When “Justice” is Criminal: Crime, Communities, and Lynchings in Contemporary Latin America

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On October 20, 2001, a crowd of peasants captured three men accused of stealing two cases of soda, some fertilizer, and candy, on a farm in rural Guatemala, and the following day a throng of thousands gathered to watch them die. Residents of some 14 surrounding villages converged on Matucuy, Purulhá, Baja Verapaz, to witness the lynching of José Ical Xip, 34, Juan Cuc, 23, and René Alfredo Cho, 15. Despite failed interventions by local and international human rights authorities, the three were hanged and their bodies burned. By the time the Civilian National Police arrived after fighting off local residents who attempted to hold them at bay, the bodies had been buried and most of those responsible for the lynching had fled.¹

In Huejutla, Hidalgo, Mexico, two suspected members of a kidnapping ring were detained by police on March 24, 1998; the following day, in sixteen separate broadcasts, the local radio station announced that the men would soon be set free and called on the local population to “impede” their liberation. In a span of hours, some one thousand residents descended on the courthouse, trapping the judge and his staff inside while they destroyed two police cars and ransacked municipal buildings, dousing some in gasoline. They forcibly removed the two suspects from the jail, dragged them to the main plaza, and beat them to death. The inert and bloodied body of one man was then strung up in the plaza’s central gazebo.²

Enraged by the recent murder of a 6-year old boy, residents of Mariara, Venezuela, seized upon 41-year-old Omar Pérez Gallardo on April 16, 2001. After dragging him to the boy’s house, where the grieving mother claimed to recognize him, the crowd attacked him and would likely have killed him had the Police not arrived to save his life. Later that same night, a crowd of some four to five hundred residents — among them the local mayor — converged on the small hospital where he lay recovering from his wounds, and threatened to set fire to the entire establishment if Mr. Pérez was not released. He was subsequently beaten to death in the Plaza Bolívar; one arm was removed from his body and hung in a tree; and the remainder of his cadaver was set afire in the plaza amid a passionate protest against rampant criminal activity in the region. As part of this protest, locals occupied and temporarily closed the regional highway. It was later revealed that Mr. Pérez was innocent of all charges; he had apparently been mistaken for a legendary serial killer known as the “Monster of Mariara.”³

These tales, however chilling, do not represent isolated events. In Guatemala, from 1996-2001, the United Nations Mission to Guatemala (MINUGUA) documented 421 linchamientos⁴ or “lynchings” in the country, for an average of over 7 per month. In Venezuela, human rights group Programa Venezolano de Educación y Acción en Derechos Humanos reported 164 lynchings between October 2000 and September 2001(PROVEA 2001). And in Mexico, Carlos Vilas (2001) has investigated some 103 lynchings between 1987 and 1998; other reports have suggested many more. Related incidents have been reported in Ecuador, Peru, Brazil, and other countries of Latin America. This is a rural as well as urban phenomenon; one that occurs in mestizo or ladino communities as well as indigenous ones; and one that targets “insiders”, or people known to the community, at least as frequently as it does interlopers. It is, however, predominantly a tool of poor and marginalized communities, whether they are the isolated rural hamlets of Southern Mexico and Guatemala or the peripheral slums surrounding Caracas. And while precise figures are unavailable, most analysts agree that recent years have seen an alarming increase in the frequency of these acts (see Castillo Claudett 2000), perhaps in response to a generalized increase in rates of common crime and a growing sense of citizen insecurity across the Americas.
Yet partly because it is difficult to obtain information about lynchings, and partly, perhaps, because they are testament to a troubling reality, very little analysis has been conducted about this trend. In this article, however, I argue that the lynchings constitute more than random, regrettable acts of violence or throwbacks to the past. While most literature on the region tends to regard contemporary violence as a predominantly “top-down” phenomenon — by state against citizen, landowner against peasant, mestizo against Indian — these incidents reveal a new sort of violence originating at the bottom, which is purposeful, powerful, and political. In this essay, I focus on lynchings as indications of an “agentive moment” (Daniel 1996: 189-192), an attempt by embattled communities to reassert their autonomy and agency after decades of repeated assault by state armies, locally powerful élites, a shifting rural economy, criminal bandits, and other adversaries. By enacting these highly ritualized, unequivocally public displays of justice, communities seek not only to punish and deter criminal activity, but, perhaps more importantly, to collectively reassert themselves as agents rather than victims.

This is, to be sure, a dangerous argument. My intention here is most decidedly not to celebrate lynchings or to imbue these incidents with a democratic spirit that is not their due. On the contrary, I believe that lynchings suggest a “dark side” of democracy, one too frequently overlooked in contemporary scholarship. In continuing to assume these incidents are isolated eruptions, we fail to understand what may be their most important message: this, too, is a form of democracy. Or more precisely, this is the unsurprising result of the inevitably truncated, eviscerated forms of democracy more aptly termed polyarchy which contemporary geopolitics have installed in much of the developing world.

**Methodology**

This paper is based on ethnographic research conducted in Guatemala from May to August 1999, and October and November 2000. During this time I interviewed over 150 people from all sectors of Guatemalan society, including dozens of in-depth discussions in one-on-one interviews and focus group settings with rural residents of the highlands province of El Quiché, where lynchings have been most frequent. This sample included many eyewitnesses to recent lynchings. However, I rely on secondary sources for information about lynchings in other countries.

