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The Politics of Lynch Violence in the State of Exception: Citizen Rights and Vigilante Justice in Bolivia and Guatemala

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**The Politics of Lynch Violence in the State of Exception:
Citizen Rights and Vigilante Justice in Bolivia and Guatemala**

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Honors Thesis Advised by Professor Paul Dosh
April 2009

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Abstract

In its Latin American context, the term lynching refers to the extrajudicial killing of an alleged criminal by a large group and is often perceived as spontaneous mob violence. Utilizing Giorgio Agamben's notion of the 'state of exception,' I argue that lynching occurs in particular spaces in which the norms of law and actual practice are decisively separated, and communities are imagined by the state as "killable bodies" rather than citizens. In response, lynching is a paradoxical and deeply political act; it serves as both a rejection of the state and a demand for inclusion in the benefits of citizenship. A higher level of citizen security can be realized only through the production of a security apparatus that promises mutual accountability for both the state and its subject communities, a system that should be developed through the integration of state level security initiatives with local knowledge and citizen involvement.

Chapter 1: Vigilantism, Violence and State Legitimation

Introduction

Vigilantism, in its actual manifestations and folkloric interpretations, has long played an important role in discourse on legitimate governance. While Robin Hood and his Merry Men may not have roamed Sherwood Forest¹, his story is relevant to popular interpretations of tyranny and the appropriate role of governmental institutions in the lives of English citizens. In other real cases, paramilitary violence has served to stretch the limits of legitimate coercion; death squads have carried out the dirty work for regimes from Guatemala to Colombia. In El Salvador, the assassination of Archbishop Oscar Romero was attributed to the death squad “Mano Blanco” and became a rallying point against abuses of military power (Huggins 1991: 99). The Bakassi Boys of Nigeria have become known worldwide for their often-brutal vigilante activities targeted at crime control, and have also become central to discourse within Nigeria surrounding rule of law and government efficacy.

The term vigilantism clearly covers a wide range of acts, spanning from forms of dissident violence to the extralegal use of coercion by a regime (Rosenbaum and Sederberg 1975: 10). In its contemporary manifestations, the term vigilantism encapsulates everything from the “Minutemen” patrolling the United States-Mexico border to seemingly spontaneous forms of mob justice. As scholar Ray Abrahams has aptly pointed out, “the different shades of meaning of such terms reflect both the variety of forms of ‘vigilance’ in different times and places, and the wide range of attitudes they

¹ Robin Hood is a folkloric figure known for robbing the rich and giving to the poor. Popular interpretations state that Robin Hood resided in Sherwood Forest in Nottinghamshire, England.

can elicit” (Abrahams 1998: 5). Yet it does seem that there are some distinctions that allow us to clump certain acts of coercion into the broad category of vigilantism. I suggest here that vigilantism is at times a form of contentious politics, meant not simply to uphold certain norms through illegitimate violence, but actually challenge the unspoken norms that decide who is worth protecting and who the state can exclude from the provision of security. Looking specifically at lynching in Bolivia and Guatemala, I argue that acts of vigilantism are a highly visible form of protest through which participants make demands on the state and society as a whole. This chapter will serve as an introduction to the concept of vigilantism and its role in the contemporary moment, situating lynching as an exemplar of the political significance of vigilante acts. I will first consider preeminent definitions of vigilantism, highlighting both their strengths and conceptual limitations. I will proceed to consider the relationship between violence and the state, suggesting that the two are bound to one another in a relationship of mutual legitimation. Heeding the particular ‘globalized’ moment in which we find ourselves today, I suggest that lynching is especially relevant to our contemporary world, and introduce the concept as a politically significant phenomenon. I conclude this chapter with an introduction of my case studies, a brief overview of my argument, and a justification for my methodology and case selection.

In their 1974 analysis of vigilantism, H. Jon Rosenbaum and Peter C. Sederberg define vigilantism as a form of establishment violence that “consists of acts or threats of coercion in violation of the formal boundaries of an established sociopolitical order which, however, are intended by the violators to defend that order from some form of subversion” (4). Les Johnston has defined vigilantism as “a social movement giving rise

to premeditated acts of force – or threatened force – by autonomous citizens. It arises as a reaction to the transgression of institutionalized norms by individuals or groups – or to their potential or imputed transgression. Such acts are focused upon crime control and/or social control and aim to offer assurances (or ‘guarantees’) of security both to participants and to other members of a given established order” (1996). In his most recent published writings on vigilantism, Abrahams argues that vigilantism “ideally involve[s] an organized attempt by a group of ‘ordinary citizens’ to enforce norms and maintain law and order on behalf of their communities, often by resort to violence, in the perceived absence of effective official state action through the police or courts” (Abrahams in Atreyee and Sen 2008: 423).

