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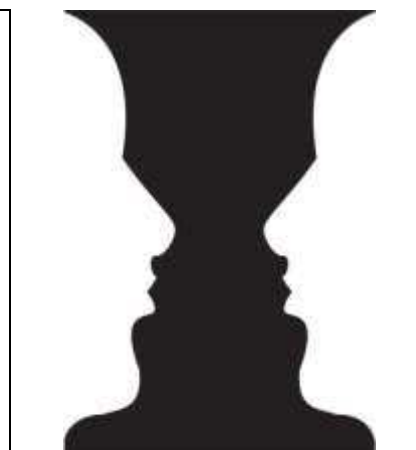
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Enacting trust: contract, law and informal economic relationships in a Spanish border enclave in Morocco

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Abstract

Small and removed from the Spanish mainland, the Enclave of Ceuta has always depended on flows of goods and labour out of the Moroccan hinterland, with individuals from different ethnic and religious groups forming informal, flexible and personal economic bonds based on mutual 'confianza' (trust). Since its entry into the European Union in 1986, the Spanish government has erected a border-wall around the enclave, and introduced new migration policies branding many informal workers within its borders as a threat to Spanish society. Based on my preliminary months of research, this paper compares the Ceutan context with other research recently conducted on the topics of migration and borders in the Mediterranean region. It brings into focus key theoretical issues and assumptions that constantly emerge in such literature, particularly regarding the role of 'a-cultural' personal ties between migrants and locals in undermining State categories and ideology. This paper observes how the Ceutan case encourages us to expand our focuses and consequently problematise our understanding of crucial concepts such as 'trust' and 'integration'.

Keywords

Trust, migration, borders, informal relations, North-Africa

Introduction: towards an anthropological model of 'trust'.

Ceuta is a small town on the Mediterranean coast of Morocco belonging to Spain and subject to the laws of the European Union. Based on data gathered during my preliminary months of fieldwork in the enclave town, this report observes how the informal (not based on State sanctioned contract), trust-based relationships formed between Moroccan 'transfronterizo' (cross-frontier) labourers and Spanish employers

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focuses our attention on the need for an anthropological theory of trust, which takes into account the historical, contextual, moral and practical aspects of this delicate concept.

To do this, this short report first seeks to outline the Enclave's social and economic context². I focus on the local Ceutan concept of '*tener confianza*' (to hold one in trust), an trust-based personal relationship two or more actors, based not on *categorical* or religious affinities, but on the recognition of *individual* skill and trustworthiness ('*ser de confianza*'). Originally formed between Ceutan citizens in times of economic vulnerability, ties of '*confianza*' are proving to be the main basis through which Moroccan migrants are employed and integrated in Ceutan economy. By comparing the Ceutan concept of '*tener confianza*' with similar, personal relationships being reported in the Mediterranean, I then seek to bring into focus parallel theoretical issues, frameworks and assumptions that constantly re-emerge in and inform contemporary research on migration and borders conducted in the Northern Mediterranean.

I conclude by observing how the Ceutan concept of '*tener confianza*', a historical, local discourse which is politically and morally charged (to both locals and anthropologists) challenges existing universalising and a-historical understandings of trust constructed by Sociology and Neo-liberal Economics. This research report does not claim to construct an anthropological model of trust. The data presented here is too limited to successfully bolster such an argument. Rather I argue how the Ceutan case invites us to us to ask new questions, expand our focuses and consequently problematise our understandings of crucial concepts such as 'trust' and 'integration'.

Pillars of Hercules

Originally conquered by Portuguese forces in 1415 with the intention to extend the *reconquista* to North Africa, Ceuta was, for most of its history under European rule, a marginal prison-town (*presidio*), constantly lacking in supplies and under attack from Berber and Arab forces (Rezette 1976: 39-56). In the early 20th Century, spearheading Spanish colonial enterprise in North Africa, Ceuta ceased being a marginal fort, becoming instead the industrial and trading centre of the Spanish Protectorate. To support its new role, Ceuta required the expansion and creation of new infrastructure, the institution of new administrative and economic services, and, most importantly, labour to keep it all going. The population of the enclave, numbering 13,000 in 1900, increased to 24,000 by 1920, exploding to 51,000 in 1930 (Rezette 1976: 70).

