

VIOLENCE AND THE STATE IN POSTWAR GUATEMALA

by

Daniel Alejandro Núñez Gálvez

Bachelor of Science, Universidad Francisco Marroquín, 2006

Master of Arts, Universidad del Valle de Guatemala, 2008

Master of Arts, University of Pittsburgh, 2010

Submitted to the Graduate Faculty of
the Kenneth P. Dietrich Graduate School of Arts and Sciences in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy

University of Pittsburgh

2015

UNIVERSITY OF PITTSBURGH
DIETRICH SCHOOL OF ARTS AND SCIENCES

This Dissertation was presented

by

Daniel Alejandro Núñez Gálvez

It was defended on

June 22, 2015

and approved by

Kathleen Blee, Distinguished Professor of Sociology, Department of Sociology

Melanie Hughes, Associate Professor, Department of Sociology

Lara Putnam, Professor, Department of History

Dissertation Advisor: John Markoff, Distinguished University Professor, Department of
Sociology

Copyright © by Daniel Alejandro Núñez Gálvez

2015

VIOLENCE AND THE STATE IN POSTWAR GUATEMALA

Daniel Alejandro Núñez Gálvez, PhD.

University of Pittsburgh, 2015

From 1960 to 1996, Guatemala went through one of the longest and bloodiest civil wars in Latin America. Thousands of people were killed or disappeared during this violent conflict. Today, almost twenty years after the signing of peace agreements, the country remains an extremely violent place. Year after year, its homicide rates surpass the rates in most of the world, the pages of its newspapers are filled with crimes of all sorts, and its state justice system seems to disintegrate in the middle of chaos. Amid widespread impunity and fear of crime, Guatemalans sometimes “take justice into their own hands” and lynch suspected criminals, a phenomenon that scholars refer to as “extralegal violence” or “vigilantism.” According to official reports and statistics, *linchamientos* (lynchings) occur most frequently in the indigenous communities of the western highlands and in Guatemala City. The eastern region of the country seems to be immune from this type of violence. Drawing from ethnographic research that included more than 200 semi-structured interviews with state and non-state agents, participant observation, analysis of official reports, statistics and newspaper articles, my dissertation deals with crime and violence in contemporary Guatemala. I focus on two towns with contrasting characteristics: Totonicapán, a Maya-K’iche’ municipality in the country’s western highlands where a series of *linchamientos* (lynchings) have been documented since 1996, and Guastatoya, a Ladino (“non-indigenous”) municipality in the eastern region where no *linchamientos* have ever been reported but whose homicide rates are among the highest in the country. In contrast to previous studies, I

find that people in both Totonicapán and Guastatoya take violent measures against suspected criminals, but that they assign different and conflictive meanings to their practices based on the country's historical ethnic and political dynamics. I also find that state agents as well as ordinary citizens in both towns are either directly or indirectly involved in these violent acts. Rather than seeing these practices as simple examples of “vigilantism,” I argue that scholars should pay close attention to the ways in which ethnic and state-society relations shape violence and to the different meanings it can have in different places.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	X
1.0 INTRODUCTION	1
2.0 METHODS	11
2.1 CHOOSING THE SITES OF STUDY	11
2.2 GAINING ACCESS TO THE SITES OF STUDY	15
2.3 PARTICIPANT OBSERVATION	17
2.4 INTERVIEWS	19
2.5 LIMITATIONS OF THE STUDY	21
3.0 <i>LINCHAMIENTOS</i> AND POSTWAR DRAMA	27
4.0 MAKING SENSE OF <i>LINCHAMIENTOS</i>	61
4.1 THE MINUGUA REPORTS	61
4.2 SCHOLARLY WORKS	64
4.3 PROBLEMS WITH MINUGUA'S ASSESSMENT	69
4.3.1 MINUGUA'S Dataset	69
4.3.2 MINUGUA'S Regional Presence	78
4.3.3 Agency and Emphasis on the War	82
4.3.4 The Word <i>Linchamiento</i>	83

5.0	“ <i>HERE PEOPLE ARE ORGANIZED</i> ”: THE STATE, CRIME AND VIOLENCE IN A MAYA-K’ICHE’ TOWN	87
5.1	TOTONICAPÁN: A LAND DIVIDED	91
5.2	CRIME IN TOTONICAPÁN	97
5.3	MAYA LAW	100
5.4	THE STATE AND <i>LA GENTE ORGANIZADA</i>	103
5.5	LEADERS AS AGENTS OF CHANGE	125
5.6	A NOTE ON SHAME AND VIRTUE	129
5.7	CONCLUSION	138
6.0	“ <i>THE PERSON IS SIMPLY NOT THERE ANYMORE</i> ”: THE STATE, CRIME AND VIOLENCE IN A LADINO TOWN	140
6.1	A BRIEF OVERVIEW OF <i>LIMPIEZA SOCIAL</i> IN GUATEMALA	143
6.2	GUASTATOYA: THE CAPITAL OF FRIENDSHIP	146
6.3	THE SILENCE OF GUASTATOYA	151
6.4	THE MEANINGS OF <i>LINCHAMIENTOS</i> IN GUASTATOYA	159
6.5	CONCLUSION	163
7.0	BEYOND <i>LINCHAMIENTOS</i> AND VIGILANTISM	165
	APPENDIX A	182
	APPENDIX B	187
	APPENDIX C	190
	BIBLIOGRAPHY	191

LIST OF TABLES

Table 1. Ethnicity of communities involved in <i>linchamientos</i> according to MINUGUA.....	70
Table 2. Number of <i>linchamientos</i> by percentage of triggering event from 1996 to 2002.....	74
Table 3. Number of <i>linchamientos</i> by department and year and civil patrollers	76
Table 4. Number of <i>linchamientos</i> and MINUGUA's regional presence.....	79
Table 5. <i>Linchamientos</i> in the municipality of Totonicapán, according to MINUGUA.....	108
Table 6. Shame as component of person, negative emotion and desirable trait.	133
Table 7. Approval of popular justice in 2008 and 2010 (in percentages)	176
Table 8. Approval of popular justice in 2008 by region (in percentages)	178
Table 9. Approval of popular justice in 2010 by region (in percentages)	178

LIST OF FIGURES

Figure 1. Map of Guatemala.....	7
Figure 2. Map of sites of study	14
Figure 3. Ethnic map of contemporary Guatemala	28
Figure 4. Protesters in San Juan Chamelco	43
Figure 5. <i>Linchamiento</i> in Nueva Concepción	43
Figure 6. Protests against the Minister of Education depicted on the cover of <i>Prensa Libre</i>	45
Figure 7. Protests against Alfonso Portillo depicted in <i>Prensa Libre</i>	46
Figure 8. Protests against <i>El Periódico</i> depicted on the cover of <i>Prensa Libre</i>	48
Figure 9. Poster from the Judiciary's Educational Program to prevent <i>linchamientos</i>	50
Figure 10. Educational brochure from the Judiciary	51
Figure 11. The Judiciary's view of multiculturalism.....	52
Figure 12. Judge explaining why <i>linchamientos</i> are unlawful	53
Figure 13. People involved in a <i>linchamiento</i> from the Judiciary's perspective.....	56
Figure 14. A <i>linchamiento</i> from the Judiciary's perspective	57
Figure 15. Map of Totonicapán's Center	90
Figure 16. "Neighbors Organized Against Crime"	116
Figure 17. Old gate in <i>Tenerías</i> that reads, "Zone 4 is organized against delinquency"	120
Figure 18. Map of Guastatoya's Center	142
Figure 19. <i>Tuctucs</i> in Guastatoya	150
Figure 20. Street in Guastatoya	157
Figure 21. Regions that experienced major shifts in approval of popular justice from 2008 to 2010.	179

ACKNOWLEDGEMENTS

Many people made writing this dissertation possible. Among my dissertation committee members, I would like to give special thanks to my advisor, John Markoff, for his generous support during the process, for providing infinitely detailed comments and suggestions on every single draft I turned in, for listening to my ideas instead of trying to impose his, and for referring me to an endless list of books and articles that will take me a lifetime to read. I would also like to thank the rest of my dissertation committee members—Kathleen Blee, Lara Putnam and Melanie Hughes—for sharing their expertise and knowledge with me, for being so generous with their time, for their warm encouragement, and for taking my work seriously. I am particularly grateful to Lara Putnam for agreeing to join my dissertation committee and for guiding me through a directed study on the history of state formation in Central America. In addition, I would like to thank Mohammed Bamyeh for his support and for his fascinating lectures, and Lisa Brush for taking the time to read portions of my work and for sharing her valuable theoretical insights.

In Guatemala, I would like to thank several people. Even though they have to remain anonymous, I will be forever indebted to all the people who agreed to talk and share their worldviews with me in Totonicapán and Guastatoya. I want to thank the people at the Interior Ministry and the Human Rights Ombudsman Office who offered their insights and helped me figure out which municipalities were possible to include in my study. I am grateful to Gustavo

Herrarte, a dear friend and teacher who has encouraged me from the beginning. I would like to extend my gratitude to Carlos Mendoza for sharing his ideas and data with me when I first decided to embark on this project. And I would like to thank the people at the *Universidad del Valle de Guatemala*—Arturo Matute, Andrés Álvarez and Lissette Castañeda—for providing me with institutional support during the time of my research.

During the writing phase of my dissertation, several people provided comments and suggestions on drafts or conference papers that eventually became separate chapters and potential stand-alone publications. I would like to thank Regina Bateson for taking the time to read a conference paper on Guastatoya, for her advice, and for her enthusiasm. I am also grateful to Gema Santamaría and David Carey Jr. for their detailed readings and commentaries on my work, in particular the portions that deal with Guastatoya. I am immensely grateful to Rachel Sieder for sharing her expertise and commenting my work on Totonicapán. The participants in the workshop “Encountering Transnational Security Governance and Violence in Guatemala” organized in 2014 by the Collaborative Research Center “Governance in Areas of Limited Statehood” and the Free University of Berlin also provided valuable insights on an early version of the chapter on Totonicapán that dealt with violence and human rights. In particular, I would like to thank Markus Michael Müller, Kristen Weld and Dirk Kruijt for their observations, critiques and recommendations during and after the workshop. I am indebted to all the people who attended and commented my presentations at the LASA Congresses in 2012, 2013 and 2014. In particular, during the last LASA meeting I attended in 2014, Ariel C. Armony commented a paper I wrote about the representations of violence in newspapers and encouraged me to keep putting my work out there

Doing research and writing this dissertation was possible thanks to a number of fellowships and grants I received during my time at the University of Pittsburgh. I would like to

thank the Dietrich School of Arts and Sciences for providing me with a Social Sciences Doctoral Dissertation Fellowship for the 2011-12 academic year and with an Andrew Mellon Predoctoral Fellowship for the 2014-15 period. I would also like to thank the Center for Latin American Studies (CLAS) for providing me with a Graduate Student Field Research Grant I used at the initial exploratory phase of my work back in 2011. Without the financial assistance of these organizations, I would have not been able to devote myself completely to my project.

No words can describe how thankful I am to my parents. Throughout their lives, they have taught me the meaning of unconditional love and have believed in me when I have needed it the most. Thank you for giving me a home that I feel I can always go back to. This dissertation is dedicated to you.

Finally, I don't consider myself a religious person, but I do believe that no human being can endure life without a notion of the sacred. To my source of that feeling of transcendence, thank you.

1.0 INTRODUCTION

Cuando ya las balas iban por el aire quise gritar una sola palabra, aquella que significa estar
callado, junto al amigo, escuchando el viento y enterrando los dedos en el suelo, sin dolor, sin
hambre ni recuerdos. O tal vez alguna otra que significara estar poseído de grandes sentimientos
de destrucción y de ira, querer acabar con las leyes de los hombres y establecer en el mundo un
estado de justicia simple y profunda.
Pero mis labios sólo tomaron la forma de las blasfemias.
(Mario Monteforte Toledo, *Los de la sangre de Iztayub*)¹

The opening epigraph belongs to a short story by Mario Monteforte Toledo, a Guatemalan writer, sociologist and politician who died in 2003, at the age of 92. First published in 1952, *Los de la sangre de Iztayub* portrays the drama of a K'iche' community in Chichicastenango, a town in western Guatemala that is beginning to break down as a result of intruding modernizing forces and opportunistic foreigners. Iztayub was a man of Maya-K'iche' ancestry who had managed to avoid the violent influence brought upon that community by Spaniards and their descendants by living in the surrounding mountains. He lived as his ancestors did and had intimate knowledge of their way of seeing life. In fact, he was one of the few natives who knew about "The Book of the People," a sacred document that recounted the entire history of the K'iche', among other

¹ "When the bullets were already flying through the air, I felt like shouting one single word, that word that means to sit quietly, next to your friend, while listening to the wind and burying your fingers in the soil, without pain, without hunger or memories. Or perhaps some other word that meant being possessed by intense feelings of destruction and rage, to want to be done with the laws of men and establish in the world a state of simple and profound justice. But my lips merely took the form of blasphemies" (Monteforte 1993:312). My own translation from Spanish. Unless otherwise noted, all translations from Spanish are my own.

mysteries. The book was said to be somewhere in a cave near the bones of other well-respected natives who had taken its secrets with them. After Iztayub joined them, it was said that there were other natives who knew about the book and the cave, but nobody knew who they were.

In the story, a man who thinks of himself as an outsider is living among the K'iche' in Chichicastenango. One could say that this man is an alter ego of Monteforte, because for a few years the writer lived among the Kaqchikel in Sololá, married a Kaqchikel woman, and had a daughter with her. Just like Monteforte in Sololá, the man in the story is a lawyer who helps locals with their legal problems. They pay him, he says, with "little pigs, fruits, onions, eggs, and sometimes [with] blessings" (Monteforte 1993:310). The lawyer grows fond of a charismatic and respected K'iche' man named Cahuec, who teaches him about his people. Although both share a profound friendship, Cahuec remains an elusive figure for the lawyer, perhaps representing the indigenous world for Monteforte. Reflecting on the distance of the K'iche' language from Spanish, for example, the lawyer recounts how Cahuec would sometimes teach him words whose meaning comprised entire experiences, like the word from the quote: "that word that means to sit quietly, next to your friend, while listening to the wind and burying your fingers in the soil, without pain, without hunger or memories" (Monteforte 1993:312). This man had a profound influence on the lawyer. "He was the only man with whom I have ever felt the need to talk; by his side one would feel charged with interior life, without worry or those strange tortures produced by thought" (Monteforte 1993:310). There is only one problem that concerns Cahuec: his oldest son. Unlike his father, Cahuec's oldest son shows no love or respect for the old Maya-K'iche' traditions, and because of this Cahuec resents and distrusts him deeply. "One time he hit him in front of me; he hit him and I had to intervene. The boy crouched in a corner but kept smiling insolently" (Monteforte 1993:311).

One day, the lawyer learns that Cahuec has killed a man in a moving train while going through a tunnel, and that the police have taken him to prison. Confused and angry, the lawyer decides to defend Cahuec, “without conviction and with resentment” (Monteforte 1993:311). During their conversations, Cahuec proudly and repeatedly admits that he indeed killed the man: a professor from a foreign university who used a fake name to live among locals and study them. Cahuec also reveals that he is one of the last guardians of the “The Book of the People,” and that he has previously killed his oldest son by throwing him into a ravine. It turns out Cahuec had discovered that his son had sold the book to the professor, an offense he considered sacrilege. “Then Cahuec chased the foreigner, untiringly, and inside the tunnel recovered the book of his people. Obscurity of the world, race of nocturnal lands...” (Monteforte 1993:312). The story ends with the epigraph at the beginning of this dissertation, which lets the reader know that Cahuec was executed by firing squad.

Although set in the late 1940s or early 1950s, *Los de la sangre de Iztayub* depicts the encounter between two actors in contemporary Guatemala. Cahuec symbolizes the indigenous world, while the lawyer symbolizes the world of Ladinos. In general, the term “Ladino” refers to people of mixed European and indigenous ancestries who play down or completely deny their native roots and accentuate their European origins. They usually live in better conditions than indigenous people, enjoy a higher social status, and hold positions of power. Most of them speak Spanish and wear traditional western clothes. According to official numbers, Ladinos make up around 60 percent of the total population in Guatemala (Instituto Nacional de Estadística 2003).

The term “indigenous people” refers to approximately 24 ethnic groups spread across the southern, western and northern regions of the country, and to some isolated groups in the east. These people are usually peasants engaged in subsistence and seasonal agriculture, artisans or merchants who rarely hold positions of power. Some speak both Spanish and their native Mayan

language, while others speak only one or the other. Some wear traditional Maya clothes, while others do not. Guatemalans who think of themselves as Ladino or “non-indigenous” usually regard indigenous people as inferior or as backwards. During the last 30 years, various indigenous groups have organized and mobilized against oppression. The groups can be divided into those who see themselves and their struggles in terms of culture and those who see them in terms of class (Warren 1998). In broad terms, militants who define themselves as “Maya” belong to the first group, while those who see themselves as “indigenous” or as “peasants” belong to the second.

As many other countries in Latin America, Guatemala was part of the “third wave of democratization” during the 1980s (Hagopian and Mainwaring 2005). Before that decade, the country had been under military rule and going through a Civil War for approximately 20 years. In 1985, the country held democratic elections and the new civilian government began to take steps to put an end to the war. During the 1990s, the results were mixed. The decade saw the signing of peace agreements between guerrilla organizations and the government, but also a constitutional crisis in 1993 and an alarming increase in violent crime. Although democratic elections were still held, the social inequalities that had led to the war in the first place remained very much in place and were generating new problems.

One of the strange issues that emerged during the 1990s and created difficulties for the peace process was lynching. As the final peace negotiations were taking place between the government and guerrilla organizations, newspapers began to report *linchamientos* (lynchings) of alleged wrongdoers in some indigenous communities. The incidents ranged from simple beatings to extreme spectacles of torture and burning of individuals. Like the lawyer in Monteforte’s short story, these macabre events dumbfounded many commentators. “There is nothing in the history of communities,” two scholars wrote, “that indicates that indigenous people are predisposed to

lynching. On the contrary, the lynchings carried out by indigenous people confuse us because of their novelty” (Adams and Bastos 2003:177). As time went on, researchers began to tackle the problem and struggled to find an explanation. They found that many *linchamientos* had been instigated by former wartime paramilitary organizations, and that indigenous communities were going through multiple crises brought upon by globalization and the end of the war (Godoy 2006; Gutiérrez and Kobrak 2001; Handy 2004). Like in *Los de la sangre de Iztayub*, the idea behind the literature was that indigenous communities were trying to preserve their ways of living through violence in view of what they saw as unjust and threatening outside forces.

This dissertation deals with *linchamientos* and other forms of violence against alleged criminals in contemporary Guatemala. Rather than focusing exclusively on the indigenous world, I analyze how people deal with crime in both indigenous and Ladino municipalities. The work is mainly based on ethnographic research I carried out in Totonicapán, a Maya-Kiche’ town in the western highlands, and Guastatoya, a Ladino municipality in the eastern part of the country during the fall of 2011, spring of 2012 and summer of 2013. In Totonicapán, the United Nations Verification Mission in Guatemala (MINUGUA) documented nine *linchamientos* from 1996 to 2002 (MINUGUA 2004). After that period, the police and human rights organizations have documented at least three more *linchamientos* in that area (Policía Nacional Civil 2001-2011; Procuraduría de los Derechos Humanos 2005-2009). To my surprise, what I found is that state agents and media outlets in Guatemala use the word *linchamiento* loosely to classify any incident in which a group of people inflict some kind of harm on another person or group of persons. People in Totonicapán have actually organized against crime, but their organizations maintain different relations with the state and with the local indigenous system of governance. Almost all of the incidents that official statistics classify as *linchamiento* in that town have involved the beating of alleged wrongdoers, but only one has ended with the death of the victims. The classification is

problematic because these incidents represent people's fearful reactions to increasing levels of crime, the state's attempt to control delinquency, and the efforts of indigenous authorities to reconstruct their own form of law in a postwar context. As I will show in the chapters below, the issue is a highly contested political matter that involves different ideas about customary law and the use of physical violence. The classification is also problematic because the word *linchamiento* connotes barbarism, savagery and ignorance in the highly racialized context of Guatemala. In contrast, what I found in Guastatoya was that, even though no *linchamientos* had ever been reported there from 1996 to 2013,² some locals claim people have taken deadly action against alleged wrongdoers over the past decades. The incidents have gone largely unnoticed because state agents and other powerful groups seem to have been involved in the acts, and therefore people have avoided reporting them out of fear of reprisals. The lack of reports and information also seem to stem from the interpretations and representations of violence that Guastatoyans make based on their own ideas of indigenous people and *linchamientos*.

The general argument that I make in this dissertation is twofold. First, I argue that the incidents against alleged criminals in Totonicapán and Guastatoya should not be seen as simple acts of “vigilantism” or of people “taking justice into their own hands.” As I show in the respective chapters, the state is often involved in these acts, either directly or indirectly, so to see them as simple acts of violence that occur “outside” or “on the fringes” of the state can be misleading. Second, I argue that, in order to understand violent acts against transgressors in Guatemala, scholars and analysts should pay close attention to the different meanings that violence can have in different contexts (Aijmer and Abbink 2000; Stanko 2003). The classification schemes that people in Guatemala use to make sense of these violent actions are

² The newspaper *Prensa Libre* reported the first attempt of *linchamiento* ever in Guastatoya in 2014. See Oliva (2014).

deeply embedded in the country's ethnic and political dynamics. Their meanings have emerged naturally from social interactions over time, but state and non-state agents also seem to be able to manipulate them as a means to avoid being held responsible for them. I argue that an appraisal that takes into consideration not only the characteristics of violence but also the ways in which state agents and ordinary citizens interpret and represent violent acts would provide a more complete view of the situation in contemporary Guatemala.



Figure 1. Map of Guatemala³

³ Sources: QGIS Development Team, 2015. QGIS Geographic Information System. Open Source Geospatial Foundation Project. <http://qgis.osgeo.org>. Base map and territorial divisions: *Secretaría General de Planificación* (SEGEPLAN), available here: http://www.segeplan.gob.gt/2.0/index.php?option=com_wrapper&view=wrapper&Itemid=269.

The study of deadly violence carries with it a number of difficulties. For any sane individual, any time a human being kills another human being generates revulsion, regardless of the details of the incident. In some instances the act might seem as if it was unavoidable, for example, those in which the life of the killers had been in danger. But in general the act of killing itself produces an immediate visceral repugnance that is hard, if not impossible, to overcome. This is even more the case when the individuals involved in a killing purposefully make their acts public, with the clear intention of making an example out of their victims. At that point, language can succumb to the concreteness of the act, and we might find ourselves like the lawyer in *Los de la sangre de Iztayub*, feeling “like shouting one single word,” but being unable to channel the stream of conflicting emotions into a coherent sentence.

The study of violence in Guatemala carries with it an additional difficulty. Because of their direct or indirect involvement in the political struggles of the country, some scholars and activists have tended to portray indigenous people simply as victims of what is unquestionably an unjust and obscene system that nevertheless has important contradictions and ambiguities (Stoll 2009). When it comes to indigenous people committing abuses, this tendency can lead scholars to find themselves in a moral ambivalent position. How to criticize those for whom they feel the need to defend? How to condemn violent acts carried out by indigenous people without falling into apologetic rationalizations or simple disqualifications? This is not something unique to Guatemala. Writing about his experience with vigilantism in Tanzania, anthropologist Ray Abrahams noted his ambivalence towards the subject because of his “sympathy for ‘ordinary’ villagers” (Abrahams 1996:42). The phenomenon is akin to what Robben (1995:83) calls “ethnographic seduction,” a process by which ethnographers can find themselves “being led astray unawares” by the charisma of the people they study. Even though they are clearly distinct, seduction and ambivalence involve identification with the subjects of study, which can ultimately

undermine the researcher's capacity to be critical and to reflect on the phenomena from a detached point of view, however far that may be possible (Robben 1995:85).

Because of my status as a middle-class man from Guatemala City, the first time I read *Los de la sangre de Iztayub* I identified with the lawyer. Like him, I had always thought of myself as a “non-indigenous” person, and of the indigenous world as a remote abstraction utterly detached from my comfortable and protected environment. It was only after reading about the colonial origins of both identities that I became aware of their socially constructed and interdependent nature, and of the great depths of the problems in my country. My study of the indigenous world was complicated by the deep emotions that studying violence carries with it. Many times, while reading about *linchamientos* in some indigenous communities, I found myself like the lawyer, numbed with confusion and unable to express myself coherently. Without a doubt, my social upbringing and my object of study made writing this dissertation much harder than I expected. I cannot claim that I have surpassed all these barriers. I don't even know if that is possible or desirable. What I can claim is that this dissertation represents an honest effort to understand violence in that deep ethnic maze called Guatemala. It is an attempt to understand *la violencia* and the different ways in which state and non-state agents make sense of it.

The dissertation is organized thematically. The “Methods” chapter describes the process through which I chose Totonicapán and Guastatoya as my sites of study and gained access to them, as well as the ethnographic methods I used. It also analyzes some of the major challenges and limitations I encountered during my research. In “*Linchamientos* and Postwar Drama,” I examine the upheaval that *linchamientos* generated at the end of the Civil War and the debates that emerged around them in the news in terms of ethnic and class relations. The chapter “Making Sense of *Linchamientos*” offers a critical review of the different ways in which MINUGUA and scholars explained these practices, and a critique of the MINUGUA reports

and dataset. In “‘*Here People Are Organized*’: The State, Crime and Violence in a Maya’Kiche’ Town,” the dissertation focuses on violence against alleged wrongdoers in Totonicapán. More specifically, the chapter focuses on incidents that newspapers sometimes refer to as *vapuleos* (beatings) and state institutions as *linchamientos*. Rather than being simple, chaotic reactions against crime from civilians, I show that these incidents emerge out of complex neighborhood organizations that maintain different relations with the state and indigenous authorities. I also show that the incidents are highly contested political acts that involve different ideas about Maya law and the use of physical violence. In “‘*The Person is Simply Not There Anymore*’: The State, Crime and Violence in a Ladino Town,” I focus on acts of deadly violence against alleged criminals that some people in Guastatoya refer to as *limpieza social* (social cleansing) or as disappearances. Instead of being acts of violence carried out exclusively by obscure state agents, as the term connotes in the Guatemalan context, I show that non-state agents are often involved in them as well. Both chapters seek to demonstrate that violence against alleged criminals in both towns involves state and non-state agents who interpret their acts differently by drawing from the country’s ethnic and political history. Finally, in “Beyond Vigilantism and *Mano Dura*,” I summarize the main arguments of the dissertation and offer some insights into the regional patterns of violence in contemporary Guatemala.

2.0 METHODS

2.1 CHOOSING THE SITES OF STUDY

The reasons why I chose Totonicapán and Guastatoya as my sites of study were mostly determined by the circumstances I encountered in Guatemala during the fall of 2011. Based on the variables that other studies had suggested were important to understand *linchamientos*, I originally made a list of seven departments from which I would choose two municipalities. In research methodology, this is known as “purposive sampling.” As anthropologist H. Russell Bernard explains, “In purposive sampling, you decide the purpose you want informants (or communities) to serve, and you go out to find some” (Bernard 2006:189). This type of sampling is usually appropriate for intensive case or critical case studies, in which the purpose is to study a particular cultural phenomenon or behavior that the chosen informants or communities one chooses exhibit (Bernard 2006:190-91). The idea was to go to Guatemala first and then visit two or three municipalities in each department and eventually choose one from each. From the list I chose the departments of Alta Verapaz and Zacapa, mainly because of the historical contrasts they offered and because in Alta Verapaz MINUGUA documented the highest number of *linchamientos* from 1996 to 2002, while in Zacapa it documented none (MINUGUA 2004). However, once I arrived in Guatemala, personnel from the Interior Ministry and friends advised me not to carry out research in Alta Verapaz because of violence related to narcotics trafficking.

As a result, I decided to choose a municipality in Sololá, a department in the western part of the country where the majority of the people self-identify as Maya-Kaqchikel and where the United Nations also documented a great number of *linchamientos* during the peace implementation period (MINUGUA 2004). That plan also turned out to be impossible. In October of 2011, a so-called vigilante group in Panajachel, a town in Sololá, was accused of committing several crimes against local residents (Arce and Anónimo 2011). Because of the increased sensitivity to the topic, it became impossible for me to carry out my research there. Furthermore, during 2011 Guatemala went through general elections. The first round of elections was held on September 11, while the second round was held on November 6. Because of the heightened political tensions that are common during this period, personnel from the Interior Ministry advised me to postpone my research until the elections were over. Since that meant sitting still for almost two months, I decided to concentrate on interviewing state agents and on collecting newspaper reports about *linchamientos* in the General Archive of Central America in Guatemala City.

While waiting for the elections to be over, I began to look into the department of El Progreso, a small department close to Guatemala City where the majority of people self-identify as Ladino. Within this department, I found that the head municipality, Guastatoya, had an unusually high homicide rate when compared to other municipalities in the country, but that people referred to it as a very “peaceful place.” Their evaluation was partly right because the high homicide rates are actually the result of the municipality’s small population and not of the number of homicides. Because the municipality is so small, two or three homicides per year can in fact produce very high rates. I then noticed that the United Nations had not documented any *linchamiento* in Guastatoya during the 1990s and early 2000s (MINUGUA 2004). After consulting with personnel from the Interior Ministry, I visited Guastatoya and decided to include it in my study as a third case. In the end, however, Guastatoya became one of my main research sites.

After giving up Alta Verapaz and Sololá, I began to look into Totonicapán, a Maya-K'iche' department to the west of Guatemala City. After consulting some of the literature on the department and with personnel from the Interior Ministry, I visited the head municipality of Totonicapán, which bears the same name, and eventually included it as my second research site. In the end, the decision to choose this municipality was threefold. First, even though the United Nations documented nine *linchamientos* in Totonicapán from 1996 to 2002 (MINUGUA 2004), no study had ever tackled the issue there. Second, even though, according to the literature, the Civil War was one of the main explanations for *linchamientos*, Totonicapán emerged from the war relatively unharmed (Ekern 2010; Smith 1988). And third, Totonicapán also had the reputation of being a peaceful place in Guatemala because of its low homicide rates, a characteristic that some of my informants in the Interior Ministry associated with the municipality's indigenous system of governance. These three characteristics were convincing enough for me to think that Totonicapán would be a complex but fascinating place to study along with Guastatoya.

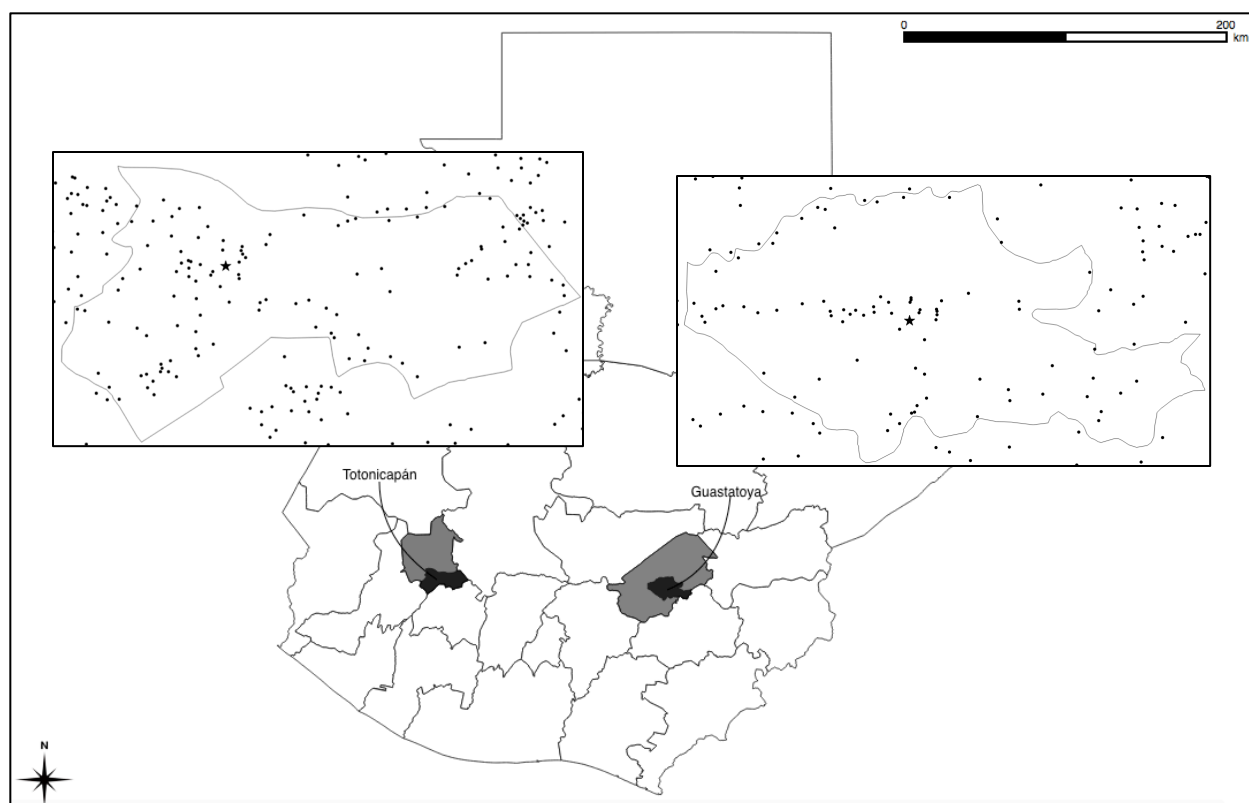


Figure 2. Map of sites of study⁴

Totonicapán, in the department of the same name (grey), and Guastatoya, in the department of El Progreso (grey). The inserted maps represent the location of the towns (star) within each municipality. The dots scattered throughout the municipalities are what the state classifies as “lugares poblados” (populated places). People from Totonicapán refer to some of these places as “cantones” (cantons).

⁴ Sources: QGIS Development Team, 2015. QGIS Geographic Information System. Open Source Geospatial Foundation Project. <http://qgis.osgeo.org>. Base map and territorial divisions: *Secretaría General de Planificación* (SEGEPLAN), available here: http://www.segeplan.gob.gt/2.0/index.php?option=com_wrapper&view=wrapper&Itemid=269.

2.2 GAINING ACCESS TO THE SITES OF STUDY

From October of 2011 to March of 2012, I visited Guastatoya and Totonicapán on several occasions. In both towns I stayed in hotels for periods of two to three weeks before going to Guatemala City and back again. In order to gain access to both municipalities, I contacted personnel from the Interior Ministry in Guatemala City and they put me in contact with some of their representatives in each town. After interviewing them and other state agents from the local state justice system, I slowly moved my way down the administrative hierarchy and then out to local residents. State agents included judges, public prosecutors, police officers, and personnel from the local state justice system. During the time I stayed in both towns, I interacted with people every day, had numerous conversations with them on a regular basis, and had coffee or meals at some of their houses or food establishments. I attended local celebrations, church meetings, special holidays, and in Guastatoya visited one of the surrounding villages.

Gaining access to townspeople in Guastatoya was relatively simple. I only encountered one significant problem. As in other municipalities in Guatemala, local power dynamics in Guastatoya are partly shaped by the relationship between the town's mayor and the department's governor. The mayor and governor head the municipal and the departmental development councils, respectively, both of which are part of a national system of development councils. This system is designed so that the demands that people make at the local level reach the president and other state representatives. Different actors are responsible for evaluating and transferring the demands from one level to another. In theory, demands at the local level should flow naturally from the municipal, departmental, and regional levels, to eventually reach the national level. In practice, however, the fluidity of the process is determined by power dynamics. In general, if the mayor and the governor are members of the same political party, or if they have

some kind of political arrangement, demands from the municipal to the departmental level flow relatively smoothly. But if the mayor and the governor are not members of the same political party, or if they have some sort of rivalry, then the governor can block the demands from the municipal development council. This creates local tensions because the mayor is left without an important source of funding for local projects, and residents can come to believe that their demands are being ignored. The governor, in the meantime, can focus exclusively on the demands of the people who support his or her political party, which intensifies the political fragmentation. This situation often makes mayors dependent on relations of patronage with local residents to remain in power.

After some weeks in Guastatoya, I found that the division between the mayor and the governor was affecting my research. When I began to interview local residents, I noticed a few of them gave me dubious answers that did not coincide with what other people were telling me and with what I was seeing. For example, some of these people claimed that the town had no problems whatsoever and that everything was perfect. Guastatoyans had no problems with the police, with the local hospital, with finding jobs, with crime, or with the state justice system, even though a simple visit to any official facility revealed otherwise. Others simply did not agree to have an interview with me. Most of these people worked at the Municipal Hall headed by the mayor who was a member of the *Partido Patriota* (PP), the political party that represented the main opposition to the party of the president and the governor at the time, the *Unidad Nacional de la Esperanza* (UNE). Because I gained access to the municipality through the Interior Ministry, which the governor also heads, some of my informants later suggested that people close to the mayor probably thought I was a member of the UNE and doubted my intentions.

Gaining access to Totonicapán was more complicated. As in Guastatoya, in this town I began by conducting interviews with personnel from the Interior Ministry and then slowly moved

into other state institutions. Before interviewing townspeople, however, a state agent told me I had to ask the representatives of the indigenous local system of governance for permission.⁵ After meeting with the representatives of the four zones that make up the town's center, they asked me to present my dissertation formally to them and explain my plans in detail. During the presentation, they asked me about my research plans and purposes, read the questionnaire I was planning to use, and asked me to modify some of the language. In the end, they allowed me to carry out my research and agreed to give me a signed permission that I could show people in each zone before asking to interview them. They also asked me to stay within three blocks of one of the central plazas and not to interview people beyond that point, "for my own safety." Because of my position as an outsider, they believed I could generate distrust among locals. As it turned out, only two of the representatives actually gave me the signed permission they had promised for their respective zones. From the other two, one never answered my phone calls, while the other one told me he thought I should just go ahead and carry out my research without a written permission. Because of the precautions they initially gave me, I decided not to carry out my research in these two specific zones at all. However, I managed to get some information about them from people in the other two zones.

2.3 PARTICIPANT OBSERVATION

During the time I stayed in both towns, I carried out participant observation of daily life. As John W. Creswell explains, "As a process, ethnography involves extended observations of the group,

⁵ This system is known as *Los 48 cantones* (the 48 cantons). I explain this system in detail in the chapter on Totonicapán.

most often through *participant observation*, in which the researcher is *immersed* in the day-to-day lives of the people and observes and interviews the group participants” (Creswell 2007:68, original emphasis). To immerse myself in both towns, I visited all the state institutions that I was allowed into, attended local celebrations and church meetings, interacted and had numerous conversations with people every day, ate meals at some of their houses or at the small restaurants that some of them own, and participated in special holidays. I also visited a neighboring village in Guastatoya. Throughout the entire fieldwork, my role as a researcher was that of a participating observer. According to Bernard, “participating observers” are “outsiders who participate in some aspects of life around them and record what they can” (Bernard 2006:347).

As part of my visits to state institutions, I attended two meetings at the Interior Ministry and one court hearing in Guastatoya, while in Totonicapán I attended one meeting at the Interior Ministry and one court hearing. State agents from different institutions held these meetings at the Interior Ministry in both towns to discuss crime and the state’s efforts to fight against it. The meetings involved actors from different institutions who exchanged ideas about these issues from their personal and institutional perspectives. Given that in both towns a representative of the Interior Ministry personally invited me and introduced me to the rest of the participants before each meeting started, the atmosphere felt relaxed and people seemed to talk about crime quite openly. During each meeting, I used an observation template, took detailed notes and asked questions to several participants. In contrast, the court hearings were less open and useful for my research. In Guastatoya, a police officer did not allow me to enter the building where the hearing took place, and therefore the notes I took while listening from the outside were limited to what I could hear and see. In Totonicapán, I sat through an entire hearing but was not able to interact with other participants because of the legal formalities involved.

2.4 INTERVIEWS

The two main research questions that guided my fieldwork in Guatemala were: 1) How do practices against crime vary between Guastatoya and Totonicapán? 2) How do people make sense of practices against crime in Guastatoya and Totonicapán? For each question, I designed five subsidiary research questions on which I based a questionnaire that I used to interview people in both municipalities. To choose my informants, I used a combination of “convenience sampling” and “maximum variation sampling” and made sure they varied in terms of age, sex, occupation and place of residence within each town (Bernard 2006:191-92; Creswell 2007:126). In Guastatoya, I also made sure I interviewed people during both weekdays and weekends, because many people who live there commute to Guatemala City or to other nearby towns on a daily basis. As Bernard explains, “Convenience sampling is a glorified term for grabbing whoever will stand still long enough to answer your questions. Sometimes convenience samples are all that’s available, and you just have to make do” (Bernard 2006:191-92). “Maximum variation,” in turn, “consists of determining in advance some criteria that differentiate the sites or participants, and then selecting sites or participants that are quite different on the criteria” (Creswell 2007:126). I initially considered using “snowball sampling” to choose my informants, but the conditions I found in the field did not allow me to do so. After talking with some people in Guastatoya, I realized it would be awkward and could even look suspicious if I went looking for specific people to talk about the issues I was interested in. People were not going to feel comfortable when they realized a stranger knew their names and wanted to talk to them about crime and violence in their town. The caution with which people addressed these topics in Guastatoya pushed me towards choosing another sampling method, and I followed the same procedure in Totonicapán as well. My strategy was to be as transparent as possible and to choose

a wide variety of people. I basically walked around both towns and approached people in the street or at local businesses in different neighborhoods, introduced myself, explained my study, and asked them if they would be willing to answer my questionnaire.

