Between Reconstruction and Globalization: Civil Society and Democratic Politics in Guatemala

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Introduction

Starting in the 1980s human rights organizations adopted the term citizenship as part of a general renewal of the cultural and political vocabulary in Guatemala.1 I have referred to this general renewal of cultural and political language elsewhere as a “linguistification of politics.”2 This idea attempts to capture the process through which cultural and political actors come to articulate their claims using their own words and through multiple forms of discourses. Understood in these terms the linguistification of politics implies the presence of subjects increasingly capable of orienting themselves towards reaching understanding on the basis of arguments, achieving cultural and political consensus on the basis of valid and legitimate mechanisms, and solving their deepest cultural and political conflicts on the basis of democratic procedures. Although this process is still in its early stages, it is nonetheless part of a general tendency, clearly observable in communities across Guatemala as well as within the public sphere and in some institutions of public governance. The core of this process is formed by a shift in communicative action and conflict resolution strategies. The task of reaching consensus and solving conflicts slowly ceases to take place based on pre-established, organic, patrimonial and/or clientelistic forms of cultural and political coordination and slowly comes to depend on autonomous and self-critical subjects demanding the effective implementation of practical discourses in the context of increasingly open, tolerant, and diverse communities, public spheres, and public institutions of governance. Based on this idea I want to argue in this paper that, if what cultural and political actors in Guatemala refer to as “national reconstruction” has any hope of succeeding, the most reasonable way of accomplishing it is through practical discourses guided by the ideals of democratic politics. Paraphrasing an argument recently made by Simone Chambers, I too want to claim that the more Guatemalans employ non-coercive public debate to resolve their deepest collective moral, political, and social disputes, the better.3

The linguistification of politics is a process that has had at least three central consequences for the cultural and political development of Guatemala in recent decades. First, starting in the 1980s Guatemala has witnessed the slow emergence of a new type of citizenship articulated through the language of human rights. This articulation has gone through various identifiable stages and across clearly defined cultural and political spheres of increasing reach and depth. The central logic of this articulation corresponds to an identifiable pattern of “slow acceptance and rapid dismissal” of the rights, obligations, and commitments entailed by the new citizenship. Second, although the new citizenship is characterized by what Habermas calls “a double code,” a characteristic that enables new citizens to retain their communal identity but not at the cost of their own citizenship, its rise opens the possibility of a wider transition of Guatemalan culture and politics towards a post-nationalist and democratic-constitutional republic.4 Although neither of these two consequences has taken place without contradictions, setbacks and/or ambivalences, they nonetheless represent the most promising source of reconstruction in post-civil war Guatemala and the foundation of an autonomous project of insertion into a world of democratic governance.

But the linguistification of politics has also had a more ominous and more recent consequence. After the signing of the peace agreements, Guatemala has witnessed an explosion and proliferation of social, cultural and political conflicts that appear to render precarious, if not contradict altogether, the small gains and still tentative steps of the transition to democratic politics. The most disturbing expression of these trends is that of linchamientos. These acts of so-called “vigilante justice” – nearly 300 since 1996 – actually demonstrate the normative weakness
of democratic politics, and of the new citizenship, in terms of steering the cultural and political dynamic in communities and beyond. Strengthening democratic politics, therefore, hinges not simply on the functional and institutional consolidation of political democracy, but more importantly on an increasingly socialized cultural and political acceptance of the new citizenship. For this reason, the endurance of the patrimonial-authoritarian tradition in everyday life as well as state transactions on the one hand and the proliferation of non-discursive forms of conflict resolution in communities and state agencies on the other constitute a serious check on the strengthening of democratic politics and, therefore, on advancing the project of democratic reconstruction. As slow and contradictory as the rise of democratic politics may be in present-day Guatemala, it still represents an undoubtedly important cultural and political gain in the reconstruction of the post-nationalist republic. Needless to say, this is a gain worth preserving for its own sake.

As it is currently creeping into the many worlds of Guatemalans, various kinds of globalizations too have having different impacts on the linguistification of politics and its contradictory consequences. On the one hand, the globalization of human rights represents an immeasurably important source of legitimacy and resources for the local advocates of human rights and democratic politics. On the other, however, the undemocratic procedures that have been used to conceptualize, propose and negotiate transnational economic projects such as the Plan Puebla Panama (PPP), the United States Central America Free Trade Agreement (CAFTA), and the Free Trade Area of the Americas (FTAA) represent a denial of democratic gains and an expression of the refusal by powerful transnational actors to recognize important cultural, political and economic rights of democratically constituted polities. It is true that the international image of Guatemala as a country where not even the functions and institutions of a political democracy enjoy credibility actively encourages international and local predatory agents and economic brokers to imagine the fledgling democratic republic as space waiting to be carved up into so many exportable pieces. Extremely high levels of corruption, lax environmental and labour standards, and the extreme and even self-defeating generosity of the state towards foreign investors only serve to stimulate the instincts of the few international capitalists willing to invest their money in the local market. However, not only in terms of how they have come about, but also in their substance and the processes by which their advocates propose to implement them, many of these projects and investment decisions run counter to the spirit and the letter of the peace agreements and thus counter to important components of the project of national reconstruction by democratic means. Thus, just as Guatemalan citizens and civil groups struggle for and engage the State and local business elites over the meaning, implementation, and extension of the peace agreements, encouraged by seemingly inevitable international trends and their partners the latter two are gearing up to propel Guatemala, and all Guatemalans therein, in the direction of a single model of globalization, i.e. the corporate-controlled model of economic globalization. In addition to negating other possible forms of globalization, this model of globalization also undermines the legitimacy and validity of democratic politics at the local level not only at the present moment but also for years to come.

Communities

Communities are the cultural and political home for most Guatemalans. As much as they have changed, communities continue to provide meaning, cultural sources, and strategies for individual self-realization. As much as the larger political and economic world around them has
also changed, they continue to provide an important context of political struggles and represent a vital source of economic well-being, improvement and growth. Changes in Guatemala’s moral and political economies over the last half century as well as the impact of globalization are having the paradoxical effect of not only weakening the structural foundations of communitarian traditions, but also of revitalizing the cultural significance of these traditions as key sources of identity, solidarity, and struggles for recognition and human rights. Changes in Guatemala’s moral and political economies have resulted in what Santiago Bastos and Manuela Camus have labelled “the breakup of silence” and “the will to participate” (Bastos and Camus 1995; Bastos and Camus 1993). Although these consequences have touched communities throughout the Guatemalan republic, in this paper I will look at the impact of these consequences more among Mayan communities than among Ladinos who claim one form of identity or another.

No matter how it is defined by academics, the term community is ambiguous and polysemic in contemporary Guatemala. For example, Pan-Mayan intellectuals from the Academia de Lenguas Mayas use the term to refer to each of the 21 linguistic groups that make up the “Mayan population.” These intellectuals refer to these linguistic groups as “ethnic groups” (Tzian 1994: 15). Others, however, prefer to reserve the term community to describe relatively small population groupings at the village or the municipal level and rarely use the term to describe population grouping above these levels although sometimes one can find some references to so-called “regional communities.” The term community is also used to describe Ladino villages and municipalities scattered throughout the republic (Tzian 1994: 25). In this paper, I use the term community in the general sense of belonging to a locality, having roots in the local vicinity, and village.

Thanks to the vast scholarship that already exists on race, ethnicity, and nationalism in Guatemala, we have the possibility of sketching out an ideal-typical model Guatemalan communities and highlight those patterns of cultural and political transformation that I have referred to in this paper as the linguistification of politics.

As several scholars have argued, Indian culture was “a product of the interaction of Spanish culture, or at least the part of it that was transmitted to what was left of the area’s indigenous population, with the aspects of indigenous culture that had been preserved, recreated, synthesized, and modified over the course of several hundred years of history” (McCreery 1994: 34). McCreery’s point, echoed by other scholars, is that indigenous communities engaged in what Nancy Farris and George Lovell have called “strategic acculturation,” that is, they constituted “actors that have responded to events in ways that help determine no small part of their cultural identity” (Lovell 1988: 26). Therefore, Indian culture was and continues to be a construct, the outcome of centuries of struggle.

As in the case of indigenous culture, the origin of Indian communities can also be traced back to the early colonial process of reducción or congregación (Martínez Peláez 1970: 452-455; Lovell 1992: 76-78). Through this process Indian communities were constituted and reconstituted themselves along three fundamental cultural lines, that is, land, community and attachment to place (Lovell 1988: 27). As Lovell argues, since colonial times to the present the continuing defence of these cultural cornerstones has always been fundamental for maintaining indigenous identity. The communities that emerged from the processes of reducción and congregación fused elements of the old and the new and generated “a culture of refuge” that eventually coalesced into apparently “closed corporate communities” (Lovell 1988: 32). Although the notion of “closed corporate communities” has been methodologically useful for a
number of scholars, others have argued that such a notion hides the class, status, and gender divisions that in fact explained the internal dynamics of concrete communities.

Indeed, despite repeated efforts by colonial and later republican governments to homogenize them, communities remained differentiated not only in terms of their internal class and gender structures but also in terms of geography and relationship to place. These divisions were expressed, for example, through the continuity of parcialidades that effectively represented “social units of great antiquity, organized as patrilineal clans or localized kin groups and usually associated with particular tracks of land” (Lovell 1988: 35). Careful ethnological work on Indian communities, Carmack argues, shows that clan affiliation “affects everything that a rural Indian does or thinks” (Carmack 1995: 298). In terms of gender relations, for example, the traditional patriarchal nature of clans, lineages, and communities meant that women occupied an ambiguous position. If married to a member of the clan then a woman was considered part of the clan and would be welcome into it with open arms. However, regardless of her marital status, a woman’s participation in clan affairs was extremely limited and ritualistically codified. According to Carmack, women generally occupied the lowest grade possible in the status divisions of communities (Carmack 1995: 297-299, 306). Thus, instead of supporting the ideal of a homogenously integrated and closed community, class and gender divisions reveal the various overlapping and hierarchical relations of culture and politics within communities that, only thanks to the language of community employed by local elites, could be set aside and be subordinated to a notion of higher unity and consensus. It is precisely this notion of unity and consensus, however, which successive waves of conservatism and/or liberalism during the 19th century and 20th centuries would slowly weaken. The weakening of “closed corporate communities” was thus not merely the result of the gradual privatization of land and the development of the coffee economy emphasized by various scholars (Smith 1993: 86), but also of substantial redefinitions of attachment to place through various forms of cultural and political language. A combination of these multiple trends, therefore, eventually brought the cultural and political autonomy of communities into crisis.

