

The Right to Rights and Central American/Mexican migration films: Reading *Sin nombre* /Nameless (Fukunaga, 2009) and *La jaula de oro/The Golden Dream*

(Quemada-Díez 2013) with political theory¹

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In this article I argue in favour of using political and social theory as a framework for reading Central American and Mexican migration films, using *Sin nombre* (Fukunaga 2009) and *La jaula de oro/The Golden Dream* (Quemada-Díez 2013) as case studies. Key ideas of Hannah Arendt, Giorgio Agamben, Zygmunt Bauman and Judith Butler can yield important insights when applied to the readings of migration films. My particular interest here is their conceptualizations of the scale of value applied to human life, and the resulting right to rights, or failure to be granted rights, as this is particularly apposite to the condition of migrants and refugees and to the role of film in creating value. A central argument is that film has a specific role in challenging or endorsing the negative values placed on the lives of migrant/refugees in hegemonic political and media discourses. I claim that cinema has the ability to create Arendtian personae, particularly important as in the political and media discourses around refugees and migrants the embodied experiences of refugee-migrants themselves are frequently absent. *La jaula de oro* presents a textual and extra-textual call for the right to rights for its non-citizen migrant characters. Yet, film also has the potential to support prevailing fears and stereotypes, and work against Arendt's concept of the right to rights, and I argue that *Sin nombre* runs the risk of endorsing this position.

Latin American migration films; human rights films; *La jaula de oro/The Golden Dream*; *Sin nombre*; Hannah Arendt; political theory

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In this article I argue in favour of using political and social theory as a framework for reading Central American and Mexican migration films, in particular *Sin nombre* (Fukunaga 2009) and *La jaula de oro/The Golden Dream* (Quemada-Díez 2013). Key ideas of Hannah Arendt (1994), Giorgio Agamben (1998), Zygmunt Bauman (2004) and Judith Butler (2004) can yield important insights when applied to the readings of migration films. My particular interest here is their conceptualizations of the scale of value applied to human life, and the resulting right to rights, or failure to be granted rights, as this is particularly apposite to the condition of migrants and refugees and to the role of film in creating value.² A central argument is that film has a specific role in challenging or endorsing the negative values placed on the lives of migrants/refugees in hegemonic political and media discourses. I claim that cinema has the ability to create Arendtian personae, particularly important as in the political and media discourses around refugees and migrants their embodied experiences are frequently absent. *La jaula de oro* presents a textual and extra-textual call for the right to rights for its non-citizen migrant characters. Yet, film also has the potential to support prevailing fears and stereotypes, and work against Arendt's concept of the right to rights, and I argue that *Sin Nombre* runs the risk of endorsing this position.

Terms of Reference and Brief Social Context

Before proceeding with the theoretical and textual analysis, it is important to establish some terms of reference about migrants and refugees, and to provide some contextual background for the regional focus of the case studies on Central American and Mexican migration to the United States. I suggest that realities and representations point to the need to disrupt distinctions between clear-cut boundaries established between refugees and migrants with one group deserving of charity and sympathy and another of condemnation and prohibitive action. Many on the right of US politics, including mainstream television networks such as Fox News, and films such as *Sicario: Day of the Soldado* (Denis Villeneuve 2018) represent Mexicans and migrants coming through its Southern border as dangerous and unwelcome criminals. This discourse has formed the central plank of contemporary U.S. Republican politics. Nonetheless, many Central Americans have been forced to migrate because of poverty, environmental destruction, political repression, limited employment, violence, including sexual and gang violence, and high rates of homicide. Those experiencing forced migration in the region have been categorised as refugees by respected organisations such as Amnesty International and the United Nations' refugee agency, UNHCR (San José conference on forced displacement in Central America). Salil Shetty, Secretary General at Amnesty International notes that the millions of victims of gang members or public security forces are, “the protagonists in one of the world’s least visible refugee crises (Anon. 2016).

Yet, rather than receiving protection, migrants have been victims of measures that place more value on migration prevention than human rights. Immigrants who settle in their country of destination, whether that be Costa Rica, Mexico or the US, find themselves in precarious situations; they are likely to be undocumented and face xenophobia, exploitative working conditions, and risk deportation and family

separations, as has been well documented in the Netflix series *Living Undocumented* (2019) (Shaw 2019).

Filmmakers have also been keen to highlight the fact that many who are classified by the mainstream and right-wing media as illegal immigrants are refugees. An observation from the impact assessment document compiled following the release of *Who is Dayani Cristal* (Silver 2013) reinforces Amnesty International's and *Living Undocumented*'s human rights findings: 'Central American migrants and their unaccompanied children are in fact refugees, seeing impossible economic circumstances and the highest rates of violence and homicide in the world'. (Raftree, Ross, Silver, Srivastava, 2015)³ The multiple award-winning Mexican director Alejandro González Iñárritu has also lent his stature to the cause of his compatriots and those from Central America and drawn on the term 'refugee' and the protections to which refugees should have a right. He notes:

Rather than undocumented, 40% of Mexican and Central American immigrants are really refugees. They are boys and girls fleeing hunger, rape, extreme poverty and threats against their lives by criminal gangs back home. They have been denied a job and a safe and dignified life by their own countries. Rather than a problem of security and terrorism, it is a humanitarian crisis.' (Iñárritu, 2016)⁴