In order to prove to my interlocutors that I was actually who I said I was, I used several forms of identification. First, my advisor wrote and signed a letter for me explaining my study and its purely academic purpose. I was also able to get the institutional support from the Master's Program in Development and the Department of Sociology and Anthropology at the *Universidad del Valle de Guatemala* (UVG). Representatives from these two institutions also wrote and signed a letter for me explaining my study and its scholarly purpose. In addition, they provided me with a phone number that my informants could dial if they had additional questions about my study or myself. I also had a cell phone number that my interviewees could use to contact me or ask me about my study. At all times, I carried with me my University of Pittsburgh identification card hanging from a necklace, and my Guatemalan state identification in my pocket. In Totonicapán, I also carried with me the two letters that the two representatives from the indigenous system of governance wrote and signed for me. Before asking to interview people, I showed them all these documents and explained to them the academic purpose of my study.

In order to protect the anonymity of my informants, throughout the dissertation I use a letter and a number to classify each interview. In general, the letters B and C denote a state agent and a non-state agent in Guastatoya, respectively, while the letters D and E denote the same in Totonicapán. In most cases I provide some demographic and background information for each respondent to reflect his or her position within the social structure of the town. I omit this information in a few instances when the information I provide is particularly sensitive.

2.5 LIMITATIONS OF THE STUDY

There are two main limitations to this study that should be noted. The first limitation has to do with convenience sampling. As Bernard notes about quota samples, convenience samples “are biased towards people you can find easily” (Bernard 2006:188). This means that the samples may not be representative of the entire populations we are studying. In this case, the populations are the municipalities of Totonicapán and Guastatoya, but my fieldwork was based on the urban center of both. In a country that is more “a country of villages than a centralized nation” (Gutiérrez and Kobrak 2001:60), dynamics can shift dramatically in a matter of short distances. Hence, what I explain and argue about both towns should be understood as specific to their urban centers and not to the villages that surround them. Moreover, precisely because convenience samples depend upon “convenience,” it is possible to miss segments of the population that are not easily found. In this case, I approached people on the streets and at local businesses that were already open to the public, but didn’t knock on closed doors to avoid arousing unfounded suspicions. Because my research dealt with sensitive topics, people could find it weird if I knocked on their doors and asked questions about them. I simply don’t know if by avoiding knocking on doors I systematically missed an important segment of the population in both towns.

A second limitation of this study has to do with the way I interviewed people, which was determined to a great extent by the conditions I found in the field. In Guatemala City, I began by interviewing state agents from the justice system and recorded all of my interviews. These were mostly exploratory interviews to help me choose the municipalities for my study. When I first arrived in Guastatoya, I also started by interviewing state agents. The first few agreed to have their interviews recorded, but the conversations were tense. At that point, I still didn’t know

what the situation was in that town, so I didn't understand people's anxiety. In one occasion, at the beginning of an interview with an official at a local court, I asked if it was okay for me to record the interview. The person looked at me with her eyes wide open and began to question why. Even though I explained to her that I wanted to record the interview to have good documentation of her words and that I would erase the file once I transcribed it, I was not able to regain her confidence. Visibly in distress and anxious, the person kept asking me why I wanted to record the interview. I then decided to stop the interview and show her my name in the Department of Sociology's webpage at the University of Pittsburgh. I also reassured her of my strictly academic purpose in conducting the study. Although these two gestures made the person visibly more relaxed, I ended up not interviewing her. After experiencing a different but equally tense and stressful situation with a local prosecutor at the Public Ministry, during which he stared at my eyes the entire time while giving me short and concise answers to all my questions, I decided to stop recording interviews altogether. In both towns, I still carried the recorder with me and asked some of my interlocutors if it was okay for me to use it during our conversations, depending on our initial interaction. But in general, I felt that merely asking the question made people immediately uncomfortable and undermined whatever rapport I had managed to build at the beginning.

The decision to stop recording interviews was a methodological compromise I made based on practical and ethical reasons. In both towns, when I didn't record my conversations with locals, I felt they were more open with me and talked about the local situation less fearfully. They seemed to feel reassured by knowing that no recording of their voices would be kept after we talked, and that no trace of their names would even exist (I did not ask for my interviewees names at any time). At an ethical level, not recording my interviews was a way of protecting my informants. Even though I used a digital recorder that allowed me to encrypt interviews and that

I downloaded the files every night to my computer and saved them as another encrypted file, there was always a chance of the computer getting lost or stolen. Because of the particularly sensitive nature of my topic and the small size of the towns I studied (in both towns several people told me that “everyone knows everybody”), this was a risk that I decided not to run. As Elizabeth Jean Wood argues, keeping the data safe in these types of contexts can become an “ethical challenge” (Wood 2006). Explaining how she handled the issue while doing research in El Salvador during that country’s civil war, she says:

In addressing this challenge, the confidentiality of the material gathered and anonymity of my research subjects was of course key. Names were often not recorded at all, if they were recorded they were always recorded in a separate notebook, usually after my return to the capital. I did not tape interviews in the countryside (and only on two occasions in the capital); rather, I took sketchy notes in nearly illegible longhand, filling in missing details once back in the capital. I used fresh notebooks on every trip into the countryside so as not to expose to risk previously gathered data once again. In each notebook I first took notes on newspaper reports, government documents, and so forth in the capital, leaving some pages empty for interview notes (Wood 2006:381).

As Wood, I also took notes in notebooks for each question during each interview but filled the missing details immediately afterwards. I also had a separate notebook I called my “reflection diary” where I described specific topics of interest, summarized events and ideas, or noted particularly interesting details after each interview, which I later addressed in other interviews. During each interview, I separated my own words from those of my interlocutors by using the

exact vocabulary they used and quotation marks around particularly revealing sentences. To write down specific sensitive issues, I used symbols that only I understood to name specific institutions or places, so that the sentences would become unrecognizable for outside readers.

The decision to stop recording my interviews forced me to sacrifice quality but add quantity. Originally, I planned to carry out around 30 interviews in each municipality. After deciding to stop the recordings, I decided to increase that number to compensate and ended up carrying out around 200. I also went back for a brief period during the summer of 2013 and recorded in-depth interviews with five key informants. The great number of interviews allowed me to have a broad idea of a wide range of issues in both towns and to reach a point of “theoretical saturation,” that is, a point after which I was “not discovering new categories or relations among categories” (Bernard 2006:501). However, I lost some of the deep insights that recording interviews would have provided. In some cases, the data did not allow me to engage in what Geertz (1973) calls “thick description.” To give an example of this, some of my informants in Guastatoya claimed people did not lynch alleged wrongdoers in that town because they lacked the “courage” to do so. When I first heard this, I took note but didn’t realize the importance it would have later when I was trying to figure out the meaning of the word “*linchamiento*” in Guatemala. If I had recorded those specific interviews, I would have had much richer data to draw from to elucidate this particular issue. Wood had a similar experience in El Salvador. After discussing a method she used during her fieldwork, which required people to draw maps of specific territories before and after the war, she explains:

I wish I had better recorded the comments, jokes, and discussions that occurred during the map-drawing sessions. I was slow to understand the value of those interactions as I initially had an overly simple understanding of what the maps

represented. Only later did I come to understand the maps as documents demonstrating the emergence of a new political culture rather than as illustrations of land occupations (Wood 2006:376).

Something important to notice is that the apprehension that some of my informants expressed when I asked if I could record the interviews may have something to do with my status as a Guatemalan man. In fact, a few years earlier, Regina Bateson, at the time a graduate student at Yale University, carried out a study similar to mine in Agua Blanca, Jutiapa, and in Joyabaj, Quiché, but managed to record her interviews. Indeed, some members of a “security patrol” in Joyabaj who had lived in the United States before were actually “happy” to be interviewed by her (Bateson 2011, March 11). When I met Regina at the Latin American Studies Association Congress in San Francisco in 2012, we discussed our different experiences and conjectured that our genders and nationalities may have played a role. In general, we figured, people in Guatemala see women as less threatening than men, even harmless, and more trustworthy if they are foreigners. This attitude towards foreigners has deep roots in the country’s history, but is perhaps also based on the belief that foreign scholars are detached individuals who are able to tell stories from an objective position (Robben 1995:97).

Because of these limitations, the dissertation draws from numerous sources of information as a form of triangulation. “Triangulation” refers to the process by which “researchers make use of multiple and different sources, methods, investigators, and theories to provide corroborating evidence” (Creswell 2007:208). In addition to the ethnographic observations and interviews, the work is based on newspaper accounts (I collected all the newspaper reports of *linchamientos* I could find in *Prensa Libre*, the largest and most widely-read newspaper in Guatemala, from 1996 to 2003), video recordings, governmental and non-governmental reports, pamphlets, official

statistics from different organizations, secondary literature, and anything else I could get my hands on. In a way, although the limitations did not allow me to engage in some of the topics as deeply as I would have liked to, the entire dissertation can be seen as a “thick description” of the cultural phenomenon that *linchamientos* represent in contemporary Guatemala.

The following chapter begins by examining the drama that *linchamientos* unleashed during the years following the end of the Civil War in 1996. After a brief overview of the history of the Indigenous/Ladino divide and the peace process in Guatemala, the chapter examines the public debates that emerged around *linchamientos* in relation to ethnic and class relations. The analysis of these debates demonstrates that during this period *linchamientos*, and therefore “lynching,” became intrinsically associated with the Civil War and indigenous people. Unlike the word in English, the debates reveal that various actors saw *linchamientos* not as violent acts of mobs motivated by racism, but either as “irrational” acts of “uneducated” and “uncivilized” “mobs” that the state needed to tame, or as remnants of violence from the war. The chapter shows that the former image became institutionalized in the Guatemalan state apparatus at the end of the 1990s in the form of an educational program aimed at preventing *linchamientos*, which still functions today.

3.0 **LINCHAMIENTOS AND POSTWAR DRAMA**

The division between indigenous people and Ladinos originated in the 16th century, when Spaniards began to settle in and significantly transformed the regional landscape of what is now Guatemala. In a seminal work on the subject, MacLeod (2007) shows that, having primarily an economic interest, Spaniards settled in the regions to the east and south of the capital, *Ciudad de Santiago de los Caballeros de Goathemalan*,⁶ where the climate and soil allowed for farming and raising cattle. They left the western and northern regions relatively untouched. As a result, the east and south experienced a profound cultural transformation, because Spaniards lived and mixed with natives producing a *mestizo* or mixed-ancestry population. Although the division was also a result of the system of “two republics” that the Spanish Crown set to protect indigenous people, Lovell, Lutz, Kramer et al. (2013) have demonstrated that it owed more to colonial local power dynamics and economic relationships of dependency with Spain than to deliberate imperial policies.

⁶ Known today as Antigua Guatemala.

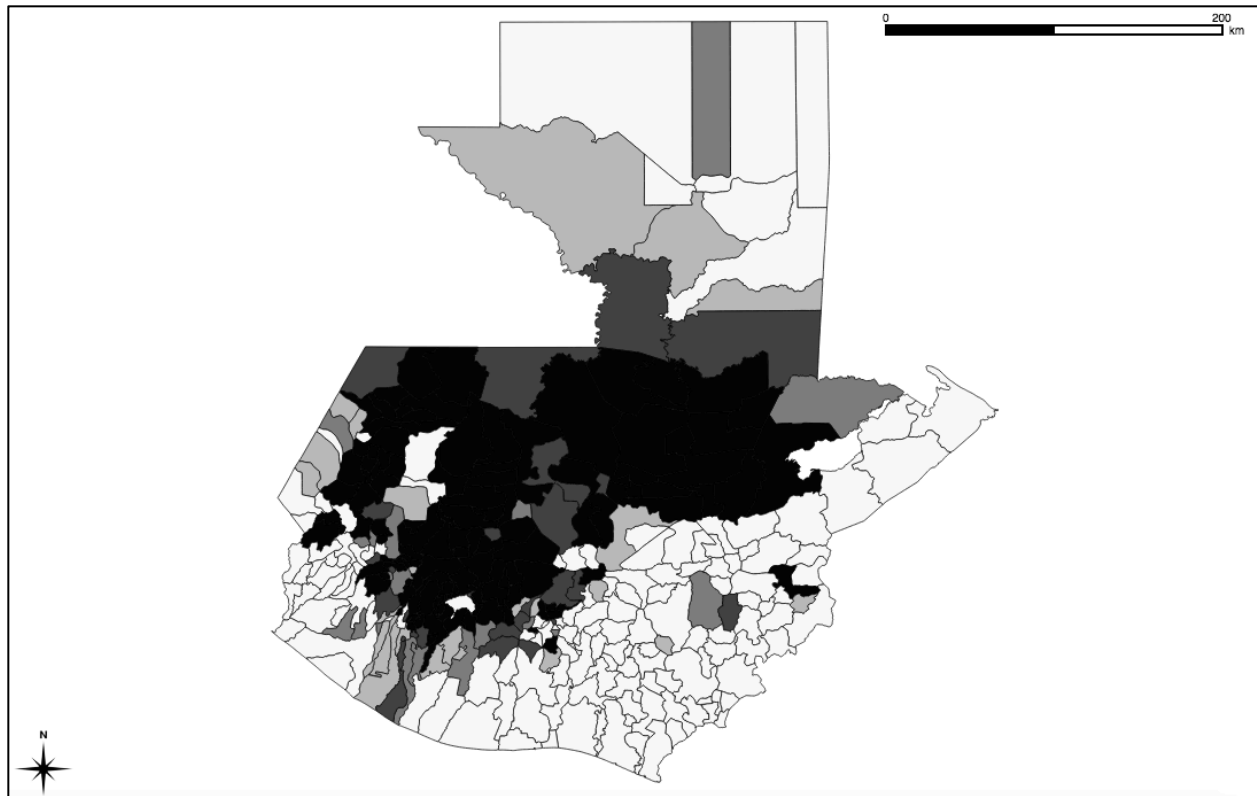


Figure 3. Ethnic map of contemporary Guatemala⁷

Darker shades represent higher percentages of indigenous population

Data Sources: (Instituto Nacional de Estadística 2003; Municipalidad de Raxruhá 2013)

After Guatemala gained its independence from Spain in 1821 and went through a liberal and then a conservative period, the division between indigenous and non-indigenous people grew deeper. As a response to the demand for coffee brought about by the Industrial Revolution in Europe, President Justo Rufino Barrios implemented several reforms during the 1870s to transform the country basically into a coffee plantation. As McCreery (1995) has shown, the

⁷ Sources: QGIS Development Team, 2015. QGIS Geographic Information System. Open Source Geospatial Foundation Project. <http://qgis.osgeo.org>. Base map and territorial divisions: *Secretaría General de Planificación* (SEGEPLAN), available here: http://www.segeplan.gob.gt/2.0/index.php?option=com_wrapper&view=wrapper&Itemid=269.

government confiscated lands from indigenous people and passed forced-labor laws such as *mandamientos* (mandatory work), which were still very much in use by the 1940s. Smith (1990b) makes the conjecture that it was after the 1870s that Ladinos became a separate class as they began to occupy positions of power either as landowners or as intermediaries between the landowning elites and peasants.

During the 1970s, scholars interpreted the Ladino attitude towards indigenous people as an effect of Guatemala's position of subordination in a neocolonial world system. According to Guzmán-Böckler (1970), Ladinos were positioned in between a powerful western world, which they admired and tried to imitate, and an indigenous world, which they believed existed beneath them and therefore vehemently rejected. Echoing Frantz Fanon's forceful declaration that "the black is not a man" (Fanon 2008:1), the author declared that the Ladino was a "fictitious being" with no identity. "From that intermediary position," the author wrote, "a lackey soul seems to emerge that is not but a reflection of the lack of identity; when he doesn't find himself, the [L]adino turns himself to the foreign" (Guzmán-Böckler 1970:107).⁸

Guzmán-Böckler's work attracted criticism for oversimplifying class relations and ignoring the role of elites in Guatemala. In a now classic work, Martínez Peláez (2006) analyzed the active role that Creoles (*Criollos*) or people born in America with Spanish ancestry played in shaping the country's colonial structure. In his view, Ladinos were both victimizers and victims of the Creole elite's colonial project, and therefore revolutionary energies should not be directed towards them. "If one starts thinking that all that is Indian is good and all that is Ladino is bad, or the reverse," the author wrote years later for a seminar analyzing the country's class and ethnic relations, "one is falling into a mental trap, an ideology that does not permit us to see the real nature of the

⁸ Although I am translating the author's quote into English as referring only to men ("he"), the author's words in Spanish could be interpreted as referring to men and women.

struggle within Guatemalan society” (Martínez Peláez 1992, as cited in Grandin, Levenson & Oglesby, p. 132).⁹

Both Guzmán-Bóckler and Martínez published their books while Guatemala was going through one of the most brutal wars documented in Latin America. The war lasted 36 years, from 1960 to 1996. Overall, studies have determined that as many as 200,000 people were either killed or disappeared during this violent conflict (Ball, Kobrak and Spierer 1999; Comisión para el Esclarecimiento Histórico 1999, Vol. 2, par. 751). At the end of the 1990s, a truth and reconciliation commission concluded that the military committed “genocide” against the Maya-Ixil population during the war (Comisión para el Esclarecimiento Histórico 1999, Vol. 2). In 1996, after a series of peace negotiations that began in the 1980s, the government and the *Unidad Revolucionario Nacional Guatemalteca* (URNG), an organization that agglomerated all the guerrilla groups in the country, signed the Agreement for a Firm and Lasting Peace. This agreement was the last of twelve agreements signed between guerrilla organizations and the government, agreements that were supposed to set the foundations for the transformation of Guatemala into an inclusive and egalitarian multicultural state. Perhaps blinded by the historical nature of the moment, the peace agreements defined the state reforms and political actions needed to address what turned out to be too many issues. In general terms, the agreements contemplated actions to address the violation of human rights, displaced war victims, indigenous people, land distribution, civil and military power, electoral politics, and former guerrilla members. As one scholar noted, the accords “promised to do so much, that in many respects their goals were unrealistic” (Seligson 2005, p. 208).

⁹ Translated by Deborah T. Levenson.

Perhaps also as a sign of the blindness of the moment, one of these agreements, the Agreement on Identity and Rights of Indigenous Peoples, signed in 1995, referred specifically to the situation of indigenous people, the historically exploited and ostracized majority segment of Guatemala's population. The agreement covered a great number of cultural and political issues, from the state's recognition of indigenous people as direct descendants of the great Mesoamerican Maya Civilization, to the elimination of all forms of discrimination against them. The promise behind this agreement was to explicitly transform Guatemala into a multicultural state both on paper and in practice, more in tune with its characteristically heterogeneous population. A fundamental matter covered by this agreement was the state's recognition of indigenous people's right to use *derecho consuetudinario* or customary law. Only the Convention No. 169 by the International Labor Organization (ILO), created in 1989 and ratified by Guatemala in 1996, had previously made this right thoroughly explicit. As pioneering instruments of transformation, both the Agreement on Identity and Rights of Indigenous Peoples and the Convention No. 169 pointed towards a real redistribution of state power.

Beginning a pattern that seems to be by now usual in Guatemala, any hope of change that the Peace Accords inspired came to an abrupt halt in 1999, when a popular referendum that would have crystallized the agreements in the country's legal framework was defeated. The timing of the referendum was already a sign of failure, as the Peace Accords were supposed to materialize into legal instruments immediately after their signing and not three years later, when the referendum actually took place. Furthermore, as one scholar noted at the time, the lack of information and confusing nature of the referendum made it a highly problematic event during which only 18 percent of the country's population voted, while those who rejected it were concentrated in the eastern, southern and central regions of the country, where indigenous people did not represent the majority (Azpuru 1999). As a consequence of this failed and

dubiously labeled “democratic” exercise, the government set aside many of the state reforms laid out in the Peace Accords under the justification that most Guatemalans did not want things to change. In the specific case of the recognition of indigenous people’s right to practice their own law, the issue was left legally and politically ambiguous. For example, even though Convention No. 169 explicitly addresses customary law, it does so in an unclear manner. In its Article 8.1, it prompts signatory states to have “due regard” for customary law when “applying national laws and regulations” (International Labor Organization June 27, 1989, Article 8.1), but it leaves specific actions open to interpretation. To add to this ambiguity, Guatemala’s constitution recognizes the preeminence of international legal instruments over national ones (Constitución Política de la República de Guatemala, Article 46), but it also establishes the supremacy of the state legal system over any other form of justice (Constitución Política de la República de Guatemala, Article 203).¹⁰ As a result, the right of indigenous people to practice their own law has been a point of political contention over the last two decades.

An additional problem during the peace implementation process was the wave of *linchamientos* that began in the mid-1990s. For example, on March 26, 1996, the newspaper *Prensa Libre* (Prensa Libre 1996a) reported that a group of people in San Juan Comalapa, a municipality in Chimaltenango, caught and hanged a man they accused of stealing. According to the report, there were no police officers in town at the time, so people caught the man after he robbed a woman at the local market. They then tied him up, beat him, and took him to the top of a local hill, where they hanged him from a tree and set his body on fire. The newspaper report quotes a neighbor saying, “When we get robbed we are defenseless because there are no police here; that is why it is good that people defend us, so that criminals learn how to respect the integrity of

¹⁰ See Ochoa (2002) for a list and brief analysis of the contradictions between national and international legal frameworks on this and other issues related to indigenous people in Guatemala.

indigenous people” (Prensa Libre 1996a:6). From 1996 to 2002, the United Nations Verification Mission in Guatemala (MINUGUA)¹¹ documented 482 *linchamientos* similar to the one in San Juan Comalapa (MINUGUA 2004), most of which took place in Guatemala City and in the indigenous regions in the north, west and south of the country (MINUGUA 2000, paragraphs 9-10).

The wave of *linchamientos* occurred at a particularly violent time in Guatemala. Although homicide rates decreased considerably from 1996 to 1999 (Matute Rodríguez and García Santiago 2007:21), the period was characterized by a wave of kidnappings that generated a sense of impending danger for the general population. Notorious cases against members of wealthy families, like Beverly Sandoval Richardson, a 23-year old college student who was killed in 1996, or Olga de Novella, an 84-year old woman who was kidnapped by members of an urban faction of the Armed People’s Revolutionary Organization (ORPA, in Spanish) that same year, were commented constantly upon in the news.¹²

In addition, there were some problems inherent to the peace implementation process that contributed to the sense of insecurity. According to the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, Guatemala’s National Police had to be replaced by a new National Civil Police that was supposed to have at least 20,000 members by 1999. Many criticized President Álvaro Arzú’s administration for implementing this reform too hastily. His unpopular decisions included delegating the training of police officers to the militarized Spanish Civil Guard; reintegrating former members of the National Police into the new police force, even though many of them had been involved in war

¹¹ I explain MINUGUA’s role and mandate in detail below.

¹² For the case of Olga de Novella, see Comisión para el Esclarecimiento Histórico (1999, Vol. 6, Caso ilustrativo No. 103).

atrocities; and implementing short training sessions that lasted only three months (International Crisis Group 2012:4; Washington Office on Latin America 2009:4). During the transition, many communities were left with few or no police officers, while in other communities insurgent and counterinsurgent organizations simply refused to demobilize. To top it all, in 1998, Monsignor Juan José Gerardi, a Catholic bishop who had dedicated his life to the defense of human rights in Guatemala, was killed only two days after publishing a four-volume report sponsored by the Catholic Church about wartime human rights violations (Oficina de Derechos Humanos del Arzobispado de Guatemala 1998). Although this nebulous case was never completely resolved, the investigations that were published afterwards incriminated members of the military, the church and the government, along with obscure criminal organizations (Goldman 2008; Rico and de la Grange 2004).

The newspaper reports about *linchamientos* from this period reflect a struggle in which several political actors blamed each other for their occurrence. In general, some blamed all kinds of instigators while others blamed the state's inefficacy and demanded the government to take immediate action. For example, after an incident in Nueva Concepción, Escuintla, during which a crowd burned four alleged kidnappers, the Interior Minister claimed that "destabilizing groups or criminal bands are the ones that manipulate the lynchings that have occurred in the last few days" (Prensa Libre 1996b:4). Arzú, in turn, defended his administration by saying that the police had captured the alleged kidnappers but that manipulated neighbors had forced their release from prison (Prensa Libre 1996c:3). A year later, after a series of *linchamientos* in Guatemala City, the President of the School of Lawyers and Public Notaries demanded that state authorities "assume immediately their responsibility for providing the justice that is required by the Republic's Political Constitution" (Martínez 1997b:2). "It is urgent that they carry out their function to stop these barbaric acts, which are putting the country's social cohabitation in

jeopardy [...] these acts cast doubt on the capacity of the State to guarantee safety,” he said (Martínez 1997b:2). Likewise, the rector of the *Universidad de San Carlos*, the historic left-wing public university, asserted that “the [Public Ministry] is not fulfilling its mandate, and the fact that there are no captures demonstrates its incapacity” (Martínez 1997b:2).

In 1997, two incidents that differed from previous ones marked a reframing of the problem. The first incident took place in Cuilco, a municipality in Huehuetenango, when approximately 400 people from four villages organized a “communal tribunal,” hanged from a tree and executed by firing squad two men accused of stealing cattle (Hernández and Martínez 1997:3). The second incident occurred in Nahualá, a municipality in Sololá, where a group of people also organized a “communal tribunal,” sentenced and beat to death a man they accused of stealing food from children (Castillo 1997:3). Both *linchamientos* differed from previous ones in that people organized communal tribunals and, in the case of Cuilco, in that people used a firing squad, a practice that clearly mimicked state violence.

After these two incidents, some commentators began to associate *linchamientos* with the Civil War. For example, when asked if this type of violence had its roots in the armed conflict, a sociologist from the *Universidad de San Carlos* responded affirmatively, arguing that “the groups, and mainly the State taught people not to respect life. [They] taught that it was possible to kill, whether it was to defend the country’s institutions or to attack communism. And it also trained many people to kill” (Martínez 1997a:8). This idea found support afterwards for several reasons. First, as later studies demonstrated (Godoy 2006; Gutiérrez and Kobrak 2001; MINUGUA 2000; MINUGUA 2002), former civil self-defense patrollers (PAC, in Spanish) and military commissioners were actually involved in *linchamientos* in some regions, either directly or indirectly

as instigators.¹³ After the signing of the peace agreements, some of these paramilitary groups refused to demobilize and turn in their weapons, while others simply remained as de facto power holders in their communities. This situation also confirmed the fears of human rights activists, who, after the mysterious and unsolved assassination of Monsignor Gerardi, began to suspect that the military were still involved in Guatemalan politics.

In 1999, MINUGUA documented a significant increase in the number of *linchamientos* (MINUGUA 2004), just when Guatemala held general elections. That year accusations against obscure political groups being involved in *linchamientos* began to emerge. For example, in February, the Human Rights Ombudsman claimed that, “Because this is an electoral year, some groups might be interested in promoting a policy of disorder in communities, given that in the last violent incidents there has been someone that instigates the masses to disorder” (López and Acabal 1999:3). Similarly, after two *linchamientos* in Totonicapán and Alta Verapaz, *Prensa Libre* noted that the incidents had “lost their spontaneous character,” and then quoted a MINUGUA’s representative saying that they “now seem to be previously planned” (Rodríguez and Valladares 1999:6). Stanley (2013:170) has speculated that these accusations may have had something to do with the *Frente Republicano Guatemalteco* (FRG), a right-wing political party with close links to the military and former civil patrol members. He notes that most incidents during that year involved petty theft as opposed to more serious crimes; that most of them occurred in areas where former civil patrols had a strong organization; and that, once the FRG took office in 2000, the number of *linchamientos* significantly dropped (Stanley 2013:170). Although Stanley’s observations are difficult to explore with MINUGUA’s dataset—as I will show below—the idea that *linchamientos* were a product of the Civil War became popular during the last years of Arzú’s administration.

¹³ Civil self-defense patrollers were civilian militias that the military organized during the 1980s. Military commissioners served as operators for the Army in rural areas during the war and worked closely with patrollers.

The *linchamiento* in Cuilco also attracted some criticism against the Maya movement. In an opinion column from 1997, Sam Colop, a well-known and respected Maya intellectual in Guatemala, recounted a story during which the President of the judiciary claimed that an indigenous person had once publicly stated that “customary law allowed for lynching” (Colop 1997:11). As a response, Colop disqualified the indigenous person’s remark, and accused him of being a member of Arzú’s political party. He also noted, accurately, that *linchamientos* occurred in places like the *Universidad de San Carlos* and all over Guatemala City, so to think of them as Maya practices was misleading (Colop 1997:11).

In April of 2000, an incident that attracted more criticism against the Maya movement took place in Todos Santos, a municipality in Huehuetenango, when a group of *Santeños* attacked and killed a Guatemalan bus driver and a Japanese tourist accused of stealing a child (Pop and Lara 2000:2). National newspapers and international news agencies such as CNN, the Associated Press and The New York Times covered this confusing incident the following days. The commentaries in Guatemalan newspapers show a sharp awareness of Guatemala being under the world’s public eye in a context where the Internet was not yet widely used. A note from May 3, for example, displayed the title “*Ante la mirada del mundo*” (Before the Eyes of the World) next to the logos of major world news agencies, and declared that, because of the increasing levels of violence in the country, “Guatemala has not stopped attracting the world’s attention” (Interiano 2000b:8).

The newspaper reports about this incident reflect a sense of confusion, because commentators were not able to explain how an incident so terrible had happened in that otherwise peaceful town. A note from May 6, for example, was titled “*Nunca se pensó en Todos Santos*” (We Never Thought About Todos Santos), conveying the unusualness of the act (Ramírez 2000:6). Two days later, in a note from May 8 titled “*Los santeños son pacíficos*” (*Santeños* are

peaceful), a representative from the company that had taken the Japanese tourists to the town claimed that, “in 17 years of taking visitors each month to that place, nothing like that had ever happened” (Pop 2000:6). At the same time, other commentaries reflect deeply engrained racial prejudices against indigenous people, as Jennifer Burrell demonstrates in her analysis of this specific incident (Burrell 2014:115-37). Perhaps the strongest of these came from people who portrayed *Santeños* as violent beings who needed to be restrained and punished through disciplinary actions. In an opinion column from May 1, Mario Antonio Sandoval, a well-known conservative journalist in Guatemala, referred to indigenous people as “ethnic organizations” and called *linchamientos* “demonstrations of irrationality” (Burrell 2014:134; Sandoval 2000). He also suggested the *Instituto Guatemalteco de Turismo* (INGUAT, in Spanish) to take Todos Santos off the tourist route as a form of reprimand (Sandoval 2000). “This is a minimal punishment for irresponsible people: to take away the benefits of tourism from those who don’t deserve it, because they have caused a great injury to the country,” he said (Sandoval 2000). As Jennifer Burrell notes, the way in which newspapers represented this *linchamiento*, “was a notable testament to the limits of multicultural inclusion and to continuing and pervasive racism and inequality within Guatemalan society and the state” (Burrell 2014:129).

Sandoval was not the only person worried about the effects of the *linchamiento* on Guatemala’s tourist industry. In an article published a few days after the event, *Prensa Libre* noted that Japan was one of the main donors funding the peace process, and that each year at least five thousand Japanese tourists visited the country (Ramírez and Acabal 2000:8). In the same article, the Director of INGUAT reassured the tourist industry by saying that “the effect of this unfortunate incident will not reduce the tourism that comes into the country more than 5 percent” (Ramírez and Acabal 2000:8). Behind the public outrage that the dominant classes expressed against *linchamientos*, there was an “esthetic interest,” López García (2003:6) says.

“*Linchamientos* represent and make visible something that makes the actions of modernizing groups difficult and the image of the country ugly [for them]” (López García 2003:6).

Less than five days after the *linchamiento*, the police captured nine people in Todos Santos accused of participating in it (Prensa Libre 2000a:1). The prompt response from state authorities in this specific case created a sense of indignation for some Maya activists, given that, even though *linchamientos* had occurred in previous years, this was one of the few times the state had taken action so swiftly. Sam Colop expressed his indignation in one of his weekly columns:

As a consequence of these acts, we also see how the [L]adino racism comes up again in certain press writings. Because it was a citizen from a donor country, some people are ready to culturally lynch!! Mayas, and the justice system apparently works. But here, we should ask ourselves, what would have happened if only the Guatemalan driver would have been the victim? Probably the racist attacks would have continued, but the judicial authorities would have been philosophizing about what to do [...] The Japanese government should take note that the Guatemalan authorities are acting out of SELF-INTEREST, because here, justice, as equality, are more terms of rhetorical content than values of a society that thinks of itself as civilized!! (Colop 2000).

There are two senses of injustice in Colop’s commentary. On the one hand, it was only because the incident was public enough to make it to international news that state authorities decided to act rapidly against the victimizers. The fact that one of the victims was a Japanese citizen was a crucial factor for this to happen, both because of the economic and political ties between the two countries and because a segment of the economic elite in Guatemala was

worried about the country's international image. By acting so swiftly, however, the state also sent the message that a Japanese tourist was *more worthy of action* than any of the other previous victims of *linchamiento*. In fact, this preferential treatment was reflected in the initial newspaper reports. For example, in *Prensa Libre's* report from April 30, one reads in big black bold letters, "They Lynch a Japanese," while a small sentence underneath the headline says, "Tourists attacked in Todos Santos; Guatemalan *also dies*" (Prensa Libre 2000b:1, my emphasis). Here, the emphasis is blatantly focused on the Japanese tourist, while the Guatemalan victim, a man by the name of Édgar Castellanos, is relegated to a secondary, almost invisible plane. The tourists are portrayed as having been actively "lynched" and "attacked," while the Guatemalan victim is said to have "died," passively, as if no one had laid a hand on him. In a similar way, the inside report was titled "Mob Kills Tourist" (Pop and Lara 2000:2), with no visible mention of the bus driver, and throughout the entire article he is only mentioned twice, almost as collateral damage because he was killed after the tourist.

The second sense of injustice comes from the state making an example of *Santeños*. For Colop, the quick arrest of the victimizers and the public displays of indignation were mere acts that the Ladino state orchestrated in front of the international community. In his view, this was a lynching of the entire Maya movement. As Jennifer Burrell points out, throughout the incident's media coverage, "Todosanteros came to exemplify the hinterlands, collectively demonstrating the unworthiness of *all* Maya" (Burrell 2014:133, original emphasis). Unlike the "irrational," indigenous "sector," the Ladino state presented itself internationally as rational and civilized, alien to barbaric acts of violence such as the one in Todos Santos.

Patronizing reactions against indigenous people because of *linchamientos* were not new in 2000. Back in 1999, the Archbishop of *Los Altos*—the Catholic Church's representative in the departments of Totonicapán and Quetzaltenango—had warned that it would stop giving mass

and celebrating other religious rituals in communities where *linchamientos* occurred. At the time, the archbishop said that those involved in *linchamientos* would not have access to a religious confession unless it was directly with him (Campos 1999:2). The warning can be seen as a condescending and even inquisitorial remark that condemns indigenous people to some kind of “eternal damnation” if they participate in a *linchamiento*. The threat was condescending enough that José Manuel Chacón, a famous Guatemalan political cartoonist also known as *Filóchofo*, ridiculed it by depicting a man running away from a “mob” of angry people while a priest tries to capture them with a rope from a window atop (Filóchofo 1999:13).

Reactions such as these can be interpreted as expressions of the Ladino fear of indigenous people. In his writings about Ladino identity, Guzmán-Böckler (1970) argued that indigenous people exist as a collective bad conscience in the psyche of Ladinos, making them feel secretly guilty and afraid of revenge. “The fact is,” the author said, “that in the depths of the [L]adino conscience the Indian is inevitably present, but in the form of a collective shadow, recriminating and threatening” (Guzmán-Böckler 1970:108). Another prominent intellectual who expressed a similar concern was Mario Roberto Morales, a writer and academic who attacked what he saw as a dangerous Maya essentialism that national and international actors were constructing to the detriment of Ladinos. In his opinion, Maya organizations were promoting their movement as an anti-Ladino construct that would intensify rather than ameliorate the historical tensions between both groups. The solution he proposed was to reaffirm and embrace the Ladino as a *mestizo* to oppose Maya essentialism and its national and international supporters (Morales 2008). The phenomenon is not unique to Guatemala. Krupa (2009) notes a remarkably similar dynamic of representation of *linchamientos* in Ecuador at the beginning of the 2000s.

Even though newspapers usually condemned *linchamientos* such as the one in Todos Santos, in some cases they also manipulated their image to legitimate or delegitimize specific

political actions. In January of 2001, for example, a group of people protesting against taxes and local authorities in San Juan Chamelco, Alta Verapaz, held hostage the Minister of the Environment, Haroldo Quej, and released him later (Tax and Campos 2001:3). In this case, the newspaper's language clearly distances itself from the protests and condemns the incident. The front cover displays a headline that says, "Minister held hostage by mob in A. Verapaz" (Prensa Libre 2001c:1). Under a subheading that says, "Lynch him!" the report inside paraphrases the police saying, "The enraged people were shouting that they were going to lynch Quej" (Tax and Campos 2001:3). The article displays a photograph of a group of people standing in front of the Municipal Office, and another one of a different group surrounding what seem to be the remains of a burning tire. Although it is difficult to know if people actually wanted to burn Quej or if they were just using the idea as a threat to achieve their goals, the picture is set in a way to evoke previous *linchamientos* during which people burned their victims (see Figures 4 and 5). An article from the following day focuses completely on this matter, displaying the headline, "Quej: They Were Inciting Them to Lynch Me" (Ramírez 2001:8), without paying any attention to the demands of the protesters.



Figure 4. Protesters in San Juan Chamelco

Source: (Sam Chun 2001)



Figure 5. *Linchamiento* in Nueva Concepción

Source: (Roma 1996)

In contrast, in February of 2001, the newspaper reported that a group of teachers gathered in front of the National Palace in Guatemala City to protest against the Minister of Education, Mario Torres, in order to demand a raise (Prensa Libre 2001a:1). In this case, the front cover of the paper displays a picture of protesters burning a *piñata* in the shape of the minister, which is a very clear allusion to *linchamientos*. Contrary to the protests in San Juan Chamelco, however, the language the newspaper uses to describe this event portrays the protesters as victims of an unjust system demanding what is legitimately theirs. The front cover displays the headline, “They Ask for Transparency” (Prensa Libre 2001a:1), which actually refers to an unrelated article inside. In fact, the cover is misleading as the headline is placed right above the picture of the burning *piñata* and refers the reader to page three, while the actual report about the protests is on page eight, a fact only signaled in small letters at the bottom right of the paper. Rather than referring to them as an “enraged mob” or simply as a “mob,” the newspaper refers to the protesters as “a group of teachers” and shows them in martyr-like positions, on the floor, awaiting the government to attend to their demands (Prensa Libre 2001a:1).



Figure 6. Protests against the Minister of Education depicted on the cover of *Prensa Libre*

Source: (Prensa Libre 2001a:1)

On a similar note from May of 2001, *Prensa Libre* reported that workers protested against the government in front of the National Palace (Pérez and Rodríguez 2001:2). Similarly to the report about teachers protesting, the newspaper portrays the demands of the workers as legitimate and as part of the generalized dissatisfaction with the government in the country. “Thousands of workers coincided yesterday in various parts of the country, to show their discontent with the government because of the lack of work incentives, unfulfilled promises, and economic crisis” (Pérez and Rodríguez 2001:2). In this case, protesters evoked *linchamientos* by burning a *piñata*, this time in the shape of President Alfonso Portillo. Rather than focusing only on this act, however, the newspaper article highlights and even exalts the demands of the

workers. The headline reads, “Discomfort with the FRG,” while in an outbox that is titled, “The demands that were heard,” the article emphasizes some of the words of the protesters addressing the President: “Mr. President [...] For freedom [...] No to impunity [...] Trial [...] We demand” (Pérez and Rodríguez 2001:2). Throughout the article, the words of protesters are merged with the words of the newspaper as a single voice of political protest.



Figure 7. Protests against Alfonso Portillo depicted in *Prensa Libre*

Source: (Pérez and Rodríguez 2001:2)

A fourth case that exemplifies how newspapers evoked and manipulated the image of *linchamientos* to legitimate or delegitimize political actions occurred when a group of people allegedly close to the Minister of Communications, Luis Rabbé, protested against the newspaper *El Periódico* in February of 2001 (Interiano and López 2001:2). Similarly to the workers who protested afterwards, in this case the newspaper reported that protesters burned a *piñata* “that symbolized *El Periódico*” (Interiano and López 2001:2). The newspaper, however, offers no clear image of this event apart from a small fire that is barely visible in the front cover (Prensa Libre 2001b:1). In addition, rather than portraying the demands of protesters as legitimate, the newspaper focuses on condemning their violent actions. The front cover reads “They Harass *El Periódico*,” while two notes underneath it refer to protesters as a “mob” that “insults, assaults and threatens” and as “vandals” who “attack” (Prensa Libre 2001b:1). The front cover also displays a picture of a group of angry people in the middle of chaos, with one of them shouting to the photographer (Prensa Libre 2001b:1).