Conducting research on lynchings presents serious methodological challenges. First, information about these incidents is hard to come by, and where it exists, it is often drawn from media reports that are unreliable at best. If anything, the available numbers are likely to understate the phenomenon. Of the small number of cases I was able to personally verify, few were reported in the national media, and virtually none received the detailed investigative treatment necessary to get to the bottom of what took place. The lack of comprehensive figures goes hand-in-hand with a deeper problem: eyewitnesses’ reluctance to speak. While in some cases this stems from the illegality of the events in question (and the ambiguity about individual informants’ potential responsibility in them), in others it is a result of death threats issued by those instigating lynchings against anyone who would divulge information about them. Moreover, attempts to collect first-hand information about lynchings can compromise the personal security of the researcher because of such threats, and also, perhaps more significantly, because the lynchings occur in the context of extreme social marginality and settings where everyday violence runs...
rampant; as sociologist Carlos Vilas (2001) has put it, lynchings are far from “lightning striking on a sunny day”.

In my case, I was able to converse with residents of the Guatemalan highlands about this very sensitive topic thanks to the collaboration of a local human rights group organizing in communities affected by wartime violence. It is impossible to discount the effect that my partnership with them may have had on the information I obtained. Similarly, while most of my interviews were conducted in Spanish — a language I speak fluently, but not the mother tongue of most of my highland informants — a small number were conducted in K’iché, with the aid of a local interpreter. While there is no substitute for first-hand field research in analyzing these phenomena, the limitations and constraints under which it must necessarily be conducted should be kept in mind by the reader.

Understanding the lynchings

The paucity of analysis on this topic may in part stem from the deep methodological challenges inherent to such work; but in part, I suspect it also derives from the fact that on first glance, explanations for the phenomenon may appear obvious to many observers. After all, it is no secret that the polyarchic regimes of postauthoritarian Latin America are infused with lawless violence. The spread of criminal violence — fuelled, no doubt, by the proliferation of small arms and demobilized combatants in the wake of the region’s authoritarian period, and financed by an expanding international market for trafficking in drugs, stolen property, and migrants — is a virtually uncontested fact (Ayres 1998, Buvinic et al. 1999). An expanding list of authors cite this increasing tide of criminality as evidence of weak states’ inability to govern effectively, upholding the rule of law across the national territory (O’Donnell 1993, 1999, 2001; Méndez 1999, Prillaman 2000); this argument has found resonance among donor institutions like US AID, the World Bank, and the Inter-American Development Bank who have devoted millions of dollars to supporting judicial reform and rule of law initiatives in the region (Jarquín and Carrillo 1998, Santos 2000). Lynchings, in such formulations, are assumed to be an indication of citizens’ desperation at this appalling situation: confronted with widespread crime and woefully inefficient state justice systems in regimes crippled by legacies of authoritarianism, some people take the law into their own hands. The fact that under extreme circumstances the understandable frustrations of deeply marginalized populations occasionally erupt in mob violence is not, ultimately, shocking. Though the human tragedy inherent in these executions should be immediately apparent, they might seem to challenge few of our assumptions about life in what Guillermo O’Donnell (1993) has called the “brown areas”. Why, then, should scholars focus so intently on these grim rites of death on the margins?

Many citizens echo this view, offering a commonsensical explanation for the phenomenon: in Guatemala, for example, everyone told me lynchings happen because crime is out of control and the justice system is at a virtual standstill⁸. Faced with the immediacy of the problem and the inadequacy of the state’s solution, communities are forced to take the matter into their own hands. This position resonates in the words of government officials and educated residents of the capital as well as citizens of the communities where lynchings have occurred.

President Alfonso Portillo, in an interview with journalist José Zepeda, explained it thus: “The people are desperate because they see that there are rapists, that there are
robbers, that there are murderers, and that the police come, they take them to court and then two weeks or a month later they’re released for lack of evidence. So this desperation, this anguish in the people is making them take these measures.”9 A Mayan peasant from Chimaltenango described the phenomenon to me in similar terms: “Lynchings… are an action that the people take when they know who it is, and that person steals, steals, steals, or kills, kills, kills, and the police don’t do anything, so in the end the community explodes (la comunidad se revienta).”10 And the Executive Director of CACIF, the powerful private-sector chamber of commerce and industry in the country, told me, “A culture of violence sown by 36 years of armed conflict, a very weak, very fragile judicial structure, and a vacuum of power: it’s a recipe for the lynch law.”11

Yet there are more to the lynchings than this, as a detailed examination of the phenomenon will reveal. These incidents cannot be attributed solely to state failure; as corrupt and woefully inefficient as the formal legal system may be, it has never functioned any better for most rural residents. In fact, these communities have never relied on the formal justice system as an arbiter of justice; why, then, are lynchings emerging now? I argue the phenomenon can only be understood by approaching it “bottom up” – from the point of view of the communities engaged in these acts, rather than the state institutions which are supposed to govern them (but which have historically failed utterly at this task). Without such an understanding, no amount of tinkering with public ministries and penal codes will prove capable of halting the trend.

In the following pages, I attempt an analysis of lynchings from this perspective. I put forward three perhaps provocative suggestions, all of which contradict elements of the “conventional wisdom” on lynchings: a) lynchings are not pre-modern; b) lynchings are not about crime; and c) lynchings are, to some extent, acts of political empowerment. From these, I conclude by examining the implications of this trend for democracy in the region.

