatemala.* New York: Gordon and Breach.

Caldeira, Teresa P. R. 2001. *City of Walls: Crime, Segregation, and Citizenship in São Paulo.* Berkeley: University of California Press.

Camus, Manuela. 2011. "Primero de Julio: Urban Experiences of Class Decline and Violence." In Kevin Lewis O'Neill and Kedron Thomas, eds. *Securing the City: Neoliberalism, Space, and Insecurity in Postwar Guatemala*, 49-66. Durham: Duke University Press.

Chakrabarty, Dipesh. 2000. *Provincializing Europe: Postcolonial Thought and Historical Difference.* Princeton: Princeton University Press.

Comaroff, Jean and John L. Comaroff. 1999. "Occult Economies and the Violence of Abstraction: Notes from the South African Postcolony." *American Ethnologist* 26(2):279-303.

Comisión para el Esclaracimiento Histórico (CEH). 1999. *Guatemala: Memoria del Silencio*. Accessed from http://shr.aaas.org/ on March 10, 2012.

Condry, Ian. 2004. "Cultures of Music Piracy: An Ethnographic Comparison of the US and Japan." *International Journal of Cultural Studies* 7(3):343-363.

Cooper, Frederick and Ann Laura Stoler. 1997. *Tensions of Empire: Colonial Cultures in a Bourgois World.* Berkeley: University of California Press.

Coombe, Rosemary J. 2003. "Works in Progress: Traditional Knowledge, Biological Diversity, and Intellectual Property in a Neoliberal Era." In Richard Warren Perry and Bill Maurer, eds. *Globalization under Construction: Governmentality, Law, and Identity*, 273-314. Minneapolis: University of Minnesota Press.

_____. 1993. "Tactics of Appropriation and the Politics of Recognition in Late Modern Democracies." *Political Theory* 21(3):411-433.

De Castro, Julio O., David A. Balkin, and Dean A. Shepherd. 2008. "Can Entrepreneurial Firms Benefit from Product Piracy?" *Journal of Business Venturing* 23:75-90.

De Soto, Hernando. 1989. *The Other Path: The Invisible Revolution in the Third World.* New York: Harper & Row.

Douglas, Mary. 1992. *Risk and Blame: Essays in Cultural Theory.* New York: Routledge.

Dow, James. 1981. "The Image of Limited Production: Envy and the Domestic Mode of Production in Peasant Society." *Human Organization* 40(4):360-363.

Dudley, Kathryn Marie. 1996. "The Problem of Community in Rural America." *Culture & Agriculture* 18(2):47-57.

Esquít, Edgar and Iván García. 1998. *El Derecho Consuetudinario, la Reforma Judicial y la Implementación de los Acuerdos de Paz.* Guatemala City: FLACSO.

Farmer, Paul. 1992. *AIDS and Accusation: Haiti and the Geography of Blame.* Berkeley: University of California Press.

Ferguson, James. 1999. *Expectations of Modernity: Myths and Meanings of Urban Life on the Zambian Copperbelt.* Berkeley: University of California Press.

_____. 2006. *Global Shadows: Africa in the Neoliberal World Order.* Durham: Duke University Press.

Fischer, Edward F. 2001. *Cultural Logics and Global Economics: Maya Identity in Thought and Practice.* Austin: University of Texas Press.

Fischer, Edward F. and Carol E. Hendrickson. 2003. *Tecpán Guatemala: A Modern Maya Town in Global and Local Context.* Boulder: Westview Press.

Foster, George M. 1965. "Peasant Society and the Image of Limited Good." *American Anthropologist* 67(2):293-315.

_____. 1972. "The Anatomy of Envy: A Study in Symbolic Behavior." *Current Anthropology* 13(2):165-202.

Foucault, Michel. 1997. "Polemics, Politics and Problematizations." In Paul Rabinow, ed. *Ethics: Subjectivity and Truth. Essential Works of Michel Foucault, Vol. 1*, 111-120. New York: The New Press.

Geertz, Clifford. 1973. *The Interpretation of Cultures.* New York: Basic Books.