Figure 8. Protests against *El Periódico* depicted on the cover of *Prensa Libre*

Source: (Prensa Libre 2001b:1)

Furthermore, the report inside refers to protesters as the “infuriated followers” of Luis Rabbé and as the “troublemakers” who committed “aggressions against freedom of speech” (Interiano and López 2001:2). In some instances, the article’s tone even shifts to sarcasm. For example, after noting that the protesters—who, the newspaper clarifies, came from Zone 18, a low-income working class neighborhood in Guatemala City—were defending the Minister from accusations of corruption that had been made against him earlier, the article quotes one of them saying, “According to him, during the present administration, ‘many infrastructural projects have been constructed’” (Interiano and López 2001:2). In this case, the reporter put the protester’s

words within quotation marks not so much as to separate his voice from his own but to ridicule him and to associate him with a common critique made to inept governments in Guatemala—that is, that they focus too much on building infrastructure instead of addressing the country’s real problems. In this way, the report portrays the protester as an ignorant person who is being manipulated by politicians. Throughout the entire article, the attention is centered on the idea that these people are followers of, and thus probably manipulated by the Minister, and that they are protesting violently. *Filóchofo* expressed this same view in one of his political cartoons by portraying Rabbé and his followers as a *mara* or street-gang. He references *linchamientos* by depicting the street-gang as a “mob” with a man holding a torch. Rabbé appears with his shirt open and a bandana around his head, cursing and saying, “I have the right to defend myself!” (Filóchofo 2001:15).

The idea of the Ladino state as a civilized entity in direct opposition to indigenous people and *linchamientos* became institutionalized at the end of the 1990s. In 1999, the judiciary created a program to “educate” people about the justice system. This program started with a series of workshops in 24 indigenous municipalities, with the idea of eventually expanding it to the rest of the country (Luna 2004:52-53). Today, the program involves 11 state and non-state organizations that carry out workshops and various other educational activities with children, teachers and community leaders. Although the program is meant for the entire country, it usually focuses on indigenous municipalities. At first glance, the program represents *linchamientos* as a direct consequence of the Civil War. In an official document, it claims that, “*Linchamientos* are oriented by the same intentionally programmed logic and with the same planned and technical strategy that originated during the armed conflict” (Organismo Judicial n.d.-d:2). It then states that because of the armed conflict, “we have a violent and aggressive society, mentally ill and contaminated by violence” (Organismo Judicial n.d.-d:2). In another document, the program lists

a set of measures to prevent *linchamientos*, including the gathering of information about communities “prone to” carry them out (Organismo Judicial n.d.-c:11).



Figure 9. Poster from the Judiciary's Educational Program to prevent *linchamientos*

Source: (Interiano 2000a:5)

The underlying assumption of the judiciary, however, is that *linchamientos* occur out of ignorance. In some of its brochures, the educational program portrays the people involved in *linchamientos* as infantile and uneducated individuals, infused with the multiculturalist rhetoric of the postwar period. For example, on the front cover of one educational brochure, Guatemala is presented as a multicultural state with the four official ethnic groups defined after the Peace Accords living in harmony among each other: Mayas, Garífunas, Xinkas and Ladinos. Children represent these groups with different ethnic markers that symbolize their ethnicity. In the illustration (see Figure 10), one can see a boy to the far left, wearing a white garment, with copper-like skin and black hair, representing all Mayas; a girl, to the boy's left, with lighter skin

and hair, symbolizing Ladinos; a boy to the girl's left, with dark skin and black hair, representing the Garífuna people in eastern Guatemala; and a boy to his right, with dark yet lighter skin than the previous boy, and with black hair, depicting Xinkas. These figures are all positioned at the same level, as if they were coexisting happily in an egalitarian and apolitical world. The judge, in contrast, is depicted as a light-haired, white man, bigger than the rest and positioned higher to them, wearing a suit and a tie, symbolizing political elites, the state, and “the Western world” more broadly.



Figure 10. Educational brochure from the Judiciary

The title reads “Knowing My Right to Justice.”

Source: (Organismo Judicial n.d.-b, front cover)

The same reference to the happy multiculturalism can be seen in the front cover of another brochure, which is clearly intended for children (see Figure 11). In this case, the same symbols are used to depict four imagined ethnic groups in Guatemala: The Xinkas at the far left, with black hair and dark skin; the Maya woman to his left, with a *tocoyal* around her head, probably referencing a woman from Santiago Atitlán but symbolizing all Mayas; the Garífuna woman to the far right, with dark skin and hair and a bandana around her head; and what appears to be an urban Ladino to her right, with lighter skin and hair colors. Just as in the previous image, the characters are depicted coexisting happily in a world where social and political inequalities are nonexistent.



Figure 11. The Judiciary's view of multiculturalism

Source: (Organismo Judicial n.d.-a, front cover)

The reference to ignorance is clear in an image from the inside of the first brochure, where one can see a judge explaining to a little girl with a clueless face why *linchamientos* are unlawful (see Figure 12). The text by their side reads, “The act of judging a crime or a misdemeanor is the responsibility of a JUDGE that has been named to help us during difficult times” (Organismo Judicial n.d.-b:2). In this paragraph, the word “judge” is capitalized not so much as a way to highlight it, but as a way to bring to the little girl’s attention that such a person *exists* in her world, just as adults teach infants about things that might seem strange to them because of their young age. The text that follows corroborates this observation, as it says that, “However, sometimes out of confusion or because people don’t know that a judge exists and that he or she is there to resolve conflicts, they act illegally, creating problems that may go as far as lynching” (Organismo Judicial n.d.-b:2).

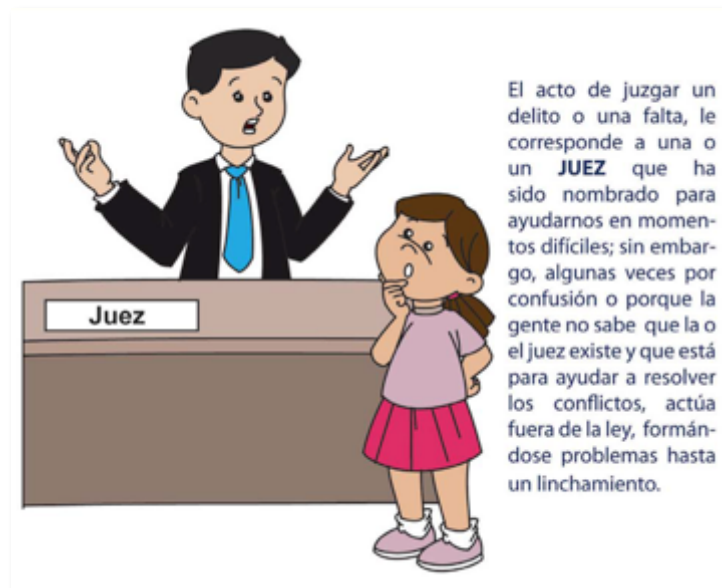


Figure 12. Judge explaining why *linchamientos* are unlawful

Source: (Organismo Judicial n.d.-b:2)

These depictions of Guatemala as a happy multicultural “imagined community” (Anderson 2006) made up of uneducated children contrast with how several scholars have argued political elites have historically imagined the country as a nation (Casaús 2004; Casaús 2010; González Ponciano 2004). These works have shown that the idea of the Guatemalan nation in the minds of political and economic elites is based on an ideology inspired by the west, with its admiration of progress and civilization. The main obstacle these groups see for Guatemala to enter the “civilized world,” according to these studies, is represented by indigenous people, whom they see as inferior beings that need to be improved in biological and cultural terms, either by educating them, mixing them with other “superior” races, or exterminating them. For example, during the late 1970s and early 1980s, Casaús (2004:78) interviewed 110 individuals who represented the “oligarchic core” in Guatemala, and found that many expressed these racist ideas quite openly. In one of her quotes from an interview, for example, a businessman states that:

The only solution to Guatemala is to improve race, to bring Aryan stallions to make it better. I had a German administrator in my ranch for many years, and for each *india* [pejorative term for indigenous woman] he got pregnant I would give him 50 dollars for improving race (Casaús 2004:105).

Casaús found many others like this man who defined themselves as being “white” or “creole” and who believed they did not possess any drop of “Indian blood” in them. Based on her interviews, she shows that the stereotyped characteristics that elites attach to indigenous people are those of being “Submissive, Conformist, Brown-Skinned, Short, Lazy, Traditional and Introverted” (Casaús 2004:85). This means that the ideal individual in their minds is an

independent, non-conformist, white, tall, hard-working, modern and extroverted being. In their view, “whiteness” connotes purity of blood, cleanliness of race, and the physical and cultural superiority of their European ancestry. “It would have been better to exterminate Indians,” one of them said, “[because] this would have produced a superior civilization. Not exterminating them was a grave error and now we are paying for it” (Casaús 2004:93).

Casaús offers a disquieting view of oligarchic racial ideologies in Guatemala. Her work, however, focuses mostly on the indigenous/non-indigenous dichotomy, without paying much attention to the nuances that exist between these two social categories. González Ponciano (2004) has taken some important steps in this direction by analyzing how elites and middle-class Ladinos use denigrating terms to refer to individuals they regard as different and inferior to them. He argues that the pejorative terms that these people use to refer to others, such as *cholero*, *shumo* or *muco*, are basically social control language devices that reveal a certain degree of Indianness in those who receive them. When people use these terms against someone else, they are pointing out that the person has somehow revealed his or her impurity to the world. In addition, he argues that the ideological construct of the “Indian problem” that was common from the 19th century onwards has changed in the postwar, multicultural and neoliberal era, giving way to a new, more ambiguous ideological construct that involves stereotypes of indigenous and non-indigenous people. As he says, “If before the *problem* for *civilization* and *development* was the *Indian problem*, now the *problem* is constituted by the *shumada*, the *cholerada* and the crowd of unemployed and quasi-criminal *mucos*” (González Ponciano 2004:131, original emphasis). His work suggests that the social and political reforms from the 1990s and the massive levels of youth unemployment that have resulted from them are some of the major factors that have contributed to the construction of this new “problem” symbolized by a stigmatized amorphous crowd of young uneducated people (González Ponciano 2004:128-31).

This broadening of what was once called the “Indian problem” into a problem involving a vague crowd of lower and so-called underclass individuals is reflected in some of the judiciary’s depictions of crowds involved in *linchamientos*. Contrary to the illustrations analyzed before, these depictions show crowds of people with no clear ethnic markers, and the references to multiculturalism have completely disappeared. In one image, for example, a group of people is depicted in a rather homogenous way, with no real discernible ethnic identifiers and no people representing the happy multiculturalism that previous images represent. The only symbol that could be identifiable is the straw hat, but this is an ambiguous sign that could represent an indigenous or non-indigenous peasant.

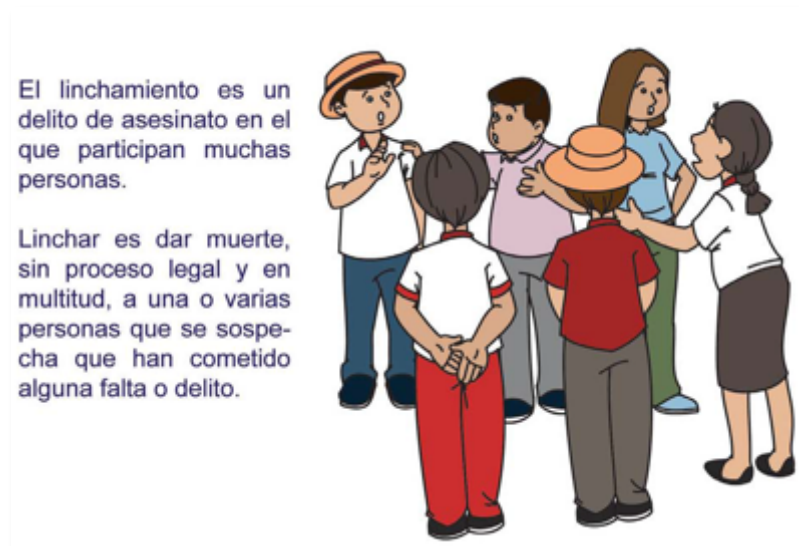


Figure 13. People involved in a *linchamiento* from the Judiciary's perspective

Source: (Organismo Judicial n.d.-b:2)

Another brochure depicts the same amorphous crowd in a *linchamiento* that is about to happen. The image shows a group of clueless-looking people with no clear signifiers other than a straw hat, which could represent an indigenous or non-indigenous peasant. The text below the image highlights the role of emotion, prejudice, and instigators, while the image highlights the role of ignorance symbolized by a man and a woman with naive expressions in their faces. The victim is portrayed with his back to the crowd and to the reader, reminiscent of the facelessness of most of the victims that have died because of these incidents. He represents “the unmarked rights-bearing citizen, a hollow location progressively filled in as the violations of rights to liberty, a fair trial, bodily integrity, and life increase” (Krupa 2009:34).



Figure 14. A *linchamiento* from the Judiciary's perspective

Source: (Organismo Judicial n.d.-b:3)

The educational program of the judiciary represents the state of Guatemala's way of seeing and addressing *linchamientos* in an imagined postwar and multicultural era. Owing in part to the economic and political reforms of the 1990s linked to neoliberalism, masses of unemployed youth have become the new "problem" in the country. The state represents these masses as an amorphous infantile crowd of lower-class individuals who can become threatening if they are not educated. Rather than addressing the roots of the issue, the educational program has reduced the problem to one of ignorance, drawing from old ideologies based on progress and civilization that were born in the 19th century.

The state's educational program and the newspaper reports about *linchamientos* also show that these violent practices are heavily racialized. The way I use racialization here is as "the extension of racial meaning to a previously racially unclassified relationship, social practice, or group" (Winant 1994:59). The act of lynching is not something one can associate with any social group in particular. Any social group, regardless of class, gender or race, could potentially "lynch" another person. Nevertheless, in the minds of many Guatemalans, *linchamientos* are intrinsically associated with indigenous people. In their opinion, only indigenous people *lincha* (lynch) other people. The association can be seen in a question that a journalist asked Carlos Mendoza back in 2009: "How do we get rid of the stereotype that *linchamientos* are exclusively related to indigenous people? What do we need to understand to break these prejudices?" (Mendoza 2009).¹⁴ Because of the specific connotations of the word, this question also implies that indigenous people are the *only ones* who engage in these "barbaric," "savage," "uncivilized" acts. In fact, as some of the newspaper commentaries mentioned above suggest, for some

¹⁴ "¿Cómo nos quitamos el estereotipo de que los linchamientos son exclusivos de los pueblos indígenas? ¿Qué necesitamos entender para romper estos prejuicios?" See Mendoza, 2009. The same journalist asked me the same question during an interview in 2012.

Guatemalans *linchamientos* are actual proofs of indigenous people's uncivilized status. These apparent "truths" lie beneath the multicultural rhetoric of the educational program, which masks the country's gruesome inequality with images of a happy and apolitical place where everyone is equal. Charles R. Hale has referred to this phenomenon as "neoliberal multiculturalism," a process "whereby proponents of the neoliberal doctrine pro-actively endorse a substantive, if limited, version of indigenous cultural rights, as a means to resolve their own problems and advance their own political agendas" (Hale 2002:487). His idea resonates with how Bonilla-Silva (2006) has argued racism in the United States has become "color-blind," that is, a form of racism in which power holders defend the idea that discrimination based on race no longer exists but actual racial inequalities persist in practice.

Although the racialization of *linchamientos* responds to long-held ideas and stereotypes about indigenous people, reflected and reproduced in the newspaper reports and commentaries about them, it is important to note that it also responds to state making dynamics. In one of his seminal works, Charles Tilly argued that state making could be seen as a deceitful enterprise in which states act essentially "as racketeers" (Tilly 1985:171). The basic idea behind his argument is that states create the problems that affect the masses that live within their boundaries, and then offer to solve them by portraying themselves as the legitimate and sole guarantors of social order. Through a self-reinforcing process, the problems that states create end up serving the purpose of justifying their own existence. Duncan and Markoff (2005) have shown that a similar process occurred with Latin American state making and violence before and after independence. Their work, however, demonstrates that Latin American states during these periods manipulated their physical and symbolic boundaries in relation to cattle and violence as a way to justify not only their own expansion, but also their lack of intervention. In the case of Guatemala, a similar dynamic seems to be taking place in relation to *linchamientos*. As the chapters below suggest,

although the state has relied on neighborhood organizations and their specific forms of violence in Totonicapán and Guastatoya as a means to maintain the social order, the representations it has made of these forms of violence have also served the purpose of justifying its expansion or lack of intervention in both municipalities.

The following chapter examines how MINUGUA and scholars made sense of *linchamientos* after they first emerged in the 1990s. Unlike the newspaper debates from those years, these studies paint a complex picture of the historical factors associated with *linchamientos*. In their view, *linchamientos* are a consequence of the cultural and institutional legacies of the Civil War and of the state's incapacity to deal with crime, but they are also a product of the unequal access to or conflict with the state justice system and the increasing levels of insecurity and inequality related to neoliberal policies. The chapter examines some of the problems with the literature, particularly with the reports and dataset that MINUGUA produced, and the consequences they have for our understanding of violence in contemporary Guatemala.

4.0 MAKING SENSE OF *LINCHAMIENTOS*

4.1 THE MINUGUA REPORTS

The United Nations established MINUGUA in 1994 to verify the peace process in Guatemala. The mission consisted of more than 400 military and non-military personnel from different parts of the world deployed in eight offices and five sub-offices across the country. Most of these offices were located in the indigenous regions of the country, where the Civil War was most disruptive. In the end, the mission ended up staying in the country for 10 years, from 1994 to 2004.

As part of its institutional mandate, MINUGUA monitored the violation of human rights and provided detailed reports on specific issues. In two of its reports, the mission addressed *linchamientos*, set forth a series of possible explanations for them, and provided recommendations for the government to stop them. In the first report (MINUGUA 2000, paragraph 5), the mission observed that from 1996 to 2000, 337 *linchamientos* occurred in the country, as a result of which 185 people died. At the time, the mission only observed that the victims were “generally youngsters, [who] are labeled as criminals” (MINUGUA 2000, paragraph 7), without providing any further details.

MINUGUA emphasized that most *linchamientos* occurred in departments where violence during the Civil War had been more intense. In Quiché, for example, a department that suffered a great deal of both targeted and indiscriminate violence during the war, the mission reported the

largest number of *linchamientos*, with 64 cases that resulted in 48 deaths (MINUGUA 2000, paragraph 9). The exception to this rule was the department of Guatemala, where the war was not as intense as it was in other places but where the mission documented 45 *linchamientos* that resulted in six deaths, situating it in the third place after Quiché and Alta Verapaz (MINUGUA 2000, paragraph 9). Although in most *linchamientos* the mission found that “ordinary citizens” (MINUGUA 2000, paragraph 6) were involved as victimizers, it also found evidence that former civil self-defense patrollers and military commissioners were involved as instigators (MINUGUA 2000, paragraph 8).

Apart from representing a clear violation of human rights, MINUGUA noted that *linchamientos* “compromised the state’s monopoly of the legitimate use of force” (MINUGUA 2000, paragraph 2), and set forth a series of legal recommendations to prosecute the perpetrators. The mission noted that there was no need to specify *linchamiento* as a crime, given that the country’s Penal Code already listed the “*delito de muchedumbre*” (crowd felony), a felony through which victimizers could be brought to justice (MINUGUA 2000, paragraph 14). In addition, the mission noted that people involved in *linchamientos* committed many other crimes, such as “murder,” “mild, grave, or severe injuries,” “illegal detention,” “forceful entry,” “threats,” “damage to material goods,” as well as others already specified in the country’s Penal Code (MINUGUA 2000, paragraph 14). From the mission’s perspective, the Guatemalan state was responsible for guaranteeing the safety of its citizens, and should therefore use the full force of the law against the perpetrators of *linchamientos*. The state was clearly not fulfilling this responsibility, because the mission found that the state justice system had only resolved 2.3 percent of the 337 *linchamientos* (MINUGUA 2000, paragraph 26).

In its second report, MINUGUA provided a more detailed analysis of *linchamientos* and offered a complex explanation. By this time, the mission had documented 421 *linchamientos*, as a

result of which 215 people had died (MINUGUA 2002, paragraph 7). Unlike the first report, the second provided more details about the victims, although they were still considerably vague. Out of 552 victims who died or were injured, 17 were women, 24 were minors, and the rest were men between 18 to 40 years of age (MINUGUA 2002, paragraph 12). In around 55 percent of the cases, victims were accused of crimes against property, although accusations varied from crimes against life (9 percent), rape (4 percent), kidnapping (2 percent), to car accidents (2 percent), land conflicts (2 percent), child abductions, witchcraft, and others (MINUGUA 2002, paragraph 13). Just as in the first report, the mission emphasized that most *linchamientos* occurred in departments where mass violence during the Civil War had been intense, but this time it also drew similarities between the ways in which civil self-defense patrollers and military commissioners had acted during the war and the way in which people were carrying out *linchamientos* (MINUGUA 2002, paragraphs 16-30). For example, the mission noted that organized searches, torture, exemplary punishments in central plazas and beatings were all methods that civil self-defense patrollers and military commissioners had used during the war and were now common methods people used during *linchamientos* (MINUGUA 2002, paragraphs 16-30). Additionally, the mission noted that a considerable number of *linchamientos* occurred in three of the regions where the CEH found evidence that the Guatemalan state committed genocide during the war (MINUGUA 2002, paragraph 19).

In addition to relating *linchamientos* to the war, MINUGUA emphasized other structural factors to explain the phenomenon. Although the mission argued that the state needed to strengthen its justice system, it also noted that the problem was that the state lacked legitimacy because many Guatemalans had historically seen it as an enemy that served those in power (MINUGUA 2002, paragraph 33). Moreover, the mission observed that the departments where most *linchamientos* occurred exhibited the lowest scores on the Human Development Index (HDI),

which the United Nations Program for Development (UNPD) uses to summarize elements of well-being such as life expectancy, level of education and income per capita (MINUGUA 2002, paragraphs 9-11).

A matter that MINUGUA addressed in both reports was the relationship between *linchamientos* and indigenous customary law. In its first report, the mission denied that *linchamientos* had anything to do with indigenous customary law, as some “people and sectors” were publicly arguing (MINUGUA 2000, paragraph 31). On the contrary, the mission stated that indigenous customary law was based on “consensual, repairing, restorative and conciliatory mechanisms,” and on some “coercive and punitive procedures of symbolic and material character,” but not on violent and authoritarian practices such as *linchamientos* (MINUGUA 2000, paragraph 32). In the second report, the mission denied again the alleged connection between *linchamientos* and indigenous customary law, and in fact argued the opposite: that *linchamientos* were the result of the destruction of customary ways of resolving conflicts in indigenous communities during the Civil War (MINUGUA 2002, paragraph 36).

4.2 SCHOLARLY WORKS

In addition to MINUGUA, a growing number of national and international researchers have addressed *linchamientos* in Guatemala, some highlighting one or more of the factors that the mission emphasized, while others were pointing towards new lines of research. In general, these studies are based on newspaper accounts, ethnographies and quantitative analyses. Gutiérrez and Kobrak (2001) provide one of the richest ethnographies based on individual and collective interviews with people from several municipalities in Huehuetenango, a department where

MINUGUA documented 45 *linchamientos* from 1996 to 2002 (MINUGUA 2004). Similar to what the UN mission contended, the authors argue that *linchamientos* in Huehuetenango are a product of the militarization of indigenous communities and of their historical exclusion from the economic and state justice systems (Gutiérrez and Kobrak 2001:23-43). In some municipalities, they found that groups made up of former civil patrollers had turned into authoritarian vigilante groups and were involved in *linchamientos* (Gutiérrez and Kobrak 2001:23-43), a situation that other researchers later found in Quiché (Bateson 2011:25-34; Godoy 2006:86).

The authors also suggest, however, that *linchamientos* are a product of the brutal methods of forced labor and punishment that economic and political elites used against indigenous people during the late 19th and early 20th centuries, as well as of indigenous people's customary use of corporal punishment (Gutiérrez and Kobrak 2001:20-23). These aspects nuance the image of indigenous people as simple victims of authoritarian paramilitary organizations that the MINUGUA reports and other studies might convey. In fact, the authors take great care in recognizing people's active role by showing that their opinions and actions before, during and after *linchamientos* vary greatly, and that they interact with the state justice system in various ways to resolve their conflicts, but sometimes simply avoid it altogether (Gutiérrez and Kobrak 2001:45-55). Foreseeing topics that would become important afterwards, the authors note the fundamental role that some community leaders in Huehuetenango played in instigating and stopping *linchamientos*, and the growing distrust and violence that older generations expressed towards younger ones whose values and worldviews differed significantly from their own (Gutiérrez and Kobrak 2001:57-72).

Drawing from a sample of newspaper accounts and from his decades of expertise in the Maya region of Guatemala, Handy (2004) relates the phenomenon not only to the Civil War but also to a deteriorating economy in rural areas. In his view, *linchamientos* are linked not only to the

military training and education that many people received during the war but also to the upsurge in crime and anxiety caused by the declining cotton market that began in the 1970s and the coffee crisis of the early 2000s (Handy 2004:543). This observation is important because it focuses on the possible causes of an increase in petty theft and crime, an aspect that MINUGUA and other researchers ignored. Moreover, the author suggests that *linchamientos* can also be interpreted as a result of the imposition of a state legal system that fails to recognize indigenous customary law (Handy 2004:534). This resonates with a situation that Gutiérrez and Kobrak found in 2000 in Tzalanpinul, a village in Huehuetenango where state agents failed to recognize an *acta* (minute) that villagers wrote as a valid form of evidence against a group of alleged criminals (Gutiérrez and Kobrak 2001:49-51). The anecdote serves as an example of the conflicts that can emerge between two competing systems of justice with different logics and moral bases.

Through a quantitative study using a dataset that MINUGUA put together, Carlos Mendoza argues that the mission overemphasized the roles of the war and poverty and played down what he called the “ethnic variable” and the “absence of the state” (Mendoza 2007:36-37). In his view, the fact that *linchamientos* occur more frequently in indigenous communities is not due primarily to their experience with wartime violence or to current economic conditions but to their “sense of belonging and strong identity” and to a “culture of honor” that emerges in the absence of a state apparatus (Mendoza 2007:37). His association of honor with *linchamientos* is based on the work of Nisbett and Cohen (1996), who have attempted to explain regional patterns of violence in the United States from the perspective of social psychology. In contrast, through a similar quantitative study Bateson (2012) finds evidence that *linchamientos* are more likely to occur in municipalities that experienced high levels of mass violence during the Civil War. According to the author, Guatemala exhibits two distinct “systems of vigilantism” in the eastern and western

parts of the country, and the variation between them can be explained by the regions' different experiences during the war (Bateson 2012:42-43).

Godoy (2006) provides the most sophisticated explanation of *linchamientos* in Guatemala. First, she distinguishes between incidents that seem to be related to paramilitary organizations from those that people carry out willingly, without anyone forcing them to do so (Godoy 2006:78). She dedicates her attention mostly to the second ones. Rather than limiting herself to determining if they are related to one or more of the factors that previous studies have mentioned, she argues that *linchamientos* are just one of many other authoritarian and violent expressions of the *mano dura* (tough-hand) approach to social instability that has become common in many countries in Latin America (Godoy 2006:10-12). She sees this way of thinking as ultimately emerging from the tensions between: 1) the pressures exercised by neoliberal globalization; 2) the subsequent rise in crime and the state's incapacity to deal with it; 3) the presumed legal equality in these relatively new neoliberal democracies; and 4) the actual inequality of all sorts that often persists in practice (Godoy 2006:1-39). In her view, an indigenous community killing an alleged criminal or a rich businessman from Guatemala City hiring a hit man or paying the police to get rid of a street gang member are expressions of the same phenomenon. The form that each practice takes is determined by the social position of the actors, but the essence that gives life to both is the same. What needs to be explained, then, is this tendency to advocate for severe measures against wrongdoers and not so much the specific forms of action. Seligson (2003) had proposed something similar when he analyzed the tendency to demand extreme punishments for alleged criminals in Guatemala, but he related it basically to fear of crime and crime victimization. In her work, Godoy went a step further by considering broader structural factors.

Echoing Gutiérrez and Kobrak's observation on the role of leaders in Huehuetenango, a few studies have illuminated how indigenous leaders in some communities have appeased people's demands for extreme punishments and channeled them into more acceptable, albeit still controversial practices (Bybee, Hawkins, McDonald et al. 2013; Godoy 2006:132-42; Sieder and Flores 2011). Perhaps the most well documented efforts of this nature are the ones that leaders in Santa Cruz del Quiché have spearheaded. In this municipality, MINUGUA documented 10 *linchamientos* from 1996 to 2002 (MINUGUA 2004), but in recent years indigenous authorities have managed to transform these kinds of punishments into less extreme forms of social control based on their ideas about customary law (Flores and Sieder 2009-2012; Sieder and Flores 2011). Although some of these practices are sometimes still problematic from the perspective of human rights, the studies show that the efforts of these leaders stem from the broken promises of the Peace Accords to transform the state into a multicultural state, and also from people's need to feel safe in a context of widespread impunity and fear of crime.

4.3 PROBLEMS WITH MINUGUA'S ASSESSMENT

4.3.1 MINUGUA'S Dataset

In addition to the two reports, MINUGUA produced a dataset that documented individual cases of *linchamiento* from 1996 to 2003 (MINUGUA 2004).¹⁵ This dataset consists of two Microsoft Excel files: one with a separate sheet for each year from 1996 to 2002, and one with a separate sheet for each department in 2003. The first file includes three extra sheets labeled as “Casos por depto y año,” “Linch y víctimas por año,” and “Linch y víctimas por depto” with tables that summarize the numbers. The second file includes these extra sheets as well, although with different and confusing labels, and four other sheets with incomplete tables and more confusing labels. This file gives the impression of being a careless and unsystematic dataset.

To document each case of *linchamiento*, the mission attempted to record the date of the incident; the time of the day at which it happened; the place where it happened; the alleged crime the victims were accused of; whether there were any witnesses and instigators; the legal process against instigators; the community involved; the number of victims; the names of the victims and their health; and the role of national authorities and MINUGUA, before, during and after each *linchamiento*. Of course, the information for these items is incomplete for many of the *linchamientos* listed. Overall, from the dataset, we can say that 482 *linchamientos* occurred between 1996 and 2002, as a result of which 240 people died and 703 were injured.¹⁶ More than 90 percent of these *linchamientos* occurred in the departments of Alta Verapaz, Quiché, Guatemala,

¹⁵ The mission did not publish this dataset, on which the published reports were apparently based.

¹⁶ I excluded the Excel file for the year 2003 given that it seems to draw mainly from newspaper accounts and that it reflects an overall lower quality than the other Excel file. The file for the period between 1996 and 2002 seems to draw from newspaper accounts but also from witnesses and the mission's personnel.

Huehuetenango, San Marcos, Petén, Totonicapán, Sololá, Chimaltenango and Quetzaltenango, although all departments experienced some incidents during this period, with the exception of Zacapa and Jutiapa, which experienced none. As the MINUGUA reports observed, in more than 50 percent of the *linchamientos* listed in the dataset the victims were accused of some sort of crime against private property, while in around nine percent they were accused of murder. In 58 percent of the incidents the community involved was “indigenous” and in 14 percent it was “ladina.” The rest involved crowds of “mixed,” “unknown,” or unrecorded ethnicities. Unfortunately, for later researchers, the mission did not record the ethnicity of the victims either (MINUGUA 2004).

Table 1. Ethnicity of communities involved in *linchamientos* according to MINUGUA

Ethnicity	Percentage
Indigenous	58
Ladina	14
Mixed	10
Unknown	9
Not Reported	9
Total	100

Source: (MINUGUA 2004)

There are some technical problems with MINUGUA’s dataset. First, the mission does not specify anything about how it gathered its data. Studying the reports and the information in the dataset, there are indications that the mission’s personnel would learn about these incidents on the ground through local communities, state agents or media outlets before, during or after they

occurred.¹⁷ The mission's actions then seem to have depended on this timing: if an incident was about to happen or was actually already happening, mission agents seem to have tried to intervene and negotiate with people, at least in some cases.¹⁸ If, on the other hand, the incident had already happened, the mission seems to have limited itself to verifying the details and to following up the judicial process against the victimizers, if there was any.¹⁹ Unfortunately, we don't know how many incidents the mission verified or even if it verified some of them at all. For many cases the mission does not specify anything in relation to this matter and hence it is impossible to tell where the information for those incidents comes from. In some cases the mission does specify that the case was "known by MINUGUA" or that a "case" with such and such number "was open," but these specifications are vague and the document does not explain them further.

Furthermore, the mission does not specify how it decided whether communities involved in *linchamientos* were "indigenous," "ladina," or "mixed." We don't know if these ethnic categories are a product of people self-identifying as such or if they are based on the appraisal of the mission's agents. This is an important matter because ethnic identities in Guatemala are tremendously complex. A person who might seem "indigenous" to an outsider, for example, might self-identify as Ladino, depending on the context, situation and relationship with the

¹⁷ The mission's dataset has a column labeled "Información del caso en MINUGUA (no. de caso abierto, memoranda, fuente, etc...)," in which it documents the source of the information for each *linchamiento*. In some cases the mission simply indicates that the incident was "known by MINUGUA," while in other cases it indicates the specific source. For example, in 1998, the mission documented a case in the canton Nimapá, in Totonicapán, and listed its source as "PL, 26Jun99," which refers to a June 26, 1999 newspaper article in Prensa Libre. See MINUGUA (2004, case 175).

¹⁸ For example, in 1999, the mission documented an attempt of *linchamiento* in Los Encuentros, Sololá, during which its personnel intervened along with other state agents (MINUGUA 2004, case 278). In contrast, that same year, the mission documented a case in La Ceiba, Petén, during which the role of authorities, including the mission's personnel, was "unknown" (MINUGUA 2004, case 284).

¹⁹ For example, in 1996, the mission documented a case in Sacapulas, Quiché, and indicated that its regional office in Quiché ("ORQUI") verified afterwards that people had formed a "security patrol" that was patrolling the streets at night (MINUGUA 2004, case 14).

observer. In other cases, people who might seem “indigenous” to an outsider can self-identify as part of a specific Maya group, like Kaqchikel or K’iche’, for example, and reject the category “indigenous” to situate themselves within a complex political framework.²⁰ There are many other examples and nuances that are simply lost in MINUGUA’s dataset but that could have had important implications for the way of seeing and analyzing *linchamientos*.

Another issue is that the mission’s dataset has almost no information about the victims of *linchamiento*. The dataset only lists the number of people who were attacked and, in some cases, their names and whether they survived, were injured, or came out unharmed. This limits the analysis tremendously because knowing something about the victims could potentially transform the approach to the phenomenon altogether. For example, in Acal, a village in the department of Huehuetenango, former civil self-defense patrollers were still operating in 1997 claiming that they needed to defend the community from “delinquents” and the “guerrilla” (Gutiérrez and Kobrak 2001:32). In fact, former patrollers in that village were representing suspected criminals as former guerrilla collaborators turned bandits to justify violence against them (Gutiérrez and Kobrak 2001:32). In this case, the use of the word *linchamiento* to analyze this conflict would have been debatable.

As another example of the difficulties one encounters with MINUGUA’s dataset, we can go back to Stanley’s assertions about *linchamientos* being related to the *Frente Republicano Guatemalteco* at the end of the 1990s. From the start, the author’s claim about the types of crimes is difficult to confirm, given that labeling an action a “petty theft” on the basis of the limited information that MINUGUA provides is difficult and probably not a very reliable judgment call. The mission does show an increase of *linchamientos* in 1999, but it is difficult to determine which

²⁰ For an idea of how complex local identities are in Guatemala, see Little-Siebold (2001).

kinds of triggering event increased simultaneously. Classifying what the mission sometimes calls “asalto” as “armed robbery,” we can see an increase not in 1999 but in 1998. In 1999 there was actually a decrease in the percentage of incidents triggered by armed robberies in relation to the previous year. If we classify what the mission sometimes calls “robo” as “burglary,” we do see an increase in 1999. The problem here is that we don’t know if this is what Stanley means when he says there was an increase in “petty theft,” because we could also classify many of the armed robberies as “petty.” In fact, the mission classified many “armed robberies” also as “burglaries,” and although sometimes one can decide whether it was one or the other based on the description it provides, in other cases the distinction is difficult, if not impossible to make. Moreover, the mission sometimes didn’t classify incidents as either “armed robberies” or a “burglaries,” but in some cases reading the description reveals it was one or the other. If we consider “armed robbery” and “burglary” together what we see is that the total number of incidents that occurred because of these two triggering events actually decreased in 1999. In Table 2, the category that goes up during 1999 is “other,” but this category comprises a broad range of actions that are exceedingly varied, such as impersonation, land problems, witchcraft, running over a person with a vehicle, and others, none of which constitutes a form of “petty theft.”

Table 2. Number of *linchamientos* by percentage of triggering event from 1996 to 2002

Year	Number of <i>Linchamientos</i>	Armed Robbery	Burglary	Murder	Other
1996	35	17	43	9	31
1997	78	22	46	5	27
1998	67	40	21	7	31
1999	105	21	31	3	45
2000	61	16	26	15	43
2001	75	29	28	7	36
2002	61	11	28	8	52

In some cases, it is very difficult to determine whether an act was an “armed robbery” or a “burglary,” because the mission didn’t classify them as either. I sometimes decided whether an act was an “armed robbery” or a “burglary” based on the mission’s description of the case, but my classification might differ from the way other people interpret the data.

Source: (MINUGUA 2004)

In terms of Stanley’s claim that *linchamientos* during 1999 occurred more in the regions where former civil self-defense patrollers had a strong organization, the data does not offer conclusive results. Unfortunately, it is hard to find data on the *Frente Republicano Guatemalteco*’s organization at any level during that year, or to even know if this data exists, and the only data about the number of civil self-defense patrollers available is at the department level for 1995 (Comisión para el Esclarecimiento Histórico 1999, Vol. 2, paragraph 1402; Sáenz 2004:79). When the number of *linchamientos* by department for 1999 is compared with the number of civil patrollers who demobilized in 1995, the data shows contradictory results (see Table 3). First of all, the overall correlation between both is not strong enough to conclude anything. The departments where more *linchamientos* occurred that year were Alta Verapaz and Quiché, which were in fact two departments with a high number of civil patrollers in 1995. But this pattern doesn’t seem to apply to a place like Huehuetenango, where the number of civil patrollers in 1995 was highest but *linchamientos* were not frequent. Likewise, this pattern does not apply to places like Chiquimula and Izabal, where the number of civil patrollers was also high but

linchamientos were extremely rare. If we see the total number of *linchamientos* for all years for each department, we can see that the pattern does not hold for places like Guatemala and Totonicapán, where a relatively large number of *linchamientos* occurred but where there were virtually no civil patrollers in 1995.

During the early 2000s, Alfonso Portillo's government offered a compensation payment to former civil patrollers in response to their mobilization in different parts of the country. Portillo had made this offer during his political campaign in 1999 as a response to similar demands, and former patrollers were now demanding what they thought was rightfully theirs (Sáenz 2004:71-110). When the number of *linchamientos* is compared to the number of people who requested a payment from the government, the results are also mixed. There seems to be a significant correlation between the number of people who requested a payment and the total number of *linchamientos*, but not so much between the number of people who requested a payment and the number of *linchamientos* in 1999 (see Table 3). A problem here is that we don't know if the number of people who requested a payment is an accurate reflection of the actual number of former patrollers or not. Based on what Sáenz (2004:78) says, it seems that in some cases actual former patrollers failed or simply refused to request the payment, while in other cases people who were not actually patrollers ended up requesting the payment. Another problem is that we don't know the years to which the number of people who requested a payment corresponds. Sáenz does not provide this information. He states that former patrollers began to mobilize to demand a payment as early as 1997, while the mobilizations during Portillo's government occurred mainly in 2002 (Sáenz 2004:71-77). We don't know if the numbers he provides correspond only to Portillo's period or if they include numbers from the previous government. In order to explore this issue further we would need more accurate data on the number of civil patrollers at the municipal level for 1999, which we currently don't have.

Table 3. Number of *linchamientos* by department and year and civil patrollers

Department	<i>Linchamientos</i> in 1999	Total <i>Linchamientos</i>	Number of Civil Patrollers	
			Demobilized in 1995	Requested Payment
Alta Verapaz	25	90	72,699	58,808
Quiché	23	76	46,955	58,875
Guatemala	10	52		9,972
Huehuetenango	4	45	90,750	66,187
San Marcos	5	41	1,623	37,986
Petén	8	36	3,737	24,985
Totonicapán	7	26		7,381
Sololá	5	26	2,756	22,257
Quetzaltenango	5	22	3,643	17,935
Chimaltenango	5	21	3,643	28,990
Baja Verapaz	1	9	2,480	19,181
Escuintla	0	8		9,616
Suchitepéquez	1	7	4,688	30,131
Retalhuleu	1	6		15,688
Sacatepéquez	2	5		2,734
Chiquimula	1	4	23,333	15,099
Jalapa	1	3	1,800	11,442
Santa Rosa	1	3	455	8,233
El Progreso	0	1		8,553
Izabal	0	1	15,613	14,580
Jutiapa	0	0		10,966
Zacapa	0	0		13,905

The Pearson correlation for number of *linchamientos* in 1999 and number of civil patrollers in 1995 is 0.57, while for total number of *linchamientos* and number of civil patrollers in 1995 it is 0.66. As the table illustrates, the *Comisión para el Esclarecimiento Histórico* does not provide information on civil patrollers in 1995 for some departments. The report does not specify if this omission corresponds to missing data or to actual absence of civil patrollers in those departments. The abovementioned correlation numbers assume that the missing data represents absence of civil patrollers. If we eliminate the observations for which we have no data and run both correlations, the results are the same. The coefficient between number of *linchamientos* in 1999 and number of demobilized civil patrollers in 1995 is 0.56, while for total number of *linchamientos* and number of demobilized civil patrollers in 1995 it is 0.68. The correlation for number of *linchamientos* in 1999 and number of civil patrollers who requested payment is 0.67, while for total number of *linchamientos* and number of civil patrollers who requested payment it is 0.77. As noted before, Sáenz does not specify the year for the number of people who requested the payment.