**Lynchings are not pre-modern**

The frequent concentration of lynchings in remote areas — and particularly, among deeply impoverished indigenous communities — often tempts observers to view the phenomenon as a traditional way of dealing with crime, something of a vestigial throwback to the pre-modern period. This argument is offered by those who decry lynchings, seeking to blame them on “backwardness” (often, but not always, by invoking racist assumptions about indigenous people), as well as by those who would justify them as an element of local tradition or time-honored practice of “frontier justice”. In Guatemala, for example, newspaper columnists have described lynchings as an “ancestral inheritance” tracing back to ancient Mayan traditions12. In response to a 2001 lynching in Mexico City, the governor of the Federal District declared, “This is the Mexico that never ends, that remains alive in its traditions and customs, above all in small towns and communities; and with the beliefs of the people, it’s better not to interfere (con las creencias del pueblo, más vale no meterse).”13

Related constructions are sometimes offered by scholars seeking to condemn lynchings as markers of deep social exclusion: sociologist José de Souza Martins, for example, has argued that lynchings in Brazil occur among people “on the ‘razor’s edge’ of incomplete transition… the urban and political threshold of an unfinished intersection...
— where temporary and permanent migrants are gathered, and populations are barred in time and space from entering the modern world." (1991: 22) Indeed, lynchings indisputably occur among populations largely excluded from the benefits of development and modernization, whether they are residents of isolated rural outposts or the ramshackle shantytowns that ring the region’s major cities. Yet we should be careful about describing these people or their practices as somehow trapped outside modernity. In fact, quite the contrary is true: the communities in which lynchings occur are fully inserted in the globalized political economy of late modernity — and what’s more, it is precisely this insertion that causes the social dislocations of which lynchings are a particularly painful indicator. Rather than a remnant of traditional practices, then, lynchings are evidence of their erosion.

First, there is no evidence to suggest that lynchings have their roots in traditional mechanisms of popular justice. In Guatemala, lynchings are overwhelmingly concentrated in the Western highlands14, where the vast majority of the population is Mayan and there is a well-documented history of Mayan traditional justice (known locally as justicia consuetudinaria, justicia Maya, or usos y costumbres) by which communities resolve conflicts outside the state legal system. While specific practices vary from group to group (the Guatemalan Mayan population is comprised of some 21 different ethnolinguistic groups) in general the tradition revolves around restitution rather than retribution and communal consensus-building rather than adherence to legal code (see Yrigoyen Fajardo 1999, Defensoría Maya 1999, COPMAGUA 2000). Mayans have practiced traditional justice for over 500 years, but lynchings did not occur in any regular fashion until the 1990s. Were such practices part of traditional Mayan justice, they surely would have surfaced earlier.

Yet in recent years, customary legal practices have increasingly come under fire. While it is difficult to quantify the extent of their use today, it is clear that the practice of traditional justice has become much less common over the last 20 to 30 years15 (see Defensoría Maya 1999). This has left many communities faced with an institutional vacuum in terms of justice and dispute resolution. As the governor of Baja Verapaz province explained after the lynching in Purulhá described at the outset of this article, “No one listens to them, they are affected by crime and when something happens, they don’t know who to turn to.”16

This vacuum is in large part a result of the genocidal counterinsurgency campaigns of the 1970s and 1980s, and of the ravages of war more generally. As a middle-aged K’iché Mayan man told me, “They say that earlier, when you did something wrong, the community itself corrected you, told you to do this or that, gave you a punishment. And if you did it again, again there would be another justice, but it never reached the point of taking away your life, because [the communities] didn’t live that way before the violence came. But like they say, since the violence came to take away our system, now there’s no system, now there’s no justice.” 17

In addition to the war, however, these changes are also a result of broader processes of modernization and development that are generalizable to the rest of Latin America18. In the Guatemalan highlands, as throughout most of the country (and indeed, the continent), rural communities have formed part of the modern political economy for the better part of a century, if not more. Early attempts to liberalize the country’s economy and open it to international capitalism came at the end of the 1800s, resulting in
the seizure of Mayan communal lands and the legalized enslavement of thousands of Mayan peasants under so-called ‘vagrancy laws’ which provided forced labor to the large plantations (Lovell 1988). Throughout the 1900s, successive administrations’ strategies for development targeted rural communities for modernization, attributing the nation’s underdevelopment either explicitly or implicitly to the isolation and cultural backwardness of its indigenous communities (Fischer 1996). Beginning in the 1940s, the state began promoting the modernization of agriculture through tax credits and other programs. Contemporary neoliberalism’s advocacy of market-oriented development strategies has thus marked a continuation rather than a departure from past practices. Nonetheless, the rapid economic changes of recent decades have accelerated the “globalization” of these local collectivities, bringing about far-reaching social changes. These changes have collectively contributed to the weakening of the social fabric, as solidary ties of kinship, tradition, ethnic identity, social trust, and shared values weather the onslaught of rapid social change.

To say that lynchings occur in modern, globalized communities is not to suggest that these settlements constitute high-tech enclaves with up-to-date installations, enhanced communications, or any of the other benefits modernity might confer; quite the contrary, lynchings often occur in rural hamlets without paved roads, electricity, or potable water, where locals must hike for hours to reach the nearest school, courthouse, or government office. To suggest they are modern, therefore, is in some ways counterintuitive. Yet we must move beyond the underlying assumption that modernity equals material benefit, and therefore that impoverished communities are somehow “backward” or un-modern. Contemporary capitalist (under)development in peripheral nations, as Robinson (1996, 2001) has shown, rests on quite another premise: to serve the project of market-oriented capital accumulation driven by neoliberal élites, peasant populations must be disentwined from subsistence agriculture and made available as a large, mobile, and eminently replaceable pool of inexpensive labor to be utilized in the burgeoning economic sectors which drive growth in these nations — chiefly, export processing and commercial agriculture for export. The impoverishment and marginality of most villages in the highlands, then, is hardly a reflection of modernity’s failure to arrive; these conditions are not at all contrary to the modernizing project as it exists today, and may even be sharpened and reinforced by it.

As has been documented elsewhere, in Guatemala (Smith 1990, Green 1998) and more generally in Latin America as a whole (Loker 1999), the adoption of neoliberal or market-oriented policy prescriptions has brought about increased rural poverty. This leads peasant communities to experience what Alain de Janvry and colleagues have called the “double (under-)development squeeze,” as many are forced to abandon subsistence agriculture and seek sources of cash income, even as the opportunities for off-farm employment dwindle (de Janvry et al. 1989). This prompts a number of resourceful survival strategies on the part of affected peasants, and many subsequent changes in the social structure.

