

Research Article

The Ciudad Juárez Fire: Zemiology's Expansion of a Criminological Analysis

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Abstract

The migrant detention centre fire in Ciudad Juárez, Mexico, on March 27, 2023, led to 40 deaths and 27 injuries. All those affected were migrants. Analysing this tragedy from a zemiological perspective demonstrates its usefulness in deepening and expanding our understanding of its implications. This is illustrated via three points of analysis. First, zemiology explores several important harms not captured from a criminological standpoint. A key harm in this case is cultural harm. Second, zemiology holds those not scrutinised by criminology's state-centred investigation responsible. This shines a light on the United States and Mexican governments' culpability for the fire. Finally, zemiology expands the definition of the victim. Survivors of the fire, as well as the broader migrant community, receive acknowledgement for their suffering. Finally, the implications for immigration policy are touched upon.

Keywords Ciudad Juárez fire • zemiology • cultural harm • government culpability • immigration policy

Introduction

In an overcrowded cell with little food or water, tension built as migrants detained in one of Mexico's Instituto Nacional de Migración's (INM) detention centres were desperate to know more about their deportation from the border town of Ciudad Juárez. It is alleged

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that two of these migrants, in an act of protest, set fire to their mattresses.² This quickly turned into a horror scene, as the highly flammable mattresses lit the centre ablaze, producing dangerous smoke. At the onset of the fire, it was reported that a top official of the INM ordered guards not to release the migrants.³ Then, as the fire spread, guards fled the building as the migrants remained locked inside their cells, unable to escape.⁴ The fire on March 27, 2023, resulted in the deaths of 40 migrants, with 27 more injured.⁵ Almost all these men had come from Central America and Venezuela.⁶ Most were fleeing violence and instability in their home countries, looking to the United States for greater economic and educational opportunities.⁷

In the wake of the fire, the Mexican Attorney General proceeded with criminal charges against ten individuals: the two migrants accused of starting the fire, six guards and lower-level officials from the INM, the INM's representative for the state of Chihuahua, and eventually, the head of the INM, Francisco Garduño. The Mexican government was to compensate the deceased's families an average of \$70,000. Those who survived the fire were not recognised as victims under Mexican law.⁸

An analysis of the Ciudad Juárez fire from a zemiological perspective would demonstrate the discipline's ability to enhance and expand a traditional criminological examination. Zemiology, or the study of social harms, allows one to consider what some

² James Fredrick, "A Survivor Recalls Horrors of Mexico's Migrant Center Fire That Almost Killed Him," NPR, October 14, 2023, <https://www.npr.org/2023/10/14/1203246684/mexico-migration-detention-fire-survivor>.

³ The Associated Press, "Arrest Orders Are Issued for 6 People in the Deadly Mexican Immigration Center Fire," NPR, March 31, 2023, <https://www.npr.org/2023/03/31/1167393055/mexico-migrant-center-fire-arrests>.

⁴ Jose Luis Gonzalez, "At Least 39 Dead in Fire at Mexico Migrant Center near U.S. Border," *Reuters*, March 28, 2023, sec. Americas, <https://www.reuters.com/world/americas/least-ten-dead-after-fire-migrant-facility-mexicos-ciudad-juarez-sources-2023-03-28/>.

⁵ Josiah Heyman and Jeremy Slack, "The Causes behind the Ciudad Juárez Migrant Detention Center Fire," NACLA, April 20, 2023, <https://nacla.org/ciudad-juarez-migrant-shelter-fire>.

⁶ Maria Verza and Morgan Lee, "Migrants Start Fire at Mexico Detention Center, Killing 40," AP NEWS, March 28, 2023, <https://apnews.com/article/mexico-fire-migrant-facility-dead-eea0b6efafd77f9868ef27ed1cf572b3>.

⁷ Gonzalez, "Mexico Border Fire."

⁸ Frederick, "Survivor Recalls Horrors."

may regard as unconventional areas of destruction.⁹ The field emerged as a response to traditional criminology's reliance on state-centred definitions of harm. Zemiologists critique the restricting and biased nature of criminology, opting for a broader consideration of harm.¹⁰ However, zemiology should not only be understood as a critique of criminology. Rather, it has a greater impact when employed to enhance and expand the bounds of traditional criminology. A zemiological analysis identifies many different types of social harms beyond traditional considerations. While there is no exact definition, social harms can be thought of as denying individuals the conditions necessary for self-realisation.¹¹ They include physical, financial, psychological, and cultural/environmental harms.¹² This has implications for how we think of crimes – the injuries they cause, who the perpetrators are, and who we should look to support in the wake of such instances.