These brief contextual observations make it clear that clear-cut distinctions between migrants and refugees are artificial and flawed, and concepts such as 'forced migration' can help to articulate the difficult choices of communities faced with different variations of precarious lives.⁵ Thus, while I will be framing the argument in

terms of migration, the focus of this article is films that document/fictionalize the act of migrating from Central America through Mexico with the US as the target destination, I use the term migrant-refugees to refer to those making the journey.⁶

Migrants-Refugees and Political and Social Theory

Migrant-refugees often find themselves in confused territory in terms of legal and human rights and this territory has provided rich source material for films from many regions including Central America and Mexico. In this section, I present some of the most influential and insightful theoretical interventions related to the figure of the migrant-refugee and discourses of human rights. I do this to set up an informed discussion of the role of film in ascribing or failing to ascribe value to lives usually reduced to statistics or signifiers of fear and danger that destabilize national coherence and stability. I argue that the 'right to have rights', and the concepts of persona (Arendt 1994), bare life, *homo sacer* (Agamben 1998), human waste (Bauman 2004) and grievable lives (Butler 2004), can be productively harnessed to read the representational function of filmic migrant-refugees.

In her discussion of the failures of 'human rights' to protect the victims of the Nazis and the massive groups of migrant refugees resulting from World War II, Hannah Arendt makes some important observations on human rights and the relationship between the centrality of citizenship/legal status and rights. In 'The Perplexities of the Rights of Man' (a section in her book *The Origins of Totalitarianism* 1951 (1994): 290-302), Arendt highlights the fact that those who have been rendered stateless no longer have 'the right to have rights' (1994: 290-302). She interrogates the concept of human rights as applied to the post WWII context, but conceptualized in the 1789

declaration itself resulting from the Declaration of the Rights of Man and of the Citizen, following the French Revolution, and from the US Bill of Rights (1791).⁷ For Arendt the problem occurs when the human is reduced to being just human when (using the 'universal' masculine frame of reference) 'he' loses rights afforded to national citizens, and consequently is reduced to his 'naked' humanity. In this light, human rights themselves are rendered useless if stateless migrants and refugees have no protection. Only those who have citizenship and are part of a political community with the means to speak and act have rights (1994: 296-7). Arendt notes the ineffectual and unenforceable nature of The Rights of Man, 'even in countries whose constitutions were based upon them - whenever people appeared who were no longer of any sovereign state' (293). Post war migrant-refugees were outside of the law and vulnerable without state protections.

The conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships-except that they were still human. The world found nothing sacred in the abstract nakedness of being human (1994: 299).

In the current context of global forced migrations Arendt's theories remain relevant with scholars of Arendt warning against 'overstating the protections of the human rights framework and point (ing) to the discrepancy between formal guarantees and the actually existing conditions for migrants' (Gündogdu 2015: 10), with rights still dependent on citizenship status.⁸ Arendt's discussion of the naked human without

rights influences and is echoed in Agamben's (1998) concept of bare life and the figure of the *homo sacer*. Agamben's *homo sacer* is the subject who is cast out from the protections of the state and is subject to a state of exception.

Homo sacer has been excluded from the religious community and from all political life: he cannot participate in the rites of his *gens*, nor [...] can he perform any juridically valid act. What is more, his entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land (1998: 183).

For Agamben, the '*life that cannot be sacrificed and yet may be killed is sacred life*' (1998: 82, author's italics). His *homo sacer* is reduced to inhabiting a bare human life. He distinguishes between *zoē*, 'the bare anonymous life' and *bios* 'qualified life of the citizen', a political life (Agamben 1998: 124). Like Arendt, Agamben is also concerned with the transformation of the political life of the citizen into bare life: his paradigmatic example of the state of exception resulting in bare life enacted by the sovereign state is the Nazi concentration camp (1998: 126-180). Refocusing his attention on the more contemporary humanitarian crisis faced by refugees, and writing in an Arendtian mode, Agamben states 'the separation between humanitarianism and politics that we are experiencing today is the extreme phase of the separation of the rights of man from the right of the citizen' (1998: 133).

While Agamben's *homini sacri* victims of the Nazis refer to those from whom the state removes citizenship, his ideas of the state of exception and bare life can be extended to the analysis here of migrant/refugees, those who are reduced to a bare

human life, and who may be killed with impunity (by snipers, gangs and corrupt officials). This exclusion from political life and citizen rights is directly connected to the fact that migrant-refugees are often cast in the category of “‘illegals’”, and this excludes them from legal rights and representation. That they are excluded from legal rights and representation is illustrated effectively in a number of migrant films including *La jaula de oro* and *Desierto* (Jonás Cuarón, 2016). The former will be discussed in detail below, and the latter, *Desierto*, reconfigures extreme right wing Republicanism through the medium of dramatic horror in the story of a group of Mexicans hunted by a US lone xenophobic sniper for his own gratification, with Republican extreme politics reconfigured through the medium of dramatic horror.⁹

Zygmunt Bauman builds on Agamben’s *Homo sacer*, although he neglectfully fails to reference Arendt, and connects this figure to his theories on waste. In *Wasted Lives: Modernity and its Outcasts* (2004) he argues that ‘*Homo sacer* is the principal category of human waste laid out in the course of the modern production of orderly (law abiding, rule governed) sovereign realms’ (2004: 32). For Bauman there are two types of human waste, the unemployed, particularly those made redundant, and migrant-refugees (2004: 11, 12). One of his central arguments is that members of this latter grouping function as scapegoats for societal uncertainties and provide an ‘easy target for unloading anxieties prompted by the widespread fears of social redundancy’ (2004: 63). Referencing Michel Agier, Bauman argues ‘they are outcasts and outlaws of a novel kind, the products of globalization and the fullest epitome and incarnation of its frontier-land’ (2004: 76).