Sources: (Comisión para el Esclarecimiento Histórico 1999, Vol. 2, paragraph 1402; MINUGUA 2004; Sáenz 2004:79)

A final example illustrates again the importance of these technical issues for our understanding of the phenomenon of *linchamientos*. Based on a simple statistical correlation between indigenous communities and *linchamientos*, Seligson (2005) offers a completely different view of the issue by suggesting the possibility that the incidents emerge out of intra or inter-communal ethnic conflicts. Because MINUGUA only used four categories to register the ethnicity of the victimizers (“indigenous,” “ladina,” “mixed” and “unknown”), and because it did not register the ethnicity of victims, his thesis cannot be explored further. As he notes, “[W]e do not know if these lynchings are conflicts entirely confined within ethnic groupings or if they cross ethnic lines” (Seligson 2005:222). He then adds, “Even if we had that data, we would not know about clan-level violence that proved so critical in the slaughter in the Ethiopia-Eritrea conflict” (Seligson 2005:222). In addition to offering this alternate view, Seligson notes the impossibility of determining which factor—the war or ethnicity—is more important to explain *linchamientos*, given that the statistical variables used to measure them are highly correlated. “In effect,” he notes, “there is a problem of multicollinearity that cannot be corrected because the two variables, ethnic identification and the presence of civil patrols, are highly associated with each other” (Seligson 2005:224).

4.3.2 MINUGUA'S Regional Presence

A second source of problems is MINUGUA's deployment of its offices and sub-offices across the country. Out of 331 municipalities in Guatemala, the mission documented *linchamientos* in 155, that is, in more or less half the municipalities in the entire country (MINUGUA 2004). This is, in fact, the main puzzle that some scholars have tried to solve: why do *linchamientos* occur only in some regions in the country but not in others? A possible overlooked reason for this, however, could be that the mission just did not have equal access to all the municipalities in the country, and therefore its dataset and reports reflect only what was going on in certain regions. If we take a look at the mission's deployment of its regional offices and sub-offices, we see that they are correlated with the departments where it argued *linchamientos* occurred most frequently. The mission's regional offices were located in the departments of Quiché (Santa Cruz del Quiché), Huehuetenango, Alta Verapaz (Cobán), Quetzaltenango, Sololá, Zacapa, Petén (Flores/Santa Elena) and Guatemala City, while its regional sub-offices were located in Quiché (Cantabal and Nebaj), San Marcos (San Marcos), Huehuetenango (Barillas), and Escuintla (United Nations General Assembly 18 August 1994, paragraph 29).²¹ In 2000, the mission pointed out that *linchamientos* occurred more frequently in the departments of Quiché, Alta Verapaz, Guatemala, Huehuetenango, Sololá, San Marcos, Petén, Chimaltenango, Totonicapán and Quetzaltenango (MINUGUA 2000), and in 2002 it claimed *linchamientos* occurred more often in the departments of Alta Verapaz, Quiché, Guatemala, Huehuetenango, San Marcos and Petén (MINUGUA 2002). The mission had offices or sub-offices in all of these departments, except in Chimaltenango, which is an hour's drive from Guatemala City and from Sololá, and

²¹ The preliminary mission initially considered establishing an office in Jutiapa, but ended up establishing it in Escuintla. See Stanley (2013:68).

Totonicapán, which is a half-hour drive away from Quetzaltenango. The only department that deviates from this pattern is Zacapa, where MINUGUA had an office but documented no *linchamientos* (see Table 4).

Table 4. Number of *linchamientos* and MINUGUA's regional presence

Department	Number of <i>Linchamientos</i>	MINUGUA Offices	MINUGUA Sub-Offices
Alta Verapaz	90	1	0
Quiché	76	1	2
Guatemala	52	1	0
Huehuetenango	45	1	1
San Marcos	41	0	1
Petén	36	1	0
Totonicapán	26	0	0
Sololá	26	1	0
Chimaltenango	21	0	0
Quetzaltenango	22	1	0
Escuintla	8	0	1
Baja Verapaz	9	0	0
Sacatepéquez	5	0	0
Retalhuleu	6	0	0
Chiquimula	4	0	0
Suchitepéquez	7	0	0
Jalapa	3	0	0
Santa Rosa	3	0	0
El Progreso	1	0	0
Jutiapa	0	0	0
Izabal	1	0	0
Zacapa	0	1	0

The Pearson correlation for number of *linchamientos* and number of offices is 0.65, and for number of *linchamientos* and number of sub-offices it is 0.48. For number of *linchamientos* and number of offices plus sub-offices it is 0.72. Sources: (MINUGUA 2004; Stanley 2013:68; United Nations General Assembly 18 August 1994, paragraph 29).

The correlation between the number of *linchamientos* and MINUGUA's regional presence is not sufficient to conclude anything. But even if the mission had access to the entire country, the information on its dataset and reports suggest that its data gathering depended on incidents being public enough for it to notice them or on outside sources bringing them to its attention. This means that the mission could have potentially overlooked other similar, albeit hidden incidents that occurred in the departments where it did not have offices or sub-offices or in remote places that were difficult to reach. Another possibility is that people in some places could have simply avoided or perhaps could have been forced to avoid letting MINUGUA know about such incidents. After all, MINUGUA was not a particularly welcome institution in Guatemala.²² The fact is that we simply don't know if all these factors had important consequences for the way in which MINUGUA constructed its dataset. However, the way the data is arranged by "cases," the lack of information and uncertainty about the way it was gathered, MINUGUA's limited physical presence, and the character of the mission as a human rights peace-building mission, suggest that the database should be seen as a database for the purpose of "case management" and not for statistical analysis (Krüger, Ball, Price et al. 2013:249). As Krüger et al. (2013) argue, case management datasets are not good for statistical analysis, because they are not representative of the populations they address. In their words:

²² "Aside from the limitations of its mandate and separate issues related to its funding, MINUGUA faced several external constraints. The most immediate of these came from Guatemala's 'peace resisters,' taking several forms. The first was a series of overt attacks against MINUGUA, including shooting up the office, as well as ongoing threats, harassment, and even kidnappings directed against MINUGUA personnel; in none of these cases did the government arrest those responsible. In short, MINUGUA was experiencing the effects of the impunity documented in its reports. Another set of attacks came from hard-liners in the army and private sector, accusing MINUGUA of defending '*izquierdas humanas*' rather than '*derechos humanos*' (i.e., of favoring the URNG)—despite MINUGUA's sharp criticisms of the URNG for charging 'war taxes' (accompanied by threats and reprisals) in rural areas and engaging in other armed activities that endangered civilian lives. CACIF [Comité Coordinador de Asociaciones Agrícolas, the most powerful group of business representatives in Guatemala] never accepted the idea that property damage was considered a less serious human rights violation than assassination" (Jonas 2000:49).

Data collected for case management purposes are related in unknown ways to the population from which the data were drawn; that is, there is no necessary reason that case data should be statistically representative of the underlying population. No conclusions can be drawn from such data about more general patterns beyond what has been documented in the observed records themselves. Case data reflect reporting patterns—not patterns of violence—which are affected by reporting bias (or selection bias). “Reporting bias” in this context means that the likelihood that a given event is reported varies with characteristics of the event itself, or with characteristics of the agency collecting the reports (Krüger, Ball, Price, & Green, 2013, p. 249).²³

If MINUGUA’s dataset was built for handling individual cases and not for statistical analysis, the conclusions from quantitative studies that are based on it should be taken with caution. In order to build theories about “vigilantism” we would need to know about the different “vigilante” practices that occurred in other parts of the country where the mission did not document *linchamientos*. We simply can’t tell if the absence of *linchamientos* in some regions of the country—all those 0’s that result from the mission’s dataset—is a reflection of the actual absence of vigilante practices, or a reflection of the mission failing to document clandestine incidents. If, on the other hand, we want to use MINUGUA’s dataset to build theories about “lynching,” then we have to be aware that the idea of “*linchamiento*” is a particular idea that is similar but differs in some ways to the idea of “lynching” in other contexts. Some practices that Guatemalans might see, and perhaps MINUGUA saw, as a completely different phenomenon

²³ See the Human Rights Data Analysis Group’s webpage (<https://hrdag.org>) for Patrick Ball’s extensive work on documenting and carrying out quantitative analysis of human rights violations around the world for over 20 years.

from *linchamiento* just because they are not public or because the agents involved are not civilians, for example, could in fact be labeled as *lynchings* by outside observers.

4.3.3 Agency and Emphasis on the War

MINUGUA's reports and dataset focus heavily on "instigators" and portray the rest of the people involved in *linchamientos* as victims with no agency. Although there is evidence that indeed in some cases paramilitary organizations forced people to participate in *linchamientos*, in other cases the roles of people are not so clearly distinguished. In fact, the study of Godoy (2006) is an attempt to address this specific problem. Instead of seeing them as simple examples of paramilitary groups forcing civilians to participate, she argues that some *linchamientos* are "an attempt by embattled communities to reassert their autonomy and agency after decades of repeated assault by state armies, locally powerful elites, a shifting rural economy, criminal bandits, and other adversaries" (Godoy 2006:102). Here, the author not only highlights the active role of communities but depicts agency itself as something communities are trying to reconstruct after years of various forms of violence. The war still plays a role, but it is quite different from the role that MINUGUA assigns to it.

A possible reason for MINUGUA's emphasis on the war could be its nature as a peace-building mission focused on human rights violations. Because of this, the mission could have highlighted the war to justify its intervention and to make sure that documenting *linchamientos* corresponded with its mandate. In fact, *linchamientos* created "an awkward problem for the mission. The perpetrators were almost always civilians rather than official state agents, putting this phenomenon potentially outside the mission's formal mandate" (Stanley 2013:78). The problem with associating *linchamientos* mainly with the war is that it ignores the motivations of

ordinary people to participate in them. Indigenous communities are portrayed simply as victims of paramilitary instigators.

Another possible explanation for MINUGUA's overemphasis on the war could be the tendency of some activists involved with Guatemala to focus on state violence in detriment of other types of violence (Stoll 2009:168-69). The image of communities actively lynching alleged wrongdoers, in particular indigenous communities, could have simply failed to coincide with the image some activists had of the state as the main perpetrator of violence and of communities as simple victims of the state. If this was the case, seeing paramilitary groups as the ones responsible for *linchamientos* provided a way out of the ambivalence that the image produced. As Godoy notes, however, the story of *linchamientos* "is not a story of villains and victims; it is a story of the complex, confounding effects of violence on communities and the challenge of negotiating justice in a postgenocidal world where fear and repression persist" (Godoy 2006:78).

4.3.4 The Word *Linchamiento*

Finally, another problem with the literature is the use it makes of the word *linchamiento*. As Mendoza (2007:27) first noted, MINUGUA used a very vague and broad definition of *linchamiento* that included incidents in which victims died and incidents in which they didn't. The mission's definition is based on the definition of *linchar* (to lynch) that the *Real Academia Española* (Royal Spanish Academy, or RAE in Spanish) gives, which is in turn based on the word *lynch* used in the English language (Real Academia Española 1992). Both the mission and the RAE note the alleged origin of the word as a response to Charles Lynch, an 18th century judge from Virginia (MINUGUA 2000, paragraph 3).

Although the RAE specifies that *linchar* means “to execute a suspect or an inmate without due process and tumultuously” (Real Academia Española 1992, my emphasis), MINUGUA broadened the definition to include incidents where victims did not die. Hence, the mission defined *linchamiento* as follows:

[An act] of tumultuous violence against people, independently of whether it is carried out against one or more victims, and of whether it leads to their death or not, and independently of whether death does not occur because the “lynchers” stopped or because authorities or others stopped it from happening (MINUGUA 2000, paragraph 4).

The problem with this definition is that it is so ambiguous that almost any violent incident that involves more than two persons can fall under the category of *linchamiento*. There is no distinction made among, say, a protest in which a group of people attack a mayor, a fight between two groups of angry fans at a soccer match, or an incident in which a group of street-gang members attack a member from a rival gang. They all fit the definition perfectly. The mission noted that this ambiguity was intrinsic to the word itself in its first report, when it compared the difference between a 1984 definition of *linchar* that the RAE gives, which allegedly includes incidents where the victim or victims are not killed, with the 1992 definition, in which death is a necessary condition (MINUGUA 2000, paragraph 3).²⁴ “This is a sign that the definition of this practice is still in a process of evolution,” the report says, but does not reflect on

²⁴ The RAE has made available online the dictionary editions for the years 1925, 1992, and 2001. In all of these versions the definition of the word *linchar* specifies that victims have to be executed. See “Mapa de diccionarios,” available at: <http://web.frl.es/ntllet/SrvltGUILoginNtletPub>.

the matter further (MINUGUA, 2000, paragraph 3).

Except for Mendoza, no other researcher has written about the meaning of the word *linchamiento* and on the implications it can have for the study of violence in Guatemala. The problem with researchers not doing this is that they ignore the fact that whether people consider an act of violence a *linchamiento*, a lynching or a form of vigilantism more broadly is determined by social and political dynamics (Pratten and Sen 2007; Waldrep 2002). As historian Christopher Waldrep argues, “the act of labeling certain behaviors as lynching should be called rhetoric” (Waldrep 2002:4). “Rhetoric,” the author tells us, “implies a consciousness of audience, an attempt to influence a public” (Waldrep 2002:4). This becomes clear in cases such as the recent genocide trial against General Efraín Ríos Montt, which some detractors labeled a “political lynching” orchestrated by the Guatemalan left to delegitimize it in front of the international audience (Ruiz-Goiriena 2013). By not reflecting on the different meanings that violence can have in different places (Blok 2000; Stanko 2003), analysts can assume that *linchamientos* are ontological entities that exist “out there,” objectively, when in reality people can have different ideas about what a *linchamiento* looks like. In fact, as noted before, outsiders could classify as lynchings or as vigilantism many incidents that Guatemalans would generally not see as *linchamientos*.²⁵

The following chapters focus on two contrasting municipalities in Guatemala: Totonicapán and Guastatoya. The chapters show that in both towns people have organized against crime and have taken different measures against alleged wrongdoers. In Totonicapán, people have sometimes been involved in what newspapers refer to as *vapuleos* (beatings), acts during which crowds publicly humiliate and beat alleged wrongdoers before turning them in, or

²⁵ For a balanced and broader critique of MINUGUA, see Kruijt, Pearson, Palma et al. (2000).

being forced to turn them in to the police. In contrast, some locals in Guastatoya claim people have sometimes thrown out, disappeared or killed suspected wrongdoers away from the public eye. Some Guastatoyans refer to these practices as *limpieza social* (social cleansing) or as disappearances, while others simply lack a word for them. Rather than seeing these acts of violence as examples of “vigilantism” or of incidents that occur “outside” the state, the chapters discuss the ways in which these acts and the organizations they emerge from have had different relations with the state apparatus and with other local power holders.

5.0 “*HERE PEOPLE ARE ORGANIZED*”: THE STATE, CRIME AND VIOLENCE IN A MAYA-K’ICHE’ TOWN

On April 10, 2008, the newspaper *Prensa Libre* reported an incident in Totonicapán’s urban center with the headline “Vapulean a asaltante” (They beat robber) (Ixcot and Toc 2008). According to the note, a group of neighbors apprehended an 18-year-old man after a woman caught him stealing at a local store. The report quotes a representative from the Human Rights Ombudsman Office saying, “He was caught, tied up, and taken to the central plaza, where he was exhibited half-naked so that other neighbors could identify him. Apparently it is the same person that has committed other crimes in town” (Ixcot and Toc 2008). The report also notes that the alleged wrongdoer confessed to the local indigenous authorities that he was part of a band of robbers. The note includes two images. In one, the alleged wrongdoer can be seen half-naked, with his arms tied tightly with a rope around his stomach, blood and bruises on his face and upper body. The other image shows the same man walking along two indigenous authorities and a group of onlookers. The police did not register this incident in their official statistics, but the Human Rights Ombudsman Office registered it as a “linchamiento” and wrote “golpes” (blows) under “tipo de heridas” (types of injuries) (Procuraduría de los Derechos Humanos 2005-2009). It also noted that the crowd paraded the man around town and then took him to La

Unión Central Plaza, where they tied him in front of the monument to Atanasio Tzul²⁶ (Procuraduría de los Derechos Humanos 2005-2009).

On February 19, 2009, the Guatemalan newspaper *Nuestro Diario* reported a similar incident in Totonicapán's center with the headline "Vapulean a ladrón" (They beat a thief) (Nuestro Diario 2009). The report fulfills all the characteristics of a sensationalistic note. It displays the headline in the middle of the text in big yellow letters against a red background. It includes three alarming images. The biggest image shows a crowd of people tipping over a pickup truck. Another image below shows the same truck in flames. A third image shows a half-naked man in a defeated position, with blood on his body and hands tied around his waist, being surrounded by a crowd. The language is simple and describes the event dramatically: "An enraged mob lashed out against an alleged thief yesterday and burned his car to ashes, while three accomplices managed to escape from the people" (Nuestro Diario 2009). The report then adds that the man "begged for mercy" while the crowd called for the "Ley de Talión" (Law of Retaliation). "We want justice!" yelled the people gathered in Totonicapán's plaza, before turning him into the police" (Nuestro Diario 2009). In their official statistics, the police registered this incident as a case of "lesiones" (injuries) by "linchamiento" in Totonicapán (Policía Nacional Civil 2001-2011). Similarly, the Human Rights Ombudsman Office registered this incident as a "linchamiento" and wrote "vapuleado" under "tipo de heridas" (type of injuries) in its official statistics (Procuraduría de los Derechos Humanos 2005-2009).

The newspaper reports of these incidents leave little doubt as to what happened. From their details, any reader would conclude that people "took justice into their own hands" against alleged criminals. The only ambiguous thing is the role of the police. In both cases, the reports

²⁶ Atanasio Tzul was an indigenous leader who led people from Totonicapán and Momostenango in a rebellion against colonial taxation during the nineteenth century. See Pollack (2008).

mention that people eventually turned the wrongdoers in, but they do not specify what the police were doing during the acts.

In contrast, what I found during my research in Totonicapán is that people have organized against crime in various and complex ways, and that their organizations have had varying relations with the state and indigenous authorities over the last few years. State agents are very much aware that these organizations exist, and while some endorse them publicly, others are critical of their actions. Rather than representing clear examples of Maya law or chaotic and emotional reactions against crime, as newspapers often suggest, these incidents exist in a complicated middle ground. They exhibit some characteristics that some Maya authorities believe are essential to Maya law, such as the shaming of individuals and corporal punishment, but they usually happen on the spot, leaving little time for planning and more elaborated procedures.

Although the police and the Human Rights Ombudsman Office classify them as *linchamientos*, *Totonicapenses* usually do not use the word *linchamiento* to refer to these practices. They usually associate the word *linchamiento* with the actual killing of an individual. A great majority of state and non-state agents simply emphasize that *Totonicapenses* are “*organizados contra la delincuencia*” (organized against crime), and that they sometimes beat and shame wrongdoers publicly before turning them in to the police. Some state agents and local residents refer to these incidents as people “*tomando la justicia por sus propias manos*” (people taking the law into their own hands). As two of my informants said, “There is a saying here, you better stay away from people here because they take justice into their own hands” (Interview D19). “[People have taken the] law into their own hands, because here there is no law” (Interview E25). A few state agents see these acts as “*conato de linchamiento*” or attempted lynching, but it is usually very difficult to tell whether people actually wanted to kill the alleged wrongdoers or if they just wanted to beat them

and then turn them in to the police. A few residents did mention that fatal *linchamientos* involving the use of fire had taken place in the municipality, but usually in the surrounding cantons and not in the urban center. As I show below, the issue is complicated because it involves different interpretations of violence and of the people involved, as well as different interpretations of Maya law.

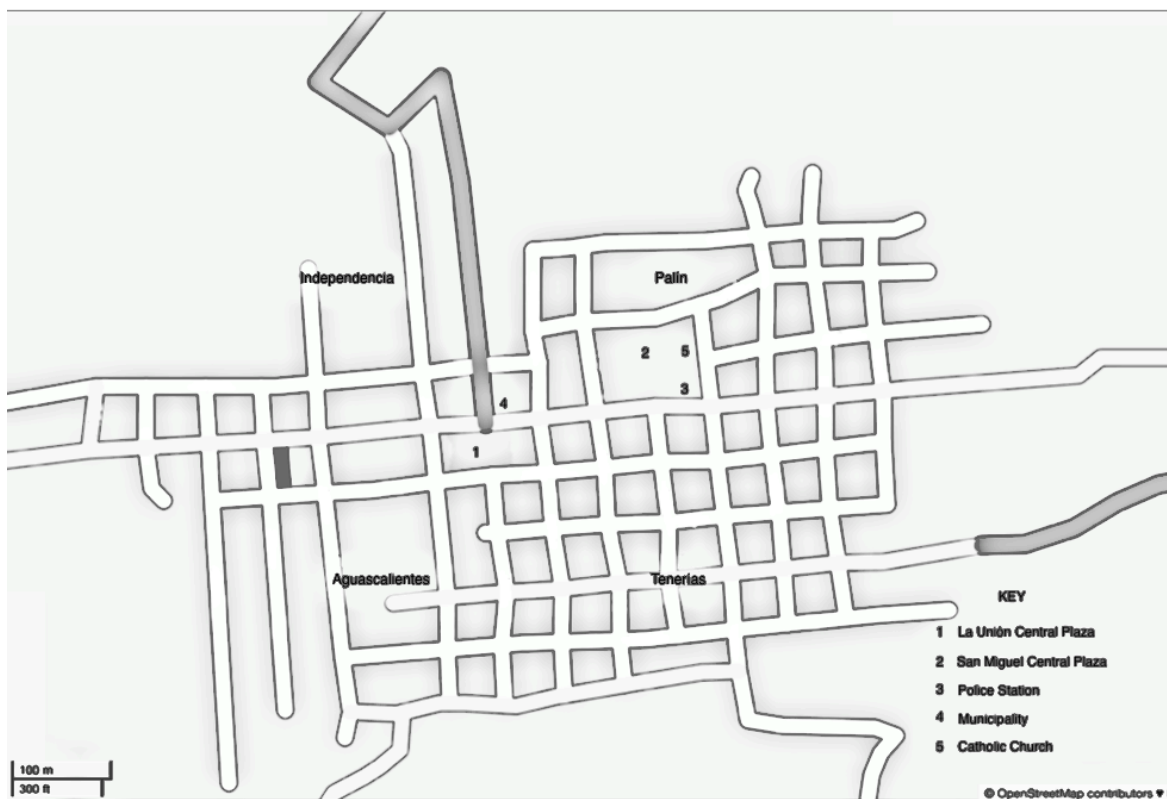


Figure 15. Map of Totoncapán's Center²⁷

The map shows the approximate location of each neighborhood.

²⁷ Source: © OpenStreetMap contributors. The data is available under the Open Database License and the cartography is licensed as CC BY-SA. See <http://www.openstreetmap.org/copyright>. I added the key, numbers, names of places, and shades of grey.

5.1 TOTONICAPÁN: A LAND DIVIDED

At the feet of the monument to Atanasio Tzul in La Unión central plaza, a man holds an object wrapped in an old rag. He calls the people around him to come and see the object. It is a magic animal, he says. As people surround him, he uncovers what seems to be a stuffed red frog the size of a small cantaloupe and sets it on the floor. He is going to make the frog come back to life and jump again, he tells everyone, as he moves the cloth around the animal and up, like if he was trying to resuscitate it. As people stare at the frog, the man reaches into his backpack and pulls out a plastic bag filled with fruits and vegetables. He is going to show everyone the cure to all their illnesses, he affirms.

From the plastic bag the man pulls out an avocado, a pineapple, a piece of cactus and a cucumber, with which he says he is going to prepare a natural remedy that will cure everything, from burning urination to diabetes. He then places the avocado on top of the cloth that was covering the frog, cuts it in half, takes out its seed, and begins to prepare the remedy. As he talks, the man refers to himself and to everyone around him as “we, the poor” and compares them to the rich politicians and the Ladinos from Guatemala City. As he peels the cucumber, he says that people generally think of peelings as trash or as food for animals. But animals, he says—as he removes the leaves from the pineapple’s top—are often healthier than they are (“How is the pig? Pink, blond, with large buttocks, chubby”). The poor, he continues, cannot afford to do what rich people do. They cannot, for instance, go have an operation in Miami and pay thousands of dollars to get their prostate removed like former President Óscar Berger did a few years ago.²⁸ Nor can they do like the Ladino from El Guarda market in *la capital* who told him that he didn’t

²⁸ Óscar Berger was President of Guatemala from 2004 to 2008. People usually associate him with Creole and Ladino elites and other powerful groups.

need those kinds of remedies because he had money. The poor, he says, have to rely on what God gave them to keep them well and taken care of. Óscar Berger might have money, but he doesn't have a prostate anymore, he says.

Many *Totonicapenses* share this man's view of the world separated between powerful Ladinos and powerless indigenous people. A predominantly Maya-K'iche' municipality in the western highlands of Guatemala, Totonicapán has a population of almost 124,000 people, of whom 98 per cent self-identify as indigenous (Instituto Nacional de Estadística 2003). As in many other municipalities in the country, most of the people in Totonicapán live in small communities around the municipality's center, which they refer to as *cantones* (cantons). The center is divided into four zones: *Palín*, *Independencia*, *Aguascalientes* and *Tenerías*, which people also consider as cantons. Cantons serve as the basis for an intricate system of rule in Totonicapán. Anthropologist Stener Ekern (2010:60-76) provides the most complete description and analysis of this system. In general, each canton is either headed by a communal mayor or by elders known as *principales* (main elders) and several other authority figures who are responsible for fulfilling specific roles or *cargos* in their communities. These roles include taking care of communal forests, serving as *alguaciles* (sheriffs), and managing the water distribution system, among others. Together, all the community authorities are organized into a federation that locals refer to as *Los 48 cantones* (The 48 cantons). At the end of each year, each canton holds democratic elections through which they choose the individuals that will make up the local authority structure the following year. During the same period, all the elected communal mayors hold an assembly during which they democratically elect a president that will function as the indigenous mayor and will represent the entire federation. The entire structure makes up the Alcaldía Indígena (Indigenous Mayoralty) in Totonicapán.

The Indigenous Mayoralty is an institution with deep roots in the colonial history of Guatemala. Historically, political and economic elites have shifted between trying to maintain this institution separate from the official state apparatus or trying to turn both into one single entity (Barrios, 2001). In 2002, reforms to the Municipal Code recognized the autonomy of communal mayors, reversing the previous assimilationist trend. In Totonicapán, the divide between the “official” state apparatus and the 48 cantons is strongly marked. Ladinos from the same town or from the nearby town of Quetzaltenango head most of the local state institutions, such as courts and ministerial offices, while only indigenous people head the 48 cantons. This has created a historical divide that has merged ethnicity with politics (Ekern 2010:79-82; Smith 1990a). “The result,” Ekern says, “is that the political map in Totonicapán is marked by a very visible ethnic frontier that informs the political debate [and] situates the diverse political institutions in separate domains (Ekern 2010:47).

The social and political divide in Totonicapán creates a pervasive tension that can be felt on a daily basis. For the most part, Ladinos working as state representatives and indigenous people, including the leaders of the 48 cantons, distrust and hold each other in contempt. With some state agents, the animosity is extreme and infused with racist stereotypes. For example, when I asked about local problems, a Ladino woman working at one of the local state agencies said, “Here people are very conflictive; they have resentment because of their ethnicity. They feel threatened; they don’t know how to establish a dialogue. The 48 cantons is that little group; they want to be involved in everything because, if not, they say there is discrimination” (Interview D5). When I asked about Convention No. 169, she said, “It is their [the 48 cantons] little battle horse with which they hide all the things they do” (Interview D5). In her view, the problem was that, “They [the 48 cantons] want to be involved in everything. They hold the Public Ministry,

the police, and everyone accountable. Why? The problem is ignorance because, with these people, no justice can be done” (Interview D5).

Not all state agents in Totonicapán hold this type of extreme prejudice against indigenous people. Some of them manifest a more nuanced understanding of the local situation, particularly those that work at the Human Rights Ombudsman Office. When I asked about how local people deal with problems, for example, a person from that institution who self-identified as Ladino said, “The state has no capability so therefore the community seeks its own development. For example, water. If there were no water committees in rural areas, communities would not have that resource because the municipality focuses only on urban areas. The same goes for roads and forests. Communal mayors sometimes resolve ten cases per day and avoid saturating the justice institutions. There are also abuses, but they are trying to change that” (Interview D9).

The pervasive tension between the state and the 48 cantons in Totonicapán has sometimes escalated into violent incidents. Revolts against taxation sometimes involving thousands of people blocking *Cuatro Caminos*—a major road intersection that connects Guatemala City to the departments of Huehuetenango, Quetzaltenango, Sololá and Totonicapán— have occurred there in 1987, 1997 and 2001 (International Crisis Group 2013:6-7). Perhaps not surprisingly, these incidents resemble similar revolts or *motines* (mutinies) against taxation that took place around the period of Guatemala’s independence in 1821. Carmack (2001:239-63), for example, notes that, from 1811 to 1830, a series of *motines* took place in nearby Momostenango and Totonicapán as a response to local authorities not implementing Spain’s abolition of tributes. The most famous of these uprisings was the one spearheaded by Atanasio Tzul, the now famous indigenous leader (Carmack 2001:245-46; Pollack 2008). Martínez Peláez (2001:113) notes that Tzul was proclaimed king during the rebellion, while Lucas Aguilar, another often-forgotten indigenous leader that headed the rebellion as well, was proclaimed president. Almost two

hundred years later, Tzul has acquired mythical proportions in Totonicapán. Many *Totonicapenses* refer to him as *el abuelo* (the grandfather), his image is used as a symbol of the 48 cantons, and his monument stands staring defiantly at the horizon in the middle of La Unión central plaza.

Quite surprisingly, Totonicapán came out relatively unharmed from Guatemala's Civil War. Smith (1988) notes that the war affected mostly Totonicapán's economic basis, although the organization of civil patrols did instill distrust among locals. In general, however, *Totonicapenses* are very aware and even proud of their relatively better position during the war, and some are critical of both the military and the guerrilla (Ekern 2010:38). The following story that a Maya activist told me reflects the pride of *Totonicapenses* in relation to the war:

What the military did in Totonicapán was ridiculous. They thought they were going to do this whole campaign of indoctrination as they did in other places [...]

When soldiers gave us talks we would just laugh. It was this indoctrination with a militaristic tendency that did not penetrate people's psyche. We would laugh. I remember one anecdote. One time they called all the men of the town—because they did have control of the people—and they put us there where the sports complex is, which was a huge place where the soccer field was. While we were there, a captain—I think he was a captain—I don't remember his name, but he looked evil. He called one of the soldiers and told him to give us a speech about history. The soldier said he didn't know anything about history, so the captain said, "You sons of bitches! I can't believe you don't even know that! Is there a teacher among us who can teach us about history, or teachers can't even do that?"

So then, bravely, a teacher, whose nickname was Moloch, stood up, and he said, "Yes, it will be my pleasure! We are here! We don't run away! All the teachers are

here! There are honorable people here!” So the captain said, “Well, okay, concretely: I want you to give us a history class. Start now!” So then the teacher started, “Well, I am going to tell you the history of the discovery of America,” and he told the official version: Spaniards, the ships, *la Niña*, *la Pinta*, *la Santa María*, and Rodrigo de Triana, after many months of navigating in the sea, everyone was desperate to find land, on October twelve of such and such year, from his ship he saw—and he gave the name of the ship—and yelled... And at this point he stopped to gain momentum to say, “land!” right? But right at that moment, a comrade that was in the group, like all kids who are jokers, yelled, “Moloooooch!” (Laughter). You can imagine that the whole dumb thing served only as gossip! Everyone laughed, and the captain didn’t even understand! (Interview D3).

A remarkable thing in this story is that it suggests that *Totonicapenses* looked down on the military to the point of mockery, an aspect the lawyer thought was paradoxically due to the education they received through the national education system. The man’s use of humor, in this case, could not only be interpreted as a form of resistance, but also as a mechanism through which this particular group maintained solidarity against the military in that particular situation. By sharing intimate knowledge to which the military had no access to (“they” knew what the joke was all about; the military did not), people reasserted themselves as a group in the face of opposition.

In 2012, however, the specter of war violence tragically reached Totonicapán. As a group of *Totonicapenses* protested against rising electricity rates and national education reforms by blocking the Pan-American Highway, the army responded by shooting and killing six of them (International Crisis Group 2013; Reynolds 2012). According to an investigation carried out after

the killings, protesters had been trying to set up a meeting with state authorities to discuss the issues for more than two years before the tragedy, but were repeatedly ignored (Palencia 2012). At its minimum, this tragic incident reinforced *Totonicapenses'* view of the state as an authoritarian institution completely alien to their moral sphere. Ricardo Falla, a well-known respected anthropologist and Jesuit priest who has studied the war and the K'iche' region extensively, referred to this incident as "the first army massacre after the signing of the peace" (Falla 2012).

5.2 CRIME IN TOTONICAPÁN

From the state's point of view, Totonicapán is a relatively safe municipality, with some sporadic waves of petty theft and burglary. From 2007 to 2011, for example, the most frequent crime that the police registered was car theft, of which the highest number was 40 incidents in 2010 (Policía Nacional Civil 2001-2011). Homicide rates are also low when compared to other municipalities in the country. From 2001 to 2011, the average rate was only six homicides per 100,000 people, while in the entire country it was 36 (Policía Nacional Civil 2001-2011). The issue seems to be not as extreme as it is in other regions in Guatemala.

When other local state agents and residents talk about crime, however, the situation seems to be different. Several people I interviewed expressed deep concerns about extortions, which the police don't usually report in their official statistics. Extortions usually involve unknown individuals calling people to demand money from them, and threatening to kill or harm them or their families if they fail to comply. The calls are usually random, abusive, and violent, which can cause significant stress and anxiety to anyone who receives them. Extortions escalated into a more serious matter in 2010, when representatives of the 48 cantons publicly

demanding that the governor and chief police replace all officers from the local police station, because they considered them incapable of dealing with the problem (Ventura 2010). A few days later, they forced the chief of police to transfer 18 highly dangerous inmates from the local prison to nearby Quetzaltenango, accusing them of being the ones responsible for the extortions (Prensa Libre 2010).

When I first asked people about crime in Totonicapán, I was hoping they would talk to me about the notion of *awas*, the K'iche' word for "forbidden." In general, however, people in the municipality's center associate this word with "sin," and think of crimes relatively similar to how the state does. Both state agents and residents generally agree that theft and murder are crimes, for example. But in some cases the way in which the state "sees" (Scott 1998) crime and the way in which local people see it are different. "Crime is doing what the state thinks is wrong," a young university student told me. When I asked him to develop his idea, he said, "For example, demonstrations. The state thinks demonstrations are a crime, but the constitution says that we all have the right to demonstrate" (Interview E4).

A few months later, I remembered this young man's words while reading about the massacre on the Pan-American Highway. To me, his capacity to think of crime in a way so detached from the state version reflected the historical sociopolitical divide between the state and the 48 cantons. It also reflected the sharp political consciousness of the people from Totonicapán. In some cases, state agents seem to be as detached or even more detached from the local population. Some state agents have a hard time understanding indigenous communities, and believe they sometimes commit crimes out of ignorance of the law. When discussing land conflicts in the municipality, for example, a young Ladino woman working at a local state institution explained, "They think that because they buy a piece of land and give their word it is already theirs. They don't register their assets in the property registry" (Interview D12). Here, the

woman is referring to the way in which some indigenous communities handle property, particularly land. Rather than failing to register their property out of ignorance, as she suggests, some indigenous communities simply believe there is no need for the state to interfere in what has otherwise been their old way of handling possessions. For them, the fact that the community knows that the land is theirs is enough to regard it as their property.²⁹ At least in respect to some matters, the “legal consciousness” (Merry 1990) of state agents and local residents seems to differ significantly in Totonicapán.

Something that many state agents but very few residents mentioned when discussing crime was violence against women. One day, while sitting at one of the Public Ministry’s offices, I had a glimpse of the seriousness of the situation. As I was waiting to conduct an interview with one of the institution’s employees, a young indigenous woman came into the office, followed by her mother, father and other family members. A public prosecutor later told me that this was “an indigenous custom” in Totonicapán: to go raise a complaint accompanied by family members. In this particular case, the woman’s husband had beaten her with a corncob, and had left a big open wound on the left side of her face, which was covered in blood. This was not the first time this had happened, I learned later, but it was definitely one of the worst ones. The woman and her family came into the office, sat down, and simply stared at the floor. Neither the woman nor her family spoke Spanish, but an employee approached them and was eventually able to communicate with them in K’iche’. After talking with them for a while and gathering all the details about what happened, he told them to sit down and to wait while he filed the complaint. The woman sat down and began to cry in silence.

²⁹ For an instructive case of a conflict emerging out of these two different ways of seeing property, see Instituto de la Defensa Pública Penal (2010:11-29).

According to an employee at the Public Ministry, since the government passed new laws in 2010, 90 percent of the complaints they received were about violence against women (Interview D28). In fact, from 2004 to 2011, domestic violence was the second most frequent crime that the police registered in the municipality of Totonicapán (Policía Nacional Civil 2001-2011). Although there are probably many reasons why many local residents did not mention this type of crime to me, their silence illustrates how views of crime can differ between state and non-state actors. For some people, violence against women may represent a crime that the state needs to address, while for others it may simply represent their usual way of handling domestic problems.

5.3 MAYA LAW

Derecho Maya or Maya law refers to a set of norms and practices Maya leaders and activists in Guatemala believe indigenous communities have practiced since pre-colonial times. Several Maya scholars and activists began to systematize Maya law in the 1990s as one of their “projects for ‘self determination,’” which they consciously and strategically portrayed in essentialized terms to fight against racism in Guatemala (Warren 1998:3). They did this partly because the Agreement on Identity and Rights of Indigenous People contemplated the state’s recognition of indigenous customary law. Therefore, although throughout this section I talk about “Maya law” as if it was a homogenous system shared by all indigenous people, it is important to note that actual practices may vary significantly between or even within municipalities.

Two books that give a broad overview of Maya law are *Yiqalil Q’anej Kunimaaj Tz’ij Niman Tz’ij. El respeto a la palabra: El orden jurídico del pueblo Maya*, which Édgar Esquit Choy and Carlos

Ochoa García edited in 1995, and *Q'atb'altz'ij Mayab': Sistema Jurídico Mayab'*, which the association of Maya communities in Chimaltenango Uk'u'x B'e published sometime during the 1990s or 2000s.³⁰ The book that Esquit and Ochoa edited includes a series of essays that deal with the characteristics that constitute what the authors see as Maya law. The book is divided into two parts. In the first part, the authors analyze the philosophical underpinnings, rules and procedures that make up the Maya legal system. In the second part, the authors analyze the public festivities that reproduce this order in various indigenous communities: Chichicastenango (Quiché), Comalapa (Chimaltenango), Santa Eulalia (Huehuetenango), Tactic (Alta Verapaz) and Santiago Atitlán (Sololá). In the second book, the authors also analyze the philosophical underpinnings, rules and procedures of what they see as Maya law. The book contains some examples of conflicts and the ways in which communities resolved them in Santiago Atitlán (Sololá) and San Martín Jilotepeque (Chimaltenango). In the final section, the book contains a series of case studies that analyze how Maya authorities in Santa Cruz del Quiché have resolved specific conflicts over the years. A particularly interesting characteristic of both books is that, throughout their pages, the authors translate words from Mayan languages into Spanish. The following is a discussion of Maya law as these two books portray it.

According to the authors of these books, there are some fundamental characteristics that distinguish Maya law from state law. First, Maya law does not exist separately as a delimited set of norms and practices. There is no separate realm that indigenous people refer to as “law” or “Maya law” in their communities. All aspects of life, from family to religion, make up one single realm (Esquit and Ochoa 1995:19-31). Second, Maya law is transmitted orally from generation to generation (Esquit and Ochoa 1995:14). There is no written text that indigenous people refer

³⁰ This book has no date of publication. I assume it was published during or after the peace implementation process.

to as “Maya law” in their communities. Rather, elders reproduce the moral order by giving advice or *pixab’* to children from an early age. *Pixab’* concerns various aspects of an individual’s life from childhood to maturity (Asociación Maya Uk’u’x B’e n.d.:43-53). Third, Maya law focuses on maintaining the balance among individuals, communities and nature. Indigenous communities interpret any transgression as a loss of harmony between conflicting parties, and therefore the role of Maya law is to restore the balance between them. Unlike state law, Maya law does this through conciliatory and restorative measures, although it also contemplates punitive actions. In general, however, indigenous communities expect individuals that transgress the moral order to apologize publicly for their wrongdoing and to compensate the damage in a material or symbolic way (Asociación Maya Uk’u’x B’e n.d.:68-74).

Indigenous communities maintain their moral boundaries through the idea of *awas*, which can be translated into Spanish as “*lo indebido*” or into English as improper or forbidden (Asociación Maya Uk’u’x B’e n.d.:38). There are many different *awas* that people need to be aware of in different situations and at different stages in their lives. These include common transgressions such as lying and stealing, but also more particular prohibitions concerning other aspects of life, such as the way in which children should behave from an early age or the way in which people should treat maize to have a good harvest (Asociación Maya Uk’u’x B’e n.d.:38-43).