There is perhaps no strongest instantiation of communitarianism within Indian communities that the set of cultural practices and institutions setup to safeguard collective forms of identity and to ritualistically secure and stabilize local relations of mutual recognition among members of these communities. For example, the cargo system, otherwise known as a system of brotherhoods or cofradías, constitutes one of the most important communitarian institutions, an institution closely bound up with the community’s civil-religious hierarchy. In this hierarchy the principales command the highest level and the most respect. The middle status is occupied by younger men who also serve in the civil-religious hierarchy as civilian mayors and regidores, military and public works leaders, religious mayors, and constables, mayordomos, vocales, and petty officials (Carmack 1995: 306). Principales command the right the speak first in the community and on behalf of the community, they have the right to eat and drink first in public ceremonies, they are expected to march first at the front of any ceremonial procession, and they take the lead in ritual affairs, “for they are thought to have the knowledge and power of priest-shamans, even in cases where they do not actively practice costumbre” (Carmack 1995: 306). Any failure to consult principales on any matter that affects the spiritual and material well-being of the community constitutes, therefore, a violation of the communal moral economy or “tradition” or, as principales like to say, a “lack of respect.”

Although institutions such as cofradías are shrouded in mystery and a sense of antiquity, the civil-religious hierarchy of which they form a key part and as we know it today is in fact “a
product not of the distant colonial past but of the turbulent nineteenth century” (McCreery 1994: 138). Immediately following Independence and until the 1870s, when the Catholic Church was no longer able to exercise moral and political control over communities and the State had not yet developed a truly national presence, for example, cofradías became central communal institutions and communities, particularly the principales within them, were able to convert them into symbols of social status within communities and icons of communal autonomy and cultural survival beyond the community (McCreery 1994: 138). The halo of traditionality and corporatism radiated by these institutions has traditionally been so strong that, starting in the 1930s for example, anthropologists have claimed to have “observed” them. In fact, however, the language of corporate community and unbroken tradition was and, to some extent, continues to be an expression of the discourse of Indian elites, particularly principales, a discourse that enabled them to establish a strategic partnership and clientelistic relationship with the Patrimonial-Authoritarian State and dominant Ladino elites. Still, during the 19th century and for much of the 20th century the public affairs of the community were ritualistic and sacred and this meant that only experts on ritual and sacred matter could conduct the collective affairs of communities and assure the ritual well-being of all members (Carmack 1995: 295). The fulfilment of these tasks entailed not only a demand to maintain traditional social relations and ritual, but also a demand to retain the connection to place and the ancestors who first came to settle that place.

Communitarian institutions such as the cargo system and structures such as the civil-religious hierarchy have been slowly adjusted to meet new challenges. Although many of these institutions and structures, or various elements of them, are commonly shared across Mayan communities, so were many problems that these communities had to face. For example, traditional differences of language and custom between communities actually accentuated the isolation and divisionism of communities and “limited the possibilities for bringing the Indians together” (McCreery 1994: 151). The penetration of Ladinos in the late 19th century and the development of the coffee economy widened these conflicts and deepened divisions within and between communities even more. The development of the Patrimonial-Authoritarian State in the late 19th century brought with it, in terms of political economy, “a powerful and intrusive state that was able and willing to pressure the towns and haciendas to regularize their land conflicts and swiftly repress open violence when it broke out” (McCreery 1994: 259). In terms of the moral economy, though, once this model of state had developed, both serious intracommunal conflicts and most transcommunal ones had to take place, not with reference to customary law, but with reference to an increasingly alienating and abstract legal system and set of power relations that transcended the community’s field of legitimacy. In the 20th century, as conflicts over land, water, and the commodification of land increased, as communities came under even more pressure from population growth, migration, cultural and political differentiation, and as the influence of new cultural and political languages expanded, communitarianism came under further pressure. Not only the adequacy but also the legitimacy of communitarianism became subject to increasing scrutiny. In turn, communitarian response has been varied, often inventive, and until recently successfully synthetic, that is, capable of integrating the old and the new and of injecting the new hybrid cultural and political formations with renewed validity, legitimacy, and stability. Vecinazgo emerged, therefore, as a blend of communitarian and national discourses and relations as well as cluster of cultural and political practices.

Conflict resolution within communities took place mainly through the clan application of customary law and against the background of an unquestioned cluster of norms around land,
place and community. John Watanabe has referred to this cluster of norms as a “consensus of tradition” (Watanabe 1990: 184). In the words of Habermas this type of “consensus of tradition” constitutes “a ritualistically protected normative context of communication” or “a ritually secured, basic normative agreement” essential for stabilizing local relations of mutual recognition and cultural and political legitimacy (Habermas 1987: 77). After the development of the Patrimonial-Authoritarian State in the 1870s, the kind of intra-communal conflicts left in the hands of informal courts setup to deal with them, and resting on the community’s background “consensus of tradition”, included adultery and theft as well as inheritance, divorce, incest and similar “small” problems (Carmack 1995: 299). Until around the mid-20th century communitarian courts were quite capable of handling these cases, issuing judgements on the basis of elite consensus, and effectively punishing guilty individuals for their “crimes.” Few people in communities questioned the authority of these courts or the validity of the sanctions their imposed, even when the sanctions included such punishments as public reprimands and corporal punishment in the form of public whipping and ear pulling. The unquestioned acceptance of these practices stemmed from the fact that the application of customary law had as its aim the restoration of communal equilibrium. This form of conflict resolution and restorative justice, therefore, functioned quite well and helped to reinforce the basic normative agreement – the “consensus of tradition” – that nurtured members’ projects of self-realization as well as relations of mutual recognition and power. The acceptance of restorative justice was, thus, intrinsically bound up with maintaining and securing the ritual well being of all.

Scholars largely agree that without the “consensus of tradition” that defined communitarianism many communities would have succumbed sooner, rather than later, to the pressure for change applied by the Ladino legal system and the larger “national” world (Carmack 1995: 300). The key to successful cultural and political resistance is found, thus, not in the strength of external communal boundaries, but in the communities’ internal processes of identity formation, mutual recognition, and conflict resolution. Members of communities sought to fulfill their dearest and deepest existential needs within ceremonially fixed patterns of communication and, by and large, most succeeded in doing so. For members of these communities the norms of communitarianism constituted, without a doubt, the world of the good. A good life was, therefore, defined by successfully relating to land on the basis of traditional maize agriculture, by successfully becoming integrated in the civil-religious cargo system, and by successfully maintaining the idioms and symbols of local attachment to a particular place, mountain range, system of caves, system of rivers and valleys, and general locality. Relations of mutual recognition within communities were fundamentally organized around this model of the good life. Keeping ties to locality, furthermore, was not simply a matter of choice, ascription, or survival, but also a matter of satisfying day to day beliefs and needs by members of the community. Once these needs were satisfied, traditional communicative patterns also served to restrict any possible and potentially subverting challenges to the “consensus of tradition” and, by extension, the authority of those in charge of guarding “the secrets” of that tradition and assuring the ritual well being of the community, i.e. the *principales* and their associated local elites. This authority was justified, not on the basis of active and participatory consensus of members seeking to maximize the good life since there was, after all, a cultural and political limit to such potentially maximizing desires. Instead, justification took place on the basis of a pre-political syndrome, that is, the syndrome of fusing the facticity of the principal’s authority with the validity of the language of community in the everyday world of the *pueblos*. The fusion of this syndrome with the functional needs of coffee capitalism and the Patrimonial-Authoritarian State
produced what I call the ethics of prudence, that is, a cultural and political pattern of behaviour and communication predicated on survival, accommodation, and the fulfilment of reciprocal expectations between communities and the state.

Twentieth-century cultural, political and economic processes put tremendous pressure on the “consensus of tradition” shared commonly across Mayan communities. These communities, in turn, responded to these challenges, not as homogeneous corporate entities, but as products of dynamic cultural and political relations. The progressive expansion of state controls, the relentless dissemination and increasing application of a common liberal understanding of ownership, property, and legality across rural Guatemala, the unstoppable growth of the indigenous population and the expansion of both hacienda lands and Ladino settlements as the coffee economy developed and internal migratory patterns became redefined all translated into a gradual loss of autonomy and the sharpening of internal differentiation and contradictions. As the number of conflicts within communities increased and the legitimacy of what Carmack calls the “patrimonial authority system” within indigenous communities came under increased pressure, so too did the reliance on ceremonially-fixed forms of conflict resolution and the discouragement of “disrespectful” cultural and political practices (Carmack 1995: 393). The old ideas of natural ownership of the land “from time immemorial,” an indigenous commons, and the local control of strategic resources such as land and water slowly became practically and structurally untenable as the State expanded its sphere of influence and Guatemala’s political economy proceeded to become increasingly commodified and integrated into transnational commercial and economic networks. In the 19th century these political economy factors had already contributed greatly to a substantial decrease in the power of *principales* and their capacity to deploy the language of community to generate stable and legitimate consensus (McCreery 1994: 260). In the 20th century these factors became intensified and multiplied by specifically normative factors in various ways.

The capacity of *principales* to extract power from the culture and language of community would only be strategically challenged, however, during the 20th century after the development of agricultural cooperatives, new forms of religious activism, and the influence of alternative forms of cultural and political language. Although in some ways radical and often violent, the Liberal Reforms of the 1870s and the expansion of the coffee economy still allowed communities to retain some access to land and continue to engage in subsistence agriculture. This was just the way in which the “symbiotic” nature of Guatemalan capitalism worked, that is, the political economy of the latifundia-minifundia system (Lovell 1988: 83). By itself, however, this model of capitalism would have been incapable of generating stable cultural and political consensus within indigenous communities. The link between the political economy of subsistence agriculture with the moral economy of *vecinazgo* is what allowed for conflicts and divisions within communities to be contained, not through active participation of members or by mere repression from the state, but through the assertion of the language of community by local indigenous elites (Grandin 2000: 81) and the prudent acceptance by common members of the power of the Patrimonial-Authoritarian State. The power of *principales* and the language of community would be seriously challenged, however, as a result of multiple processes of cultural, political, and economy change that originated outside local communities.