First, in Guatemala a steadily growing number have been forced to migrate. Many peasants undertake seasonal migrations to work on the large coastal plantations to the south, such that in many villages sizable sectors of the economically active population are absent from the community for long stretches during key harvest periods. In other cases, migrations involve permanent or semipermanent relocations to other areas of the
Guatemalan national territory — most particularly to the capital city, where entire neighborhoods of migrants have sprung up in recent decades, in many cases under extremely precarious living conditions; but also to a lesser extent, to newly settled “frontier” areas carved out of the rain forest. Still others have relocated to Mexico, the United States, or other destinations.

Second, among those who choose not to migrate, many participate in new commercialized activities in or near their communities of origin. Some have become involved in contract farming, using their subsistence plots to cultivate snow peas, broccoli, or cauliflower for export rather than traditional corn and squash for local consumption. Others work as field laborers on larger farms producing export crops (Green 1998). Still others have become active in nonagricultural employment, particularly in the expanding maquiladora sector and in putting-out activities (Goldin 1999).

Lastly, improvements in communications have led to what many Mayan leaders describe as a virtual assault of western culture through television, movies, and other media. Sometimes migrants later return home, bringing new customs, clothes, and habits. Highland communities remain geographically remote, but today are increasingly enmeshed in a transnational network of relations which facilitates the transmission of not only resources (remittances from abroad have become the nation’s number one source of revenue, and a vital support for highland families struggling to scrape by), but also information, ideas, and culture (Portes 2001, Popkin 1999).

These changes have altered the social fabric of highland communities in many ways. The increasing mobility of the population, of course, contributes to instability in community relations and weakens the hold of traditional forms of authority. The abandonment of traditional agricultural activities, many of which play an integral role in Mayan cosmology, which is deeply tied to corn, land, and relations with nature and the ancestors (Green 1998), likewise alters the fabric of community life. In many cases, contact with other cultures and lifestyles has opened a generation gap within Mayan families (Green 1998, Goldin 1999). For the first time, countless respondents told me, their communities are dealing with drugs, gangs, and teenagers who may not want to follow in the footsteps of their forefathers.

Of course, not all of these changes are “bad”; globalization is neither an absolute evil, nor its antecedent an absolute good. In many ways, contemporary changes have created openings for Mayans to redefine their culture and identity in new contexts, to explore opportunities for education, employment, and self-advancement through avenues not available to older generations (see, for example, Wellmeier 1995; Nelson 1999). Recent years have seen a revitalization of Mayan culture (Warren 1998, Fischer 1996; Hendrickson 1996) And highland communities have historically been poor, marginalized, and marked by other injustices: many customary practices exclude women from decisionmaking roles, for example. Long ignored by state policy, highland Mayan villages have suffered interethnic conflicts over land, endemic illnesses, illiteracy, and a host of other problems; contemporary ills must not be attributed to modernity’s pollution of some imagined romantic past.

Whatever new opportunities recent changes have created for Mayans, however, they have also weakened the hold of the traditional institutions, norms, and practices by which these communities governed themselves semiautonomously for centuries. In the
absence of effective institutions — state or non-state — capable of resolving conflicts in highland communities, lynchings have emerged as a new alternative.

**Lynchings are not about crime**

...or, at least, they are not only about crime. Today’s lynchings occur in the context of widespread fear of crime and a pervasive sense that the authorities’ response to crime has been unsatisfactory; without either of these conditions, there would quite likely be no lynchings. And yet, these two factors alone cannot explain the phenomenon.

Lynchings, I suggest, are more a reaction to fear and insecurity than they are to crime per se. Certainly, repeated incidents of criminal activity, or particularly brutal criminal acts, engender fear and disorder in affected communities, and contemporary events suggest that crime may be perhaps the most potent of potential catalysts to mob “justice.” Yet it is important to disarticulate widespread social anxiety from crime itself. The tenor of communities’ responses to crime should not be expected to rise and fall in direct response to the gravity and frequency of actual criminal acts; it is a reflection of fear — an eminently social product — more than it is crime itself. While the two are often related and frequently conflated, they are not the same.

First of all, the lynchings do not occur in the areas where crime is at its worst. In Guatemala, while government figures on crime are unreliable, the problem is generally considered to be most severe in the port areas of Izabal and Escuintla and in the capital city itself (CIEN 1999); lynchings, on the other hand, are concentrated in the western highlands. And while the poor functioning of the justice system is indisputable, there is no reason to believe that in the areas where lynchings do not occur, crimes are dealt with through state mechanisms. Furthermore, an effective justice system in these areas has always been lacking; while contemporary concerns about crime cast these deficiencies into particularly sharp relief, in areas where most lynchings occur crime has never been handled through state channels. The state’s present-day failure to control crime, then, cannot explain the recent rise in lynchings.

Second, there is a frequent lack of correspondence between the crimes that contribute to the fear expressed in lynchings, and the offenses allegedly committed by the person(s) actually lynched. When discussing the “crime problem” in their area, my respondents recounted in lavish detail accounts of spectacular crimes, perpetrated with atrocious savagery and unrelenting regularity. Yet most of those lynched were accused, in fact, of relatively minor property crimes. In the case of Mexico, Vilas (2001) notes a similar disproportionality between the gravity of the offense and the usually-fatal outcome of the lynching; in Ecuador, Castillo Claudett (2000) finds that some 86% of those lynched were accused of theft, compared to 2.2% accused of murder, 3.2% accused of child rape, and 6.5% accused of assault. This frequent disparity suggests a need to disentangle explanations of lynchings from discrete incidents of real crime.