Indigenous communities judge *awas* based on a fundamental dichotomy between intentional and non-intentional actions (Esquit and Ochoa 1995:26). People can commit *awas* because of *makaaj* (shortcoming or *falta*, in Spanish) or because of *etzelaal* (something defective or *lo defectuoso*, in Spanish), and whether they do so because of one or the other shapes their destiny. *Etzelaal* is the opposite of *utzilaal*, which can be translated into Spanish as “*lo bueno*” or into English as good (Esquit and Ochoa 1995:26). Accordingly, people choose whether they adhere to

etzelaal or to *utzilaal* principles, and therefore indigenous communities judge some *awas* more seriously than others (Esquit and Ochoa 1995:27).

Although the general aim of Maya law is to maintain the balance of communities through conciliatory and restorative measures, it also contemplates the use of *xik'a'y* or corporal punishment (Asociación Maya Uk'u'x B'e n.d.:55-60). *Xik'a'y* is a controversial practice that some Maya authorities endorse in Guatemala. Not everyone agrees with the use of *xik'a'y*. In fact, incidents during which indigenous communities use it often generate outrageous public debates about the nature of Maya law and its relationship to human rights. According to the Asociación Maya Uk'u'x B'e (n.d.:55), the word *xik'a'y* in K'iche' refers to the tree branches Maya authorities, community elders and the family members of the accused use during the punishment. They hit offenders a varying number of times—5, 9, 13, 20 or 40—depending on the seriousness of their crime and on what the community decides to do (Asociación Maya Uk'u'x B'e n.d.:56). Since parents in indigenous communities often use *xik'a'y* to discipline their children, some Maya authorities see this as a fundamental practice deeply embedded in their way of seeing life (Asociación Maya Uk'u'x B'e n.d.:59). The main purpose of this highly ritualized corrective measure, which Maya authorities don't necessarily consider “a punishment” but a “moral sanction” (Asociación Maya Uk'u'x B'e n.d.:55), is to “recover shame” and the balance lost through the transgression (Asociación Maya Uk'u'x B'e n.d.:56).

5.4 THE STATE AND *LA GENTE ORGANIZADA*

Totonicapán provides a fertile ground to explore the political dynamics between state and non-state agents that words such as *vigilantism* obscure. During the 1990s, MINUGUA documented

nine *linchamientos* in this municipality (MINUGUA, 2004). However, the way in which the mission classified some incidents is problematic. Table 5 lists the nine *linchamientos* as they are described in the mission's dataset. As we can see, only one case actually ended with the death of the victims. This case occurred in the canton Nimapá in 1998. The mission does not provide any relevant information about it, and actually lists *Prensa Libre* as its source of information. During my fieldwork, some of my informants remembered this *linchamiento*, but assured me that the real cause of the problem was a land conflict that had been going on for years between two families in Nimapá, and not the actual criminal accusations. The accusations had only been the tip of the iceberg of a different kind of problem that the newspaper reports had failed to reflect.³¹ The rest of the cases that the mission's dataset lists are very ambiguous. From all of them, only the case listed in "Ixtocá" seems clear enough.³² The case involved people breaking the victim's legs to prevent him from running away and dousing him with gasoline, probably to burn him. The dataset does not specify whether people decided not to lynch the individual or if the police were able to intervene and stop it from happening.

Another case that occurred in 1998 in the canton Chuixtocá is more problematic. The mission observes that a group of neighbors wanted to apply "indigenous law based on Convention 169" to two men they accused of stealing musical instruments from the local evangelical church. It does not say whether people wanted to kill the individuals or not, but it does say that they ended up turning the two alleged criminals in to the authorities. It then notes that "there was no *linchamiento*," but that the case was "exemplary" because people organized a "popular tribunal," echoing other similar cases that occurred in Guatemala during those years.

³¹ Although it is impossible to evaluate its accuracy, a small note in *Prensa Libre* that appeared a few weeks later seems to corroborate this point. See Tax (1998, October 31).

³² No canton in Totonicapán is actually called "Ixtocá." The name could refer to the canton Chuixtocá or to the canton Paxtocá.

The classification of this incident as a *linchamiento* is problematic because, as mentioned before, some Maya authorities see corporal punishment as a fundamental component of Maya law. Within a context of multicultural reforms that were supposed to force the state to recognize Maya law as a legitimate form of resolving conflicts, the possibility exists that people in Chuixtocá were interpreting their actions as legitimate. The way in which the mission describes it, however, makes it seem as if people wanted to lynch the alleged wrongdoers invoking “indigenous law” and Convention 169. The limited information does not allow us to know if this was actually the case or not. The same can be said about the case in 2002 in the canton Xantún. In this case, the mission notes that people beat two men they accused of sexually assaulting a woman and of burglary, but that then they turned them in to the police. The incident is more ambiguous here because there is no mention of people invoking any type of “indigenous law” or the Convention 169.

In 1999, MINUGUA documented three incidents involving “illegal detention” in Totonicapán. During my fieldwork, some state agents mentioned how indigenous people “did not understand” the concept of illegal detention. They argued that sometimes they would catch an alleged wrongdoer in the streets and refuse to turn him or her in to the police, “failing” to realize that by doing so they were committing a crime. From some indigenous people’s point of view, however, the reason why people did not turn criminals in to the police was that they believed the police would set them free immediately or after only a few days. The “illegal detention” was a form of negotiation they used to pressure the police and to make sure that they would put the person in jail. In fact, in the case in Coxom, a report from *Prensa Libre* observed, “Neighborhood leaders specified that it was not their intention to lynch the prisoners, but to set a precedent and collaborate with the authorities so that they are tried as soon as possible” (Sam Chun, Tax and Barreno 1999). It then noted that people also forced Totonicapán’s district

attorney “to sign a contract as a condition to turn in the suspects” (Sam Chun et al. 1999). The report, however, describes the incident alongside another deadly one that occurred in Cobán, a municipality in Alta Verapaz, under the heading “Linchan a asaltante” (They lynch thief) (Sam Chun et al. 1999).

Another case that seems problematic is the one that occurred in the canton Paxtocá in 1999. The mission only specifies that the event occurred because of “problems with water distribution,” and that neighbors detained a 65-year-old man. Although it is impossible to tell what type of water distribution problems the mission refers to, an important aspect to notice is that some indigenous authorities in Totonicapán believe they have the right to use water distribution as leverage to impose collective decisions in their communities. The water distribution system in Totonicapán is divided in two. In the urban center, the municipality provides water to all the neighborhoods, but in the surrounding cantons, water is provided by a system that indigenous people have built and maintained for decades. The municipality has no control over this system. In fact, the 48 cantons include authority figures called “fontaneros” (plumbers), who are in charge of taking care of it. Although communities usually generate consensus to make their decisions, in some cases people fail to comply and therefore indigenous authorities cut-off their water as a means of coercion. As Ekern (2010:58) notes, the practice has been a point of political contention among the state, human rights organizations, and the 48 cantons for several years now.

Finally, the case in Xolcsamalijá is noteworthy because the “instigators-participants” were the auxiliary mayors and sheriffs. According to the dataset, the auxiliary mayors and sheriffs detained two male minors (specified by the names and ages, not included in Table 5 but included in the original dataset) after they broke windows in a local school. The mission then says that police intervention prevented the *linchamiento*, and that both teenagers came out unharmed. An

important thing to notice here is that sheriffs are important authority figures in Totonicapán. They were, and to a certain degree still are, in charge of maintaining the public order within their communities. In fact, even though they now play other equally important roles, sheriffs can be seen as constituting a “police force” within some indigenous communities (Ekern 2010:69). Although it is impossible to tell what actually happened from the dataset, the possibility exists that the auxiliary mayors and sheriffs in Xolcsamalijá interpreted their actions as legitimate within their conception of law. The fact that MINUGUA classified this incident as a *linchamiento* shows again the problems with its dataset and reports.

Table 5. *Linchamientos* in the municipality of Totonicapán, according to MINUGUA

Date	Time and Number of Case	Location	Juridical Good Harmed	Witnesses	Instigators	Legal Process Against Instigators (number of process, court, people processed, classification of crime)	Community Involved: Indigenous, Ladino, or Mixed	Number of People Lynched	Name and Health of Victims	Role of National Institutions and MINUGUA (before, during and after the lynching)	Information About the Case in MINUGUA (number of case, memorandums, sources, etc....)
4/7/97	??? / 71	Village Chuanoj, Totonicapán	Unknown	???	Neighbors of the community	No	Indigenous	1			
12/3/98	??? / 134	Village Ixtocá, Totonicapán	Burglary of House	???	Neighbors of the community	No	Indigenous	1	1 injured severely	Residents fractured the legs of one of the alleged criminals to prevent him from escaping and afterwards doused him with gasoline	
17/07/1998	??? / 161	Village Chuixtocá, Totonicapán	Stealing musical instruments from evangelical church	???	Neighbors of the community	No	Indigenous	2		MINUGUA participated in the negotiations. The group noted that they were going to apply indigenous law based on Convention 169. In the end, they turned them in to the authorities. There was no linchamiento but the case is exemplary in relation to the creation of popular tribunals.	Known by MINUGUA

12/10/98 0:00	??? / 175	Canton Nimapá, Totonicapán	Unknown	???	[Name of instigators]	Yes? Instructed by the <i>Juzgado de Primera Instancia Penal</i> in Totonicapán	Indigenous	2	[Names of victims]. 2 dead (father and son.	The District Prosecutor of Totonicapán informed PL that it would present evidence to the court.	PL, 26jun99
21/04/1999	??? / 211	Chuanoj, Totonicapán	PNC officer accused of causing material damages when he crashed against an electricity post.	???	Neighbors	MP No 651-99. Process for illegal apprehension against auxiliary mayors. It has not been carried out yet.	Indigenous	1	*Unknown: detained (a PN agent was detained for more than 16 hours)	Mediation, governor, PNC, MINUGUA	MINUGUA was present
24/05/1999	??? / 221	Paraje Coxom, Totonicapán	Accused of theft	???	Unknown	No	Indigenous	4	*Unknown: detained (two minors, an adult and the prosecutor of Totonicapán were detained)	Turned in to the authorities, PN, PDH, MP	Memo ORQUE 25may99
4/8/99	8:30 / 245	Canton Paxtocá, Totonicapán, Totonicapán	Problems with water distribution	???	Neighbors	No	Indigenous	1	*[Name of the victim] (65): detained [elder]}	PDH, PNC, priest, governor, and MINUGUA were present. The MP did not want to join at first but then joined the interinstitutional team.	Memo ORQUE, 4ago99
2/3/01	7:00 / 360	Canton Xolsacmaljá, Totonicapán, Totonicapán	Breaking windows of the school		Auxiliary Mayor and Sheriffs	Process for illegal detention MP 544-2001 Aux. Choc	Indigenous	2	[Names of the victims]. Both came out unharmd	The intervention of the PNC prevented the <i>linchamiento</i> .	

14/01 [2002]	14:30 / 423	Paraje Pacajá, Canton Xantún, Totonicapán, Totonicapán	Sexual abuse of a woman and burglary		Around 100 neighbors	Exp. 84-2002 <i>Juzg. Pri. Inst.</i> of Totonicapán for burglary and attempted rape. No action against the authors of the beating.		2	[Names of the victims]. Both were beaten in different parts but apparently did not require medical assistance.	The intervention of the PNC allowed people to turn in the detainees.	
-----------------	----------------	---	---	--	-------------------------	--	--	---	--	--	--

My own translation from Spanish. When provided, I omitted the names of the victims and instigators. In 2001 and 2002, the mission renamed the category “Instigators” as “Instigators-Participants.” List of acronyms in the dataset: MP=Interior Ministry; ORQUE=Regional Office in Quiché; PDH=Human Rights Ombudsman Office; PL=*Prensa Libre*; PNC or PN=National Civil Police. Source: MINGUA, 2004.

In 2003, an exceptional incident took place in Chiyax, one of the municipality's cantons. According to the story (Alcaldía Comunal de Chiyax, Asociación de los 48 cantones de Totonicapán and Centro Pluricultural para la Democracia 2005; Padilla 2005:211-16), on March 1st of 2003, a group of people from the canton Chiyax almost burned to death three men they accused of stealing before the communal mayor and other neighbors were able to stop them. After turning them in to the police, the neighbors burned the alleged wrongdoers' car and placed it in front of the local court. They also wrote and signed a document in which they demanded that state authorities punish the alleged offenders and threatened to burn the building if they set them free. Faced with this situation, the local judge and prosecutor decided to hand over the case to the community and to coordinate with indigenous authorities to put the men on trial under their own law. After state and indigenous authorities officially met a number of times to set the limits of what they were going to do, they put the three men on trial in a public plaza and sentenced them to thirty days of communal work. The trial was a highly ritualized ceremony based on the "Título de los señores de Totonicapán" (Title of the Lords of Totonicapán), a 16th century K'iche' document that recounts the history of the K'iche' people. According to Padilla (2005:212), this was the first time after the signing of the Peace Accords during which communal and state authorities acted together and coordinated two systems of justice.

Although the trial in Chiyax represented an important step towards fulfilling the Agreement on Identity and Rights of Indigenous Peoples, it was also a lengthy process that required many state and non-state actors to coordinate their actions. From the moment neighbors caught the perpetrators on March 1st, to the day of the trial on June 25th, almost four months of intense meetings between government officials and indigenous authorities went by. Considering that the police registered an average of 37 incidents of theft and burglary per year in the municipality from 2001 to 2011 (Policía Nacional Civil 2001-2011), it is difficult to imagine

that state and indigenous authorities can carry out this kind of coordinated process for each and every one of them. Of course, we can say the same thing about the lengthy processes within the state justice system, which has been what many supporters of indigenous customary law have noted. For instance, a judge in Chiyax observed that it would have taken state courts more than one year to resolve a conflict like this one (Padilla 2005:215-16). Still, the difficulty in coordinating two systems of justice and the lack of political will of many state authorities to recognize Maya law as a legitimate form of justice remain an obstacle for the future of Guatemala as a multicultural state.

Apart from *linchamientos* and transgressions clearly handled through what locals consider Maya law, other more ambiguous incidents against alleged wrongdoers sometimes take place in Totonicapán. Evoking the *linchamientos* of the 1990s, newspapers and other media outlets in Guatemala usually report these incidents as *vapuleos* (beatings) or simply as some form of aggression. Although details vary from case to case, these incidents usually involve groups of people beating and exhibiting alleged wrongdoers half-naked in public places before turning or being forced to turn them in to the police. The incidents described at the beginning of this chapter would fall into this category, but there have been other incidents as well. For example, on December 3, 2011, the newspaper *Prensa Libre* reported an incident with the heading “Pobladores vapulean a exconvicto en Totonicapán” (Residents Beat Ex-convict in Totonicapán) (Domínguez 2011). According to the report, a group of people in Totonicapán’s center caught a man red-handed while he was trying to steal a car. The man had apparently just gotten out of prison. The crowd then took him to one of the town’s central plazas, where they stripped him half-naked and beat him publicly. The report observes that, “The National Civil Police was only able to intervene after ‘the punishment’ had been enough” (Domínguez 2011). The newspaper

displays a disturbing image of an individual pulling the half-naked and bloody man from a rope around his neck in the middle of a crowd in San Miguel Central Plaza.

Another similar incident can be found in a video that a news agency in Quetzaltenango uploaded to the Internet with the headline “*Vecinos de Totonicapán agreden a supuesto delincuente*” (Neighbors assault alleged criminal) (Xelanoticias 2010). In this video, a man in his underwear, with his hands tied behind his back, is standing in the middle of a crowd in what seems to be *La Unión* central plaza. The man’s face shows clear signs of stress, as another man approaches him, with a belt in his hand, and begins to kick him and punch him. The man with the belt delivers a total of six kicks, three punches, and five lashes, while the other man tries to remain standing and people around them scold and curse: “So that people can see him!” “So that people can see him! It is an experience!” “So that he gets rid of his tricks!” “Work, you shit!” “It has been said that in Toto we are all thieves, asshole! We are working people, you son of a bitch!” “Hit him, hit him, hit him!” “Who are your friends?” “Where are you from? Ask him, ask him!” (Xelanoticias 2010). At this point, the video is cut for a brief second, and we then see a woman with the belt in her hand, who delivers a total of six particularly strong lashes on the man’s back, while she curses at him and he kneels on the ground. The video ends with a shot of the man’s back, visibly hurt from the beating.

For an outside observer, these incidents seem as clear instances of vigilantism or as examples of people carrying out violence outside the state. In fact, newspapers usually note only the role of “residents” or “neighbors” in the beatings. Contrary to what news reports suggest, these incidents are not just mere acts of vigilante justice during which people “take justice into their own hands.” During my fieldwork, I found that these acts of collective violence emerge from complex neighborhood organizations against crime that have had varying relations with the state and the 48 cantons over the last few years. One can find signs of these organizations already

on the road that leads to Totonicapán from *Cuatro Caminos*. Many of the houses and small businesses on this road display the message “*Vecinos organizados contra la delincuencia*” (Neighbors Organized Against Crime) in big black bold letters. An old gate in *Tenerías* has a similar message written on its surface. Some of my informants also mentioned big *mantas* (pieces of cloth) with the same message around town, but I was unable to find any during my research. When asked about crime, most of my interviewees said the levels in Totonicapán were low because they were organized against it. As a young university student explained:

Here that is why there is not much crime, because we are organized. When we see a thief we grab him and we take justice into our own hands. The police do nothing; they let them free, they are corrupt. This is something that everybody knows. Everybody knows that if they find a thief, they have to grab him (Interview E24).

At the most basic level, the organization consists of people owning whistles that they use to alert neighbors when they are victims of a crime. This is something common to all zones in the urban center. Throughout the town, one can see the whistles hanging from the walls in many of the small businesses. The newspaper report of the *vapuleo* in 2008 notes this particular detail: “The moment [the alleged thief] tried to run away, the shop owner cried for help and, with a whistle, alerted the neighbors, who surrounded the thief and beat him” (Ixcot and Toc 2008). When someone blows the whistle, everyone in the town’s center knows they are supposed to come out and help, as the student indicated. People usually participate voluntarily, although some of my informants mentioned that communities could impose moral reprimands or even

monetary fines to individuals who failed to cooperate. They also explained that individuals who caused false alarms could face the same consequences.

Apart from this basic form of organization, some of my informants told me that people in each zone have organized against crime in specific ways. For example, in *Aguascalientes*, a commercial zone, a state agent described how men armed themselves with sticks and ropes and began to patrol the streets at night after a series of burglaries seven or eight years ago (Interview E3). They patrolled the streets approximately every two days for around nine months. They also set up alarms in key places to alert the rest of the neighbors when someone was the victim of a crime. In *Tenerías*, a more residential zone, a young Maya woman described how people organized by sectors, which are areas that include several blocks within the zone (Interview E1). For each block, residents elected a “block chief” who was in charge of alerting other neighbors if a crime occurred. In addition to a whistle, these block chiefs carried with them radios to communicate with each other. As they did in *Aguascalientes*, people in this neighborhood set up alarms in specific places to alert others. During special holidays, when many outsiders usually visit Totonicapán, residents from each block also took turns to patrol the streets at night.



Figure 16. "Neighbors Organized Against Crime"

Sign written on a wall near the entrance to Totonicapán. Several houses and small businesses displayed similar signs at the time of my fieldwork.

Source: Author's Fieldwork

Although at first glance these organizations seem to be simple groups of neighbors operating outside the state, the descriptions that some of my informants provided suggest that the situation is more complex. Many described these organizations as operating independently, but others described them in relation to the state and the 48 cantons. Although in most cases the relations are unclear and ambiguous, the accounts suggest that *Totonicapenses* are not simply organizing as “vigilante” groups. A representative from the Human Rights Ombudsman Office explained:

These organizations emerged out of necessity. There were some places where police were not able to go or where their time to respond was too slow, so people decided to organize. These groups of neighbors were born approximately five to six years ago. The judiciary sanctioned some of these groups because their members were covering their faces when they were patrolling the streets at night and because, sometimes, when they stopped a person committing an illicit act, they beat him, and after beating him they called the police to turn him in, which constituted an illegal act. Plus, some people were carrying with them machetes, which constitute a weapon, so the judiciary sanctioned some of these groups and even ordered their dissolution. Afterwards, some neighbors organized into committees, but this time the Departmental Interior Ministry authorized them. They presented themselves as an organized institution with a president, vice-president, secretaries, and so on (Interview D45).

The explanations that this state agent provides suggest that these organizations emerged from below but were then co-opted by the state apparatus. A similar situation was seen a few

years ago in Panajachel, a town in Sololá where a neighborhood organization against crime with ambiguous links to the state and the municipality was eventually accused of a series of beatings, killings and disappearances in 2011 (Arce and Anónimo 2011). The situation is also similar to the one in other municipalities with *juntas locales de seguridad* (local security councils), an institution that the Interior Ministry created in 1999 that consists of groups of citizens under the control of the police. These groups were initially supposed to collaborate with the police to keep their municipalities safe, but eventually acquired a bad reputation because they got involved in human rights abuses and resembled the civil self-defense patrols seen during the war years. Although no similar accusations seem to exist against any of the groups in Totonicapán, the state agent suggested that these kinds of problems could emerge if people organized outside the state or the 48 cantons, a situation he thought was unacceptable from the state's point of view.

While the state agent's accounts imply that the state actively sought to put under control neighbors who were otherwise organizing illegally, the young Maya woman's account of people organizing in *Tenerías* suggests that neighbors were willing to obey the law from the beginning. In this zone, people set up a complex organization against crime that included a board of directors, echoing the authorized groups that the state agent described. In this case, however, neighbors also incorporated a lawyer to keep the organization within legal limits. After a series of burglaries of local businesses and one specific incident involving a stolen gas cylinder, the woman explained:

People began to get worried and they decided to organize. Also, after people caught the man with the gas cylinder, they noticed that the police did not act, and therefore they said that the level of security was not enough for them to feel safe, and that they were going to have to organize [...] Initially, there was a lawyer verifying this situation because, in reality, neither the municipality nor any other

institution endorsed the board of directors. In reality, it was something in some ways informal, but within the sector people wanted it to be something formal. That way, if something happened, we could have a lawyer who could follow up the case and neighbors could also give support to the victim. Hence, because of that, we decided to have a lawyer inside the organization to certify everything we did (Interview E1).

Although it is unclear whether the Interior Ministry or some other state institution eventually authorized this organization or not, the woman's account suggests that people were willing to abide by the law and actively looking for ways to avoid legal problems. They were not simply "taking the law into their own hands," as newspaper reports often suggest. Moreover, people's awareness of the problems that organizing "informally" could bring implies that these organizations are very much shaped by the local state apparatus. This idea is supported by the "illegal acts" that the Human Rights Ombudsman Office's representative mentioned. As long as people did not cover their faces, carried weapons with them or beat alleged wrongdoers, the state allowed them to organize against crime.



Figure 17. Old gate in *Teneías* that reads, "Zone 4 is organized against delinquency"

Source: Author's Fieldwork

Whereas these last two accounts indicate that both state and non-state agents were actively seeking to act within legal limits, the account given by another state agent suggests that people have also organized illegally (Interview E3). According to this man, people in *Aguascalientes* initially asked the police for help before deciding to organize. After a series of failed attempts, a group of men (including himself) began to patrol the streets at night without legal authorization. As the representative of the Human Rights Ombudsman Office observed in relation to illegal groups, the men armed themselves with sticks and ropes and covered their faces while patrolling the streets. Although this same representative claimed there was a security committee that the Interior Ministry had authorized in *Aguascalientes*, the former member claimed the group had already disbanded.

According to the descriptions that some of my informants provided, these organizations against crime in Totonicapán have also had varying relations with the 48 cantons. This is an

aspect that newspaper accounts about *vapuleos* often misrepresent as well. For example, in the report about the incident in 2008, *Prensa Libre* suggests that the beating was in some way a practice related exclusively to the 48 cantons. The report cites the president of that institution referring to the beating as “a precedent” to dissuade people from committing crimes, and presents a picture of the wrongdoer being accompanied by two Maya authorities (Ixcot and Toc 2008). Based on that account, any outside observer could think that *vapuleos* are a “customary” way through which the 48 cantons handle crime, completely independent from the state apparatus.

While for some of my informants these organizations against crime were intrinsic to the 48 cantons, for others the relation seemed to be more ambiguous and even problematic. For a Maya activist with experience in both the indigenous and state legal systems, these organizations are not separate from the 48 cantons, because indigenous authorities have the right to organize and resolve conflicts within their communities. By organizing against crime, indigenous communities are simply exercising their right to autonomy. As he explained:

First, remember that indigenous authorities exercise jurisdiction. That is, they have power, from the moment their communities elect them, they have power over their communities, which would be the equivalent to national sovereignty, because it is that group’s will, it is their autonomy. Therefore, in exercising that representation that is called autonomy, they have the faculty to resolve conflicts, which means that they can know, investigate, resolve, and sanction; they can impose sanctions (Interview D3).

This man's view echoes the Agreement on Identity and Rights of Indigenous Peoples and its statements on indigenous customary law. In a way, his view represents the ideal situation that many *Totonicapenses* would like to see, as the case in Chiyax demonstrated. The young Maya woman who described the organization against crime in *Tenerías*, however, suggested that the relationship between these organizations and the 48 cantons could be more ambiguous. In that zone, people organized first and then asked the communal mayor to join as a way to legitimate their actions and avoid legal problems. As she explained during one of our conversations:

[Respondent]: It was a situation in which the mayor was taken into account for that purpose, because, as I was saying, with his support, if something happened, then there would be some entity that, let's say, would be represented. Because sometimes what happened was that, I don't know if I told you this, but in *San Cristóbal* neighbors organized just like that, out of nowhere, with no authority, so people were seeing them as organized *mareros* [street-gang members] that were doing things at night, right? So it was because of that situation that the mayor was taken into account.

[Daniel]: So neighbors organized first and then asked the mayor to join, or was it the mayor that organized the neighbors?

[Respondent]: No, in reality neighbors organized first because they were worried about the situation, and afterwards they included the mayor (Interview E1).

As this conversation suggests, the relationship between communal mayors and communities in Totonicapán is not always as strong as one might think it is. Communal leaders play a fundamental role in maintaining community cohesion and resolving conflicts, but because

communities regard individuals as leaders based on their life trajectories and individual characteristics, they respect some leaders more than others (Ekern 2010:119-52). Based on my informant's account, the individuals who played a more active role in *Tenerías* were the block chiefs, whom the community chose based on their life trajectories and leadership qualities. This situation contrasts with the group of men who patrolled the streets in *Aguascalientes*, where it seems the communal mayor played no role whatsoever. According to the state agent who belonged to this group, when people organized the communal mayor approached them and told them to get a permit or some sort of authorization to avoid problems (Interview E3). The group responded by inviting him to join them so that he could see that they were not committing any crimes, to which the mayor refused.

The tensions between these organizations, the state and the 48 cantons are part of broader historical tensions between indigenous communities and the state in Totonicapán. Perhaps not surprisingly, the expansion of the state apparatus in recent decades seems to have generated conflicts within indigenous communities. This is something that the aforementioned Maya activist observed when he referred to indigenous lawyers working for the state in detriment of their own communities. In his view, some indigenous lawyers were actually sources of fragmentation in their communities. As he explained:

In some cases, people look for lawyers—and I say phony lawyers, above all, indigenous lawyers—who, to make money, begin to question whether indigenous authorities have the legitimacy to sanction. And then I feel this is a vision that comes close to the stupidity of some external entities that give their opinion about whether indigenous authorities have the capacity to resolve. That is, lawyers with a colonial mentality are putting into question the role of indigenous authorities.

Because of that, some unsatisfied people go to the state justice system to denounce indigenous authorities (Interview D3).

This man's remarks reflect the deep difficulties that can emerge from the clash of two systems of governance based on substantially different moral systems. In fact, his view brings to mind the conflicts that have paradoxically emerged between indigenous communities and human rights (Pitarch, Speed and Leyva 2008). As mentioned before, in Totonicapán, a common accusation is that some indigenous authorities sometimes impose communal decisions on members who fail to comply by cutting off their water supply, an action that the state and some organizations consider a violation of human rights. Ekern (2008:141) has argued that the conflict here lies in that indigenous communities and human rights organizations have different ideas about who constitutes a person. While human rights are based on the notion that human beings have rights simply because they are human, in indigenous communities people have to earn and prove they are worthy of those rights throughout their lives by showing respect and obeying local norms. Although at first glance it may seem that this is a characteristic that separates them from the rest of the world, this is not something unique to indigenous communities. All around the world conflicts emerge between the assumptions of the human rights discourse and the ways in which people see each other in practice. The inhumane conditions in prisons and the application of the death penalty in several countries are perhaps the best evidence for this.

Whether they see them as legitimate or illegitimate, state agents in Totonicapán are very aware that these organizations against crime exist, and either publicly praise their efforts or criticize them, but nevertheless rely on them to maintain the municipality's safety. This is especially the case for the cantons that are located far away from the center, which can be difficult to even reach by car. At the time of my research, there were 80 police officers assigned to

the head municipality, out of which only 28 patrolled the streets. The rest worked as security guards for different state institutions or carried out office work in the police stations. Although most locals expressed pride in their capacity to organize, some saw the state relying on them for security as a burden that needed to be fixed. A 2011 survey report about crime that the 48 cantons commissioned makes this point clearly: “Totoncapán is the department with the lowest index of violence in Guatemala thanks to its communitarian organization. This does not excuse government and municipal institutions from fulfilling their obligations to maintain peace and justice in the department” (Junta Directiva de los 48 Cantones 2011:7). As this remark indicates, Totoncapenses are proud of their capacity to organize, but they are also aware of their own limitations. Because of this, they regard the state not only as an alien institution, but also as a necessary actor they need to deal with in order to keep the municipality safe.

5.5 LEADERS AS AGENTS OF CHANGE

Communal leaders have been important agents of change over the last three decades in Totoncapán. Through their active roles in the 48 cantons and their intermediary positions between their communities and the state, communal leaders have managed to maintain their communities relatively intact while adapting to the pressures that come from an increasingly modernized world (Ekern 2010). Something that has been overlooked, however, is that some of these leaders have also played an active role in stopping violence from escalating. Their efforts are not trivial or unique to Totoncapán or Guatemala. Several researchers have documented similar efforts in other municipalities of the country, where indigenous leaders are trying to reconstruct their own versions of Maya law (Bybee et al. 2013; Godoy 2006:132-42; Sieder and

Flores 2011). Outside Guatemala, in Bolivia, anthropologist Daniel Goldstein (2012:150-52) has demonstrated the fundamental role that local leaders or *dirigentes* have played in stopping lynchings from happening. Interestingly, the author notes that *dirigentes* feel pressured to come up with peaceful solutions, because if violence escalates, state agents are likely to hold them responsible for it (Goldstein 2012:145-46). In Totonicapán, after the massacre in 2012, Falla (2012) noted that some people were already talking about burning the mayor's house, but that communal mayors were able to intervene and stop them from doing so.

The following incident that one of my interviewees recounted illustrates how communal leaders can play a role in preventing violence from escalating. My interviewee narrated the incident as an imaginary dialogue between leaders and community members in one of the neighborhoods in Totonicapán. After he described how neighbors caught a small group of kids that were throwing firecrackers near the windows of some houses one night, I asked him what procedure would people follow in cases like that, to which he responded:

[Respondent]: That is the point, right? Immediately, people find out who they are; who their parents are; where they are from [...] The community already had them, and they immediately called the authorities [...] The authorities were just coming back from a meeting, as if they had been synchronized; they came even before the police came [...] The communal mayor intervened, and it turned out that these were simple kids! But they had already tied them up... At that point what we need is leadership.

[Daniel]: So people who were not authorities had tied them up?

[Respondent]: Yes, people had already tied them up. They had them. The kids were lying on the floor, tied up, when the authorities came. The authorities

showed up and then they began to ask, “Well, what did they do?”

[Community]: “Well, they were throwing firecrackers and I don’t know what; they were disturbing the peace; they were bothering us; they are a bunch of spoiled kids,” and all the neighbors’ hassle. So then the authorities began to play a much more mature role around the conflict. They said, “Alright, what do you want us to do?”

[Community]: “Well, here we are going to punish them!”

[Authorities]: “And whom did they harm?” And the neighbors said, “Yes, they threw this at me...”

[Authorities]: “What harm did they cause to you?”

[Community]: “Well, in reality, none, but they were causing disorder.”

[Authorities]: “Oh, alright. So then they didn’t cause any harm to you.”

[Community]: “It is an attack against the community because they are altering...”

[Authorities]: “Yes, that’s it. So how do you want us to resolve this?”

[Community]: “Well, we have to...”

[Authorities]: “No! Nobody is going to hurt them here. These kids have no spaces for recreation, a place where they can channel all the potential and energy they have. Plus, they are a little bit drunk. They are kids!” (Interview D3).

According to my interviewee, in the end the communal authorities called the mayors from two other cantons, to which two of the kids belonged to, and together decided that the kids would have to apologize publicly and do communitarian work for one month. In the imaginary conversation, the man portrays the authorities as the calmed voice of reason leading the group of angry neighbors towards a more humane path. They do this by making the neighbors realize on

their own that the kids have not caused any real harm to anybody. When the neighbors suggest an extreme measure (“Well, here we have to...”), the authorities immediately refuse (“No! Nobody is going to hurt them here”), and then channel the negative energies towards the fact that there are no recreational spaces in the community. The conversation illustrates not only how communal authorities can prevent violence from happening, but also the exemplary role that some leaders believe they have to play in front of their communities.

Although communal leaders can prevent violence from taking a deadly turn, in other cases they can be the ones who push for extreme punishments. In Chiyax, for example, the community initially wanted to kill the three men they accused of stealing. Afterwards, during the meetings with the representatives of the state justice system, communal authorities proposed a lengthy sentence of twenty years, “without defense or food,” but eventually agreed with the more humane outcome of communitarian work (Padilla 2005:213). In such cases, state agents, particularly those from the Human Rights Ombudsman Office, have been fundamental in stopping deadly violence from happening. Several *Totonicapenses* expressed to me that they trusted this institution more than the police and that they sometimes called them to intervene whenever there was a problem.

In view of the evidence presented here, it is important to note that, although the legitimacy of Maya law rests on the notion that it is based on how indigenous communities “have always done things in the past,” it also seems to be a set of rules and practices that is being built for the future. While in many ways it represents the “reinvention of customary law,” as Bybee et al. (2013) have argued, Maya law also seems to be what I would call an “imagined” set of rules and practices, to use Benedict Anderson’s idea of “imagined communities” (Anderson 2006). Maya law is “imagined” in the sense that it is how Maya activists and public intellectuals believe their ancestors resolved conflicts in the past and want conflicts to be resolved in the future. As the

author argues in relation to nation-states and nationalism, “If nation-states are widely conceded to be ‘new’ and ‘historical,’ the nations to which they give political expression always loom out of an immemorial past, and, still more important, into a limitless future” (Anderson 2006:11-12). As an imagined set of rules and practices, Maya law establishes an imagined bond between past, present and future generations, and serves as a vehicle towards an aspired state where power is distributed more equally.

5.6 A NOTE ON SHAME AND VIRTUE

In their documentary titled *K'ixba'l (Vergüenza)*, Flores and Sieder (2009-2012) analyze the reconstruction of Maya law in postwar Guatemala. The documentary focuses on Santa Cruz del Quiché, a municipality in the western highlands where a community accused three young men of stealing a car in 2006. After capturing them and debating about what to do, the community decides that the three men have to pay back for the repairs of the car and that they should be publicly shamed in front of everybody. The community does this by forcing the three men to walk around the town's streets carrying the wheels of the stolen car on their backs, and by using *xik'a'y* or corporal punishment against them. In the final scenes of the documentary, each of the three men is shown kneeling on the ground, shirtless, while a crowd takes turns to whip their backs in front of the rest.

Within the social sciences, shame has been usually analyzed in relation to guilt as a negative emotion that can potentially traumatize a person (Wong and Tsai 2007:210). In fact, a recent study refers to this tendency by calling shame “the ugly emotion” (Deonna, Rodogno and Teroni 2012:42). In sociology, shame is seen as painful because it involves “a threat to the social

bond” (Scheff 2000:97, original emphasis). Although this view of shame certainly corresponds with the way in which many people experience it, some authors have shown that the issue at hand is not so simple. Based on an extensive review of the research across cultures as well as on their own research, Wong and Tsai (2007:212-15) show that the distinction between shame and guilt is not so clear in some cultures and that the value people assign to them can vary significantly depending on the context. Their view finds support in some studies within the field of Philosophy, where scholars have shown that shame has not always been portrayed in the negative terms in which it is often portrayed nowadays (Deonna et al. 2012; Jimenez 2011; Nsekanabo 2011). These studies have shown, for example, that people like Aristotle and Thomas Aquinas considered that shame had an important role in the upbringing of individuals and the development of virtuous behavior (Jimenez 2011; Nsekanabo 2011). Their view also finds support in studies of colonial and modern Latin America, where scholars have shown that women in particular have been expected to be shameful, that is, to restrain from engaging in sexual acts outside their marriages so as to avoid humiliating their husbands and families more broadly (Caulfield, Chambers and Putnam 2005; Johnson and Lipsett-Rivera 1998; Nazzari 1998; Putnam, Chambers and Caulfield 2005; Spurling 1998).

Shame or *vergüenza* plays a fundamental role in some versions of Maya law. Like in many parts of the world, some of the writings on Maya law describe *vergüenza* as an unwanted and uncomfortable feeling that people get when they violate the social order. They describe it as an internal signal that makes moral transgressors aware that their actions are considered wrong. “*La vergüenza* is reflected in one’s face [...] *La vergüenza* can be felt, because the energies of the person change [...] When the person feels *vergüenza* he feels tired or sick, internally, and he expresses it externally” (Asociación Maya Uk’u’x B’e n.d.:55). “*La vergüenza* is understood as the powerful feeling that hurts the mind in a painful way” (Esquit and Ochoa 1995:21). In these passages,

vergüenza is understood in the same way as shame is understood in some of the literature that deals with the subject. It is a painful emotion that one needs to avoid or overcome.

Paralleling the idea of shame in other parts of the world, some of the writings on Maya law also describe *vergüenza* as a desirable character trait. They describe it as a feeling that everyone should display as a sign of respect for their communities. “[*K*]’o *uk’ixb’aal* (*tiene su vergüenza*) is an expression that refers to a person who is respectful of the norms; it also denotes obeying willingly costume and tradition” (Esquit and Ochoa 1995:21). “*Ri K’ix* allows conflict prevention because people who feel *vergüenza* take care of their personal, familiar, and communitarian image [...] *Ri K’ix* implies recognizing that what was done was wrong” (Asociación Maya Uk’u’x B’e n.d.:54). In these passages, the idea of *vergüenza* (*k’ix*) resembles more the idea of shame as a feeling that someone who belongs to a community *should* display as a means to maintain the social order. From this perspective, *vergüenza* is not just an unwanted and painful feeling that one needs to move away from, but also a “good” internal moral compass that helps individuals distinguish between right and wrong. The value attached to the emotion is positive, not negative.

As a desirable character trait, the writings on Maya law discussed here portray *vergüenza* as something that some people lack or something that can be lost. People can “lose” *vergüenza*, and when they do so they lose respect for their communities. “A person can lose *vergüenza* for different reasons: ignorance, alcoholism, not having received advice from his parents, madness, a problem that has reached an extreme limit, or because of extreme necessity” (Esquit and Ochoa 1995:21). “When *ri K’ix* has been lost, the person can ask for forgiveness and recover *la vergüenza* for having caused a conflict [...] The person who has *vergüenza* does not do anything that is forbidden because he knows that he is not supposed to” (Asociación Maya Uk’u’x B’e n.d.:54). “Whoever has *vergüenza* avoids causing problems to grandparents, parents, siblings, children, neighbors, etc.”

(Asociación Maya Uk'u'x B'e n.d.:54). “When someone does something that is forbidden it is common to hear ‘*Sas man k’ot cha k’ix*’ Don't you have *vergüenza* anymore?” (Asociación Maya Uk'u'x B'e n.d.:55).³³

The view of *vergüenza* as a positive character trait that can be lost is implicit in the idea that people who transgress moral boundaries are “shameless” or “*sinvergüenzas*” in Spanish. When people are called shameless or *sinvergüenzas* it means that they have lost their moral compass. It means that they are incapable or have lost their ability to distinguish between right and wrong. This way of seeing *vergüenza* resembles very much the way in which Ruth Benedict (2005) described shame in her classical study of Japan. For the Japanese, she explained at the time, shame “is the root of virtue” (Benedict 2005:224). It resembles even more the way in which *vergüenza* was described and analyzed by anthropologist Julian Pitt-Rivers (1966) in his study of Andalusia. Defined ingeniously by him “as a concern for repute” (Pitt-Rivers 1966:42), the author shows that people in Andalusia also believed that one could “have” or “lose” *vergüenza*, and that having *vergüenza* was equivalent to having honor in some cases, but in others it meant the opposite depending on the situation and the gender of the people involved (Pitt-Rivers 1966:41-45). Perhaps one difference between this view and the *vergüenza* described in the books on Maya law discussed here is that these books seem to portray *vergüenza* as something that people *carry with them all the time*. The books do not portray *vergüenza* just as a brief feeling or sensation that people get when they overstep the moral order, or as a sign of respect for communities. They also seem to portray it as a fundamental component of human beings. “*Ri K’ix* means that *la vergüenza* is something that the person has inside and manifests itself at different moments” (Asociación Maya Uk'u'x B'e n.d.:53). “We carry *Ri K’ix* inside, that is why sometimes we feel embarrassed to give

³³ In the original, the sentence “Don’t you have *vergüenza* anymore?” is written in bold.

our opinion or to feel comfortable with other people [...] *Ri K'ix* is in everything, it is inside the body and manifests itself in the exterior” (Asociación Maya Uk'u'x B'e n.d.:54). Table 6 lists all the passages about *vergüenza* in both of the books analyzed here and classifies their view of it as either a component of a person, a negative emotion, or a desirable trait. In the cases in which it is impossible to tell, the passages are classified as neutral.