In the past *principales* had been successful in adjusting to new conditions by redeploying the language of community as an integrative and stabilizing mechanism of power, relations of mutual recognition, and ritual well being. They did so, Grandin has convincingly argued, “not only to maintain their caste privilege in relation to commoners but also in their struggles against
opposing factions of [the local ethnic] elites” (Grandin 2000: 55). In the past, too, *principales* were able to deploy the language of community, not through the implementation of practical discourses, but through the strategic and contingent deployment of cultural and political idioms and an appeal to the shared expectations – the basic normative agreement – attached to the business of living together prudently according to the established “consensus of tradition” and under the watchful eyes of the ancestors, various deities housed in surrounding caves, mountains, and forests, and always attentive to the interventions of the Patrimonial-Authoritarian State. In the past, also, those who dominated the language of community were able to strategically control the process of defining those who were part of the community as well as the timeline and geography of external boundaries (Grandin 2000: 49, 66). Since the language of community was normatively bound up with the everyday notions of the good life and the community’s ritual well-being, conflict resolution on the part of members, even over relatively small issues and claims, took place more or less successfully. Once ceremonially fixed patterns of behaviour and communication started to prove insufficient to contain challenges to the “consensus tradition”, however, *principales* started to increasingly rely on the power of the state “to maintain their caste power and privilege” (Grandin 2000: 54). As various scholars have argued, the loss of control by local elites became accentuated by development of agricultural cooperatives and the influence of new forms of religious and political activism in the 1930s and 1940s. These normative developments unleashed “a process of cultural change the unfolding of which gradually altered life by lessening the dependent status of Mayan communities” and “inaugurated a rural awakening” unprecedented in the history of Guatemala (Lovell 1988: 43). As far as some members of indigenous communities were concerned, therefore, the transition to modernity had got underway.

After the 1950s, the arrival in Guatemala of National Security, Christian Democratic and then revolutionary language and the adoption of these languages by rival groups and competing generations within many communities prepared the terrain for an even further breakdown of the language of community as a key source of cultural validity and political legitimacy for the ruling *principales* and their supporters. Through the work of foreign missionaries brought into Guatemala by the Catholic Church, particularly through the movement of Acción Católica promoted by the Church from the mid-1940s onwards, for example, a cooperative movement developed and became firmly established by the 1960s (Lovell 1988: 43). The development of this movement created the first modern conditions within indigenous communities for the emergence of autonomous forms of identity, that is, forms of identity articulated through alternative forms of cultural and political language independent of the “consensus of tradition” and sometimes in direct transgression of the ethics of prudence (Arias 1990: 233). What I called above the linguistification of politics had, thus, got under way.

These and other structural and normative developments created a cultural and political structure of opportunity that enabled individual members of communities to “free themselves from the subjugation imposed by the [principales] through ceremonial services and religious rites” (Arias 1990: 233). Although people in the commercial and cooperative sector were among the first to challenge the authority of *principales*, they were soon joined by young religious activists and, later on, by recruits of various political parties and revolutionary organizations who articulated their identities on the basis on new cultural and political languages (Le Bot 1995: 92-105). The stage was thus set for the intracommunal conflict between tradicionalistas and a new generation of activists no longer willing to maintain the “consensus of tradition” without critically and practically engaging with it and the uses to which it was put by
local elites and the state. The civil war that broke out in the 1960s and lasted until the end of the 1980s deepened these divisions at the same time as it created conditions for cultural and political reconstruction based on new principles, new forms of mutual recognition, and new forms of conflict resolution.

The above ideal-typical model of indigenous communities does not pretend to be historically exhaustive. As I have constructed so far it in this paper, moreover, this model could also be misleading if it were taken to be an anthropologically and sociologically exhaustive introduction to indigenous communities. The construction of this model, however, serves the heuristic purpose of bringing into view key normative dynamics that have played a crucial role in the history of conquest, survival, adaptation, and contestation of and by indigenous communities. In particular, this model highlights three fundamental cultural and political trends within indigenous communities and frames them as a process of linguistification of conflict resolution. First, starting from a situation of relative normative consensus, indigenous communities have gone through a process of cultural and political differentiation that separates cultural, social, and individual dimensions of the world and facilitates an engagement with them separately and reflectively. Second, it shows how the language of community relied on background and passive forms of cultural and political consensus to secure not only the “consensus of tradition” but also the power of local elites and the ethics of prudence. The influence of alternative forms of cultural and political language eventually facilitated the emergence of active forms of engagement with culture, community and the self and of the possibility of reassessing both communal notions of the good life and dominant Ladino notion of the Nation-State. Finally, this model highlights the increasing importance of autonomy and post-ethnic or post-communal forms of cultural and political recognition, conflict resolution, and consensus-building as key principles for the peaceful and democratic reconstruction of the new republic. Henceforth, therefore, the maintenance of cultural and political tradition and the reconstruction of the new republic must come to depend, gradually, on yes/no positions generated in the context of practical discourses.

Although a similar ideal-typical model can also be constructed in reference to Ladino communities, due to space limitations I will limit myself to summarize only the rough outlines of it.12 During late colonial and early republican times Ladinos found it particularly difficult to develop an identity based on organic ties to place and land because, unlike the rights enjoyed by Indian communities to land and place, acknowledged by authorities as predating the Conquest and enjoying the legitimacy of tradition “from time immemorial,” “Ladinos who lived in the illegal valleys found it more difficult, if not always impossible, to acquire title to land” and, therefore, to settle in particular areas of the colony (McCreery 1994: 35). A preferred strategy to develop these ties, therefore, consisted of illegally penetrating Indian communities or settling on the margins of haciendas, towns or cities. Shifting patterns of internal migration, population growth, and the advance of the coffee economy from the mid-19th century onwards, however, eventually enabled Ladinos to stabilize their places of residence and develop organic ties to vecindad normatively similar to the ties Indian communities had to their lands and locations.

Ladino cultural and political identity was initially a product of ethnic mixing during colonial times, generated by “castas” who, starting a century before Independence, lived dispersed or in valleys or had penetrated illegally into indigenous communities of the western highlands. This uncertain beginning at the inception of Ladino history poses a number of conceptual, political and historical challenges, not the least of which is the existential ambivalences, contradictions and uncertainties that Ladinos experience in response to the self-constitution of Pan-Mayan communitarian identity and the challenges of globalization in today’s
Guatemala. These problems are accentuated by the fact that, as far as we know, the use of the term Ladino in its current sense (Ladinos are all those who are non-Indians) was in fact originally confined to the western highland region starting in the late colonial and early republican period (Grandin 2000: 84). This means, therefore, that the identity of Ladinos was constructed, at least initially, in fundamental opposition to and in rejection of the identity of the Indian “Other.”

Marta Elena Casaús Arzú has detected a historically suggestive dynamic in the way in which Ladinos articulate their identity in contemporary Guatemala. According to Casaús Arzú, for example, “it is at the point of emergence of self-identification and ethnic adscription where the principle of discrimination against the Indian starts” (Casaús Arzú 1999: 67). This means that in today’s Guatemala “being Ladino [appears to be] a function of neither being Indian nor possessing any indigenous blood. This definition of Ladino by exclusion, by what he/she is not, without being able to explain what she/he is, has led some authors to catalogue Ladinos as fictitious, as lacking identity. This is a being that permanently escapes the Indian and reality and one that does not possess a collective project, a we, because this we is conditioned by the “them” (Casaús Arzú 1999: 69). Based on these observations, therefore, it is possible to argue that just as the stereotypes of the “Indian” commonly held by present day dominant elites do not differ substantially from those of their colonial predecessors, it is possible that Ladino stereotypes of the self and the other in today’s Guatemala do not differ from those of their colonial ancestors.

Indeed, two centuries of contesting Creole monopoly over dominant cultural symbols and political institutions and rejecting the perceived backwardness of the Indian communities placed an increasing number of Ladinos into a cultural and political space marked by negation and a peculiar form of self-affirmation. From the 17th century onwards Ladinos set out to contest both Creole and Indian definitions of ladinidad and to create a form of identity that by denying or degrading the identity of others was, as Casaús Arzú convincingly shows, contradictorily self-affirming. This means, in short, that the affirmation of the identity of the Ladino self came to increasingly depend on the denial or denigration of the identity of the other, be it Indian or Creole.

The historical rise of Ladino identity and the eventual position of cultural and political hegemony it would come to occupy implied the casting of opposing identities, in this case mainly Indian and Creole identities, as monolithic and homogeneous cultural ensembles that could be easily opposed and contested and eventually assimilated and/or dominated. This exclusionary casting of the “other” occurred as an expression of the Ladino desire to stabilize and consolidate an identity carved out in the trenches of contestation and contradiction. This construction of the Ladino’s other took place primarily, although not exclusively, through the development of a language of identity particularly suited to capture and overcome the ambivalent experience of living between cultures and without a clear cultural and political voice. These experiences help us understand and explain not only the historical course of Ladino nationalism from the late 19th century onwards, but the particularly extremist approach to self-affirmation employed by Ladino elites once they seized cultural and political power after the 1870s and were able to impose a legally sanctioned ethnic regime.13

Indeed, the rise of Ladino nationalism after the 1870s decisively transformed Ladino identity into the “national” identity. From then on Ladino identity and Ladino nationalism were coextensive with the official identity and ideology of the Patrimonial Authoritarian State.14 Once in power, Ladino elites transformed the particularity of Ladino identity into the moral universality and “imagined community” of the Nation-State. Ladinos accomplished this
ambitious goal, not only by expanding and controlling the political economy of export agriculture, but also by disseminating a particular kind of moral economy. In other words, Ladino elites redefined the notion of citizenship and limited the practical scope of its enjoyment.

Ladino elites defined the concept of citizenship in terms of classic Liberal rights and obligations actually enjoyable by a certain segment and by certain groups of the Nation’s inhabitants. On the other hand, they circumscribed the practice of citizenship on the part of most members of communities to the ethics of prudence. They did this by putting a higher value and priority on the nation to which Ladino intellectual and political elites had privileged access over its “inhabitants” whose political practice was restricted to the world of communities. Ladino elites linked these two mutually excluding worlds through a contradictory notion of citizenship, that is, organic vecinazgo. According to this rather illiberal principle, therefore, all power originates, not from citizens gathered together in assembly, but from an abstract notion of “the nation” (Article 17, 1879 Constitution). In a way that recalls the ancient regime in Quebec, the nation is made up, not of citizens, but of “inhabitants” (Articles 22, 23, 27, etc.), that is, people who actually reside and are expected to live their entire lives in particular places and localities.15 It was in the world of inhabitants or the world of communities where the new republican principle of “popular election” would be applied (Article 96) and this meant, among other things, that communities were left to figure out not only their own local regulations (arbitrios) to carry out their mission (Article 97), but also who was to be considered a member of the municipality or pueblo. The application of this venerable republican principle, however, betrays the normative limitations that Ladino elites built into it.