Film, migration and the right to rights

The common feature of these theorists -- Arendt (1994), Bauman (2004) and Agamben (1998) -- is that they present variations of human lives (with a focus on migrant-refugees) that have been denied value because they have been reduced to their most vulnerable form of humanity, and cast out of productive public spaces; it is significant that Arendt talks of nakedness, while Agamben refers to bare life (Arendt 1994; Agamben 1998). These human non-citizens are excluded from cultural and political spheres. As such they are cast as expendable wasted lives, in Bauman's terms, or versions of *hominis sacri* in Agamben's, which can be terminated with impunity. Nonetheless, within these theoretical paradigms migrant-refugees are further reduced to concepts and abstractions, and a central argument I make is that film has the capacity to make them more real through fictional devices. Through films, migrant-refugees make a shift from a conceptual to an embodied mode, and in this form are able to perform their right to rights within the diegesis. That theorists such as Arendt and Agamben question the value afforded to the term 'human' does not mean that human rights are not important. On the contrary, their interventions should be read as attempts to understand why there have been and continue to be transnational and transhistorical failures to accord rights to refugee migrants on such an enormous scale.¹⁰ My argument, with a focus on *La jaula del oro*, is that films made within a human rights framework ascribe worth to humans on the wrong side of neo-liberal scales of value.

Culture has the potential to provide agency and to give a voice to people denied rights and a conceptual way in which this can occur can be found in the 'persona', another key Arendtian notion (1990: 107), In *On Revolution* (1990 [1963]) in a critical analysis of the failures of the Rights of Man to protect the rights of the French citizens, Arendt turns to ancient Rome and to dramatic and political theatre to

distinguish the natural man from the persona. Here again she questions the value ascribed to the 'human being', and contrasts the natural man outside of the law and the political sphere (such as the slave) to 'the persona', that: 'in its original theatrical sense, was the mask affixed to the actor's face by the exigencies of the play; hence, it meant metaphorically the "person", which the law of the land can affix to individuals as well as to groups and corporations' (1990: 107). This persona has agency and rights as a citizen and is thus a political actor: 'without his persona, there would be an individual without rights and duties, perhaps a "natural man"...but certainly a politically irrelevant being' (Arendt, 1990: 103). The cinematic migrant character, even as natural 'man' outside the law, transcends their status as abstraction or statistic and acquires a persona deserving of legal rights within the diegesis. Indeed, the power of the cinematic persona within a human rights-focused film, as is the case with *La jaula de oro*, lies in the fact that the viewer knows that they have been denied a legal status, as they are migrant-refugees and non-citizens. Stories, as Joseph Slaughter notes, provide narratives for suffering that human rights organization such as Amnesty International depend on, with personal stories 'the contemporary currency of human rights projects' (Goldberg and Schultheis Moore 2012: xiii).

Thus, one way to reinsert actual people into the cultural sphere they are marginalized from and claim their right to rights is by making them the subject of stories. Film is in a privileged position to do this and to cast a spotlight on those who often remain unseen when they are abstractions, subjects of theoretical concepts, or statistics.¹¹ Filmmakers, artists and writers can recycle the concept of what Judith Butler calls 'wasted lives' to envision valuable or 'grievable lives' to use Judith Butler's term (2004: 148). Butler reinforces the importance of presenting images of victims of in order to counter mainstream media images and disrupt 'the hegemonic

field of representation itself' (2004: 150). Writing on the power of images of dying Vietnamese children to disrupt the national narrative during the Vietnam War in the US, she observes:

If the media will not run those pictures, and if those lives remain unnameable and ungrievable, if they do not appear in their precariousness and their destruction, we will not be moved. We will not return to a sense of ethical outrage that is, distinctively, for an Other, in the name of an Other. We cannot, under contemporary conditions of representation hear the agonized cry or be compelled or command it by the face (2004: 150).

While it is notoriously hard to document the impact of films on audiences, it is clear that, following Butler, if we do not see struggles faced by characters representing real life people's struggles, we are less likely to care about these people as they are not on our emotional radars. Feature films or documentaries, particularly those that are made from the Mexican side of the border by those sympathetic to telling the migrant-refugees' experience from their perspective, cannot create political and social rights alone, but they can act as a form of advocacy in staking their claim to have rights, through the use of affective strategies and the creation of personae - characters with agency who speak and act. Films, such as *La jaula de oro* that insert themselves into a human rights framework outline structural and social oppression and human rights abuses all the while giving characters subjectivity and agency. Production of films that work in tandem with a human rights agenda are, of course one part of the process. How the films are shown exhibition and distributed is as also as important as the creation of the films themselves.¹²

By highlighting the extremely precarious lives of the protagonists, films presented from the point of view of migrants also have the power to challenge the viewers' insecurity projected on to the migrant-refugee other (Bauman 2004: 63). They do this when they highlight the far greater insecurity encountered by those who face death at each stage of their journeys. Nonetheless, they can also act to reinforce audience anxieties about the dangerous nature of those south of the US/Mexican border, exacerbated by the Donald Trump campaign for Presidency in 2016 and his administration's anti-migrant policies and rhetoric. These two opposing worldviews are offered by *La jaula de oro* and *Sin nombre*.