From the above definitions, a few elements of vigilantism become apparent. First, vigilantism is private and autonomous, and thus the vigilantes have no direct relation to the state itself. However, the characterization of paramilitary groups as vigilantes demonstrates the complicated nature of definitions. Death squads nearly always share some direct or indirect connection to the central government, albeit masked in secrecy and denial. Second, vigilantism is motivated by a hope to gain control over specific bodies or groups; Rosenbaum and Sederberg recognize crime control, social control, and regime control as the primary objectives of different forms of vigilantism, often occurring in combination with one another. Yet as with any theoretical taxonomy, such distinctions are often static and mask important complexities. The central role that the Bakassi boys have played in transforming the practice of security in Nigeria implies that vigilantes are involved in ‘control’ at a number of different levels. Lastly, the aforementioned definitions all contend that vigilantism is meant to maintain certain norms and order upon

which the alleged criminal or social deviant has infringed. While vigilantes do often legitimate their activities as an attempt to uphold certain societal norms and values, it also seems in many cases that vigilantes challenge the sociopolitical order that has led certain sectors of society to need extralegal protection. Particularly in forms of collective violence such as lynching, a clear commentary on the state of citizen security is apparent in acts of vigilantism.

Vigilantism is thus, definitively difficult to pin down. However, what is clear from the complications inherent in any definition of vigilantism is that it maintains a close relationship with the state itself, and is central to processes of state legitimization. Furthermore, vigilantism exists in an often-blurry realm between legality and illegality, state power and private action. What appears absent from existent definitions of vigilantism is attendance to the deeply political role that it does appear to play. While functioning outside of the legal framework, vigilantism is a means through which citizens relate to the state. While the state attempts to define and control the use of violence within its borders, 'illegitimate' uses of violence at the margins of the state are constantly redefining the reach and role of the state itself.

Violence and the State: Mutual Legitimation

The state thus has a distinctive relationship with violence, to the extent that both violence and the state are often defined in relationship to one another. Vigilantism inhabits an intermediary space in which the legitimacy of both violence and the state is defined. The boundary between legitimate and illegitimate coercion is delineated largely by the role of the state in its occurrence; dependent on their context and perpetrator,

identical acts of violence can be defined quite differently on a scale of their legitimacy. As Walter Benjamin notes, we produce a “fundamental distinction between kinds of violence independently of cases of their application. This distinction is between historically acknowledged, so-called sanctioned violence, and unsanctioned violence” (Benjamin 1978: 279). If we consider briefly what constitutes acceptable uses of force by the state during times of war in juxtaposition to comparable acts perpetrated by private citizens in times of peace, this point is substantiated. As societies, we also distinguish between appropriate governmental use of violence, and abuse of power. Though the significance of “legitimate violence” is constantly disputed as our definitions of reasonable police measures and permissible military acts are challenged and reformed overtime (Tilly 2003: 27), the state’s participation in violence does lend it a level of legitimacy. As police institutions are components of formally democratic systems, their use of violence is often perceived as legitimate (Huggins 1991: 5). The state certainly does have a monopoly on ‘lawfulness.’ As anthropologists Veena Das and Deborah Poole have observed, “Inherent in this imagination of the figure of law [is] the creation of boundaries between those practices and spaces that were seen to form part of the state and those that were excluded from it. Legitimacy, in turn, emerged as a function of this boundary-making effect of state practices” (2004: 7).

While the state may play an active role in the meanings of legitimate and illegitimate violence, violence is also a definitive component of the state itself. The capacity of the state to ‘produce order’ within its borders has differentiated the state from an imagined opposite or origin. Thomas Hobbes ([1651] 1968), John Locke ([1690] 1988), and Jean-Jacques Rousseau ([1762] 1981) all envisioned the state emerging from a

'state of nature' as a necessary remedy to the tribulations of a life free from law and order. While each theorist imagined the state of nature in his own distinctive way, all three determined that a move towards order and rationalization must be the outcome. Max Weber offered the classic definition of the state: "a compulsory political organization with continuous operations will be called a 'state' in so far as its administrative staff successfully upholds the claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order" (Weber [1918] 1978: 54; emphasis in original). The state has thus been conceptualized as a provider of order, and coercion the primary tool in its production. I am reminded of Benjamin's somewhat cynical quote on the role of violence in modern democracy: "Nothing is to great for our democracy, least of all the temporary sacrifice of democracy itself" (Benjamin 1921: 314). Social scientists and policy makers have organized both discourse and practice around the capacity of the state to control the means of violence within its borders. In the present day, *Foreign Policy* and the organization Fund for Peace have produced a 'failed state index' that refers largely to the state's capacity to maintain a monopoly over violence within its borders in order to measure its stately success or failure. Not only is the legitimacy of violent acts decided by their relationship to the state, but also the state itself is legitimized through its monopoly over violence.