Indeed, the requirements of age, employment and subsistence found in Article 8 of the 1879 constitution, supplemented by literacy requirements introduced by constitutional reform of 1885, meant that most members of communities were effectively excluded from participation in the formal procedures of well-off Ladinos in towns and the capital city, particularly national elections and membership in the National Assembly. This meant that, although elections to the National Assembly were to be carried out according to the “principle of direct popular election” mentioned above (Article 48), the requirements for participation in the formal procedures of the Ladino State and the requirement that only those individuals effectively capable of “exercising the rights of citizenship” could be elected, citizenship had a double meaning. The cultural and political world of the local was the world of vecinazgo or organic citizenship and it was only in this world where the requirements for participation in the formal procedures of the Ladino-dominated State were somewhat relaxed. In practice, therefore, the mission of communities coincided with securing the well being of local inhabitants in accordance to local custom and tradition. In case of any transgressions, however, the constitution granted the President the right to name jefes políticos for each department or province with specific faculties and attributions (Article 95) to oversee, as would become increasingly more the case until the middle of the 20th century, the political and economic obedience of communities. The Liberal ethnic regime thus enshrined the facticity of Ladino identity and produced a version of constitutional liberalism that was as paternalistic as it was authoritarian.16

Both Indian and Ladino communities alike developed a commonly shared, although normatively different, tie to their lands and an identity rooted in local geography and intra-communal costumbre. I designate this commonly shared tie to locality as organic because it refers to ties between communities and a particular place or land, a particular set of mountains and valleys, particular forms of agriculture and social organization, and particular forms of self-understanding, customs, and tradition. But organic also designates a special relationship between
communities and the Patrimonial-Authoritarian State. In particular, the relationship between the state and communities was mediated by the status of vecindad and the relationships that this status made possible. Rather than referring only to “residence,” vecindad refers to a condition of belonging, a type of communal membership, and a cluster of practices recognized as legitimate by the Patrimonial-Authoritarian State. This form of communal representation draws its legitimacy, not from and active and practical process of opinion- and will-formation, but from the customs and traditions that define legitimate practices, that is, from passive forms of consensus entered into mostly by ascription, tradition, or patrimonialism. Therefore, vecindad constituted a traditional form of citizenship because it supplied the most powerful civic credential of identity in postcolonial Guatemala, that of unquestionably belonging to the locality and its particular cultural and political networks either by birth or adoption. If belonging occurred by birth, as it did in indigenous communities, then members had the extra recourse to kinship lineages founded by real or imagined ancestors claimed to have settled the land “from time immemorial.” In any case, this form of citizenship was oriented inward to the locality, it was dependent on the observation of custom and tradition for its legitimacy, and for a number of important reasons it remained relatively unconnected to the abstract legal and political community of the nationalist republic. Yet, this communitarian tradition of citizenship has traditionally and successfully performed an integrative and coordinating role within the framework of the Patrimonial-Authoritarian State and has served local ethnic elites as a linchpin in their cultural negotiations with various models of Criollo-Ladino nationalism.

The relationship between national Criollo-Ladino elites and their local communitarian counterparts were negotiated through the mutual acceptance of a shared moral economy. On the one hand, political and economic elites engaged in the affairs of ruling confident that, barring the occasional and expected bursts of discontent intrinsic to the moral economy of patrimonialism, communitarian practices would nonetheless suffice for the members of communities to ultimately engage in cultural and political obedience based on the ethics of prudence generated from the condition of vecinazgo and the desire to maintain the communities’ internal normative consensus. On the other hand, communities were, in the past as much as in the present, the world of self-realization, the world of “the good,” and the most important source of cultural reassurance for its members. This last element was a particularly vital good in the extremely hostile world of post-Conquest and racist Guatemala and the complicated business of cultural survival and a powerful cultural and psychological motive for political obedience. However, rapid cultural change, economic differentiation, political developments, and the eventual breakout of civil war that took place between the 1960s-1980s not only threw the world of the good into radical crisis, but it also exhausted the last remaining sources of legitimacy traditionally enjoyed by the Patrimonial-Authoritarian State and its local counterparts.

Civil Society

We can connect the emergence of the new citizenship to the crisis of legitimacy that afflicted the Patrimonial-Authoritarian State, communities, the consequences of civil war and widespread violence, and the exhaustion of various forms of cultural and political languages – particularly the languages of community and revolution – during the 1980s. One of the consequences of the Cold War and the adoption of the ideology of National Security in Guatemala after 1954 was the slow dissolution of the cultural and political compact that had traditionally existed between the Patrimonial-Authoritarian State and largely self-steering communities. The dissolution of this compact expresses an important transformation in the
identity of cultural and political actors, in communities as well as social movements, through extensive cultural and political repression, counter-insurgency, and painful learning processes. And, although various actors during the civil war and the peace negotiations committed themselves to rebuilding communitarian traditions on new grounds, the dissolution of this compact has so far not been followed by the legitimate reconstruction of many communities. In many of the latter, in fact, a general sense of anomie, destitution, and betrayal has recently set in with extremely problematic consequences.

The new citizenship is not reducible to a resurrection of the “popular movement.” The old popular movement was rooted in the anti-Carrera struggles of the 1920s, the reformist decade of 1944-1954 and, more importantly, the confrontational strategies developed after 1962. The dissemination of the language of revolution during the 1960s and 1970s elevated the idea of the popular subject to the level of a trans-historical and essentially emancipatory class-based subject destined to take over the State and revolutionize the economy. The lack of political space to advance political programs based on popular and revolutionary claims provided the rational needed by urban middle-class and educated Ladino intellectuals to justify the adoption of armed struggle as the only means to bring about social change and address the structural causes of economic exploitation and political exclusion. Through successive stages, revolutionary politics did pose a serious challenge to the National Security regime until the 1980s. However, although crucial for an understanding of the plight of “peasants” and seasonal workers, the emphasis that revolutionary language placed on political economy excluded the specifically normative experience of indigenous communities and women.

As is well known, in the 1960s, indigenous communities and women were not considered significant sources of revolutionary consciousness or activity in and of themselves. Although there were substantial developments in the theory and understanding of ethnic and gender relations in the 1970s and 1980s, any changes that can be registered in the basic approach to revolutionary politics occurred because of the strategic requirements of a new understanding of revolution, i.e. the “prolonged peoples’ war.” Members of organic communities suddenly became strategic albeit subordinate allies and, given the high and overt levels of racism to which they had been subjected, ethnic-based groups suddenly became potentially revolutionary. However, these changes in revolutionary theory and in the understanding revolutionaries and popular leaders had of ethnic and gender relations did not translated itself into normative self-critique, that is, a critique of the cultural and political assumptions of revolutionary language and practice. Only after popular and revolutionary struggles became exhausted in the early 1980s and the civil war deteriorated into a mad frenzy of inexplicable carnage, unending atrocities, and widespread violence did organic communities and women’s groups start to articulate their claims in their own words. This linguistification of cultural and political identity and practice unleashed an unprecedented wave of new social movements that started to explicitly calling themselves a civil society.

So far the literature on so-called “transitions to democracy” in Latin America has often equated popular and/or civil groups with civil society. The transformation of civil groups into new social movements and then into a civil society requires a gradual transformation of individual identity, prolonged learning processes, and the development of new networks of communication and solidarity. In Guatemala neither organic forms of community nor traditional forms of popular and revolutionary organization and mobilization provided adequate contexts for the specific forms of identity, solidarity, action and communication that define a civil society and its networks of communication and interaction. A civil society requires a distinct mode of self-
understanding grounded on differentiated and autonomous forms of identity and practice and on
a network of discourses that rest on the values of openness to diversity, tolerance of pluralism,
encouragement of active participation, and respect for different opinions. In short, the values the
moral and political philosophers have identified with a “reasonable democracy” (Chambers
1996).

The conditions that eventually led to the development of democratic politics in the 1980s
are complex. The top-down liberalization of the regime and the resulting transition to civilian
governments coupled with the bottom-up development of autonomous cultural and political
movements and the resulting expansion of public spheres of deliberation are not only
complimentary but also foundational developments. If we view these developments from the
perspective of the state and political parties, then we can speak about them as a “transition to
democracy”. But if we view these developments from the perspective of social actors then they
ought to be characterized more properly as a transition to democratic politics. Given the
dominant paradigms in the literature, it is difficult not to associate the notion of “transition to
democracy” with the restoration of civilian government and adoption and consolidation of
various forms of “political democracy.” In this paper, however, I understand political democracy
in the same way in which Guillermo O’Donnell defined it in the 1980s, that is, as a model of
democracy that “restricts the application of the citizenship principle to public institutions of
governance” (O’Donnell and Schmitter 1986: 9). By contrast, I understand democratic politics in
a way similar to what O’Donnell defines as “socialization,” that is, as the gradual extension of
the citizenship principle to cover matters of everyday life, matters of economic benefits, and
matters of public deliberation.17

Crucial for the notion of democratic politics is the idea or principle of citizenship. By
“citizenship principle” O’Donnell understands “the right to be treated by fellow human beings as
equal with respect to the making of collective choices and the obligation of those implementing
such choices to be equally accountable and accessible to all members of the polity. Inversely,
this principle imposes obligations on the ruled, that is, to respect the legitimacy of choices made
by deliberation among equals, and rights on the rulers, that is, to act with authority (and to apply
coercion when necessary) to promote the effectiveness of such choices, and to protect the polity
from threats to its persistence” (O’Donnell and Schmitter 1986: 7-8). This political understanding
of the citizenship principle is insufficient, however, to capture the moral presuppositions of
“deliberations among equals.” These presuppositions can best be elucidated by appealing to the
normative idea of discourse or the principle of discourse. In discourses, Habermas argues, “rather
than ascribing as valid to all others any maxim that I can will to be a universal law, I must submit
my maxim to all others for purposes of discursively testing its claim to universality. The
emphasis shifts from what each can will without contradiction to be a general law, to what all
can will in agreement to be a universal norm” (Habermas 1990: 67). Clearly, therefore, the
normative idea of discourse presupposes individuals capable of and willing to engage in critical
and autonomous self-reflection together with other individuals of equal moral disposition.
Problems such as the persistence of chronic poverty, rising crime, unabated patronism and
prebendalism, and a general sense of powerlessness and social anomie can seriously undermine
these presuppositions or the range of application and effectiveness of those who want to behave
consistently with them.