This is not to suggest that highland peasants’ fear of crime is out-of-step with their actual danger of victimization (although it may be); despite the large literature in this area, my interest lies elsewhere. As Richard Sparks et al. have written, crime “is something for which we seek explanation and accountability — and how we explain it and whom we blame may be highly symptomatic of who we are and how we organize our relations with others. In this respect, crime may be one of those forms of ‘danger on the borders’ which gives form to a community’s sense of itself and its distinctiveness from...
others.” (Sparks et al. 2001: 888) Moreover, concern about crime is often heightened at times when the community’s sense of itself is under assault, as Erikson suggests in his famous (1966) study of crime “waves” in Massachusetts Bay colony.

In Guatemala, the fear which fuels lynchings is provoked by rapid, widespread social change, what has been termed “globalization anxiety” in other contexts. In my conversations with residents of highland communities, I found that their concerns, while nominally about crime, often radiated out into a broader sense of insecurity. Forced to confront so many rapid social transformations even as they were stripped of their traditional means for doing so, residents of these communities told me not only about crime, but about a diffuse lack of control and autonomy:

“You see, I’m from Aguacatán [Huehuetenango], and there we see the increase in crime with great concern. And just now, about a week ago, they buried a young man who was killed in a village, and it caused a kind of scandal, an experience that had not been lived before in that area, and that, well, it led the community to reflect about what’s going wrong. This kind of thing creates instability within the communities. And it also creates dis integration within the family. The young people that are living in the communities, it’s like they don’t have… they don’t value the principles that their families have, so they don’t listen to their parents, and they’ve learned other principles that don’t go with the principles of the community. So this creates instability within the family, and also within the community. And the indigenous communities, like I say, maybe we haven’t lived through things like this before, but now we’re living it.

ASG: How is this related to the end of the war?

…Well, it’s related, but the war isn’t the only factor. There are many other factors that also have to do with the crime wave. For example in the communities, they also see it in the sense that many have gone to other countries, for example to the United States, to work, and they’ve brought with them ways, customs of life that were unknown in the communities, and this, according to the communities, has had a great deal of influence. On the other hand, the media; if you go to one of these communities in the interior they will tell you that the media has too much influence. And although it sounds, well, maybe not so acceptable, but there’s also the idea that it’s education which has caused our children to be this way. …But I see it more related to the fact that many young people have to move to the urban areas, to the municipal centers, to study for example middle school (el nivel básico), and there they live with young people from that area, and it’s like these attitudes are contagious, so then later they return to the communities with different attitudes than they had before. …I’m talking about what I’ve seen in Aguacatán. Even in the case of this last experience that we had, and another one where they killed a young man with such cruelty (saña) that it seemed so incredible, the body appeared in a river, but it appeared with the head destroyed as if someone had pounded it with a rock, and there were remains of the scalp on a nearby rock, and… and… and they had stabbed him, they had opened his mouth and stabbed him in the mouth, it’s a kind of thing that until now we could never imagine, we had never known. Later it was discovered that there was a group of young people who did drugs, they were drug addicts, and that this had been a vengeance between them. That’s why I tell you, many of those who have gone to other countries have brought these customs and have influenced other youths. So, what they say now is that there has to be some kind of training, or some kind of activity of consciousness-raising (concientización) for young people, but also for their parents, so that they exercise more control over their children, because, for example, what’s a young person doing outside on the street at 11 at night? Many people are asking themselves this. Why don’t the parents impose more rigid discipline on their children? Maybe in the cities it was common to see that sort of thing, but in the municipalities it wasn’t common at all, but now you see it more every day, you see young people in groups, or standing on street corners together, at 11 at night. So nowadays we’re realizing that the parents have to assume their responsibilities.”23
Here the speaker traces the origins of the crime wave to the social transformations affecting his community. Other interviewees echoed this sentiment, often bemoaning young people’s purported waywardness more than crime itself. A Mayan woman from Chichicastenango told me,

“In our community we have many problems with drugs, with violence, with crime, [that’s] the situation we’re in now…. Sometimes I hear noises at night and I go out and look in the street, I want to see what kind of people it is, and they’re young people, youngsters, 15 years old. Who’s teaching them? Who has led them into this? And where does it come from? Where?”

For scholars, the lynchings’ resonance with Durkheimian themes is inescapable. In many ways, the Guatemalan lynchings resemble Durkheim’s classic description of repressive justice in “primitive” societies: they are administered by very nearly the whole society (1947: 76), through violent, passionate acts (99); and furthermore, they exhibit certain quasireligious characteristics (100). Yet as Durkheim’s analysis insists, these acts of public punishment are only peripherally about the crime which precedes them; at their heart lies the goal of repairing ruptured solidarities and reinforcing bonds among the non-criminal members of the community.

As Durkheim suggests, these community rites often taken on a quasireligious character. Although press accounts of lynchings often focus on the uncontrollable exaltation of enraged crowds, underscoring the frequent assumption that such acts occur spontaneously, many lynchings, when examined, reveal this violence to be both methodical and meaningful. In Guatemala, as MINUGUA (2000) has shown, would-be lynchers frequently detain victims for days prior to their execution, using this time to assemble the community, hold “trials” or popular votes, administer physical punishments sometimes aimed at producing confessions, and summon crowds for the execution itself. Furthermore, in many cases the process is clearly premeditated: in many communities, residents told me security committees had been constituted to handle crime, and in some cases collections had been taken up among all residents to purchase gasoline in advance, so it would be available should the need arise. The methods of execution, too, suggest a deliberate attempt to invoke religious symbolism: in Guatemala victims are generally burned alive, or their bodies set fire after death; other methods include stoning and hanging, although less visually symbolic forms such as shooting or beating also occur. Corpses are sometimes displayed for some time after the execution. Furthermore, the moment of death is often accompanied by further ritual, including symbolic tortures and forced confessions on the pyre. In Mexico, Vilas (2001) notes that victims were sometimes forced to participate in a so-called paseo, walking (or in some cases being dragged by a vehicle) through the village while community members spit on them, insulted them, hit them, and otherwise abused them, before finally facing their death. Castillo Claudett (2000) also documents the use of symbolic sanctions in Peru, including crucifixions, hair-cutting, and forced public undressing.