Vigilantism in a Globalizing World

While violence and the state may be seen as connected through a relationship of mutual legitimization, this relation is not without complexity. As many authors have acknowledged, the contemporary day presents a number of challenges to this

relationship. If vigilantism plays a certain political role, as my research does suggest, than the contemporary moment presents dramatic shifts in the relationship of the state to its citizenry, during which acts of vigilantism would likely manifest. New transnational governing institutions threaten the sovereignty of states while contemporary world conflicts seem driven not by states, but non-state factions and organizations. When considering the transforming nature of security, two hotly contested trends enter nearly all conversation: globalization and neoliberalism. While globalization is largely used to explain away a number of different changes over the last twenty to thirty years, Jan Aart Scholte points out that it seems the only real consensus amongst scholars over globalization is that it is a contested notion (2000: 46). As a conceptual guide, I find Scholte's definition of globalization most instructive: globalization is "the advent and spread of what are alternately called 'global', 'transplanetary', 'transworld' and in certain respects also 'supraterritorial' social spaces" (2000: 3). As such, globalization has certainly transformed the role of the nation state from the primary actor in *international* politics to an important player in *global* politics. While a number of points of contention remain about the nature or even existence of the often-illusory process of 'globalization,' many participants in the globalization debate do agree on the "decreasing economic, political and cultural importance of (nation) states" in the present day (Schuurman 2000: 12). Though globalization does not imply the disappearance of sovereign states, it does entail a transformation of their role in the contemporary world order and a "fragmentation of their control of organized violence" (Pratten and Sen 2008: 4). Alongside a decreasing role for the nation state, a transformation of policing worldwide has occurred, and "this new paradigm of privatized and decentralized policing contradicts our common

understanding of the state's provision of security, its monopoly of force, as the essential function of government" (Pratten and Sen 2008: 2). While the most prominent examples of the impact of globalization on security may come from the enormous growth of transnational governing institutions such as the United Nations, localized experiences of security have also undergone transformation. To some degree, "the rules about sovereignty of (nation) states and their monopoly on the use of institutionalized violence *within* their borders (which has always been the central element in the definition of states)" has been relegated to the past (Schuurman 2000: 12).

Another component of globalization is notable here: the widespread adoption of neoliberal orthodoxy as the reigning policy discourse. Put simply, neoliberalism can be defined as both an ideology and set of policy initiatives. Ideologically, neoliberalism is a revival of classic liberalist thought that "unconstrained market forces will 'naturally' bring prosperity, liberty, democracy and peace to society" (Scholte 2000: 38). As a policy initiative implemented with vigorous support from the World Bank and International Monetary Fund and varying consistency worldwide, neoliberal policy involves widespread deregulation, privatization and tight controls on government spending. In the realm of security, privatized policing and informal justice play increasingly prominent roles across the globe. As scholars David Pratten and Atreyee Sen point out, "if the politics of deregulation, the franchising of sovereignty, and the 'privatization of indirect government' are the signature features of the current international economic regime, then vigilantism is both a logical response and an integral aspect" (2008: 2). While international security debates may be taking place at the global scale, shifts in the nature of security are both experienced and responded to on the local scale as well. Though

vigilantism may be a logical conclusion within a macro perspective on the changing nature of security and policing worldwide, its local significance exhibits the increasingly complex and paradoxical terrain of citizens' "rights."

While vigilantism is not a new phenomenon derived from the exigencies of the contemporary day, it is particularly relevant in a moment in which the role of the nation state has entered a process of rapid transformation. Law has always been in a state of constitution and renovation through "forms of violence and authority that can be construed as both extrajudicial and outside, or prior to, the state" (Das and Poole 2004: 13). Vigilantism has of course occurred for as long as the state has fought to maintain a monopoly on the legitimate use of violence. I suggest that in some circumstances, vigilantism is as much concerned with the relationship between the state and its citizenry as it is related to the relationship between vigilantes and criminals. Particularly in the contemporary day in which the state seems to slink away from its role as a provider of local security, the political element of vigilantism seems quite relevant to interpretations of its purpose and impact. Could vigilantism not simply be a means to uphold a sociopolitical order threatened by deviant criminals, but actually redefine the boundaries of that sociopolitical order?