Gilbert, Alan. 2002. "On the Mystery of Capital and the Myths of Hernando de Soto: What Difference Does Legal Title Make?" *International Development Planning Review* 24(1):1-19.

Godoy, Angelina Snodgrass. 2006. *Popular Injustice: Violence, Community, and Law in Latin America.* Palo Alto: Stanford University Press.

Goldín, Liliana R. 1992. "Work and Ideology in the Maya Highlands of Guatemala: Economic Beliefs in the Context of Occupational Change." *Economic Development and Cultural Change* 41(1):103-123.

Goldín, Liliana R. and Brent Metz. 1991. "An Expression of Cultural Change: Invisible Converts to Protestantism among Highland Guatemala Mayas." *Ethnology* 30(4):325-338.

Goodale, Mark. 2007. "Locating Rights, Envisioning Law Between the Global and the Local." In Mark Goodale and Sally Engle Merry, eds. *The Practice of Human Rights: Tracking Law Between the Global and the Local,* 1-38. Cambridge: Cambridge University Press.

Gordon, Kathleen E. 2011. "What is More Important to Me is My Business, Nothing More: Neoliberalism, Ideology, and the Work of Selling in Highland Bolivia." *Anthropology of Work Review* 32(1):30-39.

Grandin, Greg. 2000. *The Blood of Guatemala: A History of Race and Nation.* Durham: Duke University Press.

Green, Linda. 2003. "Notes on Mayan Youth and Rural Industrialization in Guatemala." *Critique of Anthropology* 23(1):51-73.

Green, Robert T. and Tasman Smith. 2002. "Executive Insights: Countering Brand Counterfeiters." *Journal of International Marketing* 10(4):89-106.

Grossman, Gene and Elhanan Helpman. 1991. *Innovation and Growth in the Global Economy.* Cambridge: MIT Press.

Gupta, Akhil and James Ferguson. 1997. "Beyond 'Culture': Space, Identity, and the Politics of Difference." In Akhil Gupta and James Ferguson, eds. *Culture, Power, Place: Explorations in Critical* Anthropology, 33-51. Durham: Duke University Press.

Hann, Chris. 1998. "A New Double Movement? Anthropological Perspectives on Property in the Age of Neoliberalism." *Socio-Economic Review* 5:287-318.

Hendrickson, Carol. 1995. *Weaving Identities: Construction of Dress and Self in a Highland Guatemalan Town.* Austin: University of Texas Press.

Herzfeld, Michael. 1992. *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy.* Chicago: University of Chicago Press.

Hilton, Brian, Chong Ju Choi and Stephen Chen. 2004. "The Ethics of Counterfeiting in the Fashion Industry: Quality, Credence, and Profit Issues." *Journal of Business Ethics* 55(4):343-352.

Husted, Brian. 2000. "The Impact of National Culture on Software Piracy." *Journal of Business Ethics* 26:197-211.

Karaganis, Joe, ed. 2011. *Media Piracy in Emerging Economies*. Social Science Research Council. Accessed from http://piracy.ssrc.org on Mar 10, 2012.

Larios, Roxana. 2011. "Pantalones de lona lideran la piratería." *Siglo 21*, January 17.

Lin, Yi-Chieh Jessica. 2009. "Knockoff: A Cultural Biography of Transnational Counterfeit Goods." Ph.D. Dissertation, Department of Anthropology, Harvard University.

_____. 2011. *Fake Stuff: China and the Rise of Counterfeit Goods.* New York: Routledge.

Lippert, Owen, ed. 1999. *Competitive Strategies for the Protection of Intellectual Property*. Vancouver: Fraser Institute.

Little, Walter E. 2004. *Mayas in the Marketplace: Tourism, Globalization, and Cultural Identity.* Austin: University of Texas Press.

_____. 2008. "Crime, Maya Handicraft Vendors, and the Social Re/Construction of Market Spaces in a Tourism Town." In Lisa Cliggett and Christopher A. Pool, eds. *Economies and the Transformation of Landscape*, Vol. 25, 267-290. Lanham: Altamira Press.