Within the diegesis, then, films provide agency and identity to those who are often nameless and without agency and seek to stage an intervention in how they are perceived as a means of countering increasing xenophobia. It is no coincidence that a number of films with a Central American/Mexican focus around the issue of being nameless in their titles, or in contrast provide names for those who have been rendered nameless in many media discourses. These include: *Sin nombre*; *De nadie* (Dirdamal, 2005); *La tragedia de Macario* (Veliz, 2005); *¿Quién es Dayani Cristal?* (Silver 2013). These all constitute an act of creating personae for those who are excluded from political and social spaces, and condemned to being only human (Arendt (1994: 299).

***Sin nombre*: Protecting the border from dangerous Mexican**

In *Screening Strangers: Migration and Diaspora in Contemporary European Cinema* (2010) Yosefa Loshitzky suggests three evolving genres of films about immigration. The first 'Journeys of Hope' tells stories of problems and hardships of migrants as they make their way to the host country in Europe; the second 'In the Promised Land'

has as its focus the encounter of the migrant with the host society; the third, 'New Europe' deals with films about children and grandchildren of immigrants (Loshitzky 2010: 15). *La jaula de oro* and *Sin nombre* both belong to the first of Loshitzky's 'genres', however, while these are useful classifications a single genre cannot contain the diverse market sectors and traditions of filmmaking encapsulated in the many films that make up 'Journeys of Hope', or indeed the other classifications. *Sin nombre* and *La jaula de oro* represent diverse market sectors and traditions of filmmaking: *Sin nombre* is a US-funded commercial production that applies genre conventions and exploits social issues for its entertainment value, while *La jaula de oro* is a low budget social realist festival film that eschews certain traditional genre tropes in order to change prevailing representations of migrants and foreground the structural causes of inequality.

Sin nombre was one of few commercially orientated films from the region to examine the migrant journey, along with *La misma luna/Under the Same Moon* (Riggen, 2007), and *Desierto*. Other films, including *La tragedia de Macario* (Veliz, 2005), *7 soles* (Ultreras, 2008), and *The Gatekeeper* (Frey, 2002), are low budget, independent US or Mexican productions that rarely reached beyond festivals such as Sundance and the Latino festival at San Diego (Shaw 2012: 229). *Sin nombre* has commercial production credentials; it was steered by the Hollywood producer Amy Kaufman and co-produced by Canana, the company formed by Pablo Cruz and star executive producers Gael García Bernal and Diego Luna. In addition, *Sin Nombre* was a test case in that it was the first Spanish language film that Focus Features took on as a project; it was responsible for marketing and distributing the film. The film was then, under pressure to perform commercially, and its use of textual and production

strategies meant that it outperformed all other previous migration films set in the region.¹³

The director, Cary Joji Fukunaga, was assigned to the project for his first feature film, and from an interview and commentary by the young Californian director in the DVD extras section, it is clear that Fukunaga was under the watchful guardianship of Amy Kaufman with the emphasis on a fast pace and its intelligibility for US audiences (Shaw 2012: 236-237).¹⁴ *Sin nombre* stands apart from the other films made prior to *Jaula de oro* in that it demonstrates how the migrant film can be made accessible to global audiences. It relies on more sophisticated fictional devices; has some impressive cinematography, and a classical score; places more emphasis on action; and situates its violence within the generic tropes of action films, Westerns, road movies and gang films. The theme of migration is raided for its narrative potential, and, aside from the protagonists, Willy (Edgar Flores), and Sayra (Paulina Gaitan), the migrants embody the theoretical positions of the theorists discussed above, that is they are reduced to expendable figures, human waste with no case made by the film for their right to rights. The film does not seek to investigate social causes of migration or explore state responses whether these be in the countries of origin of the migrants (Honduras/Mexico) or the target destination – the United States. The characters become a means of representing a love story, gang warfare, or plot tools for a chase/revenge movie.

In the DVD extras video the director explains that slower paced scenes, and much of the journey from Chiapas in Mexico to the US had to be cut in order to maintain a fast-paced narrative and the focus on action sequences. *Sin nombre*'s protagonist is Willy (Edgar Flores), member of a Mara Salvatrucha or MS13 gang, for whom he goes by the name of Casper. Members of the Mara in Mexico are known for

their attacks on migrants, their violent rivalry with other gangs, and drug trafficking. They are a transnational gang working across borders and they can be found in Central America, Mexico and the United States.¹⁵ Willy/Casper is forced to escape from the gang after he fatally stabs Lil Mago, the heavily tattooed leader of the local cell of MS13 during an attack on migrants on board La Bestia, the freight train the migrants travel on.¹⁶ Willy's attack on Lil Mago prevents him from sexually assaulting Sayra a Honduran migrant who is crossing to the United States.

[Now the argument has disappeared and, as the topic sentence suggests, you are just recounting the plot. The film corresponds to Fojas's reading of the southern border in US film as 'a vital repository of threatening ideas' that casts Mexicans as undesirable or unassimilable people (Fojas 2008: 2). Much of the narrative depicts terrifying gang members and their victims. Willy is the most interesting character as a gang member with a conscience. Yet, ultimately, Willy is punished for his previous violent lifestyle, while Sayra, who falls in love with her saviour with very little encouragement from Willy, is given a happy ending despite tragedies endured along the way (her father died falling off a train escaping from Mexican migration controls). Willy is found by his Mara gang and shot by the representative of the next generation, El Smiley (Kristian Ferrer). Sayra succeeds in reaching the promised land of the United States just after Willy is shot. In this way, US audiences are reassured that violent elements remain on the Mexican side of the border, while the 'good girl' who does not have a violent past is allowed to enter.