Although discourses “take place in particular social contexts and are subject to the
limitations of time and space,” although their participants are “real human beings driven by other
motives in addition to the one permitted motive of the search for the truth,” and although
discourses need to be organized and institutionalized in order for them to be viable and effective, this does not obliterate the counterfactual content that discourses presuppose (Habermas 1990: 92). Embedded in practical discourses we find the ideal presupposition of unrestricted and undistorted argumentation. This ideal should not be confused with any empirical or institutional arrangements that may serve to actualize the ideal content of argumentation under empirical conditions, but in fact do not exhaust that ideal. Nor should the ideal presuppositions of discourse be confused with a teleology of history or any form of social ontology. However, once the will to speak and participate in practical discourses comes about, the linguistification of culture and politics through multiple forms of discourses has a multiplier effect that prompts the same agents and others to seek consensus through the gradual adoption and extension of the principle of discourse to areas of everyday life, culture, politics, and the economy not necessarily envisioned by dominant elites as forming part of the official transition to democracy. Unlike O’Donnell’s argument that “the transition to democracy sets up the possibility […] of another transition” to wider democratic politics, the Guatemalan experience appears to be going the other way around. Thanks to a clearly self-constituted civil society, the emergence of democratic politics has not only taken place at the same time as the transition to democracy, but it has in fact created the most viable framework of opportunity for the consolidation of political and social democracy. This is the case, even though the multiplicity of cultural and political discourses and practices that define democratic politics have not yet become universal accepted.

In the wake of massive political repression and the destruction of the popular and revolutionary movements in the early 1980s, the work of individual and communal reconstruction, the work of reconstructing a new everyday sense of the good life profoundly damaged by the ravages of war, repression, and widespread violence, required the invention of a new subject of rights. A new generation of social movements started to develop in 1984 that was initially led by Ladino women in Guatemala City took the first step in this direction, but did not remain limited to them. The human rights movement was a movement that sought to restore the dignity of those that had been disappeared by State or paramilitary forces. In seeking to restore the dignity of the “disappeared” and their belonging to concrete communities, as opposed to “invisible subversive networks”, the human rights movement was also arguing in favour of restoring the dignity of those still living, their claims to citizenship, and their unquestionable belonging to the republic (Cheresky, September 24-26, 1998: 11). The vindication of the right to life was, therefore, a critique of the military’s intentions of robbing living people of their individual existence by labelling individuals as common criminals, subversives, communists, and enemies of the Nation-State. But the vindication of the rights of the disappeared was also the vindication of the human rights of the living. As such, the struggle for this type of justice constituted the initial steps of the transition to democratic politics.

Indeed, from 1984 onwards, the development of new indigenous and human rights organizations marks the transition to a new paradigm of politics and a new model of citizenship. From the perspective of individuals and social groups, the first task was to differentiate their language both from the language of community and from the language of revolution. This task required the transformation of the concept of autonomy, the redefinition of the concept of solidarity, and the transformation of the politics of contestation. New indigenous activists could no longer simply appeal to the “consensus of tradition” and a ceremonially-secured notion of the good life as their guiding principles. The human rights movement could no longer limit its claims to exclusively demanding the respect of the right to life.
Santiago Bastos and Manuela Camus have provided us with a persuasive historical narrative that illustrates the way in which new indigenous groups have set out to organize themselves autonomously from the traditional community, other actors, and the state. Bastos and Camus frame this process of self-construction of Pan-Mayan organizations in two stages. The first, from 1986 to 1992, is defined as the period when new indigenous organizations “broke the silence” and started to articulate their own demands in their own terms and to claim a specific Pan-Mayan identity (Bastos and Camus 1993). The second stage, from 1992 to 1996, is defined as the period when Pan-Mayan organizations “broke new paths” and set themselves firmly on the road to sustainable autonomous organization and politics (Bastos and Camus 1995).

First among these organizations were those that Bastos and Camus call “popular indigenous organizations” such as the Committee of Campesino Unity (CUC) that reappeared in 1986, the Coordinator of Guatemalan Widows (CONAVIGUA) that appeared in 1988, the Council of Displaced Guatemalans (CONDEG) that emerged in 1989, the “Runujel Junam” Council of Ethnic Communities (CERJ) that was established in 1988, the New Dawn/Majawil Q’ij Mayan Coordination setup in 1990. Coordinating bodies such as Majawil Q’ij and the Coordination of Sectors that Emerged from Repression and Impunity (installed in January 1989) are particularly important. This last organization, for example, defined itself as emerging directly from the rubble of repression and impunity and as willing to articulate their identity and claims above all in the public sphere. To that effect in 1991 they organized the I Conference of Sectors Emerged from Repression and Impunity where each of the affected communities presented papers narrating their own history, experience, and distinct problems (Bastos and Camus 1993: 93-94). The coordinating bodies were behind the organization of the “500 Years of Indigenous and Popular Resistance” National Movement setup in May 1991 to oversee the organization and coordination of the 500th anniversary of conquest and invasion. These organizations as well as key indigenous intellectuals and leaders in charge of a new generation of “Mayan institutions” – such as Demetrio Cojti Cuxil – thus begin the process of articulating a specifically “Pan-Mayan” identity relying on a double coded discourse, that is, a discourse of neo-communitarianism mixed with the language of ethnic rights 20. These actors understand that unless they are “able to project their influence onto national agendas and begin to influence larger socio-economic and political processes that effect their ability to pursue their self-defined interests, their concrete achievements will at best be quite limited” (Oxhorn October 2, 1999: 2). As Philio Oxhorn has argued, this process of “self-constitution” of civil society is a “key defining characteristic of developed civil societies capable of supporting stable democratic regimes” (Oxhorn October 2, 1999: 4).

Unlike the discourse of traditional indigenous elites, the discourse of new indigenous groups is no longer grounded on unquestionable cultural and political assumptions or a ceremonially secured background consensus. Instead, the double-coded discourse of new indigenous groups constitutes an unprecedented cultural and political construction. First, it is based on the painful experience of violence and repression and the condemnation of past abuses. Second, although socio-economic inequalities continue to play an important role in the new indigenous discourse, particularly among the more grassroots-oriented organizations such as CUC, by and large the problem of ethnic exclusion dominates indigenous discourse like no other. The emphasis on ethnic rights is not intended to contradict a more general view of human rights such as this view is defended by human rights organizations like GAM, but to fulfill them. In the words of Demetrio Cojti Cuxil, for example, “there exists in Guatemala a reductionist, reduced, and limited notion of human rights” and, therefore, there is need to “talk about global human
rights” including collective ones (Cited in Bastos and Camus 1993: 138). At the same time, however, the discourse of indigenous groups also represents “a return to the past and an attempt to ‘purify Mayan culture’”, that is, “a return to the sources” of Mayan culture and politics as part of the process of “awakening and liberation” (Bastos and Camus 1993: 153). This unprecedented synthesis of neo-communitarianism and human rights in the discourse of new indigenous groups is, therefore, an extremely important outcome of and further impetus to the process of linguistification of community and the ethnicization of the language of human rights.

In addition to new indigenous groups, human rights organizations have also constituted themselves into crucial “self-constituted units” – to borrow an expression from Philip Oxhorn – of an emerging civil society. As the struggles of the Mutual Support Group (GAM) demonstrate, the language of human rights and its ideal presuppositions started to provide the terms of argumentation and contestation as well as the measuring stick for the empirical unfolding of the transition to democracy that got underway with the Constitutional Assembly of 1984. Contrary to the clandestine and secretive habits of revolutionaries, human rights activists were to have a face and a name just as their disappeared relatives were represented by names and photographs. The critique of the state thus moved from its wholesale characterization as the enemy and the wholesale rejection of legal principles and public institutions of governance to an enlightened appropriation of the constitutional language of rights and a differentiated treatment and critique of public institutions. Accomplishing these tasks involved taking personal risks and has taken several years, but once the actions and claims of individuals and organizations had developed into a new movement, they had a multiplier effect on the organization of cultural and political groups. The old popular movement could no longer claim to represent the only space of real and legitimate opposition from the grassroots. Also, as Oxhorn has pointed out, “revolutionaries groups seeking to capture the state […] are antithetical to the idea of civil society expressed here” (Oxhorn October 2, 1999: 4). Setting themselves apart and articulating their claims in terms of a distinct cultural and political language was, therefore, crucial for human rights organizations and for contesting the boundaries and limitations of limited liberalization and distorted democratization.21

Another crucial task that the human rights movement has set for itself has been to overcome the traditional ethics of prudence. This task is much more demanding in the case of women and indigenous activists given the traditional control over their actions exercised by the state as well as by communities and households. Indigenous activists opened the discursive space for a critique of the language of community and of the ethnic Nation-State hidden behind the elite-controlled transition to democracy. The principle of citizenship and the normative requirements of discourses that these activists gleaned from the language of human rights and neo-communitarian versions of consensus-building enabled them to articulate a critique of traditional notions of individual well being, cultural and political consensus, and political obedience. According to this critique, therefore, the legitimacy of cultural and political consensus is not a given, but must be secured through argumentation and active consensus-building. Although indigenous activists draw important ideas and principles from certain communitarian traditions (a sense of collective well being, solidarity, belonging, self-help and self-reliance, etc.), these ideas and principles get combined with the more abstract ideas of solidarity among strangers and the rule of law that a human rights-based understanding of citizenship makes possible. These actors also argue that, given the profound distortions and contradictions of Guatemala’s model of economic development, the transition to democracy cannot be limited to public institutions of governance but must also be extended to cover the
sphere of market and economic relations. Besides, as these groups repeatedly argue, restricting
the transition to democracy to public institutions of governance is dangerous given the
traditionally limited nature of those institutions, in geographical as well as cultural and political
terms, and the entrenched propensity of these institutions towards high levels of corruption,
inefficiency, clientelism, and nepotism. These problems continue to plague public institution in
Guatemala, including those institutions setup to implement the peace agreements after 1996,
despite substantial efforts on the part of the international community, particularly the United
Nations Mission for Guatemala (MINUGUA), to “strengthen” and “consolidate” them for the
purposes of sustainable democratic governance.22

Both new indigenous groups and human rights organizations engage in the politics of
self-constitution and contestation primarily in the newly reconstituted arena of the public sphere,
an arena significantly shaped by the debates leading to the 1985 Constitution. From peaceful
demonstrations to the adoption of legal procedures, the new strategy required the systematic
learning of the grammar of human rights and the functions of the state. The latter point is
important because, while a key goal of these groups and movements was to remain autonomous,
this did not mean that they wanted to isolate themselves from interacting with public institutions
of governance and the state (Oxhorn October 2, 1999: 4). Whereas popular and revolutionary
movements initially perceived these steps as futile and wasteful, particularly strategies centred
on launching complaints and appeals before the courts as practiced by groups such as GAM,
human rights groups pressed ahead with legal appeal after legal appeal, press release after press
release, and public meeting after public meeting, not simply demanding the “recovery” of their
disappeared relatives and the punishment of those found guilty of extra-judicial executions,
kidnappings, and massacres, but pressing for the expansion of the process of liberalization and
for the application of the principle of citizenship in areas beyond the boundaries of limited
political democracy. In particular, these groups spread their cultural and political claims through
a multiplicity and multimodality of discourses and, above all, sought to constitute an autonomous
public sphere of contestation and argumentation free from state control and manipulation.
Although seldom successful, the efforts of these individuals, groups, and movements to
operationalize themselves and their capacity for self-organization in terms of an autonomous
public sphere nonetheless reflected an important victory (Oxhorn October 2, 1999: 5). These
early struggles for human rights constitute, therefore, the direct precursor of more recent legal
and political battles such as those of Rigoberta Menchú and Helen Mack.