_____. 2009. "Living and Selling in the 'New Violence' of Guatemala." In Walter Little and Timothy J. Smith, eds. *Mayas in Post-War Guatemala: Harvest of Violence Revisited*, 54-66. Birmingham: University of Alabama Press.

Little, Walter E. and Timothy J. Smith, eds. 2009. *Mayas in Post-War Guatemala: Harvest of Violence Revisited*. Birmingham: University of Alabama Press.

Luvaas, Brent. 2010. "Designer Vandalism: Indonesian Indie Fashion and the Cultural Practice of Cut 'n' Paste." *Visual Anthropology Review* 26(1):1-16.

Marroquín, Jenniffer. 2010. "Leve baja en piratería." *Siglo 21*, May 11.

Mauricio Martínez, Francisco. 2004. "Negocios de película." *Prensa Libre*, October 3.

Merry, Sally Engle. 1988. "Legal Pluralism." *Law & Society Review* 22(5):869-896.

Ministerio de Educación (MINEDUC). 2008. *Chimaltenango: Agenda Educativa 2008-2009.* Guatemala City: Gobierno de Guatemala.

Mohanty, Chandra. 1988. "Under Western Eyes: Feminist Scholarship and Colonial Discourses." *Feminist Review* 30:61-88.

Nakassis, Constantine V. 2010. "Youth and Status in Tamil Nadu, India*.*" Ph.D. Dissertation, Department of Anthropology, University of Pennylvania.

Nash, June. 1979. *We Eat the Mines and the Mines Eat Us: Dependency and Exploitation in Bolivian Tin Mines.* New York: Columbia University Press.

_____. 1981. "Ethnographic Aspects of the World Capitalist System." *Annual Review of Anthropology* 10:393-423.

Nill, Alexander and Clifford J. Schultz II. 1996. "The Scourge of Global Counterfeiting." *Business Horizons* 39(6):37-41.

Nordstrom, Carolyn. 2004. *Shadows of War: Violence, Power, and International Profiteering in the Twenty-First Century.* Berkeley: University of California Press.

Offit, Thomas. 2011. "Cacique for a Neoliberal Age: A Maya Retail Empire in the Streets of Guatemala City." In Kevin Lewis O'Neill and Kedron Thomas, eds. *Securing the City: Neoliberalism, Space, and Insecurity in Postwar Guatemala*, 67-82. Durham: Duke University Press.

O'Neill, Kevin Lewis. 2009. *City of God: Christian Citizenship in Postwar Guatemala.* Berkeley: University of California Press.

_____. 2011. "Delinquent Realities: Christianity, Formality, and Security in the Americas." *American Quarterly* 63(2):337-365.

O'Neill, Kevin Lewis and Kedron Thomas, eds. 2011. *Securing the City: Neoliberalism, Space, and Insecurity in Postwar Guatemala*. Durham: Duke University Press.

Ordóñez Mazariegos, Carlos Salvador. 2005. "Pluralismo jurídico: Una aproximación antropológica desde los altos de Guatemala." In José Ordóñez Cifuentes, ed. *Pluralismo jurídico y pueblos indígenas, XIII Jornadas Lascasianas Internacionales*, 223-242. Mexico City: Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México.

Ortez, Omar. 2004. "Spreading Manufacturing Growth Gains through Local Jobs: Lessons from the Guatemalan Highlands." *Development in Practice* 14(1&2):163-170.

Pasquino, Pasquale. 1991. "Criminology: The Birth of a Special Knowledge." In Graham Burchell, Colin Gordon, and Peter Miller, eds. *The Foucault Effect: Studies in Governmentality*, 235-250. Chicago: University of Chicago.

Prensa Libre. 2011. "Decomisan miles de discos pirata y capturan a siete personas." *Prensa Libre*, April 9.

Raustiala, Kal and Christopher Sprigman. 2006. "The Piracy Paradox: Innovation and Intellectual Property in Fashion Design." *Virginia Law Review* 92(8):1687-1777.

Sanford, Victoria. 2003. *Buried Secrets: Truth and Human Rights in Guatemala*. New York: Palgrave Macmillan.