By creating a genre film that relies heavily on a perceived insight into the hyper-masculine and hyper-violent world of the Mara gangs and the migrants fleeing them, the film seems to contribute to the right-wing fear-mongering narratives about the

dangers to the United States represented by people coming in from south of the US border. The film relies on a focus on the heavily tattooed gang and their violent behavior that includes the beating up of child entrants; the capture and murder of rival gang members even those who have left gang life behind; thefts against migrants; and sexual assaults against women.

Thus, the overall impression one gains of Mexicans and Central Americans from *Sin nombre* is of thugs, thieves and delinquents conforming to a right wing xenophobic, image of Mexicans and Central Americans, rather than a people with a 'right to rights.' In *Sin nombre* members of the Mara Salvatrucha (MS13) are reduced to a base violent humanity with no trappings of civilized identity without any attempt to explain reasons for their gang membership. They conform to genre dictated economies of value that reduce characters to good or bad, civilized or uncivilized, guilty or innocent. Members of MS 13 in *Sin nombre* belong to a long tradition of lawless, violent criminal movie Mexicans, and can be read as updated versions of bandidos.¹⁷ Agamben's concept of the *homo sacer* could have been written for Willy, who is never allowed to fully escape his MS13 identity. His is a 'bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land' (Agamben 1998: 183). This does not mean that he is not a sympathetic character or that the film is not ambivalent in its tone. Ultimately, Willy cannot survive as, as a migrant and an ex-gang member, he has no recourse to state protections, and is vulnerable in his naked humanity (Arendt 1994:299)..

Willy's murder serves a symbolic function. Through his association with the gang he remains a threatening figure, and the gang members and the dangers that accompany them are kept out of the "civilized" world of the citizen-subject and remain in the

frontier-land of the criminal (Bauman 2004). Thus, the film functions as a form of border patrol in terms of the migrants it represents, only allowing a handful of safe migrants across the US border, represented in the figure of Sayra. The dangers are thus seen exclusively to come from the territories south of the US border; the threats to the migrants come from the Central Americans and Mexicans themselves and there is an absence of any critique of the United States. This is despite the fact that the US played a significant part in creating the conditions for migration, for the dangers faced by those migrating, and for the emergence of the Mara gangs (Johnson, 2006, Nevins 2009). Any national and political complexities are flattened out in the film which prefers to present an image of gangs created in Mexico and solely inhabiting an area south of the US border, with the US, in fact, absent from the landscape of the film apart from existing as an idealized destination for the migrant-refugees. As Nevins (2009) notes,

It is difficult to come away from the film not feeling a sense of revulsion toward and fear of many things Mexican, in particular the country's men. In this regard, the film plays into some of the worst stereotypes that fuel anti-migrant sentiment—especially as it relates to Mexico.

Sin nombre rests on generic tropes that have traditionally identified flaws in individuals, rather than state institutions and legislation; Willy is the lone cowboy style hero-outsider, Martha Marlene and then Sayra provide the love interests, and the gang members are the Latin American bad guys. The migrant victims of the MS13 are reduced to passive extras who provide a backdrop and act as an extension of the landscape. Willy, the Maras and the migrants have no right to rights as there are no

rights to be had for those who inhabit a bare life without citizenship. Theirs is presented as a choice to stand outside the laws of any land or civilized society, and we gain no insight into the motivations of the migrants, and no context to forced migration in the region. In a telling comment, Cary Fukunaga makes it clear that the film was a genre vehicle and was not intended to influence people's ideas about migrants, 'I make no pretenses about the film changing anyone's opinion about illegal immigration'. He adds that in order to 'tell a contemporary story using a time-honored style. Westerns, with their isolated settings, hard journeys and biblical-style revenge themes, served as a loose model' (Jurgensen, 2009). This highly charged socio-political issue is thus raided for its narrative potential and made to fit within genre conventions.

La Jaula de Oro

In contrast, when speaking of his film *La jaula de oro* Diego Quemada-Díez makes it clear that changing opinions about migration is precisely his aim: 'I try to make films [. . .] that provoke a transformation in the viewer and remind us of the interconnectedness of our existence' (Valentine, 2014). Bringing these two such differently conceived films into dialogue with each other raises some fundamental questions about the function of cinema and how directors see their role. The main difference is that *La jaula de oro* has a human rights focus and is character driven with the migrant-refugees represented in such a way as to create an awareness of their plight and to create characters with whom audiences can temporarily and empathetically share a journey. The film represents characters who will be denied asylum, and citizenship in a safe country, and cannot escape their condition of

Agambenian *homini sacri*, men and women who can be killed with impunity.

Nonetheless, within the film-space they are made hero-protagonists and are thus granted Arendtian personae with rights to rights.

Jaula de oro tells of the difficult journey of 3 adolescents from Guatemala, Juan (Brandon López), Sara (Karen Martínez) and Samuel (Carlos Chajón) aiming to travel through Mexico to the United States. In Chiapas they meet Chauk (Rodolfo Dominguez) a Tzotzil speaking Mexican. In fact, only Juan makes it across the border. Sara, despite being disguised as a boy named Osvaldo is captured by a criminal gang in search of female migrants presumably to be forced into sex work, and her absence haunts the remainder of the film. Samuel decides against continuing with the journey after they are all sent to Guatemala (even Chauk who is Mexican but assumed to be Guatemalan) by Mexican police after they have stolen anything they own of value. Chauk and Juan finally arrive at the border after experiencing robberies, a kidnapping, and being duped by *coyotes* (paid people smugglers) who steal from them then abandon them. On their journey to the border Chauk is shot by a sniper from the US side of the border. Finally, Juan gains a job at the meat processing factory where he is seen working in the lowest position, clearing the remains, the inedible waste product in a metaphor for his position in society.