Addressing the emergence of these new social movements as a mere “reactivation” of the
old popular social movements is, therefore, misleading.23 The notion that civil society in
Guatemala has simply been “resurrected” – to borrow a term from O’Donnell – misses the
novelty of the cultural and political transformation brought about by the rise of neo-
communitarianism and the adoption of the language of human rights, the new forms of self-
understanding that this language makes possible, and the consequent novel forms of cultural and
political organization based on deliberative principles. In fact, even traditional popular social
organizations were affected by these changes. The “re-emergence” of CUC in 1987, the “new
agrarianism” (the Pro-Land Movement) led by Padre Girón, and the organization of UASP in
February 1987 signalled the adoption of social protest strategies oriented to the reformation of
the economic system rather than to its wholesale revolutionary replacement. CUC, for example,
focused on necessary but limited goal of raising the minimum wage of rural workers rather than
the more ambitious and potentially destabilizing issue of an expropriating agrarian reform. The
important point here is that the peculiar politics of popular groups was no longer dominant in the
post-communal and post-revolutionary constellation formed by new indigenous and human rights organizations. Unlike social and political rights, which can be granted paternalistically and even in undemocratic contexts, as they were so often fought for and granted in Guatemala, “human rights institutionalize the communicative conditions for a reasonable political will-formation” that refuses to be “controlled” from outside or above (Habermas 2001: 117). Consequently, instead of a process of “disarming utopia” as Jorge Castañeda argues was the experience of the left in Latin America after the fall of Eastern European socialist and communist regimes and the defeat of revolutionary forces in Central America, the transition to democratic forms of politics entails a fundamental redefinition of utopia in terms of democratic ideals and their redeployment in the context of deeply conflictive and polarized cultural and political public spheres.

My argument is that a growing number of Guatemalan activists and their organizations, particularly within indigenous and human rights groups, started to understand themselves exactly in terms of a civil society only in the mid-1980s. Although few and still far apart, these actors have managed to construct a new kind of citizenship as a form of cultural and political identity from the rubble of scorched-earth politics and revolutionary violence. Moreover, they have managed to maintain this form of identity despite the contradictions and setbacks in the implementation of the peace agreements after 1996. Through the labyrinth of Guatemalan culture and politics, these civil actors carry with them an idea central to the republican tradition that Habermas, in another context, has presented in the following terms: “correct restrictions [on each other’s freedoms] are the result of a process of self-legislation conducted jointly. In an association of free and equal persons, all members must be able to feel themselves bound individually as addressees. Hence the public use of reason, legally institutionalized in the democratic process, provides the key for guaranteeing equal freedoms” (Habermas 1998: 101). According to this idea, therefore, the freedom of citizens is not the mere result of tying the freedom of everyone else in a purely negative way or tying the freedom of the state to act on everyone’s best interests. This idea has lately acquired even more relevance in the context of the adoption in Guatemala of what Oxhorn has aptly called “neopluralism.” Neopluralism designates a process of “market-centred political incorporation” that, in the case of Guatemala, has not only replaced the State/community centred pattern of incorporation associated with traditional ethics of prudence and patrimonial-authoritarianism, but one that is also being proposed as a replacement for the democratic model of cultural and political integration envisioned by civil actors and the peace agreements (Oxhorn October 2, 1999: 8). At the present time, therefore, autonomous civil society in Guatemala stands – in words used by Atilio Borón in the early 1980s – “between Hobbes and Friedman” (Borón November - December 1981).

It is from within a renewed form of republicanism, as expressed through various processes of public argumentation, that civil groups are systematically demanding a fundamental reconsideration of the central legal and political instruments and institutions of public governance that have given official reality to the transition to democratic politics, from the Constitution of 1985 to the peace agreements signed in 1996. The peace agreements and particularly their ongoing renegotiation have provided only the initial step in this decisive reconsideration of mutual freedoms and obligations or, in O’Donnell’s terms, of the principle of citizenship. Although they stand as crucial examples of compromise formation among the elites, these instruments by themselves cannot substitute for the democratic process of opinion- and will-formation among civil groups, in an atmosphere relatively free of fear, intimidation, and repression, that, ultimately, lends them legitimacy, but can also take it away. An atmosphere that
denies these conditions is, therefore, an atmosphere that undermines the practice of democratic politics and the consolidation of the new citizenship.

Unlike preceding forms of cultural and political language, the language of human rights is particularly suitable to articulate basic cultural intuitions about the dignity of individuals and communities and basic political principles of autonomy and solidarity. The new forms of discourse aim at achieving various forms of individual and collective self-understanding that result in unique and unprecedented combinations of the old and the new. In these discourses, for example, “participants attempt to clarify how they understand themselves as members of a particular nation, as members of a community or a state, as inhabitants of a region, etc., which traditions they wish to cultivate, how they should treat each other, minorities, and marginal groups, in what sort of society they want to live” (Habermas 1998: 244). However, as important as these practical discourses are, and the present paper is essentially predicated on their historical reality and cultural and political viability, it must be recognized that they “resemble islands threatened with inundation in a sea of practice where the pattern of consensual conflict resolution is by no means the dominant one. The means of reaching agreement are repeatedly thrust aside by the instruments of force” and “action that is oriented toward ethical principles has to accommodate itself to imperatives that flow not from principles but from strategic necessities” (Habermas 1990: 106). As Carlos Vilas reminded us recently, the Kantian imperative – and it is as a reformulation of the Kantian imperative that Habermas indeed understands the principle of discourse – is alien to societies as such insofar as “people tend to deal with others in much the same way as others deal with them: retaliation as a perverted version of reciprocity. In such a setting, solidarity or cooperation can hardly go beyond the borders of kin, ethnicity, or locality” (Vilas 1996: 500). And yet, in spite of the generally hostile environment in which it has been unfolding in Guatemala and elsewhere, the implementation of the language of human rights through practical discourses remains the single most important and promising development of the Guatemalan transition to democratic politics. It has become evident that the more Guatemalans employ non-coercive public debate to resolve their deepest collective moral, political, and social disputes, as they did during the recent negotiations around a new Fiscal Pact, the better.

The transition to democratic politics, although limited still, is nonetheless characterized by the multiplicity and multimodality of forms of communication and discourse through which a potentially common democratic will and open public sphere are produced. Ethnic, gender, environmental, popular and human rights discourses interpenetrate, overlap, and condition one another as well as contest dominant neoliberal economic and neoconservative political discourses. This dynamic understanding of the transition to democratic politics reflects O’Donnell’s understanding of democratization. According to O’Donnell democratization refers to “the processes whereby the rules and procedures of citizenship are either applied to political institutions previously governed by other principles (e.g., coercive control, social tradition, expert judgement, or administrative practice), or expanded to include persons not previously enjoying such rights and obligations (e.g., nontaxpayers, illiterates, women, youth, ethnic minorities, foreign residents), or extended to cover issues and institutions not previously subject to citizen participation (e.g., state agencies, military establishments, partisan organizations, interest associations, productive enterprises, educational institutions, etc.)” (O’Donnell and Schmitter 1986: 8). Unlike T.H. Marshall’s suggestion that the status of citizens in modern societies has been expanded and consolidated in a clearly defined succession of steps going from civil to political to social rights, O’Donnell’s argument that in the case of Latin America “there
does not seem to be any logical sequence to these processes” adequately reflects the experience of Guatemala (O'Donnell and Schmitter 1986: 8). After all, as Seyla Benhabib has argued, “democratization […] can be viewed as the increase and growth of autonomous public spheres among participants” in various experiments in democratic deliberation and without any pre-established direction (Benhabid 1992, pp. 73-98: 87). The gradual and contingent results that come out of the process of transition will thus be considered legitimate, and therefore morally binding, depending on the extent to which they can claim general and renewed validity among concrete citizens beyond any limits impose on them for purely strategic reasons. In the end, only if new citizens and their civil organizations understand the various processes of which the form a part or will affect them, participate and deliberate about them, and within the empirical constraints of discourses are able to at least take yes/no positions towards them can the results of public deliberations end up claiming binding legitimacy.

Changes in cultural and political forms of communication and discourse have also led to transformations in the political system. Although the networks of civil society transcend the electoral arena and the institutions of public governance, they do permeate this arena and institutions in ways that become hard to control or predict. The conditions of heterogeneity, cultural pluralism, and social differentiation characteristic of civil society profoundly change the traditional “fixed” identities of conventional political actors such as political parties or class-based organizations. The new actors of civil society are not only numerous, but also highly participatory and certainly more egalitarian than their more institutionally-oriented counterparts. They organize multiple forums in which, as was suggested by scholars of the transition in the mid-1980s, “the exercise and learning of citizenship can flourish in deliberations about issues of everyday concern” (O'Donnell and Schmitter 1986: 53). Given the highly centralist, patrimonialist, caudillista, elitist, and top-down nature of political organizing in Guatemala’s political culture, a political culture that continues to this day, the new form of civil politics often eludes the understanding of traditional cultural and political elites. The plurality and decentralized nature of “new social movements” make it hard for conventional political actors to understand the dynamic of the new political arena and measure the potential outcome of electoral processes including those of referenda and normal general elections. The fact that social, cultural and political pluralism lacks any form of centralized structure, as was the case with more traditional forms of political organization and clientelism, means that political and electoral dynamics become increasingly unpredictable. In the words of Adam Przeworski, the “outcomes of democratic conflicts are not simply indeterminate within limits. They are uncertain” (Przeworski 1986: 57). Civil society transforms the political system and the electoral arena into a highly contested and uncertain terrain. Within the multiplicity of informal public spheres in which civil groups operate, as Nancy Fraser has argued, we find them responding to a highly complex and unpredictable process of opinion- and will-formation (Fraser 1992: 109-142, 134). In this context, therefore, “tradition loses its legitimacy of being valid simply because it is the way of the past” and rests now with “the resourceful and creative appropriation of it in view of the problems of meaning of the present” (Benhabib 1992: 73-98: 84-85).