The Politics of Lynch Violence

Lynching is an exemplar of the political role that vigilantism plays. Known as *linchamientos* throughout Latin America, the word derives from the English cognate 'lynching.' In its Latin American context, the term lynching refers to the extrajudicial killing of an alleged criminal by a large group of citizens and is often perceived as 'mob

violence.’ Scholars have contended that contemporary lynchings are caused by a number of different factors: increasing crime, weak rule of law, decades of authoritarianism throughout the region, and neoliberal economic policy. While each of these factors plays an important role in the prominence of lynching in contemporary Latin America, the occurrence of lynching also brings to light significant questions on the relationship between the state and its citizens, and how citizen “rights” are both understood and experienced. While lynching has been used to supposedly protect communities and punish criminals, vigilantes themselves have stated that lynchings would not occur if the government would attend to the security needs of the poor.

I argue then that lynching, a form of vigilantism, is a challenge to the sociopolitical order, and a commentary on the informal practices of inclusion and exclusion that have long defined the provision of security. It is thus as much about defending certain social values as challenging unspoken norms of privilege. Furthermore, I argue that lynching plays a distinctive role in defining discourse on security, and challenging the state to constantly reify and uphold its role as a provider. It is a means through which citizens challenge systems of exclusion. While I hold that this argument can be made for highly organized forms of vigilantism as well, my focus is lynching, a practice that seems to be on the rise across Latin America; lynching has received particular attention in Brazil, Colombia, Venezuela, Mexico, Bolivia, and Guatemala. While prominent theories on the ‘barbaric’ and ‘premodern’ nature of lynching have obscured a great deal of vigorous analysis on their political significance, considering lynching as a form of collective violence is quite instructive.

As Charles Tilly has articulated, all forms of collective violence involve a kind of contention, as they by nature emerge through some manner of collective organizing in response to a perceived wrongdoing and a failure on the part of the state to ameliorate the infraction (2003: 26). He points out that governmental agents play a central role in the vast majority of forms of collective violence, as objects of attack or purveyors (2003: 28). Collective violence is thus an act through which citizens engage with the state, and Tilly urges us to recognize analogies between lynchings and other forms of collective violence, such as coups and coordinated destruction targeted at government buildings or symbols of authority (2003: 18). In doing so, we can expose the political nature of such acts. He states, “political action, finally, is a way of creating, defending, or challenging non-governmental systems of exploitation and opportunity hoarding” (Tilly 2003: 11). If we consider the changing role of the state under both globalization and neoliberal policy, vigilantism has new meaning in the context of local experiences of security and its deprivation.

I want to note here that this thesis is not meant to condone lynching, nor celebrate its occurrence as a necessary political act in contemporary Guatemala and Bolivia. Lynching is a practice that denies the rights of individuals, as well as the shared rights to security of the community as a whole. While the means through which lynchings are carried out vary, they often involve the beating or burning of the victim and are highly public events. In November 2008, eleven alleged thieves, both men and women, were rounded up and brought to a soccer stadium in El Alto, Bolivia, where they were beaten and burned by a large crowd from the local community. Two were killed and two others were severely injured. In some cases, innocent people wrongly accused of criminal acts

become victims of lynching; a Japanese tourist was lynched in April of 2000 when accused of stealing children in a Guatemalan marketplace (“Japanese Tourist Killed by Mob in Guatemala Market”). Attempts to make distinctions between innocent and guilty victims perhaps even obscure the basic fact that these are all events in which community members are beaten and in some cases killed by their neighbors. I do not want to lose sight of these facts in the following pages, but rather offer some necessary insight on the political role that lynching continues to play in both Guatemala and Bolivia. Keeping in mind that cases of lynching vary in nature, I will offer a brief description of two lynchings that serve as my case studies for this thesis. The first, an attempted lynching, took place in the community of Villa Sebastián Pagador in the outskirts of the city of Cochabamba. The ethnographic study of this lynching is provided in both Daniel Goldstein and Gloria Achá’s texts. The second case study, a completed lynching that resulted in the death of two men, took place in the municipality of San Jacinto, though the exact community and dates are left unknown by Angelina Snodgrass Godoy, who offers a description of the lynching through the eyes of both community members and police. I will in the following chapters develop my analysis of these two events from descriptions of the locales in which they occurred, participant accounts, and the state and society’s response. My thesis also draws evidence from more general commentary on lynching in both Guatemala and Bolivia, as citizens of both countries do not imagine each lynching as an isolated event but an element of much larger social phenomenon within their respective countries.