When considering the two films it is illuminating to compare their positioning in global film cultures and markets. While *Sin nombre* is, in terms of production, a predominantly US film with some Mexican support, *La jaula de oro* is a transnational festival film. It is made by a Spanish director who has adopted Mexican nationality following a period working in the US as a camera operator with directors such as

Tony Scott, Spike Lee, González Iñárritu, and Fernando Meirelles. *La jaula de oro* was initially released on the festival circuit (in 2013), and it came to prominence thanks to its success on this circuit.¹⁸ Its funding streams are typical of many festival films; The production was funded by the Cannes film festival supported scheme, Cinéfondation, the Spanish Ministry of Culture and Ibermedia. Mexican and Spanish Independent companies co-produced the film: the Spanish Castafiore films, the Mexican Animal de Luz Films, and Machete Productions, as well as Quemada-Díez's own company Kinemascope Films. In addition to European sources, the film was also a recipient of national funding from Mexican government supported cultural agencies, including IMCINE (the national film institute), el Consejo Nacional para la Cultura y las Artes (CONACULTA), Churubusco studios, the state of Chiapas, and Eficine, a film investment tax credit scheme instigated by Article 189 of the Ley del Impuesto Sobre la Renta (income tax law). This combination of European social film funds, independent companies and national state supported initiatives allowed Quemada-Díez to create a social realist human rights film with no political interference from the producers. This, as established, was very different to Fukunaga's experience of working with US funders and a producer with an eye to commercial imperatives.

Nonetheless, *La jaula de oro* serves as an example that films can adopt a human rights agenda and reach audiences and is an interesting paradox that a film that eschews commercial strategies can be commercially successful when it deals with a socio-political subject of urgency. Despite, or perhaps because of its criticism of corrupt Mexican officials, criminal gangs, and US policies towards migrant-refugees it was a hit in Mexico. The film grossed \$1 million when it was selected by Cinépolis, Mexico's main exhibition chain, to launch its distribution arm (Hopewell 2015). It

was also bought by HBO for US distribution and sold to iTunes, Google Play and Amazon for the U.S. and Canada (Hopewell 2015). In addition, it secured international distribution across Europe and Latin America as well as Taiwan, Hong Kong, and Iran (Hopewell 2015).

What is it, then, that makes *La jaula de oro* a human rights film? One key difference can be found in the approach and the filmmaking process, and the goal of ensuring through this process that the characters have the right to rights and grievable lives. Quemada-Díez cites the influence of the British social(ist) realist director Ken Loach, for whom Quemada-Díez has worked as an assistant camera operator:

When I directed *The Golden Dream*, I applied a lot of what he (Loach) taught me: giving voice to the oppressed; making films that tell stories with a clear, well-articulated but not preachy political view; only placing the camera where a human being would be, at eye level – no dollies, no cranes; simplicity of form; filming in chronological order; working with real people from real locations; not letting the actors know the story; using the camera as an observer of events as close to life as possible; making films that are very close to life. (Valentine, 2014)

The director presents himself as a channel for communicating the stories of the migrant-refugees and effectively presents their story demonstrating ways in which Arendt's concept of the performer persona can be enacted. In an interview with the director in the DVD extras section Quemada-Díez recounts that the script (co-written with Gibrán Portela and Lucía Carreras) was the result of interviews with 600 migrants that he synthesized into four characters. In order to cast the three

Guatemalan characters, the director and his team went to Guatemalan slums and auditioned 6000 children. For the casting of Chauk and to find a Tzotzil non-Spanish speaker, the team auditioned 3000 young people in the mountain region of Chiapas. The migrant-refugees and gang members were also non-actors; in return for their services the filmmakers provided them with food and safe passage on a train they commissioned. (DVD 'Interview with director'). Once the non-professional actors were cast, Fátima Toledo organized workshops with the children to prepare them for filming; Toledo replicated the acting workshop approach she applied to great effect with illiterate or semi-literate street children in the Brazilian films *City of God* (Meirelles, Lund 2002) and *Pixote* (Babenco, 1981) (Goodman 2015).

This combined with the Loachian inspired technique of only revealing the scenes to the actors as they are about to perform them, and requiring them to use their own language to adapt the scene read to them (Goodman 2015), ensured realist, authentic performances from the cast. Ethical filmmaking is difficult to define, but it is central to any understanding of a human rights film. The above approach provides effective guidelines: extensive research; collaborations with those who experience the conditions they perform first-hand or within their communities; people-focused narratives, and payback to the community represented.

The process itself speaks to Arendt's concept of 'persona' in that it selects individuals from a group of disenfranchised, marginal humans without rights and makes them protagonists in a political film. The audience sees the migration journey from the point of view of the protagonists. The reasons for the choices made by the Guatemalan trio are very well established in the opening sequences of the film, and place them in the category of refugees. The film's opening shows Juan, Sara and

Samuel at home in the slums of Guatemala City. María Delgado (2014) concisely summarizes the way in which it is rooted in poverty, privation and violence:

The opening scene plainly demonstrates the urban poverty the Guatemalan teenagers are seeking to leave behind. Soldiers march with intent through the narrow graffiti-marked streets where the fragile abodes are barely protected with thin slivers of warped corrugated aluminium, wooden doors and cardboard walls. A small child brandishes a toy machine gun and fires at a companion; dogs wander with little sense of purpose; locals look out forlornly from the doorways or scavenge in the massive wastelands where trash is piled high. Police sirens, barking dogs and crying children fuse to create a noisy, grating soundscape.