Reconstruction

Conflicts and challenges that have developed after the peace agreements are putting the new citizenship and its multimodal and multidimensional discourses to the test.
The national debate around the crisis of the peace agreements has taken the form of a debate around the so-called “crisis of governability.” Some scholars have used the notion of ungovernability to describe a situation whereby the state and political parties display a “low capacity for channelling and processing [...] social demands” and a general set of inabilities that lead to “an overload of political institutions” (Vilas 1996: 485). The thesis of governability in the Guatemalan context, however, has obvious roots in neo-conservative politics as well as in the army’s “Thesis of National Stability” of the late 1980s. Guatemalan scholar Víctor Gálvez Borrell, the current director of the Guatemalan office of the Latin American Faculty of Social Sciences (FLACSO), has emerged as one of the country’s leading scholars and defenders of the thesis of governability. Although there is absolutely no mention or discussion of the problem of governability in the peace agreements, in part because the implementation of the agreements themselves had not yet entered into its current crisis, scholars like Gálvez Borrell now argue that the thesis of governability is necessary for an adequate understanding of State-society relations in both in Guatemala and the rest of Latin America (Gálvez Borrell 1995). To some extent the prestigious Oscar Arias Foundation for Peace and Human Progress followed Gálvez Borrell’s suggestions in 1999 with a much more comprehensive project on “gobernabilidad democrática en Guatemala a partir de los acuerdos de paz” (Fundación Arias para la Paz y el Progreso Humano 1999). Paradoxically, local civil organizations, international actors such as MINUGUA and the United Nations Development Programme (Guatemala office) have all proposed to address the current cultural and political crisis in Guatemala precisely in terms of a “crisis of governability.” The proposed solution to this crisis is an equally problematic notion of “democratic governability” or “democratic governance.” This solution is mostly conceptualized as the strengthening of the institutions in charge of justice and security and is presented as a logical application and extension of the peace agreements. The ambiguity of the peace agreements partly supports this solution.

After the peace agreements Guatemala continues to be plagued by extra-judicial executions, human rights violations, delays in the application of justice, impunity and intimidation, threats to civil society groups and judges, and the permanence of institutions previously associated with the State of National Security and its counter-insurgency policies, most notably the Presidential Guard (EMP). In addition, new problems have also developed and are now perceived by several actors as threatening to completely overload the capacity of the state and state agents to respond adequately to challenges that they represent. Among these problems we find an unprecedented wave of criminal activity, an intolerable and rising number of so-called popular lynchings, unprecedented forms of religious sacrilege (from church robberies to the stealing of Catholic religious images across the country), the reactivation of paramilitary organizations (ex-PACs), and also the reactivation of explicitly populist and clientelistic policies by the state.

The problem of lynchings is not only a cultural and political challenge for the process of transition, but also a real hermeneutic puzzle for external observers of the Guatemalan process. Between 1996 and the middle of 2001 there have been more than 350 lynchings in Guatemala. MINUGUA sees lynchings as part of the legacy of more than three decades of armed confrontation. According to MINUGUA’s report Los linchamientos: Un flagelo contra la dignidad humana, lynchings occur as a consequence of undermining the leadership role of traditional indigenous authorities and their norms of conflict resolution. MINUGUA bases this argument on the fact that lynchings appear to be taking place in those regions of the country most affected by the armed confrontation, that is, in regions where traditional indigenous
communities and customary law used to be the norm. This is the explanation taken up and elaborated by Canadian Guatemalanist scholar Jim Handy. According to Handy lynchings are related to the breakdown of the legitimacy of customary law. For customary law to be effective, Handy argues, “there must be a level of community harmony, a broad belief in the legitimacy of local authorities to impart justice.” However, since the 1940s, “Guatemalan highland communities have been locales of severe conflict. Indigenous perceptions of the world, local power structures, and the functioning of customary law have been rapidly altered through powerful state agencies, the actions of evangelical Protestants, Catholic catechists, migration, poverty, guerrillas and, most importantly, the incursions of the military in the late 1970s and early 1980s.” Consequently, Handy claims, “these forces brought tremendous changes in the functioning and viability of ‘customary’ law” eventually “fracturing much of the community cohesion necessary for the functioning of customary law” (Handy October 24-26, 2002: 29). A key assumption of this interpretation of lynchings is, however, that without major external incursions into indigenous communities and the consequent breakdown of their “cohesion”, and even assuming a certain degree of communal differentiation, it is possible that customary law would have gone on working not only legitimately, but effectively.

In this paper, however, I would like to suggest an alternative explanation to the problem of linchamientos. Lynchings need to be seen, first and foremost, as the expression of deeply felt frustrations and confusions on the part of socially, culturally, and economically unmoored and excluded populations. In addition, lynchings give expression to a profound crisis of traditional communitarianism and to the fact that there are no widely acceptable alternatives to traditional forms of conflict resolution yet well established and widely accepted. MINUGUA’s and Handy’s argument that traditional indigenous authorities and customary law continue to be widely accepted and continue to enjoy normative legitimacy at the grassroots level is, therefore, problematic. Contrary to these arguments, popular lynchings are an expression of the fact that traditional forms of social integration and coordination, including ceremonially-fixed forms of integration mediated by the traditional clan application of customary law, are no longer accomplishing their tasks because the communitarian world of which they were an intrinsic part has not only been going through a process of differentiation since the 1940s and 1950s, but fundamentally transformed as a result of internal pressures and external challenges since the 1960s and 1970s. The world of the good in which most members of indigenous communities found the sources of self-realization is, therefore, no longer unquestionably available and much less widely regarded as valid or legitimate. However, alternative forms of social coordination and solidarity, based the double-coded discourse of indigenous activists and groups, while representing the most promising development for the democratic reconstruction of indigenous communities, is not yet widely disseminated or accepted in peripheral communities where most lynchings have taken place.

The solution to the problem of lynchings and other problems such as youth crime, robberies of religious images, and social cleansing lies not in the undemocratic restoration of traditionalism, communitarianism, or patrimonialism or the imposition of an elitist “pact of governability”. The latter solution assumes, of course, that indigenous and human rights groups are not ready to undertake at the local level the challenge posed by lynchings. Instead, the solution lies in the democratic coordination of culture and politics through the discourses and practices of the new citizenship and, supported by the effective implementation of the citizenship principle, authorities and institutions of public governance, including local justices of the peace, with the authority to promote the effectiveness of choices that emerge from the local
implementation of that principle (O'Donnell and Schmitter 1986: 8). Only the expansion and consolidation of the new citizenship can create conditions for the democratic resolution of cultural, political, and economic conflicts and for the reinterpretation of local traditions in self-critical ways. Only if members of communities become morally convinced that the more they employ non-coercive public debate, in their own communities, to resolve their deepest moral, political, and social problems, the better off they will be can these problems begin to be democratically resolved. We will have to wait and see if and how the recently enacted Municipal Code and the expansion of communal courts will have an impact on these disturbing developments.

Based on the previous reflections, therefore, an alternative interpretation of the so-called “crisis of governability” that afflicts the entire republic begins to emerge. Rather than thinking about these problems in terms of the conservative thesis of governability, that is, as a crisis of governance brought about by unruly or undomesticated groups, we need to approach these problems, as Colombian scholar Antanas Mockus has suggested, in terms of a “divorce between law, morality, and culture” (Mockus 2001). According to Carlos Vilas, “weakening of the, in any case inefficient, limited, and weak traditional mechanisms of social integration […] pushes increasing numbers of population to the margins of the institutional system: street gangs, children in the streets, petty delinquency, and once again, violence” (Vilas 1996: 494). These weaknesses have to do, not only with corrupt administrations, slow implementation of the peace agreements, or the slow implementation of justice, but with “deep social polarisation” with roots that antedate the armed conflict but have become more salient thanks to a political culture that places certain practices beyond the scope and reach of the law. In short, these problems represent the most visible manifestation of an underlying crisis of legitimacy affecting the normative relationship between changing communities in the context of an unconsolidated democratic culture and a weakly institutionalized Democratic Constitutional State.

The new citizenship must prove practically capable of contributing to the solution of these problems and must prove capable of meeting the following key challenges. Democratic politics will become consolidated only to the extent to which participants in the transition are able to rethink the “project of nation” that has emerged after the peace agreements in terms that can potentially yield a new form of collective identity beyond inherited loyalties to village, family, place, clan, or clientele. This project will become consolidated only if participants can move beyond traditional forms of organic solidarity (bonds formed between members of a concrete community based on personal relationships) and towards civil forms of solidarity that can continue to accommodate difference, pluralism, and diversity. Although communities and their particular notions of the good do not disappear in civil forms of solidarity, as we saw above, participants in this process do become members of larger forms of abstract community and, in theory, develop feelings of mutual support and responsibility in political and economic terms. Finally, under conditions of cultural pluralism that define contemporary Guatemala, only democratic politics can allow for the reinterpretation of communal traditions and their integration into a new political culture capable of serving as the cradle of the type of society that civil groups want to live in.

In order for the new citizenship to accomplish these goals, new indigenous groups, human rights organization, and other civil and grassroots groups need time. Reconstruction is, after all, time consuming and oriented to the long term. But time appears to be running out. The pressures of globalization are setting in and the macro-economic and macro-political priorities of dominant elites are, once again, gaining the upper hand. During the February 2002 meeting of
the Consultative Group in Washington, with Canada’s participation, Guatemalan representatives and international actors agreed on a number of policy targets. As a condition of releasing international resources committed to the peace process in 1997, the parties agreed to limiting military spending to levels no higher than 0.66% of GDP, prioritizing social spending at no less than 5% of GDP, and raising taxation levels to 12.1% of GDP for the year 2002. As self-evidently correct as these agreement may appear to be, they carry with them an implicit reconsideration of cultural, political, and economic commitments contained in the peace agreements.