Table 6. Shame as component of person, negative emotion and desirable trait.³⁴

Description of shame in Spanish	English Translation	Shame As	Source
"Ri <i>K'ix</i> quiere decir la vergüenza es algo que cada persona lleva por dentro y se manifiesta en diferentes momentos, cuando no sentimos confianza se manifiesta el <i>k'ix</i> ."	[1] " <i>Ri K'ix</i> means <i>vergüenza</i> is something that the person has inside and that manifests itself at different moments." [2] "When we don't feel trust <i>k'ix</i> manifests itself."	[1] Component of person [2] Negative emotion	(Asociación Maya Uk'u'x B'e n.d.:53)
"Cuando hicimos algo indebido se presenta el <i>k'ix</i> ."	"When we did something improper <i>k'ix</i> manifests itself."	Negative emotion	(Asociación Maya Uk'u'x B'e n.d.:54)
"Cuando no somos capaces de realizar algo que otros si lo pueden hacer se presenta el <i>K'ix</i> ."	"When we are not capable of doing something that others can do, <i>k'ix</i> presents itself."	Negative emotion	(Asociación Maya Uk'u'x B'e n.d.:54)
"Ri <i>K'ix</i> permite prevenir conflictos porque las personas que sienten vergüenza cuidan su imagen personal, familiar y comunitario."	" <i>K'ix</i> allows conflict prevention because people who feel <i>vergüenza</i> take care of their personal, family, and communitarian image."	Desirable trait	(Asociación Maya Uk'u'x B'e n.d.:54)

³⁴ Numbers are inserted in some of the English translations to clarify the classification

"Cuando <i>ri K'ix</i> se ha perdido, la persona puede pedir perdón y recupera la vergüenza por haber provocado un conflicto"	"When <i>ri K'ix</i> has been lost, the person can ask for forgiveness and recover <i>vergüenza</i> for having caused a conflict."	Component of person Desirable trait	(Asociación Maya Uk'u'x B'e n.d.:54)
" <i>Ri K'ix</i> lo llevamos por dentro, por eso a veces nos da pena opinar, entrar en confianza con otras personas"	"We carry <i>Ri K'ix</i> inside us, that is why sometimes we feel embarrassed when we give our opinion, or when we try to gain the confidence of other persons."	Component of person Negative emotion	(Asociación Maya Uk'u'x B'e n.d.:54)
" <i>Ri K'ix</i> implica darse cuenta que lo que se hizo estuvo mal"	" <i>K'ix</i> implies recognizing that what was done was wrong."	Desirable trait	(Asociación Maya Uk'u'x B'e n.d.:54)
" <i>Ri K'ix</i> es un estado anormal fuerte que causa desequilibrio en las energías."	" <i>K'ix</i> is an abnormal strong state that causes disequilibrium in energies."	Negative emotion	(Asociación Maya Uk'u'x B'e n.d.:54)
" <i>Ri K'ix</i> está en todo, está en el interior del cuerpo que se manifiesta en lo exterior."	" <i>Ri K'ix</i> is in everything; it is inside the body and manifests itself externally."	Component of person	(Asociación Maya Uk'u'x B'e n.d.:54)
"La persona que tiene vergüenza no hace algo indebido porque sabe que no lo debe hacer"	"The person who has <i>vergüenza</i> does not do anything that is forbidden because he knows that he is not supposed to."	Component of person Desirable trait	(Asociación Maya Uk'u'x B'e n.d.:54)
"Quien tiene vergüenza evita causarles problemas a sus abuelos, a sus padres, sus hermanos, sus hijos, sus vecinos, etc."	"Whoever has <i>vergüenza</i> avoids causing problems to grandparents, parents, siblings, children, neighbors, etc."	Component of person Desirable trait	(Asociación Maya Uk'u'x B'e n.d.:54)
"Cuando alguien comete algo indebido es común escuchar ' <i>Sas man k'ot cha k'ix</i> ' ¿Es que ya no tenés vergüenza?" (original emphasis)	"When someone does something that is forbidden it is common to hear ' <i>Sas man k'ot cha k'ix</i> ' Don't you have vergüenza anymore? " (original emphasis)	Component of person Desirable trait	(Asociación Maya Uk'u'x B'e n.d.:55)
"La vergüenza se refleja en la cara."	"The face reveals <i>la vergüenza</i> ."	Neutral	(Asociación Maya Uk'u'x B'e n.d.:55)
"La vergüenza puede sentirse, porque las energías de la persona cambian."	" <i>La vergüenza</i> can be felt, because the person's energies change."	Neutral	(Asociación Maya Uk'u'x B'e n.d.:55)

"Cuando la persona siente vergüenza se siente decaída o mal, internamente y lo expresa externamente."	"When the person feels <i>vergüenza</i> he feels tired or sick, internally, and he expresses it externally."	Negative emotion	(Asociación Maya Uk'u'x B'e n.d.:55)
"Cuando la persona tiene vergüenza cambia su actitud."	"When the person has <i>vergüenza</i> his attitude changes."	Neutral	(Asociación Maya Uk'u'x B'e n.d.:55)
"La vergüenza se entiende como el sentimiento poderoso que hierde la mente de una manera dolorosa; ello está indicado en la lengua con el término (<i>k'ichee'</i>) <i>k'üxb'al</i> , (<i>k'üx</i> = espina; <i>b'al</i> = instrumental, <i>k'üxb'al</i> , sustantivo cuyo uso se concibe como asociación del verbo 'tener' (<i>k'o</i>). <i>k'o uk'üxb'aal</i> (tiene su vergüenza), es una expresión que hace referencia a la persona respetuosa de las normas; denota también el acatamiento a la costumbre, a la tradición, por libre juicio y voluntad"	[1] " <i>La vergüenza</i> is understood as the powerful feeling that hurts the mind in a painful way;" [2] "that is indicated in language with the term (in <i>k'ichee'</i>) <i>k'üxb'al</i> , (<i>k'üx</i> = spine; <i>b'al</i> = instrumental, <i>k'üxb'al</i> , noun whose use is conceived as an association of the [infinitive] verb "to have" (<i>k'o</i>)." [3] " <i>k'o uk'üxb'aal</i> (<i>tiene su vergüenza</i>) is an expression that makes reference to the person who respects the norms; it also denotes obeying custom or tradition by choice."	[1] Component of person [2] Negative emotion [3] Desirable trait	(Esquit and Ochoa 1995:21)

<p>"El fundamento sobre el cual se asienta el sentimiento de la vergüenza proviene de una clasificación binaria de la acción social, que opone <i>utz</i> (lo bueno y deseable) a <i>etzelaal</i> (lo que no sirve, lo defectuoso). La expresión <i>k'o uk'ixb'aal</i> también se usa para exaltar la actitud de una persona que mantiene respeto por las normas que la comunidad acepta en clara referencia al respeto por las fuerzas de lo sagrado (<i>tyox, loq'olaj</i>). Esta misma expresión en su forma negativa: <i>k'o ta uk'ixb'aal</i> (no tiene vergüenza), dicha por ejemplo en la expresión: <i>k'ot le k'ixb'aal sin achi</i> (no tiene vergüenza el hombrecito), hace referencia a la conducta de alguien que transgredió una norma, de manera pública u oculta. Esto se refiere a un acto que ha sido realizado sin vergüenza, sin respeto a la comunidad, ante un hecho que invariablemente llegará a ser sancionado por la divinidad (<i>sujuj</i> es aquí el término con que se hace referencia al hecho de denunciar públicamente una falta y esto está ligado a <i>xuxuj</i>: humillarse)."</p>	<p>[1] "The basis on which the feeling of <i>vergüenza</i> rests is derived from a binary classification of social action that opposes <i>utz</i> (what is good or desirable) to <i>etzelaal</i> (what doesn't work or is defective)." [2] "The expression <i>k'o uk'ixb'aal</i> is also used to exalt the attitude of a person that respects the norms of the community in direct relation to the respect for what is sacred (<i>tyox, loq'olaj</i>)." [3] "This same expression in its negative form: <i>k'o ta uk'ixb'aal</i> (has no <i>vergüenza</i>), for example: <i>k'ot le k'ixb'aal sin achi</i> (the little man has no <i>vergüenza</i>) makes reference to the conduct of someone who transgressed the norms in a public or hidden way." [4] "This refers to an act that has been carried out without <i>vergüenza</i>, without respect for the community, an act that inevitably will be sanctioned by divinity (<i>sujuj</i> is here the term with which we reference the act of denouncing publicly a transgression and this is tied to <i>xuxuj</i>: to humiliate oneself)." [1] Neutral [2] Desirable trait [3] Component of person [4] Negative emotion/Component of person</p>		<p>(Esquit and Ochoa 1995:21)</p>
--	---	--	-----------------------------------

"En este sentido, ser irrespetuoso implica haber perdido la vergüenza. La persona puede llegar a perder la vergüenza por alguna de las siguientes causas: ignorancia, alcoholismo, por no haber recibido los consejos de los padres, por un estado de locura, por un problema que ha alcanzado el límite, o por una necesidad extrema."	"In this sense, to be disrespectful implies to have lost <i>vergüenza</i> . The person can lose <i>vergüenza</i> for different reasons: ignorance, alcoholism, for not having received advice from parents, madness, a problem that has reached its limits, or an extreme necessity."	Component of person	(Esquit and Ochoa 1995:21)
---	---	---------------------	----------------------------

If *vergüenza* is a trait that individuals in indigenous communities *must* have, the nexus between *vergüenza* and corporal punishment starts to become clear. Rather than being just a practice that Maya authorities use to punish individuals publicly, what *xik'a'y* seems to do is to transform an individual into a person again, because individuals who "lose" *vergüenza* are not regarded as such anymore. This is, in fact, precisely what a Maya leader says in the documentary about *k'ixba'l* that Flores and Sieder (2009-2012) produced. After a woman explains that 20 lashes represent the fingers in the hands and feet of human beings, and therefore, represent a person, a Maya leader says that, "what [they] are looking to do with [the three young men] is to transform them into persons" (Flores and Sieder 2009-2012). One of the books about Maya law I examined earlier expresses a related idea when it says that *xik'a'y* is used to "activate *vergüenza*" (Asociación Maya Uk'u'x B'e n.d.:56). In both passages, the corrective measure does not only seek to inflict pain; it also seeks to reestablish *vergüenza* within individuals as a means to transform them into persons and thus into respected members of their communities. Of course, there are many things that need to be explored here, so the conclusions from the analysis above should only be taken as hypotheses. In addition, it is important not to see *vergüenza* as an emotion somehow

untouched by the socio-historical and political dynamics in Guatemala. For example, Cumes (2008) argues that indigenous women experience *vergüenza* more intensely than men because of their subordinate position in a patriarchal world. Her argument reminds us that the way in which the books about Maya law portray *vergüenza* probably differs substantially from the actual way in which indigenous people see and experience *vergüenza*.

5.7 CONCLUSION

This chapter began by describing Totonicapán's indigenous system of governance and its oftentimes relationship with the "official" state apparatus. After presenting some of the main characteristics of Maya law as described in two books written by Maya activists, the chapter described incidents in Totonicapán that Guatemalan newspapers sometimes refer to as *vapuleos*. Rather than seeing these practices as simple, chaotic reactions against crime that occur "outside" the state or as clear examples of Maya law, the chapter shows that they emerge out of complex neighborhood organizations that maintain different relations with the state and the 48 cantons, a characteristic that moves them away from simple notions of illegality. The chapter then offers a brief reflection on the role of state and non-state leaders in stopping violence from escalating, and ends with the suggestion that *vergüenza* plays a triple role in Maya law as a negative emotion, positive character trait, and component of individuals to be regarded as persons. This view is different from the common view of shame in most of the literature produced in the United States, but finds parallels in studies that deal with shame in other cultural contexts.

The following section discusses crime and violence in Guastatoya, a Ladino town in eastern Guatemala where no *linchamientos* have ever been documented. Contrary to what official

reports indicate, however, the stories some locals tell suggest that people in Guastatoya have sometimes organized and taken deadly action against suspected criminals, but that they don't regard their practices as *linchamientos*. Because state agents and powerful criminal organizations seem to have been directly or indirectly involved in these acts, they have rarely made it to the news or to official statistics. The lack of information about these events in official reports and statistics also seems to stem from the particular ideas and interpretations that Guastatoyans have in regards to *linchamientos*.

6.0 “*THE PERSON IS SIMPLY NOT THERE ANYMORE*”: THE STATE, CRIME AND VIOLENCE IN A LADINO TOWN

On April 29, 2005, the Guatemalan newspaper *El Periódico* reported a series of mysterious killings in Guastatoya. The note was titled “Cosas extrañas pasan en Guastatoya” (Strange Things Happen in Guastatoya), and it went like this:

Guastatoya is one of those towns in which people are still able to keep their doors open during the day and where neighbors can remain in the plaza until 10:00 o'clock at night, when all the lights go off, and walk back to their homes [...] it brags about being one of the safest municipalities in the country. Violent deaths each year can be counted with one hand, and in terms of security, its main preoccupation was, up until two months ago, house burglaries and thefts in mototaxis. That was Guastatoya before April 9 [...] Overall, five executions occurred between April 9 and last week, which not only surpassed the death quota of an entire year in that small town, but also spread anxiety and uncertainty. “We don't know what is going on, only that very strange things are happening,” a

neighbor who refuses to talk more about the issue says. “People are very afraid to talk,” he warns (Hurtado 2005).³⁵

The newspaper report does not specify anything else about the killings and leaves many of the details to the reader’s imagination. It is impossible to tell whether these deadly attacks were directed against alleged criminals, or if they were the result of some personal dispute. Looking at police official statistic does not help either. In 2005, the police registered fifteen homicides in Guastatoya, but it is impossible to tell whether these killings are among those in the official number. What is certain is that, from 2001 to 2011, the police did not register any *linchamiento* in the small town (Policía Nacional Civil 2001-2011).

Although the newspaper report is ambiguous, the way in which it describes how people approach violence with discretion and the obscurity of the killings resonate with my experience in Guastatoya during my fieldwork. Despite having a reputation as a “peaceful town,” many locals claim that people have “taken justice into their own hands” against suspected criminals. In some cases, their stories suggest that ordinary citizens or state agents have acted alone, but in others they suggest they have acted together. People don’t usually use the word *linchamiento* to describe

³⁵ I found this note in the online version of El Periódico back in 2011. Unfortunately, I did not save a copy of the article and El Periódico has recently deleted many of its online archives, so the link to this particular article does not work anymore (<http://www.elperiodico.com.gt/es//pais/16236>). I went to Guatemala in December of 2014 and looked for the article in the printed version of El Periódico at the Archivo General de Centroamérica, but did not find it. I contacted the reporter via email, asking her if she had a copy of the article she could send me, but did not get a response. The paragraph I quote here is taken from a paper I wrote in 2011 for a conference. Here is what I quoted at that time: “Guastatoya es de esos pueblos en donde la gente aún mantiene abierta la puerta del zaguán durante el día y los vecinos pueden estar en el parque hasta las 10:00 de la noche, cuando se apagan todas las luces, y regresar a pie a sus casas [...] [P]resume ser uno de los municipios más tranquilos del país. Las muertes violentas que ocurren cada año en el casco urbano se cuentan con una mano, y en asuntos de seguridad, su principal preocupación se debía, hasta hace dos meses, a los saqueos de viviendas y asaltos a mototaxis. Esa era la Guastatoya antes del 9 de abril... [...] En total, fueron cinco ejecuciones realizadas entre el 9 de abril y la semana pasada, que no solo sobrepasaron la cuota de muertos de todo un año de la pequeña ciudad, sino que la cundieron en zozobra e incertidumbre. ‘No sabemos qué está pasando, solo que están pasando cosas muy extrañas’, dice un vecino del pueblo que no accede a conversar más sobre el tema. ‘La gente tiene mucho miedo de hablar’, advierte” (Hurtado, 2005, abril 29).

these events; instead, they refer to them as *limpieza social*, disappearances, or simply describe them without using a specific term.

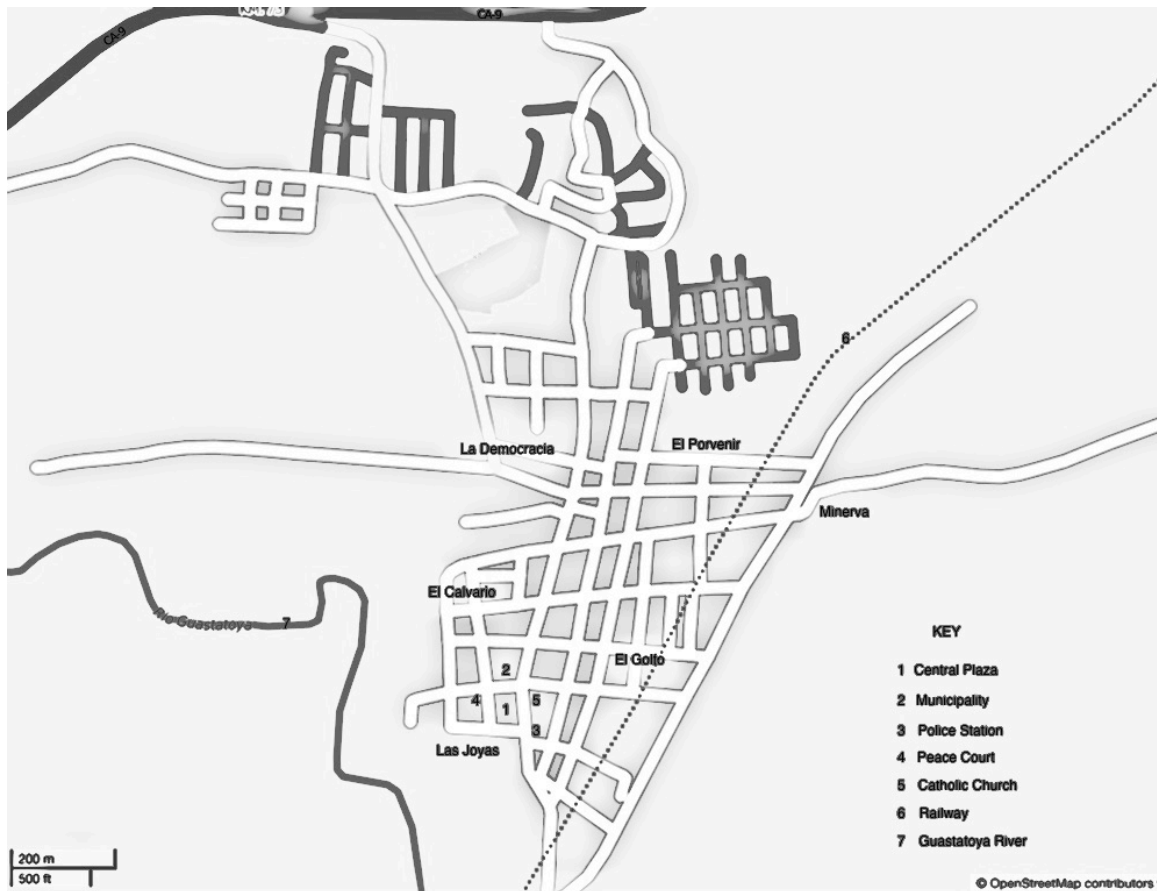


Figure 18. Map of Guastatoya's Center³⁶

The map shows the approximate location of each neighborhood.

³⁶ Source: © OpenStreetMap contributors. The data is available under the Open Database License and the cartography is licensed as CC BY-SA. See <http://www.openstreetmap.org/copyright>. I added the key, numbers, names of places, and shades of grey.

6.1 A BRIEF OVERVIEW OF *LIMPIEZA SOCIAL* IN GUATEMALA

Limpieza social has a long history in Guatemala and other countries in Latin America. The term refers to the “serial killings of people who have been economically pushed so far toward the fringes of misery that the more affluent members of society classify them as ‘undesirable,’ ‘throwaway’ human beings” (Wirpsa 1993:12, quoted in Schwartz, 1995/1996, p. 384). In general, these killings occur more frequently in urban areas and state agents or individuals linked to the state are often involved (Schwartz 1995/1996:384). Like in other parts of Latin America, the “undesirables” in Guatemala are often members of the so-called underclass, including street children and street-gang members or *mareros*.

During the country’s Civil War, the military and the police used the term *limpieza social* to mask violent actions against civilians or individuals suspected of being left-wing militants. The report of the Historical Clarification Commission (CEH, in Spanish) notes that, in 1965, the military—with the help of USAID—carried out one of its first counterinsurgent operations during which they “disappeared” several individuals (Comisión para el Esclarecimiento Histórico 1999, Vol. 2, paragraph 1059). “The campaign was denominated ‘*operación limpieza*,’” the commission’s report notes, “and it was carried out through raids that included a police and military siege of several blocks within a specific perimeter that blocked the entry and exit of persons” (Comisión para el Esclarecimiento Histórico 1999, Vol. 2, paragraph 1060). At the end of the 1970s, the commission quotes a newspaper interview with Donaldo Álvarez Ruiz, the feared chief of the Interior Ministry from 1976 to 1982, during which he said, “in the country there is a death squad, but it has no link to the security forces... that group could be linked to a ‘cleansing of criminals’” (El Imparcial, August 2, 1978, quoted in Comisión para el Esclarecimiento Histórico 1999, Vol. 2, paragraph 1108).

After Guatemala's democratic transition in 1985, the military and the police still carried out secret killings of alleged criminals and left-wing militants. Jennifer Schirmer (1998:197-201) notes that, during Vinicio Cerezo's presidency in 1988, the government established the System of Citizen Protection (SIPROCI), which involved members of the military and the National Police overlooking public security. According to the author, "One National Police detective stated that the Fifth Precinct of the National Police had been delegated to serve 'SIPROCI's needs,' and was always 'the most aggressive in its "cleansing operations" (*operaciones de limpieza*), often torturing and killing "street delinquents" and students"' (Schirmer 1998:199).

With the discovery of the archives of the National Police in 2008, new evidence of state-sanctioned *limpieza social* during the war has emerged. In one of its reports, the Historical Archive of the National Police (AHPN, in Spanish) documents several "cleansing operations" that the National Police carried out during the 1970s and 1980s (Archivo Histórico de la Policía Nacional 2011:293-303). For example, during one of these operations in 1977, the report notes that the police captured 75 people, while during another one in 1982, it establishes that they captured 76 (Archivo Histórico de la Policía Nacional 2011:298-99). Although the document does not specify anything about the whereabouts of these individuals, it demonstrates that cleansing operations sometimes ended with people being "disappeared" (Archivo Histórico de la Policía Nacional 2011:301-03).

The Historical Clarification Commission's report also established that the military carried out *limpieza* against members of their own organization. Whenever the military feared that intelligence officials knew too much or could harm them as an institution, they would eliminate them. As the report notes:

Many death squad members were eliminated by the Intelligence, given that they had too much information about the clandestine activities of the army, which transformed them into a serious threat for the institution, or because they began to act autonomously without the Intelligence's control. This situation was frequent in the West of the country and was known as "*la limpieza*" (Comisión para el Esclarecimiento Histórico 1999, Vol. 2, paragraphs 1110-1111).

Moreover, the commission's report suggests that *limpieza* was not always a clandestine matter. In 1982, the military forced civil patrollers in San Andrés Sajcabajá, a municipality in Quiché, to randomly kill community members in front of others as part of a "community cleansing" of people that "were contaminating others with communist ideas" (Comisión para el Esclarecimiento Histórico 1999, Vol. 2, paragraph 1844).

Limpieza social is still common in contemporary Guatemala. As during the war years, human rights organizations usually characterize this form of violence as clandestine killings of alleged wrongdoers in which state agents or individuals associated with them are directly or indirectly involved (Procurador de los Derechos Humanos 2006:7). The reports that these organizations produce are often ambiguous because of the danger involved in reporting these acts and the difficulties in documenting them. For example, in 2006, the Human Rights Ombudsman Office had to rely on newspaper accounts to estimate the number of killings during the preceding two years that bore signs of *limpieza social* (Procurador de los Derechos Humanos 2006). By using "signs of torture" and the "location of bodies" as indicators, the institution determined that approximately 975 people were victims of this type of deadly violence during 2004 and 2005 (Procurador de los Derechos Humanos 2006:10-15). Based on interviews with victims and informants, the Human Rights Special Rapporteur to the United Nations, Philip

Alston, concluded that members of the police's Criminal Investigation Division had been involved in many of those killings (United Nations Human Rights Council 2006, paragraph 19).

6.2 GUASTATOYA: THE CAPITAL OF FRIENDSHIP

Guastatoya is the head municipality of El Progreso, a small and arid department in the central-eastern region of Guatemala. Located just 45 miles away from Guatemala City, it has a population of approximately 22,000 people, of whom the majority self-identify as Ladino (Instituto Nacional de Estadística 2003; Instituto Nacional de Estadística 2004).³⁷ The municipality's urban center, on which this research was based, is made up of six neighborhoods: *Las Joyas*, *La Democracia*, *Minerva*, *El Golfo*, *El Porvenir* and *El Calvario*, all surrounding a central plaza. Each neighborhood is made up of small houses along one or two main streets, throughout which one can find many small shops or *tiendas* that sell all kinds of knickknack goodies and household items. Around the central plaza, one can find the municipality building, a church, the office of the Interior Ministry, the local Peace Court, and the local police station, along with a couple of diners and small hotels.

Like many Ladinos in Guatemala, some people in Guastatoya live in relatively better conditions than the majority of the population in the country. Back in 2002, for example, 21 percent of Guastatoyans lived in poverty and two percent in extreme poverty, while the country's averages were 60 and 18 percent, respectively (Programa de las Naciones Unidas para el Desarrollo 2005). However, many Guastatoyans face serious economic hardships.

³⁷ Most Guastatoyans don't actually use the word "Ladino" to identify themselves. They do, however, think of themselves as "non-indigenous" and associate the idea of "ethnicity" with indigenous communities. Self-identification, in fact, is a very complicated matter in Guatemala. See, for instance, Little-Siebold (2001).

Unemployment, for example, has been on the rise at least since the middle of the 1990s, when a series of floods and droughts affected El Progreso's agricultural basis (Dary 1994). These tragic events forced young peasant men to migrate to Guatemala City and to the United States, and pushed women out of their traditional household roles into agriculture (Dary 1994). Anthropologist Claudia Dary quotes a Guatemalan newspaper interview from 1993, during which a 17 year-old girl from Morazán—a neighboring municipality—referred to this situation:

In this dead town (Morazán), I am not staying. When I finish my studies, I will go to the capital to study teaching. My older brothers are in the United States, where they earn a good living. If I can't continue my studies, I will go with them (Girón, 1993, May 5, p. 14, quoted in Dary 1994:80).

Many Guastatoyans still migrate to the United States or work in Guatemala City. The round trip to *la capital*, as they refer to the city, takes around three hours, which makes it possible for many of them to do this on a weekly or even a daily basis. A few Guastatoyans work at the small shops and restaurants scattered throughout the town, while others work at the local state institutions. Many young men work driving a mototaxi or *tuctuc*, as they are locally known there. *Tuctucs* are small three-wheeled taxi motorcycles that can hold up to four people and can take a person anywhere within the municipality for Q2.00 (around US\$0.25) to Q20.00 (around US\$2.50). “The rest,” as a small businessman said, “see what they can do” (Interview C21).

Contrary to many of the municipalities in Eastern Guatemala, Guastatoya has the reputation of being a peaceful place. This reputation seems to date back at least to 1976, when a group of locals began to call the town *La capital de la Amistad* (The Capital of Friendship) as a tribute to the well-respected and affable families that died during the earthquake that year

(Interview C64). The friendliness of Guastatoyans can be felt on a daily basis, as it is common to get a “hello” or a “good morning” with a welcoming smile while walking down the streets. Locals seem to value this characteristic, since many of them mentioned it with pride on repeated occasions along with the town’s nickname. In fact, the nickname is even featured in the Mayor’s Office official letterheads (SEGEPLAN/DPT 2010:1).

People who refer to the peacefulness of Guastatoya generally do so in relation to the freedoms that the town “still” offers, like being able to go out late at night or being able to leave the doors open until late in the evening. As two local women put it, “You can still go outside at twelve or one o’clock in the morning, because nobody is going to come after you” (Interview C66). “We can walk calmly at night, have our doors open, go to the park without fear, with freedom” (Interview C40). Others, in turn, refer to the peacefulness of Guastatoya in relation to Guatemala City. Their general view of *la capital* is that it is a violent place where people get robbed and killed on a daily basis. Their view is quite accurate, because over the last few years this Latin American city has become one of the most violent places on the planet (Consejo Ciudadano para la Seguridad Pública y Justicia Penal 2010).³⁸ “This is a peaceful place. You don’t hear of burglars or deaths, like in other places, [like in] *la capital*,” a local who had lived in Guatemala City for several years explained. “People here are very peaceful... which is something you don’t see in *la capital*” (Interview C49).

Locals also compared Guastatoya with Sanarate, a municipality to the southeast of El Progreso. Sanarate, along with the neighboring town of San Agustín Acasaguastlán, has traditionally been El Progreso’s social and economic center (Dary 1994:60). This town has a

³⁸ According to this report, the most violent city in 2010 was México’s Ciudad Juarez, with a rate of 229 homicides per 100,000 people. Guatemala City ranked 7th with a rate of 96 homicides per 100,000. In contrast, Baltimore, commonly thought of as extremely violent by Americans, ranked 37th with a rate of 35 homicides per 100,000. See Consejo Ciudadano para la Seguridad Pública y Justicia Penal (2010:3-4). For an assessment of urban violence in Guatemala, see Lewis O’Neill and Thomas (2011).

larger population than Guastatoya, with almost 38,000 inhabitants, and it has a much more dynamic commercial activity, since it is closer to Guatemala City and provides easy access to other departments directly through Jalapa. People from Guastatoya generally see Sanarate as a violent place, where “there are *mareros*” (Interview B19) and where they “assault or kill you in the street” (Interview B22). They see it as a “super populated” (Interview B41) place with many outsiders or “people from other places” (Interview B16). As a young man concluded about his town, “They say this is the most peaceful place there is. Here, thank God, that [crime] hasn’t arrived yet” (Interview C63).

However, not everyone believes that Guastatoya is a peaceful town. Almost half of the people I interviewed believe the town has deteriorated over the last few years, and that now they see or hear more about crimes than they used to. Hearsay and news about murders, burglaries and rapes, for example, have become common over the last decade, which coincides with what police reports show for the municipality during that period (Policía Nacional Civil 2001-2011). Some Guastatoyans connect sexual assaults against women to the local *tuctucs* and their young male drivers, who have a bad reputation because of their reckless driving and suspicious activities. For example, a woman working at one of the local state agencies said, “I see the *tuctuc* driver’s little face... most of them are even extorting people” (Interview B21). Another woman from the same institution expressed a similar concern: “*Tuctucs* take them [women] away to rape them” (Interview B14). Several other Guastatoyans attribute the rise of crime to people from other places who have migrated to their town, as a university student explained: “Before, it was peaceful; now, yeah, people from outside come to commit their crimes” (Interview C42). These Guastatoyans say that most of these strangers come from nearby places that have a reputation of being violent, like *la capital*, Sanarate and El Rancho, another small town in El Progreso. They also say that some come from Honduras and El Salvador, given the country’s proximity to their

borders. Because the town is small and people know each other well, Guastatoyans are automatically suspicious of outsiders, and keep a close eye on what they do. As a local merchant explained, “Now we have seen people from outside, from *la capital*, and since we don’t know them, we don’t know what ideas they have” (Interview C44).



Figure 19. *Tuctucs* in Guastatoya

Source: Author’s Fieldwork

Like the great majority of Guatemalans, Guastatoyans hold a deep distrust against the police. Their general sentiment is that “the police do nothing” when a crime occurs, or that, when they do, they show up hours later, sometimes just “to collect cadavers” (Interview C54). The police in this town face the same limitations that the institution does at the national level, but locals believe that a problem specific to Guastatoya is that many police officers were actually born there. According to them, this makes it difficult for the police to remain impartial when

friends and family members get in trouble. This problem is not unique to Guastatoya. A study about new recruits for the Fifth Promotion of the National Civilian Police³⁹ found that most officers came from Santa Rosa, Jutiapa and El Progreso, a pattern that was also common in the old National Police (Glebbeek 2001:443).⁴⁰ A middle-aged peasant man summarized the situation colloquially by saying that, “No one is a prophet in his own land” (Interview C9).

6.3 THE SILENCE OF GUASTATOYA

Faced with increasing levels of crime and state authorities that “do nothing,” some Guastatoyans claim locals have begun “taking justice into their own hands.” Similarly to how anthropologists working in war-stricken areas in Guatemala reported in the past, when some locals talked about this issue they lowered their voice, as if someone was listening. Their stories were often vague and short, and they told them from a third-person point of view using a passive voice. They also stopped telling them when they thought they had said too much. In some cases they didn’t even mention anything to me, and claimed that the town was as peaceful as everyone said it was. But in other cases they talked about a very different reality underneath the town’s friendly atmosphere. As a local worker explained:

Right now we have taken the law into our own hands, because if we don’t take care of ourselves, who is going to take care of us? The people, if it is too much, well, just like in other places, they get rid of them [criminals], because if they go to

³⁹ The fifth group of police officers that graduated after the Peace Accords.

⁴⁰ A short piece that appeared in *Prensa Libre* in 2004 corroborates this pattern for Guastatoya. See Martínez (2004).

jail, they come back, because they are used to it. They only go to jail for six months... They are removed and then they stop because they know that here, they have to show respect (Interview C45).

Echoing the “cleansing operations” of the Civil War, some Guastatoyans referred to violent actions against alleged wrongdoers as *limpieza social* or as *limpieza*. Others stated that people had “disappeared” or simply described events without using a specific term for them. Even though violence during the war was not as intense in eastern Guatemala as it was in the indigenous western highlands (Comisión para el Esclarecimiento Histórico 1999; Human Rights Data Analysis Group 1999), some locals in Guastatoya remember violent incidents during that period. Two women specifically remember a local landowner who was the head of one of the governmental institutions and his two *sicarios* (hit men). This man, they say, “wanted to do *limpieza* in town,” and his two *sicarios* ended up killing around sixty people. “They would kill someone just because they didn’t like the person,” a woman recalls, while the other woman adds that they also killed a group of travelling teenage artists under the suspicion that they were putting “revolutionary ideas” in people’s heads. During those days, “after seven o’clock at night, people would not go out anymore,” they say. “Many young people back then went to the United States because, if not, they would have been killed” (Interview C64).

Guastatoyans reportedly use deadly violence against alleged criminals only as a last resort. Before deciding to do this, they usually keep a close eye on suspects and investigate them, as they generally do with strangers. If they know the individuals or if they consider it possible, they confront them before taking a more extreme measure. For example, one of my informants recounted how a woman dealt with a group of young men who drank and littered the front of her house every night. After calling the police on numerous occasions to no avail, the woman decided

to call her son-in-law, who arrived at her house, armed and with a bodyguard. The man asked the young men to leave the woman's house alone, "or else they were going to have problems" (Interview B6). Furthermore, some locals claim that if people investigate and come to regard suspicious strangers as serious threats, they "throw them out" of town. During my fieldwork, I heard many people claim that alleged criminals were usually "thrown out" of town. In fact, a city councilor from Guastatoya mentioned this practice during an interview with *El Periódico* in 2010, when he explained why he thought the town was so peaceful:

Here people reject every group of strangers that comes in. They investigate where they come from and what they do, and the information is immediately transferred to the authorities through the people in charge of the Citizen Security Local Junta. An ultimatum is then given to the group before it is expelled (González 2010:6)

I did not find evidence of any *junta local de seguridad* being active in Guastatoya. What I did find were several locals telling vague stories about *mareros* and of how people threw them out over the past few years. A local merchant, for example, remembered how a group of neighbors organized and threw out a *mara* from Jalapa that had settled in one of the commercial neighborhoods in town (Interview C42). A woman working at the local state justice system also mentioned that a *mara* from *la capital* had arrived in Guastatoya a few years ago, "to set up drug-sale sites," but that "the authorities had made them leave" (Interview B32). Similarly, a local municipal official recounted how some people in a village had decided to throw out a street-gang member who had broken into someone's house (Interview B8).

However, as one of my informants said, “sometimes people say they threw them out, but in fact they killed them” (Interview B6). It is not clear how frequently these types of incidents have occurred in Guastatoya. Most of my informants claimed that they are not that frequent but that they have definitely happened in the past. It is not clear either who exactly is behind these events. In some cases, “a small group of people” (Interview C34) or “an organization” (Interview C40) associated with state agents and other criminal organizations seem to have been involved. For example, a young man attributed the killings to “heavy people, as we say here; people with money and power” (Interview C63). But in other cases local neighbors seem to have acted alone, with the explicit or implicit acquiescence of the police. In contrast to what some researchers have found in other municipalities of eastern Guatemala, the hiring of *sicarios* seems to be a rare practice in Guastatoya. Bateson (2012) found this practice to be common in Agua Blanca, Jutiapa, while Rodman (2009:207) found it to be common in San Pedro Pinula, Jalapa, where Ladinos often hire former indigenous soldiers to settle personal disputes. Interestingly, her work suggests that, at least in San Pedro Pinula, this practice is relatively new, because before the peace agreements Ladino landowners used to kill alleged thieves or settle personal matters directly (Rodman 2009:203). In Guastatoya, the matter remains ambiguous because people avoided giving specific details out of fear of reprisals. A university student, for example, explained to me that, “Here, they see a thief and they disappear him... Here, they don’t get to know who did it, or, if they know, they don’t say who did it” (Interview B19). Similarly, a state agent who mentioned that *limpieza social* occurred mostly against thieves but not against murderers, avoided giving further details:

[Daniel]: So the *limpieza social* that has occurred before has been directed against thieves and not so much against murderers?

[Respondent]: Yes, not so much.

[Daniel]: Why?

[Respondent]: Look, after the armed conflict, in Guatemala there is a generalized fear... Here there is a saying that says that walls have ears and that rocks talk, so more or less that's the situation...(Silence)

[Daniel]: I understand.

[Respondent]: Now, why? I don't really know why (Interview B11).

Shrouded in this veil of mystery, some of my informants mentioned incidents during which *mareros* or *patojos* (young kids) had been killed and their bodies had just “appeared” somewhere, sometimes bearing signs of torture. In some cases, not even the body was found; they just “disappeared.” “Three years ago, three *marero* kids came and began to break into houses. They killed the three of them” (Interview B27). “One time they caught five or six young kids in the river. They cut their parts off and put them in their mouths” (Interview B28). “Someone killed members of a small gang because they were stealing, and eight others [young men] because they were selling drugs” (Interview B29). “More or less two years ago, they caught some of them and dumped their bodies in front of the fire station. According to rumors, they were gang members, but others say they were drug traffickers” (Interview B6). “Here there was a movement of gang members, but here they do kill them. They appear [dead] one by one” (Interview C30). “When strangers come they identify them quickly, and then it is managed more easily. But they disappear quickly, too, I don't know how” (Interview C40). “Lately, there have been robberies, but locals disappear them. They kill them or take them somewhere else” (Interview C56). “But one thing is for certain: a criminal might come in here, but people quickly disappear him. He turns up dead without being heard” (Interview C48). “They do it quietly. The person is simply

not there anymore” (Interview C31). “One is the judge, one does the trial, because the police do nothing” (Interview C10).

Although actual street-gang members seem to have been at some point living in Guastatoya, locals use the term *marero* loosely to refer to any young kid who deviates from local moral standards. They often associate young *tuctuc* drivers with *mareros*, for example, because of their dubious activities, reckless driving, loud music and the funky motifs with which they decorate their mototaxis. Anthropologists working in Guatemala have reported similar dynamics of representation in indigenous communities like Todos Santos, Huehuetenango, and Nahualá, Sololá, where older and well-established community members often refer to young kids as *mareros* either out of fear or to justify control over them (Burrell 2014; Call, Hawkins, McDonald et al. 2013). These dynamics confirm the idea that urban youth in Guatemala has been vilified and portrayed as “an obstacle to the future instead of its herald” (Levenson 2013:2). In such a context, older generations in power can manipulate representations of violence as a means to “achieving the moral high ground on a contested sociopolitical terrain” (Benson, Fischer and Thomas 2008:42) .

In sharp contrast to these silent and secret extra-judicial killings, an incident that took place in 2006 was highly visible and resembled a *linchamiento*. According to one of my informants, the victim was a “big-time thief” (*ladronazo*) who had been incarcerated many times for the crimes he had committed. “I knew him. They would put him in jail, he would get out, they would put him in jail again...” (Interview B24). Some locals said they had repeatedly warned the man about the potential consequences of his actions and had even offered him a job so that he would stop stealing. One day, however, a group of young men caught him red-handed and decided to handle matters differently. They beat him and dragged him for five blocks to a street not far away from the local police station. Some people claimed the police never arrived, while others

said they arrived too late. Others said the police did arrive on time, but decided to turn a blind eye. A man recalled someone asking the police to “step back a couple of blocks” and said the police agreed to this and told everyone “to go ahead and trash the guy” (Interview C8). According to my informants, the group killed the young man in one of the town’s main streets. “They were like fifteen people,” who beat him with fists, sticks and stones, while the rest of the neighbors, “when hearing the screams, came out to the streets” (Interview C60). The man, who, according to one person, “was the worst, the scum, the lowest,” died after the beating (Interview C64). “They beat him up with sticks. They beat him up and killed him in a very public place, and the police never arrived,” a woman recalled. “When people see that authorities don’t act, they decide to do this. It is bad, but it is good [...] People who did it got fed up and saw it as their only way out” (Interview B24).