As Juan wanders through the streets revealing this urban dystopian landscape, Samuel is shot scavenging on a huge rubbish dump, yet as Nadia Lie points out (2017: 146), this is a circular narrative with waste providing the narrative structure. Juan's final destination sweeping up the animal detritus in a US meat processing factory deconstructs the American golden dream of the English title, reveals the golden prison of the Spanish title, and exposes US willingness to exploit its Southern neighbours in slave-like working conditions.

The film's achievement is that it recycles the images of waste seen both at the beginning and end of the film to present grievable lives. (Butler, 2004). Bauman's frontier-land outcasts and outlaws who are cast in terms of wasted lives (2004) are re-cast as hero-protagonists. Quemada-Díez speaking of the hero status of his characters and the research process states:

I felt they were heroes, sacrificing their lives to help their loved ones. I found I could learn a lot from them, so I started a research process that lasted over seven years, listening to them so I could tell their story. I followed the railroad tracks in Mexico and the border towns; I went to US prisons and deportation centers for children; I felt their hopes, their suffering, the hypocrisy of authorities from both sides, the absurdity of the wall. (Valentine, 2014)

In an early scene the 4 teenagers are seen performing a street act to raise money for food at the start of their journey. They raise enough to eat and to pay for photographs in a fleeting and unique moment where they can enjoy touristic pleasures. Sara and Samuel pose happily in front of the US flag, holding a miniature Guatemala flag with their home country dwarfed by the dominance of the US; Juan, in full cowboy regalia, poses in front of a Wild West landscape sitting astride a plastic horse and pointing a fake gun; Chauk wearing a feather headdress is cast as the archetypal American Indian. Here we see them while their dreams are still intact. The photograph is a means of claiming their rights to personhood and to dream of a better life. Yet, at this point in the journey these selves are colonized subjects as they insert themselves into another country's narrative with their dreams provided via cultural imperialism. The United States has not given them permission to enter and does not want them, at least not in the discourses associated with the statue of liberty, gun-toting hero cowboys, or folkloric Indians, the backdrop images of the photographs. Juan can only fully acquire a persona once he undergoes a de-colonization process through the journey and through his relationship with the Indigenous Chauk.

Image 1 Juan poses as a cowboy

Image. 2 Chauk poses as an 'American Indian'

Interestingly, in the photograph sequence audiences learn that Juan models himself on the cowboy hero Shane, in reference to George Stevens' eponymous hero cowboy who sacrifices himself for a better America in the 1953 film. In his imagined role as (US identified) cowboy Juan perceives Chauk as the enemy, and he insults him as an Indian. However, Juan can only become the true hero of the film when he overcomes his racist enmity towards the Tzotzil Chauk and accepts his friendship. This can only occur once experience teaches him that for criminals, police, gangs, and Mexican, snipers and US border patrol they are all 'Indians' to be exploited, incarcerated, shot or deported. In the words of the director: 'I wanted to reverse the globalization process, to have the kid who believes in the Western model be transformed and learn from the Indian instead of the other way around.' (Valentine, 2014) The two share a space as Chauk brings Juan into his cosmography and Juan learns to understand the illusory nature of any mestizo superiority, and the need to work together.

The social realist techniques that de-dramatize the action and remove it from the language of action-adventure genre films also succeed in presenting audiences with grievable and precarious lives Butler (2004) and demonstrate the lack of rights afforded to the characters. Acts of violence are systemic, opportunistic, and lacking in any epic qualities or pleasure for the audience. This can be seen most clearly in two pivotal moments of the film, Sara's capture by the gang, and Chauk's murder by an unidentified sniper as he is about to enter US territory. To focus on the death of

Chauk, it is a moment is shocking in its banality. He is shot, he falls, and he is dead. As with Sara's capture, it simply happens and it is over in a moment; there is no build-up, no set piece choreography, no diegetic music and no dramatic reason for its occurrence, and in this it contrasts with the carefully staged shooting of Willy in *Sin nombre*. Viewers who are used to commercial cinema and television for which death is staged spectacle are doubly shocked by the event and by its representation. There is no explanation here and we don't see who pulls the trigger. The anonymity of the killer means that it appears as if Chauk has been murdered by a racist colonial belief system from the US. In addition to the shock rendered through the de-dramatizing techniques, the method of its filming also speaks to the fact that for the authorities and many US citizens Chauk and other migrant-refugees are not afforded grievable lives, although this is challenged by the film and the affectionate treatment of Chauk.¹⁹

Chauk and Sara embody Arendt's humans who are not granted human rights as they have no citizenship; they also illustrate Agamben's *homo sacer* in terms of the fact that these are lives that can be taken with no consequences; Sara is unlikely to be found and we do not know if she is alive or dead, and Chauk will not be buried.

Theirs are also an illustration of Bauman's wasted expendable lives on to which wealthy nations project their fears and can exploit but not protect. Yet, the strength of *La jaula de oro* is that the characters are afforded value and personae through the film. The ending is intentionally devastating as part of its human rights, transformative approach. In the words of the director in the interview made for the DVD:

Happy endings are an effective tool of propaganda because the spectator leaves feeling “everything is ok” and nothing needs to change. . . we want to shock them in a positive way; through cinema we can feel for another human being, we can leave transformed by the power of empathy, by the power of enriching your life by living through another.