It is not surprising that after more than two years of being in government, the administration of President Portillo has very little to show by way of peace-related legislation. In addition to turning the state into a source of booty, the current government has also been committed from the beginning to implementing an IMF-inspired agenda of reforming the financial sector, liberalizing trade and exchange systems, and modernizing the public sector through privatization, all without political consultation with civil groups. This was confirmed when the government signed a Stand-by Arrangement with the IMF in April 2002. In exchange for US$105 million, the government committed itself to reducing the deficit to 1 ½ % of GDP and maintaining social spending at no more than 5 % of GDP. In order to reach the taxation level of 12 percent of GDP by 2002, the IMF recommended increasing the value-added or sales tax (IVA) rate. In July 2001, the government raised the IVA from 12% to 15%.

International pressures such as those of the IMF not only undermine the implementation of the peace agreements but also the process of democratization and reconstruction. The already meagre 5% rate of social spending, for example, constitutes a serious limitation on the kind of investments required by the peace agreements and a clear instance of cultural and political myopia. Other components of the IMF agenda, particularly privatization and indirect taxation, reduce even more the significance of social spending. The government’s decision to participate in the Plan Puebla Panama, in free trade negotiations with the United States (CAFTA), and in negotiations around the Free Trade Area of the Americas, without significant debate in the public sphere and without allowing time for the democratic renegotiation and implementation of the peace agreements, threatens to undermine the legitimacy and distort the implementation of those agreements and thus polarize social groups and interests even further. Although the ultimate justification for entering into these various trade pacts is the promise that trade, rather than state intervention or developmentalism, will lift people living under extreme poverty out of their misery and put them on the road to equality, more than two decades of structural adjustment programs in Guatemala show, beyond any doubt, that the country continues to exhibit one of the worst indices of inequality in all of Latin America. As seven years of experience in the Mexican case show, free trade will only worsen this situation in Guatemala.

Extreme poverty and inequality are not trivial problems or problems that can be resolved through mere economic growth. As Vilas has argued, these problems tend to “undermine beliefs in one’s own ability to change things and to improve life” producing a sense of “insecurity and fear” that have violence and anger as their usual counterparts (Vilas 1996: 470). These and other factors, Oxhorn reminds us, undermine the capacity of workers and other economically disadvantaged groups to participate in the public sphere” and eventually contribute, too, to “the erosion of their will to participate” (Oxhorn October 2, 1999: 10). As important as the development of the language of human rights is, this language does not exist without subjects willing to speak it and, under current socio-economic circumstances, “the necessity of day-to-day survival [makes] public participation and collective action seem at best a luxury one can no
longer afford, and at worst a wasted effort” (Oxhorn October 2, 1999: 10). Habermas’ intuition that “multicultural societies can be held together by a political culture, however much it has proven itself, only if democratic citizenship pays off not only in terms of liberal individual rights and rights of political participation, but also in the enjoyment of social and cultural rights” bears out in today’s Guatemala (Habermas 1998: 118). This means that, in addition to reciprocal recognition of different cultural forms of life, new citizens must also be “able to experience the fair value of their rights” (Habermas 1998: 119, emphasis in the original). It seems, therefore, that whatever commitments in terms of the fair value of rights that were incurred by political and economic elites during the peace negotiations, particularly commitments to sustainable and democratic forms of socio-economic development and indigenous rights, they are being set aside, with powerful international backing, in favour of what Oxhorn calls neopluralism.

Neopluralism is, of course, not the only obstacle to democratic reconstruction in Guatemala. The victory of the “No” forces during the referendum on constitutional reforms in May 1999 was a serious challenge to the peace process. All other things considered, this victory demonstrated that three years after the signing of the peace agreements a substantial proportion of the population, particularly in indigenous communities, had not yet developed a sense of ownership and loyalty around the agreements. Negotiations around the Fiscal Pact in June 2000 and various proposals recently tabled by the Foro Guatemala, including the October 2002 proposal for a comprehensive rural development strategy, have attempted to correct this situation of exclusion, cultural and political abandonment, and chronic poverty. However, the validity of the agreements remains in serious question among ordinary Guatemalans and their implementation remains trapped by the conservative government’s lack of political will.

Many Guatemalan remain fundamentally alienated from the peace process. Widespread popular lynchings, robberies of religious images, rising crime, and the proliferation of youth gangs are all signs of a society in which traditional forms of social integration and coordination are in deep crisis and were the virtues of formerly “prudent” forms of behaviour no longer apply. The Pan-Mayan movement, civil groups, and parties of the left have attempted to provide channels for the democratic reconstruction of community and political contestation but without much success on the ground. Ordinary Guatemalans continue to feel that they are passive targets in an implementation process controlled from above and abroad. This lack of legitimacy of the process of implementation is at the heart of the so-called “crisis of governability.” Lack of economic opportunities, as indicated above, worsens this situation. Far from taking any concerted action to reverse these trends, recent increases in military spending, currently exceeding more than 0.68% of GDP, coupled with taxation levels below the targets of the agreements show just how committed to reconstruction and democratization the current authorities are. Although the Accompaniment Commission once again extended the date of implementation of the peace agreements, this time to 2004, military, electoral and transnational concerns are taking priority over the peace agenda and there are no signs that this trend will be reversed in the near future.

The electoral campaign that got underway in October 2002 and will end in general elections in November 2003, poses further challenges for the process of reconstruction. The Constitution prevents him from running, but current President of Congress Efraín Ríos Montt wants to run for President nevertheless. His candidacy represents a direct threat to Guatemala’s precarious constitutional regime, his political methods lend legitimacy to the old clientelistic forms of politics, and his political party is behind the recent reactivation of the former Civil Defence Patrols (PAC). However, far from being the only presidential candidate who displays a
lack of commitment for the peace agreements, Rios Montt is part of a constellation of neoliberal candidates without any moral commitments to the principle of citizenship and its inclusion in party politics and policy making.
Notes

1 This paper is a substantially revised version of an earlier paper delivered at the 2002 conference of the Canadian Association of Latin American and Caribbean Studies (CALACS), Montréal (Québec), Canada, October 24 – 26, 2002. The CALACS paper, in turn, was a revised version of a paper published in the Mexican journal Con-Ciencia Política (Fonseca October 2002).
4 Habermas’ discussion of the “double coded” nature of citizenship can be found in his The Inclusion of the Other (Habermas 1998: 113).
5 Contrary to the common argument that globalization consists of a single and all-encompassing process of global economic integration, I think of the present-day world of humans as going through multiple forms of integration along multiple timelines and around multiple networks. The potential for these multiple forms of globalization to generate anew forms of “centre-periphery” relationships and “developed-underdeveloped” dependencies and hierarchies is part of the process, but so is the potential for equally globalized forms of resistance and alternative models of global coexistence and governance. For similar ideas, see Castells 1998, Castells 1997, Castells 1996, and Held et al. 1999.
6 The term “Mayan population” is itself an abstraction. The social, cultural and political homogeneity assumed by the term Maya is largely a product of contemporary communitarian political discourse, not a product of historical convergence, integration, or political consensus among the “ethnic groups” claiming to have Mayan roots. Within communities members continue to speak about themselves as K’iche’, Q’eqchi’, K’acchikel, and so on. In addition, there is no evidence that the various ethnic communities (kinship and linguistic groups) scattered throughout the territory that would eventually become Guatemala subscribed to any kind of supracommunal and homogenous identity in pre-Columbian colonial or early republican times.
7 For a more detailed discussion of the characteristics and dynamics of clans and lineages within Mayan communities, see Carmack 1995: 297.
8 For exceptions to this, see Richard Wilson’s work on Q’eqchi’ communities in Eastern Guatemala (Wilson 1995: 164-165).
9 I take the general idea of a syndrome that intermeshes descriptive, evaluative, and expressive contents in the context of cultural and political discourses that characterize traditional communities from the work of Habermas (Habermas 1996: 24).
11 For a more detailed description and analysis of this process of cultural and political conversion, see Falla 1978: 145-206.
12 Charles Hale has recently observed, ”the specificity, consciousness, and practice of Ladinos has either remained invisible or has been reduced to a caricature of the oppressor’s image” (Hale 1999: 279). For a list of works that are beginning to reverse this situation, see Hale 1999: 300-301, note 8.
13 In the case of the western highland city of Quetzaltenango, the second largest and most important community in the country, this process got decisively under way during the 1837 Cholera epidemic (Grandin 2000: 85-86)
14 For a detailed analysis of the rise of the Patrimonial-Authoritarian State, see Reyes Illescas 1998.
15 For a discussion of the politics of “habitants” in 17th century Montreal, see Dechêne 1992.
16 Contrary to what has been suggested by some scholars, thus, Ladino identity was not and could not be an exclusively European identity even though it appointed itself the representative of progress and civilization within the authoritarian republic. Greg Grandin has suggested that Ladino identity in fact referred to ”an exclusively European identity” (Grandin 2000: 83). For a discussion of the etymology of the term Ladino, see also Grandin, Ibid., 84-85.
17 This is the view that predominates in many current interpretations of the transition to democracy in Guatemala. Although many of these interpretations make an effort to take into account the development and politics of “popular groups”, the systematically confuse “popular groups” with civil society, popular movements with new social movements, the reactivation of popular movements with the resurrection of civil society, and fail to distinguish between a transition to civilian government in the context of a limited political democracy with a more comprehensive transition to democratic politics as I have defined it here. For examples of these confusions, see Trudeau 1993, Jonas 1991, and Levenson-Estrada 1994.
Readers of Habermas often confuse the normative character of the ideal presuppositions of discourse and Habermas’ cautions about it with the older and since abandoned idea of Habermas concerning the famous “ideal speech situation” and the impossibility of realizing this ideal in practice.

Jorge I. Domínguez provides a different version of democratic politics defined as the “flourishing of liberal democracy” and the “construction of democracy governance” (Domínguez 1998).

19 Jorge I. Domínguez provides a different version of democratic politics defined as the “flourishing of liberal democracy” and the “construction of democracy governance” (Domínguez 1998).

For comprehensive discussions of the “Pan-Mayan Movement” and the various reactions it has prompted, particularly from Ladino critics, see Warren 1998 and Fischer and Brown 1996.

According to Claus Offe, one of the key characteristic of the politics of new social movements is the strategy of politicizing “the institutions of civil society in ways that are not constrained by the channels of representative-bureaucratic political institutions, and thereby to reconstitute a civil society that is no longer dependent upon ever more regulation, control, and intervention” (Offe Winter 1985: 820).

For a discussion of the ways in which foreign institutions like MINUGUA could have gone about “strengthening” and “consolidating” institutions of public and democratic governance as well as the institutions that would emerge from the peace agreements, see Baranyi September 1995.

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