This influx of labour was neither small nor homogenous. Apart from the arrival of now landless Berbers, this influx included Spanish and Arab workers from Tangier, Tetouan and Andalucía, Spanish entrepreneurs, professionals, colonial officials, and the formation of Indian, Jewish and Chinese trading communities (Driessen 1992:5-15, 35-53).

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Ethnographers of the enclave suggest that, while tensions between the various groups of the enclave existed, the economic marginality and vulnerability of the enclave, especially after the dismantling of the protectorate in the 1950s, meant that individuals from different groups had to engage in long lasting ties based on personal trust (*confianza*) and friendship (*amistad*) (Driessen 1992:24-34). Similarly, some of my older informants claim how despite the dangers of quarry and construction work, or perhaps because of it, Muslim and Christian labourers, locals and migrants formed tightly knit groups that ‘held each other in trust’ (*nos teníamos en confianza*). “In those times,” one informant, a Christian ex-quarry worker, related, “your friend cared little what your name was” (*le daba igual como te llamabas*). By ‘name’ my informant is actually referring to the *apellido*, or surname, which in Ceuta unmistakably points to one’s ethnic and religious background (*cultura*). Within such precarious economic and political contexts, individuals were economically integrated based on recognised and valued characteristics, and not on abstract religious, ethnic or legal categories. “Back then,” he continued, “we had real *convivencia*”. Similarly, another informant, a successful businessman and prominent member of the local Jewish community (*comunidad*) claimed that, “*convivencia* and *confianza* are given at the personal level. It is ‘Fulano’ and ‘Mariam’ that hold each other in trust (*que se tienen en confianza*), and not ‘Fulano’ and ‘a Muslim’ (*un moro*). *Convivencia* lies at the level of personal friendship (*nivel de personalidades*), and this is above everything (*está encima de todo*). To say I have loads of Muslim friends makes no sense. It is such talk that we hear today, and it scares me”.

These statements indicate that ties of ‘*confianza*’ are constituted of three main elements. First, they are formed following the *recognition* of the potential partners’ personal qualities and abilities. An individual is contracted because he or she is dependable as an individual, and not because they constitute part of a larger group (ex. Muslim, Christian, migrant.). Trustworthiness is not inevitably nor necessarily dispensed by belonging in a group. It follows then that such personal ties can and do therefore cut across boundaries. As we shall see, ‘*confianza*’ is a way through which rights other than those of the state are distributed, and migrants integrated. Secondly, such local, grass-roots ways of economic and political association could (and do) run independently of, and sometimes against, those sanctioned by the State. It follows, therefore, that such relationships are ‘informal’, that is independent of State regulation and legal contracts it insures. Thirdly, ties of ‘*confianza*’ are often flexible and silent. The aims, responsibilities, requirements, obligations of the partners were not clearly delineated. The focus was on trust (*confianza*), the assumption that, being a ‘trust-worthy’ (*de confianza*), one could rely on one’s partner to aid and fulfil obligations as necessary. What constitutes trustworthiness, of course, is not set in stone, and are constantly built up and negotiated. This will be a crucial element forcing us to reconsider theories of trust.

The Alien Law of 1985

In 1985, seeking to join the EU, Spain enacted the notorious Alien Law. Aside from describing migrants as ‘social, economic and political problems’, it allowed non-Spaniards

only a couple of months to regularise their status through obtaining work contracts and residence permits (Suarez-Navas 1994). For Ceuta, this proved disastrous. Out of the 'resident' 15,000 Muslims, only 2,900 had some form of document conferring the right to live in Spanish territory (Gold 2000:93). In the 1990s, these laws were backed by the erection of a fence around the enclave. Such measures were incompatible with existing economic practices which mainly consisted of flows of labour and goods across borders, and which integrated individuals based on the recognition of personal skill and trustworthiness, and not on their legal or ethnic status. '*Tener en confianza*' became more than a system of evaluation of worth within a vulnerable economic context. It also became, intentionally or not, a system of state resistance.