Case Studies

On March 10, 1995, a 17 year old woman named Mónica, travelling from a neighboring community to Villa Pagador in Cochabamba, Bolivia with her 48 year old mother Sonia and 18 year old brother Sandro, broke into a local residence and stole a gas tank, clothing, a small stove, a radio-tape recorder and blankets while her travel companions were otherwise preoccupied. While the robbery was taking place, a resident took heed, and alarmed the neighbors who quickly gathered, armed with shovels, wires, and stones, and proceeded to beat and insult Mónica, Sandro, and Sonia. The mob of residents who had gathered attempted to exact a confession for various other robberies that had taken place in the area, and then tied all three people to a high-tension tower, blindfolded them, cut off their hair and covered them with gasoline. Sandro was set on fire, only surviving according to his police report because his plastic bindings melted in the flame and he was able to roll on the ground. While there were individuals present who attempted to stop the lynching, the majority reportedly supported the lynching. The police arrived several hours after the lynching first began, disrupted the lynching and removed the victims from the scene. Insults and stones thrown by the community met the police, and the crowd was dispersed with tear gas and dogs. The event lasted for seven hours in total (Goldstein 2004; Achá 2003).

On a Thursday around one in the afternoon in the municipality of San Jacinto, Guatemala, Pedro López Jolón arrived in his community by bicycle. There was a gathering of people outside his house waiting for him. They took the bicycle and tied his hands with wire and walked him away from the house. His father saw these events from inside the house, and told Jolón's brother-in-law to call the police. The brother-in-law

rode a bicycle into the central San Jacinto to alert the police. Jolón was reportedly a member of a planning committee to bring electricity to the community, and was taken by the community with another man for failing to produce a report of the committee's expenditures that convinced the community that the committee was not stealing from them. The community asked Jolón to tell them where he had hidden the stolen money, to which he insisted the money had all been spent on supplies and electrical services for the whole community. The community then doused the two men with gasoline and set them on fire. The participants in the lynching included men, women, and children. The actual lynching took place around 3:30, and the police arrived at 4:30, too late to intervene in the lynching. When the police arrived, the people allegedly shouted, "Who sent you? You don't have any business here. We're making justice here because no one else will." The police responded, "Here the job we've come to do is rescue these people, because you all don't understand that they are people, and they have rights. That's why we're here." The police then shot tear gas to clear the crowd, threw dirt on the fire to put it out, and then removed the men from the community. While they did so, community members threw rocks at the police. While both men were still alive when the police arrived, they both died in Roosevelt Hospital in Guatemala City within the following two days (Godoy 2006).

Incidences such as the two cases described above are not rare in Bolivia and Guatemala, and have increased in frequency over the past twenty years. According to a BBC News article by Tim Mansel, figures compiled by the UN in Guatemala suggest that there were more than 400 lynchings between 1996 and 2002, 200 of which resulted in the death of the victim. More recent data say that over 700 lynchings took place from the end

of the civil war until 2007. Reporter Guadi Calvo reports that in 2007 alone, there were 12 completed lynchings and 22 attempted lynchings recorded. There were 63 cases of lynch mob violence in Bolivia in 2006, a number that has increased in subsequent years (Popper 2007). By August of 2008, there were already 22 cases of lynching that resulted in death, and 26 attempted lynchings recorded for the year. As lynching is in part a clandestine activity due to its illegal nature, its occurrence is neither well documented nor easily researched. We can confidently deduce that some lynchings also go unreported in both countries, and the available statistics likely do not reflect the actual number.

Thesis Argument

This thesis makes a particular claim on the nature of lynching, and its impact on the states and societies in which it occurs. I frame these claims within an exploration of two paradoxes. The first paradox is that though lynching is an illegal act which the state condemns as an infringement on the rights of its citizenry, it largely allows for its occurrence in the margins of the state through its continued complacency. The second paradox I explore engages the nature of lynching as itself paradoxical, though in part a direct rejection of state authority and an exertion of community autonomy in questions of security and justice, lynching also serves as a call for increased state authority in local communities. In an attempt to understand these two paradoxes, I first of all argue that lynching often occurs in spaces in which legal norms and their actual application are decisively separated, and communities thus become populations upon which new, extralegal forms of regulation are practiced. In other words, while legal norms technically exist, they offer no protection to the communities in which lynching has occurred. I

engage Giorgio Agamben's concept of the state of exception to explain this phenomenon in democratic states. Second, I argue that as a form of collective violence, lynching is an act of contentious politics, through which its participants make claims on one another and the state, and challenge the unspoken norms that dictate the provision of security across different socioeconomic and ethnic spaces. Furthermore, I argue that lynching is itself a paradoxical act, through which communities call for both active state involvement in providing security in the every day as well as reject state authority and demonstrate their own governing autonomy in questions of security and justice. Lastly, I argue for state security initiatives that emphasize state-community dialogue and local expertise.