In relation to the Ciudad Juárez fire, zemiology's utility is demonstrated via three points of analysis. First, zemiology explores several important harms not captured from a criminological standpoint. A key harm in this case is cultural harm, which will be expanded on later.¹³ Second, zemiology holds those not scrutinised by criminology's state-centred investigation responsible. This shines a light on the United States and Mexican governments' culpability for the fire. Finally, zemiology expands the definition of the victim. Survivors of the fire, as well as the broader migrant community, receive acknowledgement for their suffering.

⁹ Paddy Hillyard and Steve Tombs, "Social Harm and Zemiology," in *The Oxford Handbook of Criminology*, ed. Alison Liebling, Shadd Maruna, and Lesley McAra (Oxford, UK: Oxford University Press, 2017), 285, https://discovered.ed.ac.uk/permalink/44UOE_INST/110jsec/alma9924016739102466.

¹⁰ Francesca Soliman, "States of Exception, Human Rights, and Social Harm: Towards a Border Zemiology," *Theoretical Criminology* 25, no. 2 (2021): 228-244, <https://doi.org/10.1177/1362480619890069>.

¹¹ Soliman, "States of Exception," 237-239.

¹² Hillyard and Tombs, "Social Harm and Zemiology," 289.

¹³ Hillyard and Tombs, "Social Harm and Zemiology," 289.

Expanding Harm

While a criminological analysis uncovers violations of the law, zemiology illuminates many social harms resulting from the fire.¹⁴ Of special importance would be the cultural harm associated with the fire. Cultural harms are those that harm a culture rather than solely an individual. They must be considered with reference to global North/South relations and the legacy of colonialism.¹⁵ The conditions that the migrants in the Ciudad Juárez centre were held in and the actions during the fire send a clear message to migrants and their families. They are *disposable*.¹⁶ Their lives were not worth protecting. The centres were already known to be dangerous to the livelihoods of the migrants within them. Leading up to the incident, concerns had been raised about the unsafe conditions and overcrowding of INM's detention centres.¹⁷ The highly flammable mattresses that exacerbated the fire were known to be a danger. A similar fire involving the same mattresses killed 41 girls in a state-run youth home in Guatemala in 2017.¹⁸ Just three years prior, migrants at another INM detention centre in Tenosique lit their sleeping pads on fire, killing one and injuring 14 others.¹⁹ The Ciudad Juárez fire was, therefore, not an inconceivable phenomenon and could have been mitigated if the INM had acted with concern for the safety of its detainees. In failing to spend the time or money to address issues as simple as the sleeping arrangement of the migrants, the INM conveys the sentiment that these minor adjustments are worth more than the lives of the migrants.

The response during the fire is an even clearer manifestation of this attitude. When the fire first broke out, the guards were told to keep the migrants locked up inside. As the fire intensified, the guards in charge of the migrants fled, leaving the men trapped in the flames with no way of getting out. The men inside the centre were stripped of their

¹⁴ Hillyard and Tombs, "Social Harm and Zemiology," 289.

¹⁵ Edward J. Wright, "Decolonizing Zemiology: Outlining and Remediating the Blindness to (Post)Colonialism within the Study of Social Harm," *Critical Criminology* 31 (March 20, 2023): 134, <https://doi.org/10.1007/s10612-022-09682-5>.

¹⁶ Gabriella Sanchez, "After the Fire | Oxford Law Blogs," blogs.law.ox.ac.uk, May 5, 2023, <https://blogs.law.ox.ac.uk/border-criminologies-blog/blog-post/2023/05/after-fire>.

¹⁷ Gonzalez, "Mexico Border Fire."

¹⁸ The Associated Press, "Arrest Orders."

¹⁹ Frederick, "Survivor Recalls Horrors."

autonomy and the ability to preserve their lives. This restriction of basic human rights sends the message that they are less than human. They were treated as if their lives were worth less than the guards meant to watch over them. In addition to the physical and financial harms, the Ciudad Juárez fire leaves a lasting scar on the psyche of the communities of these migrants. The communities are not only damaged by the loss of their loved ones but also by a sentiment of carelessness towards their wellbeing. A combined criminological and zemiological analysis underscores the true gravity of March 27 and the different harms it has caused.

Expanding Responsibility

A criminological analysis is limited to the immediate and individual perpetrators of the fire. A zemiological analysis expands responsibility for the fire.²⁰ It recognises the United States government's immigration policy and the Mexican government's attitude towards migrants as key actors. Why were these men detained in Mexico in the first place? What fostered such desperation from these migrants and apathy from the guards in charge? The fire occurred during a period of migrant build-up and frustration along the border. This is partly attributed to the United States' Title 42 policy.²¹ Title 42, which has since been repealed, expelled migrants quickly from the US into border towns and then made them wait there as people struggled to get asylum appointments from a flawed new application meant to process these appointments.²² This created a fraught environment filled with uncertainty and frustration. Mexican towns were overcrowded as migrants were transported across the border.²³ This put pressure on Mexico's immigration system to keep these 'returned' migrants from crossing the border again.