I argue that rather than spontaneous eruptions of expiatory fury, lynchings constitute a deliberate attempt by embattled communities to reaffirm values they see as threatened. In this sense, lynchings may constitute a form of generative violence, recalling Rene Girard’s discussion of acts of “violent unanimity” aimed “to restore harmony to the community, to reinforce the social fabric.” (1972:8) By overlaying violence with ritual, communities affirm that these — unlike the savage acts of criminals
— are acts of meaningful, legitimate violence. Although at first blush they may seem to be spontaneous acts of collective outrage about crime, on a deeper level lynchings are purposeful, deliberate acts which reassert community values in response to widespread anomie stemming from a broad set of social transformations, of which the rising incidence of criminality is but a single symptom.

Lynchings are acts of (perverse) political empowerment

At the same time, however, contemporary lynchings depart in a significant way from the “primitive” practices described by Durkheim and Girard. Rather than the predecessors to a modern justice system — as Durkheim and Girard describe acts of collective violence — today’s lynchings are explicit indictments of this system. The overtly “judicial” nature of many lynchings suggests that the state, courts, and legal procedures are clear reference points for lynch mobs. Lynchings often follow certain steps which crudely parallel formal legal procedures: suspects are detained and held while investigations are carried out; any evidence is brought before the decision-making body; suspects are questioned and confessions sought (often under torture); a sentence is decided upon; sometimes, proceedings are recorded for future reference. There is a deliberate attempt to mimic the functioning of the official justice system, in effect to construct an alternate system subject to the controls of the community. This suggests that lynchings reveal a conflict not only between community members and criminals, but also between communities and the state — a conflict over whose authority prevails in matters of life and death. In this way, communities who lynch struggle to regain control over not just crime, but decisionmaking authority in matters of vital import to their day-to-day lives. Lynchings are, seen in this light, defiant expressions of local autonomy. They therefore aim to communicate a message not only to their own members (in a Durkheimian sense), but to a broader audience, including especially the state.

This intention is underscored in the actions that often accompany these executions. First, participants often seek to project news of the proceedings far and wide, using the mass media and even human rights groups to carry their message. I spoke to one UN worker in Guatemala City who told me how he had been present at various lynchings, invited by the community as a witness and forced, once there, to videotape the acts. A similar eagerness of lynch mobs to be filmed is discussed in the case of Perú by Eduardo Castillo Claudett (2000). And as Carlos Vilas (2001) notes in August 1996, a videotape of a lynching in Tatalhuicapa, Playa Vicente, Veracruz, Mexico, was sent to a human rights group in the state capital. Rather than shrinking from the spotlight, the communities engaged in these acts often actively seek the attention of outsiders and the mass media.

In calling attention to these acts, communities are careful to legitimize their participation on the basis of unanimity and popular support in order to avoid potential prosecution. In some cases, lynch mobs have signed documents affirming their unanimous intention to lynch, as if to preempt charges that a single person or group was responsible; these documents are presented to the authorities as evidence that the actions taken were legitimated by the popular will. In one dramatic case, following the execution of eight suspected criminals in 2000 near Chichicastenango, Guatemala, the nation’s
President made an unprecedented visit to the region, purportedly to discuss matters and ensure that the instigators were apprehended. He was confronted with a petition affirming the communities’ intention to continue lynching as necessary, and later with a crowd of thousands who told him, “You can’t arrest anyone, Mr. President, because [if you do] the people will move and destroy what we encounter in our path.”

Furthermore, lynchings are often accompanied by public protests against the authorities, including the destruction of municipal property, the occupation of buildings and highways, and occasionally the hostage-taking of local authorities who oppose the mob. In Guatemala, judges and policemen themselves have been lynched. In Venezuela, as part of the lynching described at the beginning of this article, residents of Mariara took over the Central Regional Highway as part of their reported “rebellion against insecurity” (El Universal, 18 abril 2001) and pronounced their intention to carry out further protests as long as the intolerable levels of crime continued. These acts underscore communities’ intention to force authorities to take their concerns seriously. As one interviewee told me, “I don’t know with what intentions [lynchings] are done. Possibly to demonstrate to the authorities that they have to do something.”

If lynchings are in part a collective rite aimed at fostering cohesion among community members, they are also in part a politically charged expression of popular will through violence, aimed squarely at outsiders and the state. In Durkheimian terms, they do constitute messages aimed within, at the “healthy consciences” of the noncriminal members of the community, affirming shared values and repairing the damages to solidarity occasioned by the offending act; but they also, in an important departure from Durkheim, constitute unequivocal reactions to the state.

**Implications for democracy**

If we accept that lynchings do constitute, under some circumstances, expressions of local autonomy, this forces us to confront some disturbing questions about the nature of democracy in such contexts. Certainly, the suggestion that widespread violence threatens the stability of contemporary Latin American democracies is nothing new. In the wake of recent developments, a number of scholars have begun to identify this area as an emergent priority for future research. Felipe Aguero (1998) defines the weak rule of law as among the principal “fault lines” of democratic consolidation in Latin America. Juan E. Méndez, Guillermo O’Donnell, and Paulo Sérgio Pinheiro devote considerable attention to the topic of lawless violence in a recent volume detailing challenges to democracy in Latin America (1999). Larry Diamond (1999) suggests that this danger has been largely overlooked by theorists of democracy, despite its gravity: crime destabilizes democratizing societies, discourages the expansion of their embattled economies, and dismantles the rule of law, encouraging illegal behavior by the state and its citizens.