The following chapter engages the first paradox that drives my research: while the state condemns acts of lynching as illegitimate violence, it has historically been complicit with informal policing and judicial structures that exist at its margins, in communities where rule of law is supposedly weak and the state has little influence. Enacting Giorgio Agamben's state of exception, I argue that communities in which lynchings occur are maintained in a state of exception in which legal norms and their actual application are decisively separated. The third chapter considers the second paradox that has shaped my research: lynching is at once a call for autonomy from the state, and at the same moment, a request for a heightened level of state authority. Looking primarily at two anthropological studies on lynching by Daniel Goldstein and Angelina Snodgrass Godoy, in Bolivia and Guatemala respectively, I highlight the contradictory trends that are inherent in acts of vigilantism in both countries. Bringing these two important works on lynching together, I review them as valuable texts on lynching and an important starting point for my own analysis of its political impact. I conclude that any state response to

lynching must attend to the paradoxical nature of its occurrence as a call for state action and a rejection of state involvement. My fourth chapter takes a brief look at promising policy initiatives in the realm of citizen security in Bolivia and Guatemala. I explore heightened state authority and local juridical autonomy as potential policy initiatives, ultimately drawing on James Scott's work on state development projects to insist that a level of localized knowledge and expertise will be a requisite of any successful security initiative. My fifth and concluding chapter offers a brief analysis of the politics of vigilantism in a 'globalized' world, a brief reflection on the impact of this thesis on the existent literature, and a consideration of the applicability of my argument to other occurrences of lynching and forms of vigilantism worldwide. While my analysis is specifically relevant to the cases of lynching in Guatemala and Bolivia, it may also inform contemporary conversations on rising levels of vigilantism throughout the world.

Method and Case Selection

In order to develop a more comprehensive understanding of lynching we must engage the topic from a comparative study, yet cross-country accounts are too often neglected in theoretical discussion. Contemporary studies on vigilante justice have often taken a country-specific approach to analyzing its occurrence. Generally, lynching in Bolivia is explained through distinctively Bolivian circumstances, and Guatemalan lynching derives from the particular history of the Guatemalan state. These studies offer invaluable insight into contemporary vigilantism, and will be given extensive attention in this analysis. They carry great weight in academic and policy conversations. Yet there is also something lost in such explanations. In her compilation of essays on vigilantism and

the state, Martha K. Huggins argues for the importance of the comparative study of vigilantism, stating “Latin American vigilantism must be taken out of the realm of the exotic – to separate it from ‘deviant culture’ explanations” (Huggins 1991: 14). She further argues that “Latin American vigilantism is a direct outgrowth of contemporary state and social organization,” implying it is not a cultural phenomenon but rather derives from the nature of contemporary modes of governance (Huggins 1991: 14).

Understanding the emergence of lynching through a single country lens neglects consideration of a number of structural changes to the nation state that are taking place and affecting local communities worldwide. This research serves to advance an important area of study that suffers from insufficient attention. The emergence of common causal theories across countries begs an examination of the shared circumstances of contemporary vigilantism. In both Guatemala and Bolivia, the state itself has produced and perpetuated (through action and inaction) areas defined by their geographical, socioeconomic, and political marginalization. As anthropologists and political scientists study contemporary vigilante justice in separate countries, similar contexts of and reasons for vigilante justice are elucidated. State violence, ineffective justice systems, and the impact of globalization and neoliberal economic policy are a few of the shared factors that have been recognized in country-specific studies in Bolivia, Guatemala, and throughout the world. My method is thus to consider these studies as a cohesive unit of analysis through which we can understand the political role of lynching and its contemporary impact.

My case selection emerges as a logical outgrowth of my methodology. Both Bolivia and Guatemala have majority indigenous populations that have long been *de*

facto excluded from the security benefits of citizenship, and in both countries, lynching has become a prominent point in public discourse on security and rule of law. Guatemala and Bolivia are thus two excellent cases of comparison. Yet another important objective of this thesis is to engage existing scholarship on lynching. Daniel Goldstein's text *The Spectacular City: Violence and Performance in Urban Bolivia*, and Angelina Snodgrass Godoy's book *Popular Injustice: Violence, Community, and Law in Latin America* are the two most comprehensive studies of contemporary lynching. Comparing their two texts offers grounds for further interpretation of the political role of lynching in contemporary Latin America and a point of departure for my own further research into the political impact that acts of vigilantism have had over the past two decades.