Figure 20. Street in Guastatoya

Source: Author’s Fieldwork

In contrast to the other incidents that Guastatoyans described, this incident has at least two characteristics that made it stand out from the rest. First, this was the only incident that happened publicly. The other incidents that people recalled usually took place away from public view. Second, the victim in this case did not represent a deadly threat to the community. People saw him as a recurring burglar and a burden for everyone, but not as a real threat to their lives, as they usually regarded street-gang members, for example. In their view, he was “human debris,” to use the words of Hannah Arendt (1945:452). MINUGUA documented several attacks against individuals for apparently minor crimes. In fact, many of the cases that the mission documented occurred because of petty theft and burglary (MINUGUA 2004). Handy (2004:543) suggested that this exaggerated reaction was the result of insecurity because of increasing levels of crime and worsening economic conditions in rural communities, while Godoy (2006:114) argued that the meaning of apparently minor crimes was significantly transformed in communities that were breaking down amid political and economic chaos. Although both views illuminate how meanings can change under stressful situations, an additional possibility is that the importance some people attach to apparently minor crimes is determined by context. As a local state agent in Guastatoya explained:

There is a way of thinking here in Guastatoya. There are many who say they prefer to go see a murderer in prison than a thief. They see it that way. In Guastatoya there have been cases of *limpieza social*, right? But it is generally not because the person was a murderer or an assassin, but because of personal property issues, like burglary or theft (Interview B11).

As this man's remark suggests, crimes that we as analysts may regard as "minor" may actually not be perceived as such by the populations we study. This suggests that, like violence, crimes can have different meanings in different contexts. An assessment that takes into consideration the ways in which people interpret crimes and how these interpretations justify the use of deadly violence can provide a better understanding of the problems that affect contemporary Guatemala.

6.4 THE MEANINGS OF *LINCHAMIENTOS* IN GUASTATOYA

When asked about the prevalence of *linchamientos* in indigenous communities, most of my respondents in Totonicapán emphasized the ability of the people in those regions to organize, but my respondents in Guastatoya found it difficult to explain. Some noted that people did act violently against alleged criminals there, but highlighted that their acts were different from *linchamientos* because of the secrecy with which people carried them out (Interview B15; Interview B16; Interview B19; Interview B22; Interview B24; Interview B31; Interview C36; Interview B56; Interview C60). Others argued that *linchamientos* did not occur in that town because of what they saw as a cultural difference between Ladinos and indigenous people (Interview B25; Interview B40; Interview C45; Interview C52; Interview C61). For example, a young Ladino man in his twenties said *linchamientos* did not occur there because, "In Guastatoya there are no indigenous people [...] There are no Maya rites here" (Interview B40). A third group suggested that *linchamientos* of alleged wrongdoers did not occur in Guastatoya because they had more education (Interview B25; Interview B34), were less susceptible to manipulation (Interview C45), and had a greater ability to reason (Interview C52; Interview C61). As a local peasant explained, "Here

there are no *linchamientos*. People here are a little bit more... [He scratches his head]... Here we think before we act” (Interview C52).

However, not everyone explained the unusualness of *linchamientos* in their town in positive terms. On the contrary, some people expressed an admiration for the capacity of indigenous people to organize, and lamented that Guastatoyans were not able to do the same. For example, two women explained, “Here people don’t support each other because of pride and selfishness” (Interview C73). “In the West they organize. Indigenous people organize. Here, we don’t. Here there are no *linchamientos*; people are more quiet and do nothing” (Interview C57). Within this group, some people went further and added that *linchamientos* occurred not only because of indigenous people’s ability to organize, but also because of their ability to overcome fear of reprisals. For instance, a young woman from Sanarate said, “I feel that people here, it is not that they are civilized, it is that, because of their fear of something happening to them [...] Over there, people are united and they respect the cultures they have” (Interview B23). A woman who had lived in Guastatoya for many years expressed a similar idea, “Because over there they are more determined and here there is more... I don’t know, perhaps more fear of God, but maybe that’s not it” (Interview C51). Perhaps as a prelude to the public “disturbances” that would occur in 2014 (described below), some of my respondents took this view to the extreme and expressed an admiration for *linchamientos*. They explained that *linchamientos* did not occur in Guastatoya because people lacked the “courage” to do something like that (Interview C8; Interview C19; Interview C30; Interview C46; Interview C49; Interview C53; Interview C56; Interview C59; Interview C69; Interview B21).

The responses that these people gave convey the different meanings that *linchamientos* have in Guatemala. On the one hand, these violent practices conjure up images of “enraged,” “savage,” “irrational,” “uneducated” and “uncivilized” mobs of underclass *choleros* killing and

burning alleged wrongdoers. This is the image that newspapers usually transmit with their reports, and the image that the state has institutionalized in its educational program. In this context, *choleros* can be interpreted as crowds of so-called underclass individuals that reveal their indigenous qualities through their actions, as González Ponciano (2004:132) suggests, or simply as crowds of people that reflect the intricate intersection between race and class in Guatemala. Because of its racial connotations and the fear it instills, the image of the enraged mob has reinforced the sense of superiority of those who see themselves as higher-class, civilized, “non-indigenous” people, and has justified their discourse of reverse racism in a multicultural context (Hale 2004:377). Although we might find these practices ghastly and repugnant, the idea that people engage in them because they are ignorant, uneducated and uncivilized is based on the particular worldview of certain groups in Guatemala.

On the other hand, *linchamientos* also connote resistance against oppression. Some people see the state as responsible for the waves of crime in the country, and as a consequence see these acts as legitimate forms of protest and opposition against it. This connotation is not new or unique to Guatemala. In a book that discusses vigilantism in Latin America, which was published in the early 1990s, the editor, after discussing police abuse in the region, says:

But there are signs that some Latin Americans are standing up to the violence against them. In Brazil, citizen lynch mobs have sometimes attacked the police and police stations in order to get faster justice. Attackers then lynch suspected wrongdoers. In Argentina, citizens have taken violent action against the police themselves, for their corruption, dereliction of duty, and violence. In many economically troubled Latin American countries, citizens have invaded supermarkets for food (Huggins 1991b:3).

Although throughout the rest of the article and the other chapters in the book the authors condemn these kinds of practices, in this paragraph the author conveys the idea that lynchings are justified forms of “standing up” to police abuse. In fact, the last sentence compares these acts to desperate people trying to get food in a context of economic crisis. This was more acceptable during the early 1990s because some Latin American countries had just gotten out of civil wars or were in the process of transitioning to peace, and therefore analysts saw any form of violence directed at the state as a form of resistance against oppression.

The image of a *linchamiento* as an oppositional political act is best captured in Lope de Vega’s *Fuenteovejuna* ([1619] 2006). Perhaps the classical tale of a lynching in Spanish literature—although the author obviously never used that word—the violence in *Fuenteovejuna* is portrayed not as a criminal act, but as a revolutionary symbol of resistance against abuse from an oppressive tyrant. As the story goes, people from a town called *Fuente Ovejuna* in 15th century Spain take justice into their own hands against the knight commander, Fernán Gómez de Guzmán, a ruthless man who embodies misogyny, tyranny and oppression against “the people.” When a judge and the mayor interrogate members of the town about the killing, each and every one of them famously replies, “It was *Fuenteovejuna* who did it,” making it impossible for the authorities to identify the perpetrators. “In Fuente Ovejuna what we witness is the vengeance of an entire town; there is no individual protagonist; there is no other hero than the *demos*, the council of Fuente Ovejuna,” the famous literary critic Marcelino Menéndez y Pelayo once remarked (Menéndez y Pelayo [1856-1912] 2012). “[W]hen Royal power intervenes,” he said, “it is only to sanction and consolidate the revolutionary act. There is no more democratic work in Castilian Theater” (Menéndez y Pelayo [1856-1912] 2012).

6.5 CONCLUSION

This chapter described the violent measures that some locals claim people have taken against alleged criminals in Guastatoya, a town in eastern Guatemala. After a brief overview of *limpieza social* in Guatemala, the chapter discussed the alleged peacefulness of Guastatoya in regards to crime and the stories that locals tell about people disappearing or killing individuals they regarded as threatening outsiders, *mareros* or common thieves. Their stories suggest that in some cases ordinary citizens and state agents have organized and acted alone, while in others they have acted together. As such, violence in Guastatoya occurs somewhere in between the state and civil society, a characteristic that moves it away from simple notions of illegality or vigilantism. In the end, the chapter discussed some of the meanings that the word *linchamiento* has in Guastatoya. While some people's views evoke images of "uncivilized" and "uneducated" "mobs," others convey an admiration for these acts and perhaps even a desire for them to happen in Guastatoya.

As I was writing this chapter in Guatemala City, *Prensa Libre* reported an incident that was perhaps envisaged in these statements and reflected Guastatoya's power dynamics. The note represents the first attempt of *linchamiento* ever reported in that town. "Everything happened when a 15-year-old minor apparently shot the driver of a mototaxi whom he wanted to extort," the newspaper says (Oliva 2014). After a group of mototaxi drivers managed to turn the kid in to the police, "another group of drivers organized and tried to get him out of the Court of First Instance to lynch him" (Oliva 2014). The newspaper then notes that, "The mob turned violent and began to throw rocks at police cars and tried to set one on fire; [in response] the police fired tear gas at them" (Oliva 2014). The final paragraph observes that, in Guastatoya, "bands of extortionists [had] threatened to kill pilots to avenge the death of a 14-year-old street-gang member who

[had] died [the previous] Sunday while mugging a pilot” (Oliva 2014). The report displays a picture of dense black smoke hovering over Guastatoya’s central plaza.

7.0 BEYOND *LINCHAMIENTOS* AND VIGILANTISM

“‘If the State kills criminals, why can’t we do it?’

Question asked by a participant in a workshop on the theme of preventing *linchamientos*

(Zacualpa, Quiché, September 2000)”

(MINUGUA 2002, paragraph 44)

Students of violence would generally see the *vapuleos* in Totonicapán and *limpieza social* in Guastatoya as examples of vigilantism. Depending on the actors involved, vigilantism takes on different names, such as “deaths squads” when state agents are the perpetrators, or “lynch mobs” when they are ordinary citizens (Abrahams 1996; Huggins 1991a). In an edited volume about the topic, anthropologist Ray Abrahams defines vigilantism in the following way:

[An act that] presumes the existence of the state, and of formal legal procedures over which the state normally claims a monopoly, and it is a form of self-help which is activated, *instead of* such formal procedures, against those whom the actors perceive as “public enemies” (Abrahams 1996:44, original emphasis).

Abrahams' definition highlights the common assumption that these actors engage in these practices "instead of" using the legal means that the state provides. This implies that violence occurs "outside" or "on the fringes" of the state, and not within its monopolized, legal sphere. This is one of the reasons why scholars often refer to vigilantism as "extralegal" violence (Maxwell Brown 1975:95). Although this way of seeing violence might respond to analytical preoccupations and historic political dynamics in Guatemala and elsewhere, my research suggests that a different view can also be fruitful.

First, seeing these acts as examples of vigilantism assumes that the state has successfully monopolized the means of coercion, when in many regions this is actually not true. In many regions the state is very far from having the monopoly of violence, and actually shares control with other powerholders. This is especially the case for regions such as Latin America, where many states lack what Michael Mann calls "infrastructural power," that is, "the capacity of the state actually to penetrate civil society, and to implement logistically political decisions throughout the realm" (Mann 1984:113). In these regions, state agents have historically relied on non-state actors to control populations and resources, even though they have also denied it publicly. In fact, this characteristic has led some to argue that state and non-state agents in this region act within a "gray zone" that actually constitutes part of the "normal" political sphere (Auyero 2007). Guatemala does not represent an exception to this characteristic. During the war the military organized civilians into self-defense patrols to control indigenous communities, and following the end of the war the state has organized multiple forms of security committees made up of civilians to deal with crime. As the evidence demonstrates, the state has also played a role in violence against wrongdoers in Totonicapán and Guastatoya, either directly or indirectly. Neighborhood organizations against crime in Totonicapán have had different relations with the state throughout the years, and have sometimes even acted against alleged wrongdoers in

coordination with it. In Guastatoya, not only obscure organizations but also ordinary townspeople have sometimes acted against alleged criminals, enjoying the implicit or explicit acquiescence of state agents. Even though state institutions in these towns might publicly claim to have the monopoly of physical force, their actions suggest otherwise. To see *limpieza social* or *vapuleos* as acts of vigilantism can ultimately obscure the ways in which power is exercised and the conflicts that emerge among powerholders at the local level. In both towns violence seems to occur in a middle ground between the state and civil society, and therefore categories that focus exclusively on one set of actors or the other can be misleading.

Although the boundary between the state and civil society can become blurry in Guatemala, the state does mark an ethnic frontier for indigenous people. This is clearly the case in Totonicapán, where the 48 cantons see the state as a Ladino institution that exists outside of their moral sphere. Ethnicity, in this case, creates a clear boundary. But as the chapter on that town demonstrates, the separation is not absolute, because the state, the 48 cantons and the rest of civil society interact in many different ways. In Guastatoya, on the other hand, there is no ethnic line between the state and civil society. Both state and non-state agents in that town generally self-identify as Ladino or “non-indigenous,” and hence the boundary between both realms is more fluid. In a way, one could say that Totonicapán and Guastatoya have different “conflict structures” that lead to different expressions of collective violence against alleged criminals (Senechal de la Roche 1996). Whereas in Totonicapán ethnic tensions between state and non-state agents sometimes lead to public acts of collective violence directed at wrongdoers and at the state, in Guastatoya state and non-state agents secretly collaborate with each other and attack alleged criminals together. Paradoxically, ethnic tensions in Totonicapán have led to less extreme forms of punishment against wrongdoers over time, while in Guastatoya collaboration has proved effective in hiding their cruel mistreatment or disappearance.

A second problem with the vigilante approach is that it portrays citizens' collective violence as a deviation from the state's monopoly. This generates a bias that obscures the different meanings that violence can have in different contexts (Aijmer and Abbink 2000; Stanko 2003). As anthropologist Anton Blok says,

Precisely because of the stability of this relatively impersonal monopoly and the resulting pacification of society at large, people have developed strong feelings about using and witnessing violence. They are inclined to consider its unauthorized forms in particular as anomalous, irrational, senseless and disruptive—as the reverse of social order, as the antithesis of 'civilization', as something that has to be brought under control (Blok 2000:23).

Although some scholars have noted that people interpret vigilante practices differently across time and cultures (Pratten and Sen 2007), the point is that "vigilantism" is already an interpretation of violence. When commentators call a violent practice "vigilantism," they are already interpreting it as an illegal form of violence that a specific set of actors commits outside or on the fringes of the state. The same can be said about other words such as lynching or *linchamiento*. Although some scholars have argued that we should study the different meanings that lynchings have at the local level in Guatemala (Burrell and Weston 2007), the point again is that "lynching" is already an interpretation of violence. The word, Waldrep (2002) demonstrates, is an ambiguous and politically contested analytical category that emerged during a specific historical context of racial struggles in the United States. Its use outside the United States can taint the analysis of violence with all sorts of connotations specific to that country, ultimately

obscuring what can turn out to be crucial particularities.

Although the different meanings of violence can emerge naturally from social and political interactions, they can also emerge from actors strategically “framing” (Entman 1993; Goffman 1974) violent practices to serve their own purposes. For example, state agents can claim people are “taking justice into their own hands” as a means to avoid being held responsible, even though they might be involved in the acts, while ordinary citizens or state officials can claim alleged wrongdoers “were disappeared” or that “someone carried out *limpieza*” as a means to evoke clandestine, paramilitary or parapolice organizations and cover their own participation. In both cases state and non-state agents frame violence in a way that allows them to remain disconnected from it. The preconceived idea that acts against alleged criminals in both towns represent acts of vigilantism can blur the ways in which violence can acquire different meanings in different contexts as a result of specific social and political dynamics.

I did not find sufficient evidence to make the claim that this is exactly what happens in Guastatoya and Totonicapán. However, I did find indications that suggest that state agents in Guastatoya purposefully classify and report violent incidents against alleged wrongdoers as “*limpieza social*” or sometimes even as common “homicides” out of fear of reprisals. The classification allows them to remain safe behind the ambiguity of the terms, and provides them with an excuse to claim impotence if they find it necessary. Based on the idea that modern state construction involves states simplifying and codifying their territories and populations in order to make them “legible” and more manageable (Scott 1998), what may be happening here could be seen as a form of production of “official illegibility.” By purposefully or habitually blurring acts of deadly violence in their official reports and statistics, state agents create an illegible area of state governance that is impermeable to outside inspection and intervention.

The idea that state agents and ordinary citizens interpret and represent violent acts based on strategic calculations and shared understandings of ethnicity and violence allows us to reevaluate the regional patterns of *linchamientos* in Guatemala. When seen from above, a map of the distribution of these practices in the country reveals that they rarely occur in the eastern Ladino regions, where homicide rates are higher than in the rest of the country (Adams and Bastos 2003:179; Bateson 2011; Mendoza 2007). Regina Bateson has suggested that the pattern of homicides could be “partially attributable to different norms of vigilantism in the different regions” (Bateson 2011:5, n. 7). Indeed, when compared to each other, most of the incidents that my informants described in Guastatoya and Totonicapán seem to differ in the way they are structured and in the way people think they should be carried out—visibly in Totonicapán, away from public view in Guastatoya.

The public incident against the “known burglar” described earlier, however, suggests that the apparent invisibility of Guastatoya’s violence may be determined by other factors that go beyond the methods used by perpetrators. Although some of my informants saw it as a *linchamiento*, the police never reported this incident as such in their official statistics (Policía Nacional Civil 2001-2011). “They regarded it as *limpieza*,” one of my informants said (Interview C60). In fact, the only mention I found of this form of violence in Guastatoya was in a report from the Human Rights Ombudsman Office from 2011, in which the organization affirms that the town has “high indexes of insecurity and violence” and lists “*limpieza social*” as a main problem (Procuraduría de los Derechos Humanos 2011).

Although this may be an isolated case, recent ethnographic research suggests that the police have failed to report other *linchamientos* in eastern Guatemala. For example, in Agua Blanca, Jutiapa, where Bateson (2012) found strong evidence of incidents similar to *linchamientos*, police records show no sign of them from 2001 to 2011 (Policía Nacional Civil 2001-2011).

Similarly, in Camotán, Chiquimula, where a group of angry neighbors publicly killed a woman they accused of child theft in 2007 (Metz, Mariano and López 2010:32-33), police statistics show only two cases of people being injured—not killed—by *linchamiento* that year (Policía Nacional Civil 2001-2011). That same year, a group of people tried to publicly kill another woman they accused of child theft in Jocotán (Metz et al. 2010:33), another municipality in Chiquimula where the police did not report any *linchamientos* from 2001 to 2011 (Policía Nacional Civil 2001-2011).

The reasons why police fail to report incidents in some parts of the country probably vary from case to case and can certainly be related to the institution's limited resources and capacities. However, there are two other possible reasons why the police did not register these incidents as *linchamiento*. First, police officers in Guatemala have often been involved in extrajudicial killings. Some of my informants suggested that this is particularly the case in Guastatoya. The direct or indirect involvement of police officers in these violent acts might partly explain the gaps in their official statistics. A second possible reason has to do with the racialization of *linchamientos* in Guatemala. Several of my informants assured me that “there are no *linchamientos* in Guastatoya,” and associated those practices with indigenous communities in derogatory terms, as shown earlier. In a town where most people self-identify as “non-indigenous,” acts of deadly violence against suspected criminals are not regarded as *linchamiento* because the act of lynching is associated with the “savage,” “barbaric,” “ignorant” and “backwards” world of the underclass and indigenous people. Even though *linchamientos* are deeply disturbing and inhumane acts, to interpret them in class and racial terms in the context of Guatemala reveals a way of seeing the world through an ideology that exalts “progress,” “civilization” and “the West” more broadly (Casaús 2010; González Ponciano 2004). This ideology permeates even the smallest town and can affect the way in which newspapers and other media outlets represent acts of violence. It can also affect the way in which police officers and other state agents construct their official reports

and statistics.⁴¹ An appraisal that takes into consideration not only the different forms of violence but also the way in which state and non-state agents interpret and represent it would provide a more complete view of the phenomenon.

Guastatoya and Totonicapán are two towns with different histories but similar violent dynamics. Both towns have people that are deeply suspicious and afraid of strangers. In Guastatoya, this xenophobia is embodied in the *marero* from *la capital* and in the threatening outsider from Sanarate and El Rancho, while in Totonicapán it is embodied in the petty thief that lurks the streets at night and in the faceless extortionist that terrorizes people over the phone. “[T]he stranger,” Simmel says, “is near and far *at the same time*, as in any relationship based on merely universal human similarities” (Simmel 1971[1908]:148, original emphasis). And precisely because strangers share only universal characteristics with those that perceive them as strangers, they end up being “not really perceived as individuals, but as strangers of a certain type” (Simmel 1971[1908]:148). Whether accurately or inaccurately, in both towns people perceive strangers as specific types of brigands based on their imaginary repertoire of Guatemalan outlaws, and act towards them accordingly.

Furthermore, it is important to note that both towns have people who express a deep fear of uncontrollable crime. Their perception of uncontrollability points towards the fear of indiscriminate violence, which is a particular kind of fear. Whereas under targeted violence people believe they can remain unharmed as long as they don’t engage in whatever those who are being targeted engage in, under indiscriminate violence people believe there is no way to remain safe and either become paralyzed by fear or decide to defend themselves (Kalyvas

⁴¹ For an early study of how social dynamics can influence official crime reports, see Black (1970).

2004:101-10). This is a slight but important distinction between kinds of fear. People who experience indiscriminate violence are more likely to engage in acts of aggression, because they see them as necessary acts of self-defense. In fact, because of its overwhelming nature, indiscriminate violence “erases the relationship between crime and punishment, thus abolishing the concept of transgression” (Kalyvas 2004:104). As a result, places in which indiscriminate violence is prevalent can become breeding grounds for violent acts against transgressors.

Even though throughout this dissertation I have argued that the use of the word *linchamiento* is problematic to classify incidents of violence in Guatemala, there have been cases where people actually killed alleged criminals. MINUGUA documented that at least 240 people died from these kinds of acts (MINUGUA 2004), and the cases of *limpieza social* in Guatemala suggest that the phenomenon might be more common than thought in eastern Guatemala. Beyond the theoretical and analytical implications of the actors involved and of classifying these practices as vigilantism, there seems to be some sort of “social fact” (Durkheim 1982) here worth exploring. In his classical and counterintuitive view of the issue, Emile Durkheim argued that crimes are normal in societies because they fulfill a “function” or social “need” (Durkheim 1933:49). “To classify crime among the phenomena of normal sociology,” he explained, “is not merely to declare that it is an inevitable though regrettable phenomenon arising from the incorrigible wickedness of men; it is to assert that it is a factor in public health, an integrative element in any healthy society” (Durkheim 1982:98). His premise was that crimes represent not only fundamental transgressions to the moral imperatives that a community adheres to, but also evidence of the collective illusion on which these imperatives are based. Hence, when a crime occurs, if “the consciences which it offends do not unite themselves to give mutual evidence of their communion, and recognize that the case is anomalous, they would be permanently unsettled” (Durkheim 1933:103). In this regard, punishments represent not only deterrents for

would-be deviants, but also constitutive acts through which communities reinforce their imagined moral boundaries.

Building on Durkheim's work, Erikson (1966) studied the Puritans of Massachusetts Bay and their treatment of deviants in the seventeenth century. His purpose was to evaluate Durkheim's propositions about the centrality of crime in maintaining moral boundaries. Based on archival records and the historiography of the place, he argued that three specific "crime waves" (Erikson 1966:67) that occurred over a period of 60 years represented not so much actual increases in the levels of crime, but in fact the redefinition of the community's boundaries after settling there. He also argued that the specific forms of punishment one could observe during that period were based on a "Puritanism" that placed great emphasis on predestination and collective discipline (Erikson 1966:185-205). The Puritans in Massachusetts Bay saw law as a reflection of divine design, and classified human beings into chosen and not chosen ones (Erikson 1966:187-89). Those who saw themselves as chosen believed they had the right to take the lives of others precisely because God had chosen them. "In a sense, then," the author says, "the punishment of culprits was not only a handy method for protecting the public peace; it was an act of fealty to God" (Erikson 1966:190). The logic that supported the act of killing was circular and self-reinforcing.

Durkheim's and Erikson's works resonate with how Godoy (2006) conceptualizes *linchamientos* in indigenous communities. Apart from arguing that *linchamientos* are expressions of a desire for political autonomy, Godoy also argues that *linchamientos* are just one of the ways in which popular support for *mano dura* policies is expressed in Guatemala. *Linchamientos*, along with other violent deadly acts against transgressors, represent the support for *mano dura*. The author provides an explanation for the popular support for *mano dura* by relating it to inequality and neoliberalism. As she argues:

[T]his propensity grows as societies become more socially and economically polarized. In deeply unequal societies governed by the political economy of neoliberalism, criminal justice becomes increasingly prominent as a mechanism for sanitizing socioeconomic exclusion and shoring up the status quo [...] As societies are pushed toward the poles, then, law—and particularly criminal law—becomes a central staging ground for struggles to define citizenship, justice, and order [...] As violent, public expressions of resistance by marginalized populations in isolated rural hamlets or urban shantytowns, lynchings provide a perfect illustration of this point (Godoy 2006:11).

Since 1999, every other year the Latin American Public Opinion Project (LAPOP) at Vanderbilt University has asked Guatemalans whether they agree with people taking justice into their own hands or not.⁴² On average, using a 10-point scale, 30 percent of the people they have surveyed have expressed some degree of support for that type of measure every year.⁴³ The numbers seem to fluctuate over time. Between 2008 and 2010, when the country went through a particularly gruesome period in terms of homicides, the percentage of people who “firmly disapproved” with taking justice into their own hands decreased from 50 to 30 percent, while the percentage who “firmly approved” increased from 5 to 16 percent (see Table 7).

⁴² LAPOP has surveyed Guatemala every two years since 1999, except for 2003. The project carried out the survey corresponding to that year in 2004, and then carried out a survey every other year after that.

⁴³ The AmericasBarometer by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org. I thank the Latin American Public Opinion Project (LAPOP) and its major supporters (the United States Agency for International Development, the Inter-American Development Bank, and Vanderbilt University) for making the data available.

Table 7. Approval of popular justice in 2008 and 2010 (in percentages)

	2008	2010
N	1491	1455
Firmly disapproves	49.83	28.38
2	10.26	8.04
3	7.98	6.46
4	5.23	6.6
5	8.05	7.08
6	3.55	7.97
7	3.96	6.05
8	3.82	7.97
9	1.95	5.64
Firmly approves	5.37	15.81
Total	100	100

Source: The AmericasBarometer by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org.

It is difficult to tell whether this fluctuation had anything to do with a “wave of crime” or not. Guatemala did register the highest homicide rate it has ever reached after the peace agreements in 2009, but the numbers had increased consistently since 1999, so it is impossible to tell if the increase that year had something to do with the shift in public opinion. The numbers do seem to fluctuate according to a regional pattern, however. In 2008, more than 50 percent of the people in all regions leaned towards “firmly disapproving” people taking justice into their own hands. In 2009, the sentiment shifted significantly in all regions towards people approving those types of measures. The most dramatic shifts occurred in the metropolitan region, which refers to the department of Guatemala, and in the southeast region, which comprises Santa Rosa, Jalapa, Jutiapa and Chiquimula, departments to the East of the country where *linchamientos* are allegedly not that frequent (see Tables 8 and 9 and Figure 21). In both regions the percentage of people who leaned towards approving popular justice was higher than 50 percent. The shift was particularly prominent in the southeast region, where the percentage of people who “firmly

approved” increased enormously. The other significant shift occurred in the northwest region, which comprises most of the indigenous departments of the country. Here, however, the percentage of people who leaned towards approving did not reach 50 percent, and the shift, along with the shift in the other two remaining regions, was not as significant as in the metropolitan and southeast regions.⁴⁴

⁴⁴ See Azpuru (2008:157-58) for the departments that LAPOP includes in each region.

Table 8. Approval of popular justice in 2008 by region (in percentages)

	Metropolitan	Southwest	Northwest	Southeast	Northeast
N	328	244	470	120	329
Firmly disapproves	44.51	52.05	49.15	70.83	46.81
2	8.84	9.02	10	10.83	12.77
3	5.79	9.02	11.28	2.5	6.69
4	4.27	7.38	7.87	0.83	2.43
5	8.84	7.38	9.36	4.17	7.29
6	3.96	2.87	1.06	0.83	8.21
7	6.4	2.05	1.91	1.67	6.69
8	7.32	2.46	3.83	1.67	2.13
9	3.35	3.28	1.49	0.83	0.61
Firmly approves	6.71	4.51	4.04	5.83	6.38
Total	100	100	100	100	100

Pearson Chi(sq.) = 132.8697 Pr. = 0.000 N = 1491 (calculated with counts)

Source: The AmericasBarometer by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org.

Table 9. Approval of popular justice in 2010 by region (in percentages)

	Metropolitan	Southwest	Northwest	Southeast	Northeast
N	331	217	454	109	344
Firmly disapproves	20.54	27.65	27.53	31.19	36.63
2	6.04	10.14	10.57	3.67	6.69
3	6.04	10.14	5.07	4.59	6.98
4	5.14	8.76	5.73	3.67	8.72
5	9.06	5.53	8.37	3.67	5.52
6	13.9	7.37	7.27	9.17	3.2
7	5.74	5.53	6.17	3.67	7.27
8	7.55	10.14	8.81	3.67	7.27
9	3.02	5.99	7.05	8.26	5.23
Firmly approves	22.96	8.76	13.44	28.44	12.5
Total	100	100	100	100	100

Pearson Chi(sq.) = 117.075 Pr. = 0.000 N = 1455 (calculated with counts)

Source: The AmericasBarometer by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org.

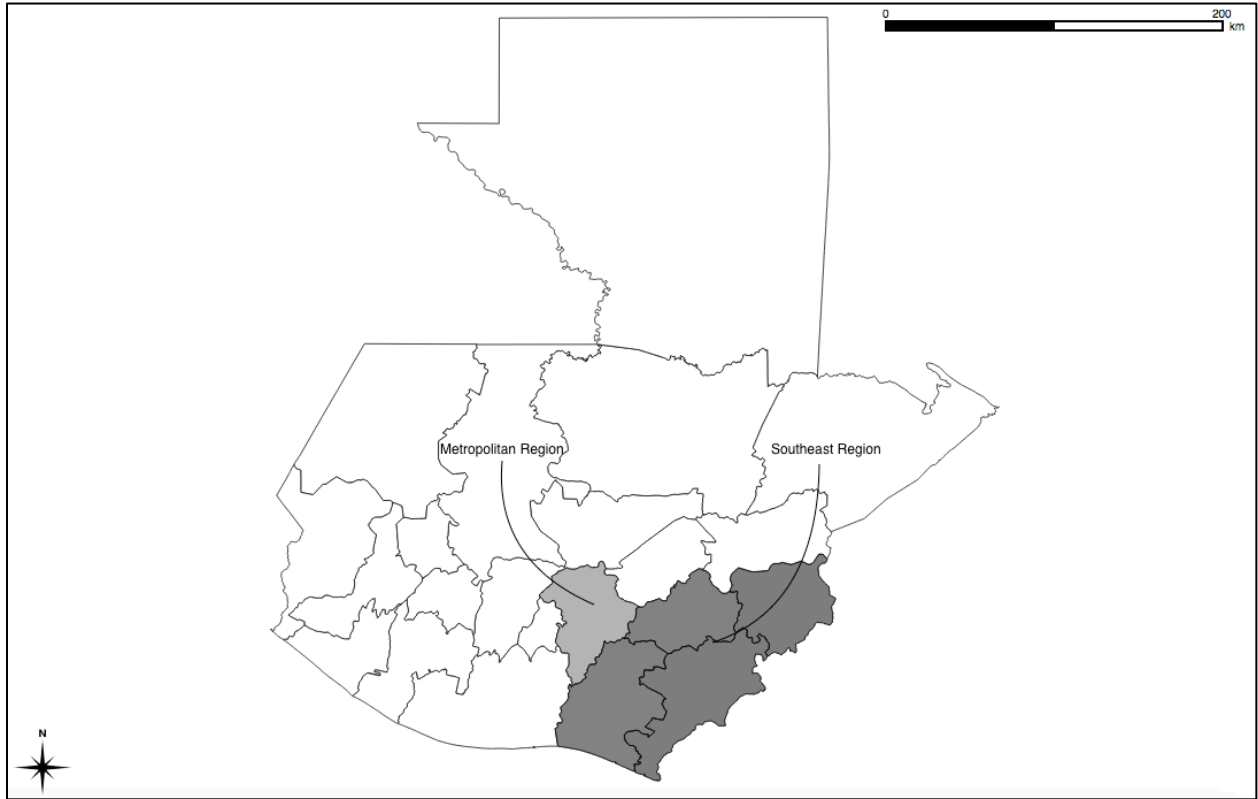


Figure 21. Regions that experienced major shifts in approval of popular justice from 2008 to 2010.⁴⁵

Based on the regional classification described in (Azpuru 2008:157-58).

Perhaps the main points that this dissertation has tried to demonstrate is that both state and non-state agents are often involved in the beating, disappearance or killing of alleged criminals in Guatemala, and that they assign different meanings to their violent practices. What we tend to think of as *linchamiento* is not a monolithic entity, but actually comprises a whole array of overlapping practices and ideas. The meanings that these violent practices have are embedded in the country's political and social dynamics. Throughout the dissertation I have argued that to

⁴⁵ Sources: QGIS Development Team, 2015. QGIS Geographic Information System. Open Source Geospatial Foundation Project. <http://qgis.osgeo.org>. Base map and territorial divisions: *Secretaría General de Planificación* (SEGEPLAN), available here: http://www.segeplan.gob.gt/2.0/index.php?option=com_wrapper&view=wrapper&Itemid=269.

see these practices as examples of vigilantism, or as violent acts that take place outside the state, can be misleading. The category rests on the assumption that the state has successfully monopolized the means of coercion, which is far from true in Guatemala.

In a context where the state has not successfully monopolized the means of coercion, and where therefore it is hard to imagine that vigilantism can take place, what happens with the death penalty? What happens when a state of such nature sentences a human being to death? Can that sentence be considered different from a lynching or a *linchamiento*? Even if a state has monopolized the means of coercion, can it claim the right to take someone's life? Is that violent act really different from a lynching or a *linchamiento*? Although usually associated with the notion of "due process," I would argue that the death penalty is not that different from deadly acts of violence against alleged criminals carried out by ordinary citizens. What is, after all, the denial of the "public support for due process right" that Seligson (2003) talks about other than a quicker way to arrive at the same conclusion that a state arrives at when it sentences someone to death? How does the death penalty become a decree or a law if not by a group of people who suggested and supported it in the first place? Perhaps the people involved switch, popular guilt attenuates, and the process is embellished with formalities to create distance and the illusion of civility. But, in the end, the state sentencing someone to death is essentially the same as a "mob" taking justice into its own hands. As Camus once wrote, "Let us call it [the death penalty] by the name which, for lack of any other nobility, will at least give the nobility of truth, and let us recognize it for what it is essentially: a revenge" (Camus 1963:150).

On September 16, 1996, when *linchamientos* were becoming a news sensation and the peace negotiations were in their final stages, the weight of revenge fell upon two men. Back in 1993, the State of Guatemala had convicted Pedro Castillo and Roberto Girón, two peasants from Escuintla and Chiquimula, respectively, for raping and killing a four-year-old girl. Some

human rights organizations noted several violations of “due process” in their case and appealed to Álvaro Arzú’s administration to stop the execution (Harrell 1997). Even the Pope asked for its dismissal, to no avail. After rejecting all the petitions against it, the government proceeded with the sentence and the two men were executed by firing squad. The execution was transmitted on live television and newspapers covered it for several days afterwards. The reports and opinion columns were sensationalistic and at times even cheerful, claiming the event enjoyed the support of a great majority of Guatemalans. On television, the two men were shown tied to posts, wearing worn-out clothes, with their hands behind their backs and faces covered with handkerchiefs. After a man yelled the signal, a group of armed officers forming a straight line fired their weapons. One man immediately fell forward, while the other one remained standing, alive, visibly in pain. A doctor approached this man, pulled down his handkerchief, and revealed his agonizing face. After examining him, the doctor gave a signal to an officer. The officer took out his gun and put it against the man’s left temple...

Acts of violence are considered criminal or not depending on the circumstances. For some people, to kill a human being who has committed a crime might represent a form of justice, while for others it might represent the exact opposite. Whether it is carried out by the state, a group of people, an obscure organization, or an individual, the act of killing an offender rests on the same premise: that the offender deserves to die because of his or her actions. Perhaps our attention then should focus more on the conditions that legitimate certain forms of violence to the point that we regard them as expected. Only then will we be able to understand what the word *violence* really means.

APPENDIX A

INTERVIEW DESIGN

To design my interviews, I followed the process described by Mason (2003:68-73). The main questions that guided my ethnographic research were: 1) How do practices against crime vary between Guastatoya and Totonicapán? 2) How do people make sense of practices against crime in Guastatoya and Totonicapán? In order to design the interview templates, I designed five subsidiary questions for each main question. I then divided each subsidiary question into a set of exploratory topics, as shown below.

- a. Main Question No. 1: How do practices against crime vary between Guastatoya and Totonicapán?
 - i. Subsidiary Question No. 1: What do people consider crime in Guastatoya and Totonicapán?
 - ii. Subsidiary Question No. 2: How do people react to crime in Guastatoya and Totonicapán?

- iii. Subsidiary Question No. 3: What does the state consider crime in Guastatoya and Totonicapán?
 - iv. Subsidiary Question No. 4: How does the state react to crime in Guastatoya and Totonicapán?
 - v. Subsidiary Question No. 5: How do people and state practices coexist, interact, and/or conflict with each other?
- b. Main Question No. 2: How do people make sense of practices against crime in Guastatoya and Totonicapán?
 - i. Subsidiary Question No. 6: What categories do people use to define practices against crime in Guastatoya and Totonicapán?
 - ii. Subsidiary Question No. 7: How do people explain practices against crime in Guastatoya and Totonicapán?
 - iii. Subsidiary Question No. 8: What categories does the state use to define practices against crime in Guastatoya and Totonicapán?
 - iv. Subsidiary Question No. 9: How does the state explain practices against crime in Guastatoya and Totonicapán?
 - v. Subsidiary Question No. 10: How do people and state categories and explanations coexist, interact, and/or conflict with each other?

c. Exploratory topics:

- i. Subsidiary Question No. 1: Explore types of actions that people perceive as crime in terms of variation of people involved (who), procedures (did what), victims (to whom), place (where), time (when), and motives (why).
- ii. Subsidiary Question No. 2: Explore types of actions that people take against those whom they perceive as “criminals” in terms of variation of people involved (who), procedures (did what), victims (to whom), place (where), time (when), and motives (why).
- iii. Subsidiary Question No. 3: Explore types of actions that the state perceives as crime in terms of variation of people involved (who), procedures (did what), victims (to whom), place (where), time (when), and motives (why).
- iv. Subsidiary Question No. 4: Explore types of actions that the state takes against those whom it perceives as “criminals” in terms of variation of people involved (who), procedures (did what), victims (to whom), place (where), time (when), and motives (why).
- v. Subsidiary Question No. 5: Explore whether there is coexistence, interaction, and/or conflict between people’s and state’s understandings of crimes and the actions they take against them.
- vi. Subsidiary Question No. 6: Explore the ways in which people classify the actions they take against crime in terms of variation of the people involved (who), the procedures they use (did what), the victims of crime and the actions against it (to whom), the place where crime and the actions against

it occur (where), the time when crime and the actions against it occur (when), the motives of “criminals” and the people involved in the actions against them (why).

- vii. **Subsidiary Question No. 7:** Explore the ways in which people explain the actions they take against crime (why do they do it?) in terms of variation in the way they see the people involved (who), the way they see the procedures they use (did what), the way they see the victims of crime (to whom), the way they see the place where crime and the actions against it occur (where), the way they see the time when crime and the actions against it occur (when), and the way they see “criminal” motives and the people involved in the actions against them (why).
- viii. **Subsidiary Question No. 8:** Explore the ways in which the state classifies the actions it takes against crime in terms of variation of the people involved (who), the procedures they use (did what), the victims of both crime and the actions against it (to whom), the place where both crime and the actions against it occur (where), the time when both crime and the actions against it occur (when), the motives of “criminals” and the people involved in the actions against them (why).
- ix. **Subsidiary Question No. 9:** Explore the ways in which the state explains the actions it takes against crime (why do they do it?) in terms of variation in the way they see the people involved (who), the way they see the procedures they use (did what), the way they see the victims of crime (to whom), the way they see the place where crime and the actions against it occur (where), the way they see the time when crime and the actions

against it occur (when), and the way they see “criminal” motives and the people involved in the actions against them (why).