As most contemporary researchers in the Mediterranean describe in relation to their own field-sites, Ceuta seems to be a paradoxical place (Albahari 2009: 141-52). On the one hand, erection of the border fences and the institution of the alien laws have seen ethnic and urban fear and violence greatly increase (Ortuño 2005). Such means of surveillance and control have created a sense of paranoia, which threatens to collapse the delicate balance of '*convivencia*' – considered by Ceutans to be the basis of peace and order in Ceuta – instead plunging the enclave into anarchy. On the other hand, illegal residence and informal employment remain central to Ceutan economic life, with both locals and migrants, Christians and Muslims, claiming that legal categories remain unfeasible and ineffective ways of creating economic enterprise and determining individuals' personal worth. It is this oscillation between resisting and subscribing to state categories, challenging and accepting the state's definition of trustworthiness that lies at the heart of Ceutan political life.

Relational and categorical identities

In relation to my research in Ceuta, the growing corpus of work on interaction across both physical and socio-cultural borders in the Mediterranean, exhibits similar themes and structures. Suarez-Navas describes how, defying state rules and policies, Andalusian farmers still forge long-term working alliances with migrants based on honesty, diligence (*cumplir*) and trust (*confianza*) (Suarez-Navas 1994:6). Verinis similarly reports how, in rural Greece, the *xenos*, despite being destitute and often legally vulnerable, are seen to display a sense of honesty and reliability Greeks would not show each other. In some cases, these friendships develop into strong bonds of alliance, where migrants are integrated into - and are essential in reproducing - village life through their participation in local institutions including godparenthood, marriage and village governance (Verinis 2007:18-20). Parallel findings in current research being conducted in Malta have reported how African migrants, seen as diligent, strong, and trustworthy, are readily employed by Maltese entrepreneurs (Clough 2009), (Texiere 2006). Finally, Rabinowitz offers an example of how the Israeli co-existence movement encourages personal friendships between Israeli and Palestinian students, aiming to undermine the hostility and fear felt mutually by these groups (Rabinowitz 2001:65-9).

This literature, in effect, seems to share a common theme and theoretical framework. Following Craig Calhoun, what these case studies show is that rather than associating with someone based on their belonging to a *category* (I trust you because you are Spanish/Christian/migrant), what Calhoun calls ‘Categorical Identities’; interaction is instead claimed to be on the basis of the recognition of *personal* qualities and characteristics (I trust ‘you’ because you are trustworthy/honourable/diligent), what he describes as ‘Relational Identities’ (Calhoun 1994:26). Carrithers makes a similar distinction between ‘contemporaries’, or “people we know as types” and ‘consociates’, who he describes as “individuals who we know through deep, personal involvement” (Carrithers 2008:166-8). The latter are ties between actors who cannot be substituted.

Relational identities and ‘integration’

The case of Ceuta provides the opportunity to take this framework further. In all the examples cited above, state-sanctioned categories and ideologies are depicted as passively countered, de-legitimised and traversed through personal networks and friendships. However, in Ceuta, the oscillation between resistance and subscription to state categories seems to indicate that the political set-up might be more complex than that. My observations of informal interactions at the border indicate that, rather than outright resistance to the state (hiding, smuggling), traders seek to establish bonds of trust (*tenerse en confianza*) with the ‘good guards’ (*buena guardia*) in order to ‘semi-legitimise’ their interactions. In other words, rather than outright resistance, State authority in Ceuta is deconstructed, re-deployed, re-interpreted, extended and distorted by both state and non-state agents alike. Indeed, the distinctions between ‘Power’ and ‘Resistance’, which the literature above seems to rely on becomes , theoretically and ethnographically, increasingly problematic.