Chapter Two: Extralegal Regulation in the 'State of Exception'

Introduction

This chapter explores the spaces where lynching occurs, in an attempt to understand them not as dangerous, hostile zones outside the jurisdiction of the state, but rather as places that are perhaps integral to the state and its own definition. Lynching has, after all, been largely categorized as a peripheral phenomenon, an act that occurs in the margins of the state where "rule of law" is allegedly weak or nonexistent. Yet margins are not simply peripheral spaces, they also can determine who lies within and who lies without, as in the case of a nation's borders (Das and Poole 2004: 19). In their study of state margins, Veena Das and Deborah Poole offer three separate ways to understand margins, each of which has important implications for the occurrence of lynching in marginal zones. First, margins are peripheries that serve as natural containers for people considered "insufficiently socialized into the law" (2004: 9). In many cases, these marginal populations are formed by indigenous subjects who are at once central to the state's definition of itself and at the same moment excluded from the national community due to their identity as the "other." Second, margins are defined by questions of legibility and illegibility; Das and Poole recognize that different spaces within the state are continually reconstituted through means and practices of making populations "legible" to the state itself, a process that James Scott identifies in his 1998 text *Seeing Like a State*. Thus, margins are spaces that remain in part "illegible" to the state, and thus are to an extent excluded from the practical benefits of inclusion within the political community. Lastly, margins are "a space between bodies, law, and discipline," and thus provide "a particularly interesting vantage point from which to observe the colonization of law by

disciplines, as well as the production of categories of pathology through tactics that are parasitical on law even as they draw repertoires from it” (Das and Poole 2004: 10).

In the following pages, I will explore the meaning of lynching as a marginal phenomenon in relation to the state. First, I will look at the San Jacinto community and Villa Pagador as margin communities. Second, I consider the paradoxical nature of lynching in the margins as a practice deemed illegal by the state yet also maintained through the state’s complicity. In an attempt to explain this paradox, I apply Giorgio Agamben’s notion of the “state of exception” to suggest that the state legitimizes itself through a number of different practices, both legal and extralegal. Ultimately, I suggest in this chapter that lynching is an act that is at once clandestine and extralegal, while simultaneously highly public and explicitly political.

In both Guatemala and Bolivia, “margins” run through both urban and rural settings. Lynching has occurred in a number of different contexts throughout the world, yet a consideration of the communities in which lynchings take place exposes an essential commonality: lynching by and large occurs in communities that perceive themselves as disenfranchised by the state. Marginalization and exclusion from the benefits of citizenship have become increasingly prominent under the neoliberal state. In urban zones and rural hamlets, neoliberal economic policy has meant a withdrawal of the state from basic social services, including policing and judicial apparatuses. Godoy notes that “the widespread implementation of neoliberal reforms has further marginalized the majority of the [Guatemalan] region’s populations from the institutions of political power, both by plunging an ever greater number into poverty and by expressly prohibiting state bureaucracies from attending to distributive concerns” (2006: 128).

In the case of Villa Pagador, Goldstein notes, “the ‘modern’ Cochabamba envisioned and partially implemented by the city’s planners, politicians, and professional elites was never meant to include them, the squatters and settlers of the margins” (Goldstein 2004: 57). Unable to produce a rationalized and orderly system of development in the rapid expansion of Cochabamba by the mid-1970s, the city government deemed new settlements such as Villa Pagador “illegal,” immediately creating a justification for their exclusion from the benefits of citizenship. Goldstein thus argues that Cochabamba’s peripheral communities have suffered the deprivation of their basic rights as citizens due to their status as “illegal” settlers. A lack of state intervention in the development of the south-western region of Cochabamba is not mere oversight or lack of necessary resources on the part of the municipal government, but rather a product of the fact that 90% of urban planning has been allotted to the ‘true city,’ the parts of the city developed through strict urban planning rather than informal settlement. Bolivian scholar Maria del Carmen Ledo García emphasizes this point, stating, “The city of Cochabamba is a clear example of the growth of two opposite worlds. On the one hand, there is the planned space...on the other hand, the unplanned districts, mainly in the south-west, concentrate the largest proportion of households affected by chronic poverty” (García 2002: 196). The differences between the “two opposite worlds” have only become more accentuated over the past twenty years in Bolivia as well, as the country has adopted neoliberal economic policies. While halting inflation, there has been a widespread increase in social misery and the poorest sectors living at the margins of the state have been most affected by structural adjustments (Klein 2003: 246).