Undoubtedly, all of this is true. Lynchings, clearly, are a symptom of the (un)rule of law that O’Donnell and others have identified. Yet they are testament to more than merely the extraordinary violence of everyday life in highly marginalized communities. They also serve as indicators of a struggle between citizens and the state, a struggle in which communities use collective action to impose their authority and assert their autonomy in affairs about which they are extremely concerned, but on which the state has been utterly unresponsive. The problem is that the spreading sense of citizen insecurity...
unfolds in the context of near-total illegitimacy of state law — both its criminal justice functions and its representative democracy functions — and simultaneously, shattered local solidarities and norms. As a result, the “angry atomization” of O’Donnell’s (1993) vision gives rise to “angry association,” and collective violence emerges as a perverse form of community empowerment.

Crime is a serious and pressing problem in Latin America, as these studies amply illustrate. But so are the social conditions under which crime becomes a crisis. A large body of sociological literature — from the classical work of Durkheim to more contemporary scholars writing from a different range of research settings and intellectual traditions — pushes us to consider crime itself as a social product. Rather than an exogenous force threatening to undermine democratic structures, crime (or more precisely, fear of crime) may in fact be a reflection of the functioning of those structures. In contexts of extreme institutional decay, where individuals and communities feel they have nowhere to turn for a response to their problems, fear of crime is heightened; while acts of violence may indeed be spurred by real criminal events — as is clearly the case in Guatemala — the crisis is provoked not by these events *per se*, but by the lack of legitimate institutions capable of responding to crime and other concerns.

In the deeply illegitimate polyarchies of peripheral nations like Guatemala, the state and its law may not be perceived as a reasonable place to turn for assistance; in fact, the state may even be perceived as an enemy. In such contexts, communities seek to reaffirm their boundaries through resourceful means. Some strive to recover, or reinvent, the lost roots of indigenous legal practices. Some struggle to navigate the formal justice system despite its obstacles. And others see fit to construct new alternative systems subject to the needs and demands of the local population rather than the dictates of legal doctrine. Increasingly, these local alternatives include lynch mobs.

While most analyses understand popular participation under democracy as expressed at the ballot box, on the picket line, or through other familiar forms of political mobilization, the lynchings reveal a world in which state institutions are no longer seen as meaningful or legitimate arenas for collective action, but where communities continue to come together in attempts to shape and define their living conditions. It is a world in which not only institutional but also interpersonal trust has been pulverized (Lagos 2001), but agency itself is not lost. Marginalized communities are atomized, but resistance is not dead; it takes new forms, forms which reveal in their very desperation the extent of the institutional decay occasioned by recent transformations.

Conclusion

Seen in this light, lynchings constitute evidence of a distinct sociological rupture in community life, stemming from both genocidal state violence, as in the Guatemalan case, and the social dislocations associated with economic transformations in marginalized areas, as is evident more broadly. When stripped of traditional institutions of social control and dispute resolution — in the Guatemalan case, both of informal networks based on trust, kinship, and tradition, and institutions for adjudicating disputes, such as Mayan justice — and placed under the stress of a contemporary crime wave, communities turn to ritualized violence as a desperate expression of autonomy and self-defense in the face of multiple assaults. Violence becomes both the offending force and
the means of expressive response as embattled communities, seeking to reappropriate control of their lives, become ensnared in a cycle of violence and counterviolence.

As Richard Sparks et al. write, “in speaking of crime, people routinely register its entanglement with other aspects of economic, social, and moral life; attribute responsibility and blame; demand accountability and justice; and draw lines of affiliation and distance between ‘us’ and various categories of ‘them’.” (2001:896) In lynchings, communities speak as loudly about the difference between themselves and criminals as they do about the distance between themselves and the state. In the wake of dismantled militarism, violence is no longer the exclusive province of the powerful: it can be used not only top-down, but side-to-side, and even bottom-up. The lynchings in many Latin American countries show that in many post-transition regimes, the state-dominated patterns of social interaction have been discarded, but violence remains the universal language.

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2 “Por radio incitaron a sacarlos de la cárcel; desoyeron al gobernador,” *La Jornada* 27 March 1998; for a more detailed account of this lynching, see Sam Quiñones, *True Tales From Another Mexico*. Albuquerque, NM: University of New Mexico Press, 2001.
4 For purposes of this paper, lynchings are defined as incidents of physical violence committed by large numbers of private citizens against one or more individuals accused of having committed a “criminal” offense, whether or not this violence resulted in the death of the victim(s). Therefore, confrontations between armed groups, military actions, disputes over land which may result in murders, individual settling-of-accounts or vengeance killings, and other types of violence are not considered “lynchings”. The numbers of lynchings cited here reflect the number of incidents, not the number of victims; in fact, many lynchings involve multiple victims.
5 The term polyarchy was first coined by Robert Dahl (1971) to refer to a system of government whereby popular participation is confined to the expression of preferences in elite-controlled electoral contests; citizens vote, but a small group of powerful elites rules. Many theorists, similarly, have accepted variations on a “Schumpeterian” ([1943] 1976) definition for democracy whereby the establishment of free elections signals the point at which democracy is considered to have been achieved; yet in my view, the mere establishment of political institutions in which elites vie for leadership is not synonymous with the creation of a system truly “for the people”. For an excellent discussion of the
relationship of polyarchy to democracy, see Robinson (1996).

6 By locating these democracies in the developing world, I do not mean to imply that advanced industrial countries’ democracies are somehow above reproach; quite the contrary, I believe examining the cases of extreme democratic dysfunction in the periphery may shed light on related, yet perhaps less apparent, deficiencies in “core” democracies as well.

7 This is particularly a problem in Guatemala, where a number of lynchings have been instigated by former members of the paramilitary civil patrols, many of whom rely on their de facto authority to continue to impose fear among the residents of their communities. For more on paramilitary involvement in lynchings, see Godoy (2002).