Furthermore, the more one looks at the concept of ‘Relational Identities’, the more questionable it becomes. In the above literature, such relational ties are described as being almost ‘a-cultural’. Being ‘friendly’, ‘trustworthy’, ‘diligent’ *transcends* cultural groups and subjectivities. It thus provides a tool for discursively resisting state ideology and categories by rendering them superficial and artificial. I do not exclude the possibility that such personal ties might develop into very strong relationships of friendship and alliance, thus integrating migrants through the ascription of rights different than the legal ones granted by the State (Verinis 2007). However, neither can one exclude the fact that being ‘friendly’ and ‘trustworthy’ still requires a *shared* understanding of the concept. In the light of Ceuta, where the legal, economic and political disparity between migrants and locals is striking, one cannot but consider the fact that what ‘trustworthiness’ means might well be defined by the stronger party.

This certainly seems to be the case amongst most migrant-workers I have spoken with. Ibtisam, for example, a Moroccan migrant from Tetuan, arrived in Ceuta 10 years ago having no contacts and knowing very little Spanish. The long narrative of her experience in the Enclave describes her first couple of years, working for different Ceutan families, as difficult, frustrating and full of rough episodes and occurrences. After

years of being deceived, robbed, accused of being a 'muslim thief' and even manipulated into unwittingly playing a central part in a family quarrel, she was finally referred by a fellow migrant-worker to a 'good family' (*una familia buena*), who respected her work, saw her as trustworthy (*de confianza*) and treated her as one of their own. This Christian family, into which she eventually married, provided her with information and the support to regularise her status legally (*conseguir derechos*). She now uses her legal status as a way to impose contract, seeing her initial period of 'trust-based' relationships as a tense and delicate one, having to conform to every demand so as to be seen as hard-working (*trabajadora*), yet having to hold your own (*poner la cara dura*) to protect one's own integrity. Ibtisam describes other friends of hers who were unable to move beyond the stage of contractless relationships as people who are toiling, or working for nothing (*trabajando para nada*). Other migrants relate similar narratives. Raj, an Indian migrant, like-wise describes his first period in Ceuta as a precarious one, until, finding a good employer and earning his trust as a diligent worker, he finally obtained work permits that now allow him to negotiate with employers as an equal. Engaging into informal trust-based contract-less relationships, in other words, does indeed provide migrants with the opportunity to prove their individual worth, giving them personal access to local social networks and information. Such ties also eventually ascribe migrants what Verinis identifies as 'non-legal, local rights' (Verinis 2007: 20). However, most migrants I have encountered do not consider the acquisition of such trust-based relations enough, and neither are they comfortable living outside the gaze of the state. Indeed, they only see such 'non-legal rights' as a platform from which to then achieve what migrants consider as proper integration (*integración*): legal regularisation and, through that, legal protection in their economic encounters.

Rather than transcending boundaries, in other words, such relational ties might actually reproduce them by mobilising a sense of trustworthiness held and defined by the stronger group. This also leads us to revise our own understandings of concepts such as 'integration' and, more importantly, 'trust'.

It would be easy to accuse Spanish employers as capitalising on such informal ties of 'confianza' to extract and exploit such cheap labour, yet it must be also said that such tense relationship may be perpetuated by Ceutan employers. The problem is not necessarily one of intentional exploitation but of reproducing structures which seem fair and just, but are inherently unequal. Towards the start of my fieldwork, Juan, a Ceutan Christian high-school teacher, had had in his employ a 'trustworthy' '*muchacha*' (lit. Girl – a domestic worker). Having worked with Juan's family for more than 10 years, he regarded her as a 'friend of the family' (*una mas*). He paid her what he thought was an amazing wage compared to other Ceutan employers, offering her food, transport and medical assistance. Juan was one of the few Ceutan employers who, moved by the State's renewed effort to contractualise (and tax) transfronterizo labour in 2011, sought to regularise his '*muchacha*'. He found out that the wage they had informally agreed upon was a 160 Euro (weekly) short of the national minimum wage. Other informants of mine who too sought to regularise their workers also found that they were over-working them (10-9hours a day). A later interview with the Moroccan labourer revealed that she

had known about this all along, but was afraid to ‘*poner la cara dura*’ and speak up for an increased wage. The silences and inaccuracies of trust-based relationships often lead to the reproduction of exploitative engagements where one party, voluntarily or not, is structurally very much disadvantaged. It is no wonder then, that, in order to control ties of ‘*confianza*’ the State insisted that its aim was that of securing transfronterizo rights (and not to tax informal labour in times of acute financial crisis).