_____. 2008. "From Genocide to Feminicide: Impunity and Human Rights in Twenty-First Century Guatemala." *Journal of Human Rights* 7(2):104-122.

Scott, James C. 1976. *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*. New Haven: Yale University Press.

Sieder, Rachel. 2003. "Renegotiating Law and Order: Judicial Reform and Citizen Responses in Post-war Guatemala." *Democratization* 10(4):137-160.

_____. 2011. "'Emancipation' or 'Regulation'? Law, Globalization, and Indigenous Peoples' Rights in Post-war Guatemala." *Economy and Society* 40(2):239-265.

Sieder, Rachel and Jessica Witchell. 2001. "Impulsando las demandas indígenas a través de la ley: Reflexiones sobre el proceso de paz en Guatemala." In Pedro Pitarch and Julián López García, eds. *Los derechos humanos en tierras mayas: Política, representaciones y moralidad*, 55-82. Madrid: Sociedad Española de Estudios Mayas.

Smith, Carol A. 1984. "Local History in Global Context: Social and Economic Transitions in Western Guatemala." *Comparative Studies in Society and History* 26(2):193-228.

Strathern, Marilyn. 2002. "Externalities in Comparative Guise." *Economy and Society* 31(2):250-267.

Taussig, Michael. 1980. *The Devil and Commodity Fetishism in South America*. Chapel Hill: University of North Carolina Press.

Tax, Sol. 1957. "Changing Consumption in Indian Guatemala." *Economic Development and Cultural Change* 5(2):147-158.

Thomas, Kedron. 2009. "Structural Adjustment, Spatial Imaginaries, and "Piracy" in Guatemala's Apparel Industry." *Anthropology of Work Review* 30(1):1-10.

Tsing, Anna Lowenhaupt. 2004. *Friction: An Ethnography of Global Connection.* Princeton: Princeton University Press.

United Nations Office on Drugs and Crime (UNODC). 2010. *Crime and Instability: Case Studies of Transnational Threats.* Accessed from http://www.unodc.org on March 10, 2012.

United States Trade Representative (USTR). 2010. *National Trade Estimate Report on Foreign Trade Barriers.* Accessed from http://www.ustr.gov on March 10, 2012.

Vann, Elizabeth. 2006. "The Limits of Authenticity in Vietnamese Consumer Markets." *American Anthropologist* 108(2):286-296.

Véliz, Rodrigo J. and Kevin Lewis O'Neill. 2011. "Privatization of Public Space: The Displacement of Street Vendors in Guatemala City." In Kevin Lewis O'Neill and Kedron Thomas, eds. *Securing the City: Neoliberalism, Space, and Insecurity in Postwar Guatemala*, 83-101. Durham: Duke University Press.

Vogt, Evon Z. 1961. "Some Aspects of Zinacantan Settlement Patterns and Ceremonial Organization." *Estudios de Cultura Maya* 1:131-145.

_____. 1969. *Zinacantan: A Maya Community in the Highlands of Chiapas.* Cambridge: Harvard University Press.

Warren, Kay B. 1978. *The Symbolism of Subordination: Indian Identity in a Guatemala Town*. Austin: University of Texas Press.

_____. 1998. *Indigenous Movements and Their Critics: Pan-Mayan Activism in Guatemala*. Princeton: Princeton University Press.

Watanabe, John M. 1992. *Maya Saints and Souls in a Changing World.* Austin: University of Texas Press.

Wilk, Richard R. 1983. "Little House in the Jungle: The Causes of Variation in House Size among Modern Kekchi Maya." *Journal of Anthropological Archaeology* 2:99-116.

Wilson, Maya. 2009. "Guatemala: Crime Capital of Central America." Washington, DC: Council on Hemispheric Affairs.

Wolf, Eric R. 1957. "Closed Corporate Peasant Communities in Mesoamerica and Central Java." *Southwestern Journal of Anthropology* 13(1):1-18.

Zaloom, Caitlin. 2006. *Out of the Pits: Traders and Technology from Chicago to London*. Chicago: University of Chicago Press.

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