8 In Guatemala, both of these statements are indisputably true. On the crime rate: in 1997 the World Bank estimated Guatemala’s homicide rate at 150 per 100,000 population, more than fifteen times the comparable rate in the United States (Buvinic, Mayra, et al. “Violence in Latin America and the Caribbean: A Framework for Action.” Inter-American Development Bank, March 1999: 3). On the justice system: a recent USAID study of the justice system found its inefficiency in prosecuting criminal cases “catastrophic”; of an estimated 90,000 cases brought to the attention of the Public Ministry per year, virtually 0 are tried by the courts. (See Hendrix, Steven. Lessons from Guatemala: Renewing US Foreign Policy on the Rule of Law. Harvard International Review. Winter 2002. 14-18)

9 http://www.rnw.nl/informarn/html/act001010_laviolencia.html
10 Personal interview with Mayan man from Chimaltenango, 6/25/99
11 Personal interview with Ricardo Ardón, Executive Director of CACIF, 6/17/99
14 Some commentaries on the Guatemalan phenomenon, including the frequently-cited United Nations Mission to Guatemala’s 2000 report on the topic, use province-by-province breakouts which show that almost as many lynchings have occurred in the capital city as in rural El Quiché as a way to dispel the myth that lynchings are somehow a “Mayan” phenomenon. Such arguments are misleading, however, because the numbers are not weighted for population; it is not surprising that in an area with a much larger population, more lynchings would occur. Per capita statistics show a more pronounced concentration of lynchings in the Western highlands.
15 In recent years, however, several Mayan organizations have undertaken significant (and in many cases, very successful) efforts to recover such practices and encourage communities to resume their use.
17 Personal interview, 10/26/00
18 My intention here is not to downplay the importance of the war in this process; quite the contrary, I consider it to be fundamental. But because I have focused on this aspect elsewhere (see Godoy 2002), I devote primary attention here to other aspects which are more generalizable to other countries of Latin America.
Furthermore, while the economic transformation of the highlands continued throughout the armed conflict, in some communities its effects are being felt most keenly now that the war is over, simply because the pressures of military occupation have receded.

For example, in the 1960s landless peasants were given tracts of land in a previously unsettled region of the rain forest in El Ixcán, El Quiché, as part of an attempt to ameliorate the agrarian crisis. As a result of this resettlement, many communities in El Ixcán are today comprised of residents from various ethnolinguistic groups, each of which has its own language, dress, and set of traditions; it is relatively unsurprising, then, that such communities face challenges knitting a new, pluralistic social fabric in the wake of the war.

It also creates a population highly vulnerable to assault: many of my interviewees expressed particularly deep outrage at activities of criminal bands who lie in wait for peasants returning from the coast, knowing that these men (and occasionally women and children too) will be returning with an entire season’s wages, usually in cash.

In Guatemala, this may be partly because those carrying out the more sensational crimes belong to more sophisticated criminal organizations, many of them comprised of demobilized former combatants with lingering ties to the state and thus a measure of guaranteed impunity, beyond the reach of a ragtag band of peasants armed with gasoline; in part it may be because such crimes, while atrocious, are more frequently talked about than they are actually experienced, and thus the stories outpace the action opportunities in terms of lynchings.

Durkheim writes, “We can thus explain a character of this reaction that has often seemed irrational…When we desire the repression of crime, it is not that we desire to avenge personally, but to avenge something sacred which we feel more or less confusedly outside and above us. …That is why penal law is not alone essentially religious in origin, but indeed always retains a certain religious stamp. It is because the acts that it punishes appear to be attacks upon something transcendent.” (100)

This is more true of rural than urban lynchings. In urban areas, lynch mobs are generally unable to hold their victims for long stretches of time without some intervention by the authorities. In rural areas, however, the relative isolation of these communities often permits lynchers more time to organize complex rituals and summon large crowds.

As Andrew Buckser has noted in a similar discussion of lynchings in the postbellum U.S. south, “a lynching which succeeded was not only a victory of the community against the supposed criminal, but also a victory of the community against the government. Justice had been done not by the law but by the communal will; the unofficial realm had triumphed over the official. In a lynching the unofficial white community symbolically regained its authority over the social order.” (1992:25)


In the case of Guatemala, this is not an unproblematic assertion. Many lynchings have occurred as a lingering remnant of authoritarianism — most specifically, as actions
directly instigated by former civil patrollers or military commissioners, in which individual community members are forced to participate out of fear for their lives. The United Nations’ 2000 report on the topic and various reports by human rights groups highlight this perspective; my own research has uncovered considerable evidence to substantiate claims that ex-paramilitary groups are often involved in instigating lynchings, and furthermore, that these acts sometimes target personal or political enemies of these groups rather than purported “criminals”. To view lynchings of this sort as expressions of popular will would be woefully inaccurate (and unfair). However, I also found that many populations unequivocally support lynchings (on this point, see Godoy, 2002). In this sense, I argue that at least some lynchings may be construed as acts of local “democracy” in the sense of actions taken in representation of “the will of the people.”

Furthermore, the frequency of lynchings in Venezuela, Peru, Ecuador, Brazil, and so many other Latin American countries underscores the inadequacy of explanations that attribute the Guatemalan lynchings only to ex-military forces. Clearly, lynchings enjoy some measure of popular support in many communities where they occur. While it is important (particularly in postconflict settings) not to take the appearance of mass participation in lynchings “at face value”, it is also important not to adopt analytical lenses which may unwittingly deny these communities any agency in their actions, defining everything they do as reactions to past victimization.

31 See, for example, the work of Richard Sparks et al., op.cit.; also Katherine Beckett, Jonathan Simon, Michael Tonry, and others.

Works Cited