Problematising trust

In economic anthropology, trust tends to be ignored, or at best implicit in our theoretical frameworks. However, trust has explicitly been a central object of inquiry in both neo-classical economics and Sociology, where it is inadvertently seen as a positive, altruistic and collective trait essential for a thriving civil society and prosperous economy. Without trust, in turn based on the institutionalisation of collective values, Eric Uslaner and Talcott Parsons argue civil society would atrophy and corruption spread (Uslaner 2002), (Misztal 1996:65-72). In a recent work, Fukuyama similarly makes the distinction between Low-Trust and High-Trust societies. He describes trust as a cultural resource that makes economies efficient and flexible by by-passing the rigid ascription of roles and duties laid down and enforced by contract (Fukuyama 1995).

In relation to Ceuta, as we have seen, this literature fails to consider that in excluding contract, state and legal protection, such informal ties based on ‘trust’ lay themselves open to economic vulnerability and exploitation. Trust might indeed boost production, but it might also be used as a moral force defined by the stronger party to extract labour and energy from the migrant. Second, such ‘trust’ based relationships, in by-passing Spanish labourers, are more likely to create hostile rather than peaceful societies. The concept of ‘*tenerse en confianza*’ implies both intimacy between consociates and the exclusion of non-members. The success of the anti-migrant (often slipping into anti-muslim and anti-moroccan) Gil party in the enclave was the product of such ties. Thirdly, this literature describes societies as either inherently trust-based or not. The case of Ceuta however, suggests a more complex reality. Individuals belonging to categories which are seen to be mutually hostile and exclusive (ex. Spanish – Moroccan, Christian – Muslim) often still engage into personal friendships that are seen to transcend such boundaries. Rather than being either inherently trust-based or suspicious, however, such relationships often oscillate between what we have above described as ‘Relational’ and ‘Categorical’ ways of thinking. Such oscillations occur on a daily basis in Ceuta. Countless friendships often break down, with the personal insult suffered (such as not being invited to a muslim friend’s wedding, or being passed over for promotion) locally attributed to and magnified by the ‘other’s’ religion or inaccessibly closed-minded way of thinking (*cultura*). On the other hand, Moroccan labourers or work colleagues, despite being described as lazy, thieving and closed-minded (*candados*), are often contracted, sometimes resulting in strong friendships, as this paper has illustrated.

Such literature, in conclusion, fails to point out that its universalistic claims to ‘trust’ and ‘healthy civil societies’ are very much based on formalist, neo-classical

economics and western philosophical traditions. Trust, can adopt different roles in different socio-economic contexts, and it is in this light that this research calls for a problematisation of the notion of trust in order to offer an anthropological interpretation sensitive to its complex moral and political dimensions.

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Brian Campbell is a Social Anthropology PhD Candidate at the University of Kent, under the supervision of Glenn Bowman. His anthropological fieldwork in Ceuta - a small, cosmopolitan Spanish enclave town on the Mediterranean coast of Morocco - has focused on the complex interplay between the construction of trust-based personal relationships (*tener confianza*) and State constructed notions of multiculturalism (*convivencia*). He argues how discourses of multiculturalism in Ceuta seek to reinterpret old religious and nationalist categories, diffuse ethnic tensions and create a strong local identity in order to successfully counter the increased migration, economic vulnerability and political peripherality experienced by the town. Brian's doctoral research has been funded by the Emslie-Hornimann Anthropological Scholarship Grant (Royal Anthropological Institute) and the STEPS scholarship Scheme (Ministry of Youth and Education, Malta). His previous research has dealt with the attempt to revisit and reframe the classic anthropological concept of honour as a being a morality of exchange within the context of Maltese Godparenthood. He has also done research on hospitality and tourism through the intensive study of English Language Schools and Host Families in Malta.