As to be expected, this influenced Mexican immigration policy. Mexico's harsh immigration tactics were also to blame for the Ciudad Juárez fire. In response to

²⁰ Hillyard and Tombs, "Social Harm and Zemiology," 289.

²¹ Gonzalez, "Mexico Border Fire."

²² Washington Office on Latin America, "Ciudad Juárez Fire: What Happened and What Does It Tell Us about Immigration Policy?," WOLA, 2023, <https://www.wola.org/events/ciudad-juarez-fire-immigration-policy/>.

²³ Heyman and Slack, "Causes Behind Ciudad Juárez Fire."

American pressure, Mexico's handling of migrants became increasingly militarised, and migrants were 'dealt with' through mass detentions.²⁴ The U.S. policy of immediate expulsion combined with Mexico's mass detention system created unrest along the border. Mexican senator Emilio Álvarez Icaza put it well: "This didn't happen just because a guard didn't open the gate; this happened because [President] López Obrador decided to accept the pressure from the Trump and now Biden administrations to contain migrants, and in turn, the government systematically abuses them."²⁵ A zemiological analysis of the Ciudad Juárez fire cannot ignore the U.S. and Mexican governments' responsibility for creating a situation ripe for disaster. While they did not light the match, they created an environment ready to spark at any moment. Using both a criminological and a zemiological analysis identifies all those responsible for the Ciudad Juárez fire. Criminology targets the individual and the immediate perpetrators, whereas zemiology can capture the remote and powerful institutions responsible.

Expanding The Victim

Zemiology expands on who is considered a victim of the Ciudad Juárez fire. Criminology limits victims to legal definitions. In this regard, victims are individuals directly impacted by breaking criminal laws. A zemiological perspective allows us to consider those outside of the legal interpretation and indirectly subjected to harm.²⁶ In the fire, a zemiological analysis includes survivors of the fire and the greater migrant community. While it seems evident that survivors of the fire have suffered from the event, the Mexican government has yet to officially recognise any of the survivors as victims under the law.²⁷ This leaves many without the government support they need. According to the legal definition, only the families of those who have perished have received monetary compensation. Zemiology, in breaking free from legal barriers, is not limited by Mexico's laws. It can identify survivors of the fire as victims who suffer from many consequences of the tragedy.

²⁴ Washington Office on Latin America, "Ciudad Juárez Fire."

²⁵ Frederick, "Survivor Recalls Horrors."

²⁶ Hillyard and Tombs, "Social Harm and Zemiology," 289.

²⁷ Frederick, "Survivor Recalls Horrors."

In recognising cultural harms, we can also identify the broader migrant community as victims of the Ciudad Juárez fire. As discussed above, cultural harms were created as the fire sent the message to migrants that they were disposable to the U.S. and Mexican governments. This sentiment not only affected those directly involved but also left a scar across the entire migrant community. The Ciudad Juárez fire and similar tragedies serve to isolate migrant communities from their northern counterparts. It places them lower down in the global hierarchy and ensures they feel the pain of their position. In this sense, victims of the Ciudad Juárez fire can be found globally. Migrants across the Americas feel the effects of this message. Zemiology adds to a criminological understanding of the victim, breaking free of legal boundaries and globalising the audience of the tragedy.

Conclusion

Zemiology provides an excellent framework for contextualising and understanding the Ciudad Juárez detention centre fire. Criminology grounds this analysis in the immediacy of the situation and provides a good starting point for explanation. A combined approach to understanding the Ciudad Juárez migrant detention centre fire allows us to identify more harm, perpetrators, and victims. We are left with a more complete understanding of the tragedy, which could contribute to better immigration policies moving forward. This is especially relevant given the fickle nature of U.S. immigration policy. While Title 42 has been revoked, this does not mean that American immigration policy has shifted towards a more humane approach.

With immigration policy tied to increasingly divisive political polarities, the lives of millions of migrants are ever uncertain and caught in the whirlpool that is American politics. The influence of U.S. pressure on the Mexican government, as elucidated above, magnifies these effects. By incorporating a zemiological understanding of disasters such as the Ciudad Juárez fire and the effects of immigration policy more generally, emphasis is put on the personal harms that are caused. Issues of immigration have become more people-focused, as they very well should be, but most often, they

are not. In effect, zemiology could contribute to a more humane approach to immigration policy. However, what exactly these policies would look like is a topic for another essay.

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