- x. Subsidiary Question No. 10: Explore whether there is coexistence, interaction, and/or conflict between people’s and state’s understandings and explanations of the actions they take against crime.

APPENDIX B

BASIC SEMI-STRUCTURED INTERVIEW QUESTIONS IN ENGLISH

Based on the main and subsidiary questions as well as on the exploratory topics described above, I designed a basic interview template with the following questions. During my fieldwork, I modified the template depending on whether I was interviewing a state agent or a local resident. In some cases I also added or deleted questions and modified the language, depending on the situation. Some interviews actually went well beyond the questions listed here. In both towns I carried out all the interviews in Spanish.

- a.** Age
- b.** Birthplace
- c.** Native Language
- d.** Ethnicity
- e.** Sex
- f.** Level of Education
- g.** Years living in [name of town]
- h.** How are people divided in [name of town]?

- i.** Do the lives of people differ in terms of access to education?
- j.** Do the lives of people differ in terms of access to jobs?
- k.** Do the lives of people differ in terms of access to health services?
- l.** Do the lives of people differ in terms of access to government positions?
- m.** What problems do you think [name of town] has?
- n.** How do you think people in [name of town] handle these problems?
- o.** Guatemala is said to have a lot of crime-related problems. What do you consider as crime?
- p.** From what you said previously, do you think there are crimes in [name of town]?
- q.** What types of crimes are there in [name of town]? (Explore who does what to whom, when, why).
- r.** How do people in [name of town] handle these crimes? (Explore who does what to whom, when, why).
- s.** Why do you think they handle it this way?
- t.** How do local authorities in [name of town] handle these crimes? (Explore who does what to whom, when, why).
- u.** Why do you think they handle it this way?
- v.** Do you agree with the actions people take against crime in [name of town]? Why yes or why not?
- w.** Do you agree with the actions the state takes against crime in [name of town]? Why yes or why not?
- x.** Are there any other problems in [name of town] that you would like to talk about?
- y.** How do you think problems in [name of town] should be solved?
- z.** Who do you think should solve the problems in [name of town] and why?

aa. If you had a problem with a neighbor, how would you solve it?

bb. Would you solve all problems like this, or would your solution depend on the problem?

APPENDIX C

BASIC PARTICIPANT OBSERVATION TEMPLATE

The following observation template is based on Creswell (2007:137).

Observation Title: Place: Date: Time and Duration: Number of participants:	
Sketch of Scene	
Descriptive Notes	Reflective Notes

BIBLIOGRAPHY

- Abrahams, Ray. 1996. "Vigilantism: Order and Disorder on the Frontiers of the State." Pp. 41-55 in *Inside and Outside the Law: Anthropological Studies of Authority and Ambiguity*, edited by O. Harris. London and New York: Routledge.
- Adams, Richard and Santiago Bastos. 2003. *Las relaciones étnicas en Guatemala, 1944-2000*. Antigua Guatemala: CIRMA.
- Aijmer, Göran and Jon Abbink, eds. 2000. *Meanings of Violence: A Cross Cultural Perspective*. Oxford and New York: Berg.
- Alcaldía Comunal de Chiyax, Asociación de los 48 cantones de Totonicapán and Centro Pluricultural para la Democracia. 2005. *Aplicación de justicia en una comunidad indígena en Totonicapán: Caso de robo agravado*. Guatemala City: Editorial de Ciencias Sociales.
- Anderson, Benedict. 2006. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London and New York: Verso.
- Arce, Alberto and Anónimo. 2011. "La impunidad de Los Encapuchados de Panajachel." *Plaza Pública*, October 30. Retrieved November 15, 2011 (<http://www.plazapublica.com.gt/content/la-impunidad-de-los-encapuchados-de-panajachel>).
- Archivo Histórico de la Policía Nacional. 2011. *Del silencio a la memoria: revelaciones del Archivo Histórico de la Policía Nacional*. Guatemala City: Archivo Histórico de la Policía Nacional.
- Arendt, Hannah. 1945. "Imperialism, Nationalism, Chauvinism." *The Review of Politics* 7(4):441-63. doi: <http://www.jstor.org/stable/1404068>.
- Asociación Maya Uk'u'x B'e. n.d. *Q'atb'altz'ij Mayab': Sistema jurídico Mayab'*. Chimaltenango, Guatemala: Asociación Maya Uk'u'x B'e.

- Auyero, Javier. 2007. *Routine Politics and Violence in Argentina: The Gray Zone of State Power*. Cambridge: Cambridge University Press.
- Azpuru, Dinorah. 1999. "The Consulta Popular: A Vote Divided by Geography." Pp. 1-20 in *The Popular Referendum (Consulta Popular) and the Future of the Peace Process in Guatemala*, edited by C. J. Arnson. Washington, D.C.: Woodrow Wilson International Center for Scholars, Latin American Program.
- Azpuru, Dinorah. 2008. *Political Culture of Democracy in Guatemala, 2008: The Impact of Governance. VIII Study on the Democratic Values of Guatemalans*. Wichita, KS: Wichita State University.
- Ball, Patrick, Paul Kobrak and Herbert F. Spirer. 1999. *State Violence in Guatemala, 1960-1996: A Quantitative Reflection*. Washington, D.C.: American Association for the Advancement of Science and International Center for Human Rights Research.
- Bateson, Regina. 2011. "Vigilantism in Postwar Guatemala." Paper presented at the Harvard-MIT-Yale Graduate Student Conference on Political Violence, April 23, 2011.
- Bateson, Regina. 2011, March 11. "Personal Communication."
- Bateson, Regina. 2012. "Lynchings in Guatemala: A Legacy of the Civil War?" Paper presented at the XXX LASA Congress, May 25, 2012, San Francisco, CA.
- Benedict, Ruth. 2005. *The Chrysanthemum and the Sword: Patterns of Japanese Culture*. Boston-New York: Mariner Books.
- Benson, Peter, Edward Fischer and Kedron Thomas. 2008. "Resocializing Suffering: Neoliberalism, Accusation, and the Sociopolitical Context of Guatemala's New Violence." *Latin American Perspectives* 35(5):35-58. doi: 10.1177/0094582X08321955.
- Bernard, H. Russell. 2006. *Research Methods in Anthropology: Qualitative and Quantitative Approaches*. Lanham, MD: Altamira Press.
- Black, Donald J. . 1970. "Production of Crime Rates." *American Sociological Review* 35(4):733-48. doi: <http://www.jstor.org/stable/2093948>.
- Blok, Anton. 2000. "The Enigma of Senseless Violence." Pp. 23-38 in *Meanings of Violence: A Cross Cultural Perspective*, edited by G. Aijmer and J. Abbink. Oxford and New York: Berg.

- Bonilla-Silva, Eduardo. 2006. *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*. Lanham, MD: Rowman & Littlefield Publishers.
- Burrell, Jennifer and Gavin Weston. 2007. "Lynching and Post-War Complexities in Guatemala." Pp. 371-92 in *Global Vigilantes*, edited by D. Pratten and A. Sen. London: Hurst & Co Publishers Ltd.
- Burrell, Jennifer. 2014. *Maya after War: Conflict, Power, and Politics in Guatemala*. Austin, TX: University of Texas Press.
- Bybee, Eric Ruiz, John P. Hawkins, James H. McDonald and Walter Randolph Adams. 2013. "'Saved from Being Lynched': Reinvention of Customary Law in Nahualá." Pp. 86-114 in *Crisis of Governance in Maya Guatemala: Indigenous Responses to a Failing State*, edited by J. P. Hawkins, J. H. McDonald and W. R. Adams. Norman, OK: University of Oklahoma Press.
- Call, Tristan P., John P. Hawkins, James H. McDonald and Walter Randolph Adams. 2013. "'There is No Respect Now': Youth Power in Nahualá." Pp. 218-42 in *Crisis of Governance in Maya Guatemala: Indigenous Responses to a Failing State*, edited by J. P. Hawkins, J. H. McDonald and W. R. Adams. Norman, OK: University of Oklahoma Press.
- Campos, Erick. 1999. "Intenta frenar linchamientos." *Prensa Libre*, February 6, p. 2.
- Camus, Albert. 1963. *Resistance, Rebellion, and Death*. Translated by J. O'Brien. New York: The Modern Library.
- Carmack, Robert. 2001. *Historia social de los k'iche's = Kik'aslemaal le k'iche'aab'*. Guatemala City: Cholsamaj.
- Casaús, Marta Elena. 2004. "La metamorfosis del racismo en la elite de poder en Guatemala." Pp. 45-109 in *¿Racismo en Guatemala? Abriendo el debate sobre un tema tabú*, edited by C. A. Bianchi, C. R. Hale and G. P. Murga. Guatemala City: Asociación para el Avance de las Ciencias Sociales en Guatemala
- Casaús, Marta Elena. 2010. *Guatemala: Linaje y racismo*. Guatemala City: F&G Editores.
- Castillo, Édgar Octavio Girón. 1997. "Turba lincha en Nahualá a sujeto condenado por tribunal popular." *Prensa Libre*, September 17, p. 3.

- Caulfield, Sueann, Sarah C. Chambers and Lara Putnam, eds. 2005. *Honor, Status, and Law in Modern Latin America*. Durham and London: Duke University Press.
- Colop, Sam. 1997. "Los linchamientos y el Derecho Maya." *Prensa Libre*, November 5, p. 11.
- Colop, Sam. 2000. "Sistema interesado." *Prensa Libre*, May 10.
- Comisión para el Esclarecimiento Histórico. 1999. *Guatemala, memoria del silencio*. Guatemala City: Comisión para el Esclarecimiento Histórico, Oficina de Servicios para Proyectos de las Naciones Unidas.
- Consejo Ciudadano para la Seguridad Pública y Justicia Penal. 2010. *Estudio comparativo de la incidencia de homicidio doloso en ciudades y jurisdicciones sub-nacionales de los países del mundo*. Mexico City: Consejo Ciudadano para la Seguridad Pública y Justicia Penal.
- Constitución Política de la República de Guatemala. *Acuerdo Legislativo No. 18-93*.
- Creswell, John W. 2007. *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*. Thousand Oaks, CA: Sage Publications.
- Cumes, Aura. 2008. "'Sufrimos vergüenza': mujeres k'iche' frente a la justicia comunitaria en Guatemala." *Desacatos* (31):99-114.
- Dary, Claudia. 1994. *Entre el hogar y la vega: estudio sobre la participación femenina en la agricultura de El Progreso*. Guatemala City: FLACSO.
- Deonna, Julien A., Rafaëlle Rodogno and Fabrice Teroni. 2012. *In Defense of Shame: The Faces of an Emotion*. New York: Oxford University Press.
- Domínguez, Édgar. 2011. "Pobladores vapulean a exconvicto en Totonicapán." *Prensa Libre*, December 3.
- Duncan, Silvio R. and John Markoff. 2005. "Civilization and Barbarism: Cattle Frontiers in Latin America." Pp. 33-82 in *States of Violence*, edited by F. Coronil and J. Skurski. Ann Arbor, MI: The University of Michigan Press.
- Durkheim, Emile. 1933. *The Division of Labor in Society*. Glencoe, IL: Free Press.

- Durkheim, Emile. 1982. *The Rules of Sociological Method*. Translated by W. D. Halls. New York: The Free Press.
- Ekern, Stener. 2008. "Are Human Rights Destroying the Natural Balance of All Things? The Difficult Encounter Between International Law and Community Law in Mayan Guatemala." Pp. 123-43 in *Human Rights in the Maya Region: Global Politics, Cultural Contentions, and Moral Engagements*, edited by P. Pitarch, S. Speed and X. Leyva. Durham and London: Duke University Press.
- Ekern, Stener. 2010. *Chuxwi Meq'en Ja': Comunidad y liderazgo en la Guatemala K'iche'*. Guatemala City: Cholsamaj.
- Entman, Robert M. 1993. "Framing: Towards Clarification of a Fractured Paradigm." *Journal of Communication* 43(4):51-58. doi: 10.1111/j.1460-2466.1993.tb01304.x.
- Erikson, Kai T. 1966. *Wayward Puritans: A Study in the Sociology of Deviance*. New York: John Wiley & Sons.
- Esquit, Édgar and Carlos Ochoa, eds. 1995. *Yiqalil Q'anej Kunimaaj Tzij Niman Tzij El respeto a la palabra: el orden jurídico del pueblo Maya*. Guatemala City: Centro de Estudios de la Cultura Maya.
- Falla, Ricardo. 2012. "Toto, 4/10/12: Primera masacre del ejército tras la firma de la Paz." *Plaza Pública* November 13. Retrieved June 5, 2014 (<http://www.plazapublica.com.gt/content/toto-41012-primera-masacre-del-ejercito-tras-la-firma-de-la-paz>).
- Fanon, Frantz. 2008. *Black Skins, White Masks*. Translated by C. L. Markmann. London: Pluto Press.
- Filóchofo. 1999. "No lincharás." *Prensa Libre*, February 8, p. 13.
- Filóchofo. 2001. "La mara de Rabbé." *Prensa Libre*, February 21, p. 15.
- Flores, Carlos A. and Rachel Sieder eds. 2009-2012. *K'ixba'l (Vergüenza)*. Guatemala and Mexico: Fundación Soros, Universidad Autónoma del Estado de Morelos, Casa Comal, Alcaldía Indígena de Santa Cruz del Quiché, Defensoría Indígena K'iche'.

- Geertz, Clifford. 1973. *The Interpretation of Cultures: Selected Essays*. New York: Basic Books.
- Girón, Guillermo. 1993. "Sin sus jóvenes, Morazán agoniza." *Prensa Libre*, May 5, p. 14.
- Glebbeek, Marie-Louise. 2001. "Police Reform and the Peace Process in Guatemala: The Fifth Promotion of the National Civilian Police." *Bulletin of Latin American Research* 20(4):431-53. doi: <http://www.jstor.org/stable/3339023>.
- Godoy, Angelina Snodgrass. 2006. *Popular Injustice: Violence, Community, and Law in Latin America*. Stanford, CA: Stanford University Press.
- Goffman, Erving. 1974. *Frame Analysis: An Essay on the Organization of Experience*. Cambridge, MA: Harvard University Press.
- Goldman, Francisco. 2008. *The Art of Political Murder: Who Killed the Bishop?* New York: Grove Press.
- Goldstein, Daniel. 2012. *Outlawed: Between Security and Rights in a Bolivian City*. Durham and London: Duke University Press.
- González Ponciano, Jorge Ramón. 2004. "Blancura, Cosmopolitismo y Representación en Guatemala." Paper presented at the VI Congreso Internacional de Estudios Mayas July 15, 2004, Villahermosa, Tabasco.
- González, Rosmery. 2010. "Estudio revela departamentos con problemas mínimos de violencia." *El Periódico*, February 20, p. 6.
- Grandin, Greg, Deborah T. Levenson and Elizabeth Oglesby, eds. 2011. *The Guatemala Reader: History, Culture, Politics*. Durham and London: Duke University Press.
- Gutiérrez, Marta Estela and Paul Kobrak. 2001. *Los linchamientos pos conflicto y violencia colectiva en Huehuetenango*. Huehuetenango, Guatemala: Centro de Estudios y Documentación de la Frontera Occidental de Guatemala
- Guzmán-Böckler, Carlos. 1970. "El ladino: un ser ficticio." Pp. 101-21 in *Guatemala: una interpretación histórico-social*, edited by C. Guzmán-Böckler and J.-L. Herbert. México City: Siglo XXI Editores.

- Hagopian, Frances and Scott P. Mainwaring, eds. 2005. *The Third Wave of Democratization in Latin America: Advances and Setbacks*. Cambridge: Cambridge University Press.
- Hale, Charles R. 2002. "Does Multiculturalism Menace? Governance, Cultural Rights and the Politics of Identity in Guatemala." *Journal of Latin American Studies* 34(3):485-524. doi: <http://www.jstor.org/stable/3875459> .
- Hale, Charles R. 2004. "El discurso ladino del racismo al revés en Guatemala." Pp. 361-404 in *¿Racismo en Guatemala? Abriendo el debate sobre un tema tabú*, edited by C. Arenas, C. R. Hale and G. Palma. Guatemala City: Asociación para el Avance de las Ciencias Sociales en Guatemala.
- Handy, Jim. 2004. "Chicken Thieves, Witches, and Judges: Vigilante Justice and Customary Law in Guatemala." *Journal of Latin American Studies* 36(3):533-61. doi: <http://dx.doi.org/10.1017/S0022216X04007783>.
- Harrell, William Clark. 1997. "Field Report: The Death Penalty and Due Process in Guatemala." *Human Rights Brief* 4(2):6, 15-17.
- Hernández, Ramón and Roberto Martínez. 1997. "Amenazan con seguir fusilamientos en Cuilco." *Prensa Libre*, September 11, p. 3.
- Huggins, Martha K., ed. 1991a. *Vigilantism and the State in Modern Latin America: Essays on Extralegal Violence*. New York: Praeger Publishers.
- Huggins, Martha K. 1991b. "Introduction: A Look South and North." Pp. 1-18 in *Vigilantism and the State in Modern Latin America: Essays on Extralegal Violence*, edited by M. K. Huggins. New York: Praeger.
- Human Rights Data Analysis Group. 1999. "AAAS/CIIDH database of human rights violations in Guatemala (ATV20.1)." Retrieved May 15, 2015 (<https://hrdag.org/guatemala-ciidh-data/>).
- Hurtado, Paola. 2005. "Cosas extrañas pasan en Guastatoya." *El Periódico*, April 9.
- Instituto de la Defensa Pública Penal. 2010. *Modelo de sistematización de experiencias y casos paradigmáticos resueltos con pertinencia cultural, enfoque de género y defensa de los derechos humanos de las mujeres*. Guatemala City: Instituto de la Defensa Pública Penal.

- Instituto Nacional de Estadística. 2003. "Características de la población y de los locales de habitación censados." *Censos Nacionales XI de Población y VI de Habitación 2002*. Guatemala City: Instituto Nacional de Estadística
- Instituto Nacional de Estadística. 2004. "Proyecciones de población, Censo 2002." Guatemala City: Instituto Nacional de Estadística.
- Interiano, Elder. 2000a. "Conciencian contra linchamientos." *Prensa Libre*, May 7, p. 5.
- Interiano, Elder. 2000b. "Ante la mirada del mundo." *Prensa Libre*, May 3, p. 8.
- Interiano, Elder and Teresa López. 2001. "Seguidores de Rabbé al ataque." *Prensa Libre*, February 21, p. 2.
- International Crisis Group. 2012. "Police Reform in Guatemala: Obstacles and Opportunities." International Crisis Group. Retrieved May 15, 2014
(<http://www.crisisgroup.org/en/regions/latin-america-caribbean/guatemala/043-police-reform-in-guatemala-obstacles-and-opportunities.aspx>).
- International Crisis Group. 2013. "Totonicapán: Tension in Guatemala's Indigenous Hinterland." International Crisis Group. Retrieved May 15, 2014
(<http://www.crisisgroup.org/~media/Files/latin-america/Guatemala/047-totonicapan-tension-in-guatemalas-indigenous-hinterland.pdf>).
- International Labor Organization. June 27, 1989. *Convention No. 169*.
- Ixcot, A. and M. Toc. 2008. "Vapulean a asaltante." *Prensa Libre*, April 10, p. 40.
- Jimenez, Marta. 2011. "The Virtues of Shame: Aristotle on the Positive Role of Shame in Moral Development." PhD Dissertation, Graduate Department of Philosophy, University of Toronto, Toronto, Canada.
- Johnson, Lyman L. and Sonya Lipsett-Rivera, eds. 1998. *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*. Albuquerque, NM: University of New Mexico Press.
- Jonas, Susanne. 2000. *Of Centaurs and Doves: Guatemala's Peace Process*. Boulder, CO: Westview Press.

- Junta Directiva de los 48 Cantones. 2011. *Situación de la violencia en el municipio de Totonicapán: informe de sondeo realizado en el período marzo-abril 2011*. Totonicapán, Guatemala: Junta Directiva de los 48 Cantones, Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHAG), Organización de las Naciones Unidas-Mujeres
- Kalyvas, Stathis N. 2004. "The Paradox of Terrorism in Civil War." *The Journal of Ethics* 8(1):97-138. doi: <http://www.jstor.org/stable/25115783>.
- Krüger, Jule, Patrick Ball, Megan E. Price and Amelia Hoover Green. 2013. "It Doesn't Add Up: Methodological and Policy Implications of Conflicting Casualty Data." Pp. 247-64 in *Counting Civilian Casualties: An Introduction to Recording and Estimating Nonmilitary Deaths in Conflict*, edited by T. B. Seybolt, J. D. Aronson and B. Fischhoff. New York: Oxford University Press.
- Kruijt, Dirk, Annette Pearson, Yubisa Palma and Juan Enrique Quiñónez Schwank. 2000. *Informe de evaluación del aporte de la cooperación de la Real Embajada de los Países Bajos con MINGUA (Fondo de Fideicomiso)*. Guatemala City: MINUGUA.
- Krupa, Christopher 2009. "Histories in Red: Ways of Seeing Lynching in Ecuador." *American Ethnologist* 36(1):20-39. doi: 10.1111/j.1548-1425.2008.01107.x.
- Levenson, Deborah T. 2013. *Adios Niño: The Gangs of Guatemala City and the Politics of Death*. Durham and London: Duke University Press.
- Lewis O'Neill, Kevin and Kedron Thomas, eds. 2011. *Securing the City: Neoliberalism and Insecurity in Postwar Guatemala*. Durham and London: Duke University Press.
- Little-Siebold, Christa. 2001. "Beyond the Indian-Ladino Dichotomy: Contested Identities in an Eastern Guatemalan Town." *The Journal of Latin American and Caribbean Anthropology* 6(2):176-97. doi: 10.1525/jlca.2001.6.2.176.
- López García, Julián. 2003. "Ética y estética de la violencia: de machetes a linchamientos en Guatemala." Paper presented at the IX Congreso de la FAAEE, Simposio Violencias y Culturas, Barcelona, Spain. Retrieved May 15, 2015 (http://www.etnologiamericana.org/view/cm_view_fichalibro.php?idlibro=53).
- López, Olga and Miguel Acabal. 1999. "La policía opta por diálogo con turbas." *Prensa Libre*, February 8, p. 3.

- Lovell, W. George, Christopher H. Lutz, Wendy Kramer and William R. Swezey. 2013. *"Strange Lands and Different Peoples": Spaniards and Indians in Colonial Guatemala*. Norman, OK: University of Oklahoma Press.
- Luna, Mildred. 2004. "Los linchamientos en el área rural del nor-occidente del país y el impacto del programa educativo del Organismo Judicial en su erradicación." Tesis de Licenciatura, Departamento de Pedagogía y Ciencias de la Educación, Universidad de San Carlos, Guatemala City.
- MacLeod, Murdo J. 2007. *Spanish Central America: A Socioeconomic History, 1520-1720*. Austin, TX: University of Texas Press.
- Mann, Michael. 1984. "The Autonomous Power of the State: Its Origins, Mechanisms, and Results." *European Journal of Sociology* 25(2):185-213. doi: <http://dx.doi.org/10.1017/S0003975600004239>.
- Martínez, Francisco. 2004. "En cada retén hay uno." *Revista D, Prensa Libre*, Vol. 11, September 19.
- Martínez, Mauricio. 1997a. "Atribuyen ola de linchamientos a resabios del conflicto armado." *Prensa Libre*, October 27, p. 8.
- Martínez, Mauricio. 1997b. "Diferentes sectores muestran su repudio a los linchamientos." *Prensa Libre*, March 7, p. 2.
- Martínez Peláez, Severo. 1992. "El ladino." Pp. 122-28 in *Guatemala, seminario estado, clases sociales y cuestión étnico-nacional*, edited by Centro de Estudios Integrados de Desarrollo Comunal. México City: Centro de Estudios Integrados de Desarrollo Comunal.
- Martínez Peláez, Severo. 2001. *Motines de indios*. Guatemala City: Ediciones En Marcha
- Martínez Peláez, Severo. 2006. *La patria del criollo: ensayo de interpretación de la realidad colonial guatemalteca*. México City: Fondo de Cultura Económica.
- Mason, Jennifer. 2003. *Qualitative Researching*. London: SAGE Publications.

- Matute Rodríguez, Arturo and Iván García Santiago. 2007. *Informe estadístico de la violencia en Guatemala*. Guatemala City: Programa de Seguridad Ciudadana y Prevención de la Violencia del Programa de las Naciones Unidas para el Desarrollo de Guatemala.
- Maxwell Brown, Richard. 1975. *Strain of Violence: Historical Studies of American Violence and Vigilantism*. New York: Oxford University Press.
- McCreery, David. 1995. *Rural Guatemala, 1760-1940*. Stanford, CA: Stanford University Press.
- Mendoza, Carlos. 2007. *Ausencia del estado y violencia colectiva en tierras Mayas: una aproximación cuantitativa al fenómeno de los linchamientos en Guatemala (1996-2002)*. Guatemala City: FLACSO.
- Mendoza, Carlos. 2009. "Entrevista sobre los linchamientos." Retrieved June 10, 2015 (<http://linchamientos.blogspot.com/2009/05/entrevista-sobre-los-linchamientos.html>).
- Menéndez y Pelayo, Marcelino. [1856-1912] 2012. "LXII. Fuente Ovejuna." in *Crónicas y leyendas dramáticas de España (Continuación)*, *Biblioteca Virtual Menéndez Pelayo de la Biblioteca Virtual Ignacio Larramendi de Polígrafos*. Madrid: Fundación Ignacio Larramendi. Retrieved March 12, 2015 (<http://www.larramendi.es/menendezpelayo/i18n/corpus/unidad.cmd?idCorpus=1000&idUnidad=100641&posicion=1>).
- Merry, Sally Engle. 1990. *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans*. Chicago, IL: The University of Chicago Press.
- Metz, Brent, Lorenzo Mariano and Julián López. 2010. "The Violence After 'La Violencia' in the Ch'orti' Region of Eastern Guatemala." *The Journal of Latin American and Caribbean Anthropology* 15(1):16-41. doi: 10.1111/j.1935-4940.2010.01061.x.
- MINUGUA. 2000. *Los linchamientos: un flagelo contra la dignidad humana*. Guatemala City: MINUGUA.
- MINUGUA. 2002. *Los linchamientos: un flagelo que persiste*. Guatemala City: MINUGUA.
- MINUGUA. 2004. "Linchamientos en Guatemala por año [Unpublished Dataset]."

- Monteforte, Mario. 1993. *Los desencontrados, Llegaron del mar, Siete cuentos*. Caracas, Venezuela: Biblioteca Ayacucho.
- Morales, Mario Roberto. 2008. *La articulación de las diferencias o el síndrome de Maximón*. Guatemala City: Consucultura.
- Municipalidad de Raxruhá, Alta Verapaz. 2013, "Monografía del municipio", Alta Verapaz, Guatemala. Retrieved February 5, 2015, (http://www.muniraxruha.gob.gt/index.php?option=com_content&view=article&id=117&Itemid=78).
- Nazzari, Muriel. 1998. "An Urgent Need to Conceal." Pp. 103-26 in *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, edited by L. L. Johnson and S. Lipsett-Rivera. Albuquerque, NM: University of New Mexico Press.
- Nisbett, Richard E. and Dov Cohen. 1996. *Culture of Honor: The Psychology of Violence in the South*. Boulder, CO: Westview Press.
- Nsekanabo, Joseph B. 2011. "Rediscovering the Role of Shame in Moral Character Formation." M.A. Thesis, Department of Theology, University of Scranton, Scranton, PA.
- Nuestro Diario. 2009. "Vapulean a ladrón." *Nuestro Diario*, February 19, p. 2.
- Ochoa, Carlos. 2002. *Derecho consuetudinario y pluralismo jurídico*. Guatemala City: Cholsamaj.
- Oficina de Derechos Humanos del Arzobispado de Guatemala. 1998. *Guatemala: Nunca Más*. Guatemala City: Oficina de Derechos Humanos del Arzobispado de Guatemala, Proyecto Interdiocesano de Recuperación de la Memoria Histórica.
- Oliva, Hugo. 2014. "Disturbios en Guastatoya por captura de adolescente extorsionista." *Prensa Libre*, May 31.
- Organismo Judicial. n.d.-a. "Mediación escolar." Guatemala City: Organismo Judicial, Unidad de Educación.
- Organismo Judicial. n.d.-b. "Conociendo mi derecho a la justicia." Guatemala City: Organismo Judicial, Unidad de Educación.

- Organismo Judicial. n.d.-c. "Documentos de apoyo para actividades de prevención de linchamientos." Guatemala City: Organismo Judicial, Subprograma Educativo "Prevención de Linchamientos".
- Organismo Judicial. n.d.-d. "Los linchamientos: búsqueda de soluciones prácticas bajo la perspectiva de los actores sociales." Guatemala City: Organismo Judicial, Gerencia de Comunicación Social, Coordinación del Programa Educativo.
- Padilla, Guillermo. 2005. "Pluralismo jurídico y paz en Guatemala." *Revista Instituto Interamericano de Derechos Humanos* 41:209-23.
- Palencia, Sergio. 2012. "Peritaje Sociológico y Antropológico: Impacto a la organización colectiva del pueblo maya K'iche' de Totonicapán/Caso: Totonicapán, 4 de octubre 2012."
- Pérez, Sonia and Luisa F. Rodríguez. 2001. "Malestar contra FRG." *Prensa Libre*, May 2, p. 2.
- Pitarch, Pedro, Shannon Speed and Xochitl Leyva, eds. 2008. *Human Rights in the Maya Region: Global Politics, Cultural Contentions, and Moral Engagements*. Durham and London: Duke University Press.
- Pitt-Rivers, Julian. 1966. "Honour and Social Status." Pp. 19-77 in *Honour and Shame: The Values of Mediterranean Society*, edited by J. G. Peristiany. Chicago, IL: The University of Chicago Press.
- Policía Nacional Civil. 2001-2011. "Estadísticas de hechos delictivos por municipios, 2001-2011 [Unpublished Dataset]."
- Pollack, Aaron. 2008. *Levantamiento k'iche' en Totonicapán, 1820: los lugares de las políticas subalternas*. Guatemala City: Asociación para el Avance de las Ciencias Sociales en Guatemala.
- Pop, Pedro. 2000. "'Los santeños son pacíficos'." *Prensa Libre*, May 8, p. 6.
- Pop, Pedro and Julio F. Lara. 2000. "Turba mata a turista." *Prensa Libre*, April 30, p. 2.
- Pratten, David and Atreyee Sen. 2007. *Global Vigilantes*. London: Hurst & Co Publishers Ltd.

- Prensa Libre. 1996a. "Vecinos de San Juan Comalapa ahorcan a presunto criminal y queman su cadáver." *Prensa Libre*, March 27, p. 6.
- Prensa Libre. 1996b. "Delincuentes manipulan a vecinos, asegura el Ministro de Gobernación." *Prensa Libre*, March 26, p. 4.
- Prensa Libre. 1996c. "MP investiga muertes por linchamiento ocurridas durante las últimas semanas." *Prensa Libre*, March 28, p. 3.
- Prensa Libre. 2000a. "9 capturas por linchamientos." *Prensa Libre*, May 4, p. 1.
- Prensa Libre. 2000b. "Linchan a japonés." *Prensa Libre*, April 30, p. 1.
- Prensa Libre. 2001a. "Piden transparencia." *Prensa Libre*, February 17, p. 1.
- Prensa Libre. 2001b. "Hostigan a El Periódico." *Prensa Libre*, February 21, p. 1.
- Prensa Libre. 2001c. "Ministro, rehén de turba en A. Verapaz." *Prensa Libre*, January 18, p. 1.
- Prensa Libre. 2010. "Trasladan 18 reos de Totonicapán a Quetzaltenango." *Prensa Libre*, December 18. .
- Procurador de los Derechos Humanos. 2006. *Las características de las muertes violentas en el país*. Guatemala City: Procurador de los Derechos Humanos
- Procuraduría de los Derechos Humanos. 2005-2009. "Linchamientos, 2005-2009 [Unpublished Dataset]."
- Procuraduría de los Derechos Humanos. 2011. *Mapeo de conflictividad departamental de El Progreso correspondiente al año 2011*. El Progreso, Guatemala: Procuraduría de los Derechos Humanos.
- Programa de las Naciones Unidas para el Desarrollo. 2005. *Informe Nacional de Desarrollo Humano: Anexo Estadístico*. Guatemala City: Programa de las Naciones Unidas para el Desarrollo
- Putnam, Lara, Sarah C. Chambers and Sueann Caulfield. 2005. "Introduction: Transformations in Honor, Status, and Law over the Long Nineteenth Century." Pp. 1-24 in *Honor, Status,*

and Law in Modern Latin America, edited by S. Caulfield, S. C. Chambers and L. Putnam. Durham and London: Duke University Press.

Ramírez, Alberto. 2000. "'Nunca se pensó en Todos Santos'." *Prensa Libre*, May 6, p. 6.

Ramírez, Alberto and Miguel Acabal. 2000. "Todos Santos vivía tensión." *Prensa Libre*, May 3, p. 8.

Ramírez, Alberto. 2001. "Quej: Les incitaban a que me lincharan." *Prensa Libre*, January 19, p. 8.

Real Academia Española. 1992. *Diccionario de la lengua española*. Madrid, España: Real Academia Española.

Reynolds, Louisa. 2012. "Army kills seven indigenous protestors in Totonicapán." *Latinamerica Press*, November 8. Retrieved February 15, 2015
(<http://www.latinamericapress.org/articles.asp?item=1&art=6734>).

Rico, Maite and Bertrand de la Grange. 2004. *Quién mató al obispo?* Mexico City: Editorial Planeta Mexicana.

Robben, Antonius C. G. M. 1995. "The Politics of Truth and Emotion Among Victims and Perpetrators of Violence." Pp. 81-103 in *Fieldwork Under Fire: Contemporary Studies of Violence and Survival*, edited by C. Nordstrom and A. C. G. M. Robben. Berkeley: University of California Press.

Rodman, Debra. 2009. "Forgotten Guatemala: Genocide, Truth, and Denial in Guatemala's Oriente." Pp. 192-215 in *Genocide: Truth, Memory, and Representation*, edited by A. L. Hinton and K. L. O'Neill. Durham and London: Duke University Press.

Rodríguez, Luisa and Danilo Valladares. 1999. "Linchamientos son planificados." *Prensa Libre*, May 26, p. 6.

Roma. 1996. "Matan y queman a dos secuestradores." *Prensa Libre*, March 23, p. 1.

Ruiz-Goiriena, Romina. 2013. "Guatemala Ready for Genocide Trial." *Aljazeera* March 18. Retrieved December 10, 2014
(<http://www.aljazeera.com/indepth/features/2013/03/201331872544329550.html>).

- Sáenz, Ricardo. 2004. *¿Victimas o vencedores? Una aproximación al movimiento de los ex Pac.* Guatemala City: FLACSO.
- Sam Chun, Eduardo, Luis Tax and Raúl Barreno. 1999. "Linchan a asaltante." *Prensa Libre*, May 25, p. 3.
- Sam Chun, Eduardo. 2001. "Pobladores protestaron por cobros excesivos de tributos." *Prensa Libre*, January 18, p. 3.
- Sandoval, Mario Antonio. 2000. "Mártir del pasaje." *Prensa Libre*, May 1.
- Scheff, Thomas J. 2000. "Shame and the Social Bond: A Sociological Theory." *Sociological Theory* 18(1):84-99. doi: <http://www.jstor.org/stable/223283>.
- Schirmer, Jennifer. 1998. *The Guatemalan Military Project: A Violence Called Democracy*. Philadelphia, PA: University of Pennsylvania Press.
- Schwartz, Elizabeth F. 1995/1996. "Getting Away with Murder: Social Cleansing in Colombia and the Role of the United States." *The University of Miami Inter-American Law Review* 27(2):381-420. doi: <http://repository.law.miami.edu/umialr/vol27/iss2/6>.
- Scott, James C. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Edited by J. C. Scott. New Haven and London: Yale University Press.
- SEGEPLAN/DPT. 2010. *Plan de Desarrollo, Guastatoya, El Progreso*. El Progreso, Guatemala: Consejo Municipal de Desarrollo del Municipio de Guastatoya y Secretaría de Planificación y Programación de la Presidencia, Dirección de Planificación Territorial.
- Seligson, Mitchell A. 2003. "Public Support for Due Process Rights: The Case of Guatemala." *Journal of the Southwest* 45(4):557-94. doi: <http://www.jstor.org/stable/40170266>.
- Seligson, Mitchell A. 2005. "Democracy on Ice: The Multiple Challenges of Guatemala's Peace Process." Pp. 202-31 in *The Third Wave of Democratization in Latin America: Advances and Setbacks*, edited by F. Hagopian and S. P. Mainwaring. Cambridge: Cambridge University Press.
- Senechal de la Roche, Roberta. 1996. "Collective Violence as Social Control." *Sociological Forum* 11(1):97-128. doi: 10.1111/0735-2751.00133.

- Sieder, Rachel and Carlos Flores. 2011. *Vergüenza: Autoridad, autonomía y derecho indígena en la Guatemala de posguerra*. Guatemala City: F&G Editores.
- Simmel, George. 1971[1908]. "The Stranger." Pp. 143-49 in *George Simmel: On Individuality and Social Forms*, edited by D. N. Levine. Chicago: The University of Chicago Press.
- Smith, Carol A. 1988. "Destruction of the Material Bases for Indian Culture." Pp. 206-31 in *Harvest of Violence: The Mayan Indians and the Guatemalan Crisis*, edited by R. Carmack. Norman, OK: University of Oklahoma Press.
- Smith, Carol A. 1990a. "Class Position and Class Consciousness in an Indian Community: Totonicapán in the 1970s." Pp. 205-29 in *Guatemalan Indians and the State, 1540 to 1988*, edited by C. A. Smith. Austin, TX: University of Texas Press.
- Smith, Carol A. 1990b. "Origins of the National Question in Guatemala: A Hypothesis." Pp. 72-95 in *Guatemalan Indians and the State, 1540 to 1988*, edited by C. A. Smith. Austin, TX: University of Texas Press.
- Spurling, Geoffrey. 1998. "Honor, Sexuality, and the Colonial Church." Pp. 45-67 in *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, edited by L. L. Johnson and S. Lipsett-Rivera. Albuquerque, NM: University of New Mexico Press.
- Stanko, Elizabeth A., ed. 2003. *The Meanings of Violence*. London and New York: Routledge.
- Stanley, William. 2013. *Enabling Peace in Guatemala: The Story of MINUGUA*. Boulder, CO: Lynne Rienner Publishers.
- Stoll, David. 2009. "Harvest of Conviction: Solidarity in Guatemala Scholarship." Pp. 167-80 in *Mayas in Postwar Guatemala: Harvest of Violence Revisited*, edited by W. E. Little and T. R. Smith. Tuscaloosa, AL: University of Alabama Press.
- Tax, Ángel Martín and Erick Campos. 2001. "Ministro rehén por seis horas." *Prensa Libre*, January 18, p. 3.
- Tax, Luis. 1998, October 31. "Buscan a agitadores." *Prensa Libre*, October 31.

- Tilly, Charles. 1985. "War Making and State Making as Organized Crime." Pp. 169-87 in *Bringing the State Back In*, edited by P. Evans, D. Rueschemeyer and T. Skocpol. Cambridge: Cambridge University Press.
- United Nations General Assembly. 18 August 1994. "The Situation in Central America: Procedures for the Establishment of a Firm and Lasting Peace and Progress in Fashioning a Region of Peace, Freedom, Democracy and Development, A/48/985." Retrieved: June 10, 2015 (http://www.un.org/ga/search/view_doc.asp?symbol=A/48/985).
- Civil and Political Rights, Including the Questions of Disappeareances and Summary Executions: Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston (Addendum) (United Nations Human Rights Council, Mission to Guatemala, 21-25 August 2006 2006).
- Vega y Carpio, Félix Lope de. [1619] 2006. *Fuente Ovejuna*, Edited by J. M. Marín. Madrid: Cátedra.
- Ventura, Carlos. 2010. "Pobladores de Totonicapán piden cambiar a todos los policías." *Prensa Libre*, December 14.
- Waldrep, Christopher. 2002. *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America*. New York: Palgrave Macmillan.
- Warren, Kay B. 1998. *Indigenous Movements and Their Critics: Pan-Maya Activism in Guatemala*. Princeton, NJ: Princeton University Press.
- Washington Office on Latin America. 2009. *Protect and Serve? The Status of Police Reform in Central America*. Washington, D.C.: Washington Office on Latin America.
- Winant, Howard. 1994. *Racial Conditions: Politics, Theory, Comparisons*. Minneapolis and London: University of Minnesota Press.
- Wirpsa, Leslie. 1993. "Deadly 'social cleansing' hits Latino poor: Police are killing kids in Colombia, Brazil." *National Catholic Reporter*, December 17, p. 12.
- Wong, Ying and Jeanne Tsai. 2007. "Cultural Models of Shame and Guilt." Pp. 209-23 in *The Self-Conscious Emotions: Theory and Research*, edited by J. L. Tracy, R. W. Robins and J. P. Tangney. New York: The Guilford Press.

Wood, Elizabeth Jean. 2006. "The Ethical Challenges of Field Research in Conflict Zones." *Qualitative Sociology* 29(3):373-86. doi: 10.1007/s11133-006-9027-8.

Xelanoticias. 2010. "Vecinos de Totonicapán agreden a supuesto delincuente." Retrieved May 15, 2014 (<https://www.youtube.com/watch?v=Dgenfb0Wnqg>).