Chauk has been shot with impunity and Juan becomes victim to a neo-liberal economy that exploits Central Americans and Mexicans as illegal cheap labour with no rights. In contrast to *Sin nombre* there is no happy ending, just a continuation of the cycle of oppression. Yet, despite the realist ending whereby Juan is on the lowest rung of the meat processing factory, there is a poetic tone to the closing scene.

Chauk’s memory and dreams have passed to Juan, and he has taught his friend to dream differently in order to transcend his suffering. While Juan’s final destination bears no relation to his cowboy film viewing fantasies, the closing scene has him leaving the factory and looking to the sky where he shares Chauk’s cosmic dream of snow falling in a black sky. This offers a form of transcendence in a world where others will see him as a servant-human with no access to civic rights; nonetheless, he has become the star of a filmic world where he is afforded the right to human rights and to a persona.

To conclude, this article has analyzed two films that belong to distinct market sectors with contrasting approaches to the themes of migration and migrant refugees. *Sin nombre*, Focus Features’ first Spanish language production, is a genre-inflected action driven narrative that focuses on gang iconography, immoral individuals and subjective experience, and, despite a sympathetic treatment of repentant ex-gang

member, Willy, it reduces migrants to the passive love interest (Sayra) or to film extras. *La jaula de oro* is a human rights film that counters the lack of value documented by Arendt, Agamben and Bauman when people are non-citizens without state protections. Quemada-Díez's film connects individual stories to more deeply rooted social phenomena and, in this way, responds to the importance of creating and presenting images in order to determine what constitutes a liveable life (Butler 2004). By turning its migrant-refugees into protagonists *La jaula de oro* highlights their lack of access to human rights and makes a powerful case for their right to rights.

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² Elizabeth Swanson Goldberg and Alexandra Schultheis Moor note the importance of conceptualizations of suffering and theories of the self and the other from political philosophers in the research area of literature and human rights, and cite the influence of Giorgio Agamben, Judith Butler, and Emmanuel Levinas (2012: 6-7).

³ For further analysis of *Who is Dayani Cristal*, see Shaw (2018)

⁴ These comments are taken from an article Iñárritu wrote for the Spanish newspaper *El País* in angry response to Mexican President Enrique Peña Nieto’s meeting with then Republican presidential candidate Donald Trump, following the latter’s abusive comments about Mexicans. See also Iñárritu and Lubezki’s VR installation project *Carne y Arena (Flesh and Sand, 2017)* that presents a visceral audience experience of the Mexican migration journey.

⁵ The International Association for the Study of Forced Migration (IASFM) describes it as “a general term that refers to the movements of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects.” (Forced Migration Online).

⁶ For further analysis of the social economic and political causes of migration, and the working conditions of Mexicans and Central Americans in the US, see Thomas Nail's *The Figure of the Migrant* (2015).

⁷ The US Declaration of Independence was produced in 1776; The Constitution of the United States of America in 1787; and The US Constitution and Bill of Rights in 1791.

⁸ 1950 saw the development of the UN's refugee agency and the 1951 Refugee convention. There are still many people who fall between the cracks of human rights law. The 1951 convention has not adapted to change in circumstances. Those not granted official refugee status include those caught in the crossfire of war and escaping violence, the internally displaced, and climate change victims displaced by natural disasters. (The 1951 Refugee Convention)

⁹ In an article for *The Conversation* (Shaw 2017) I discuss this film in more detail and consider the success and significance of a social issue film combined with a genre approach and star power (García Bernal and Jeffrey Dean Morgan).

¹⁰ As Gündoğdu (2015, 13, 24) notes, Arendt does not dismiss human rights, but instead calls for all to have rights beyond territorial borders. For a fascinating discussion of the failures of human rights rooted in colonial legacies and US Eurocentrism, see Mutua, 2002 whose book problematizes "the idea of human rights and point to its difficulties from normative, institutional, and multicultural perspectives" (1).

¹¹ Nadia Lie makes a complementary point in her work on *La jaula de oro*. She applies Bauman's concept of waste to her reading of the Central American migrant experience and argues, "Latin American road movies turn this invisible aspect of late capitalism into a visible one, bringing into focus what should remain hidden in globalization's economic and political subconscious (Lie 2017).

¹² A related discussion of migration films, human rights and the relationship between their paratexts and exhibition and impact strategies is discussed in Shaw (2018).

¹³ For further discussion of the commercial ambitions and performance of the film, see Shaw, 2012.

¹⁴ Cary Joji Fukunaga has gone on to have a successful, if rather varied career: he directed the period drama *Jane Eyre* in 2011, and he was director, screen-writer and cinematographer for the acclaimed war film, *Beasts of No Nation* (2015), set in an unspecified African country, and distributed by Netflix. He has also directed episodes of prestigious television shows including *True Detective* (2014), while his most commercial directing credit to date is the James Bond film, *No Time to Die* (2021).

¹⁵ For more on the origins and the characteristics of the Mara Salvatrucha, see the report from the Insight Crime resources 13, and Johnson, 2006

¹⁶ For a reading of the use of the function of tattoos by the Mara gangs in *Sin Nombre*, see Banwell (2018).

¹⁷ For a discussion of representations of the bandido in US films, see Berumen 1995 and Ramírez Berg (1990)

¹⁸ See “The Golden Dream: Release info” on [imdb.](#) for more details. The film has won over 70 international awards at festivals (“The Golden Dream, Awards”).

¹⁹ Nadia Lie (2017: 140) writes, “the minimalist rendering of this scene, without music or dramatic build-up, suggests that Chauk’s death will be erased from history as a ‘non-event,’ once again illustrative of modernity’s indifference to its victims”.