Lynchings also occur outside of urban contexts, in rural zones that have become increasingly incorporated in a state project of modernization yet at the same time remain “peripheral” to the state in a number of respects. In San Jacinto, development projects have until quite recently articulated Mayan traditions as an impediment to modernization, and thus strategies for development have directly and indirectly weakened social fabric through increasing migration, shifting occupations, and distinct changes in culture. This statement bears some qualification, as it perhaps masks the dynamic nature of any culture throughout historic and geographic locales. Yet the rapidity with which these processes have taken place over the past fifty years is quite relevant to their impact on communities around San Jacinto, and a deepening awareness of the vast disparities of wealth and power is apparent worldwide (Godoy 2006: 102). Thus development has been a complex process; successes such as decreasing infant mortality and increasing access to education are paired with growing appreciation for real inequality. At the state’s margins where lynchings often occur, wealth and power are both increasingly visible and unattainable within the functioning socioeconomic order.

Each of Das and Poole’s interpretations of margins has important implications for identity, citizenship and law in the margins of the state. The marginal zones in which lynching occurs present a somewhat paradoxical element of state governance and legitimacy, particularly if we maintain a Weberian notion of the state as the institution that claims “the *monopoly* of the *legitimate* use of physical force in the enforcement of its order” within a given territory (Weber 1978: 54; emphasis in original). While the state condemns lynching as an act of illegitimate violence, it has also allowed for its practice at the margins of the state. With Das and Poole’s interpretations of margins in mind, I will

now explore the relationship between the state and the communities where lynchings occur, in an attempt to understand why practices that are deemed illegal by the state appear to be maintained to a certain degree, at least through the state's complicity. What I suggest, in agreement with Das and Poole, is that the state exercises its sovereignty through a number of different forms of regulation that fall on a continuum of 'legality.' As Das and Poole have articulated, there are ways in which "the conceptual boundaries of the state are extended and remade in securing survival or seeking justice in the everyday," leading to a pluralization of forms of regulation rather than a binary opposition between the state and its margins (2004: 20). Thus, extralegal forms of regulation are also real ways in which the state is able to secure order. Police brutality, paramilitary violence, and the rise of informal policing structures with which the state is complicit represent the multiple forms of regulation that are perhaps essential to the functioning of the state. It therefore appears that while the state widely acknowledges acts of lynching as an infringement on the basic rights of its citizens, it has done little to impede their occurrence because they serve as yet another form of regulation which the state can rhetorically condemn yet nevertheless maintain through its complicity. What implications does the presence of a multiplicity of forms of coercive regulation have for our definition of the state itself?

The state cannot be strictly understood as an institution that pursues a monopoly over the legitimate means of coercion within its territory, as Weber has famously illustrated. Rather, the state should be interpreted as a body whose sovereignty is constantly reconstituted through a myriad of different forms of regulation, both 'legitimate' and 'illegitimate.' State complicity with lynch violence is indicative of this

fact. Carlos Vilas notes this fact in his study of lynching in Mexico, stating, “In social structures like these [where lynchings occur] the state’s legal system coexists with alternative normative systems with parallel procedures for the resolution of controversies, and with mechanisms of legitimization other than those enforced by the state. In multiethnic societies such as those of Mesoamérica and the Andean area the state institutionalizes a matrix of power relations that is class-based as much as culturally-biased...” (2001: 136).

In the following pages, I thus propose that the exclusion of sectors of Bolivian and Guatemalan society from the central legal system is an element of a larger state project to define and legitimize itself through its capacity not only to secure rights, but also to take them away. Lynching is a form of regulation, maintained through the state’s complicity, that serves as one of the many forms of extralegal regulation through which the state maintains itself. I contend that we must imagine local communities and the state in a mutually constitutive process, and lynching as a site in which this dialectical relationship is perhaps vividly, and violently, illuminated. While subaltern actors within the body politic must constantly reaffirm their existence through performative displays, sometimes in violent forms such as lynching, the state also constantly redefines its boundaries of inclusion and exclusion. I enact Giorgio Agamben’s notion of the ‘state of exception’ to argue that perhaps the production of “killable bodies” is an often overlooked element of modern democratic governance. Lynching is thus a site where populations excluded from the security benefits of citizenship become violently visible, and both communities and the state are constituted and reconstituted.

First, I want to return to Weber's definition of the state, and dwell shortly on the limitations of his analysis through a conceptualization of Agamben's state of exception. I will argue that communities in which lynchings occur are maintained in a state of exception, in which legal norms and their actual application are decisively separated and only through the high visibility of lynchings is this reality made apparent to a larger public; thus, this state of exception is challenged only when its existence is made visible.

The 'State of Exception'

Max Weber's definition of the state has had enormous influence in Western political theory. Put succinctly by Weber, the state is "a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory" (Weber [1918] 1978; emphasis in original). He proceeds to argue, "If the state is to exist, the dominated must obey the authority claimed by the powers that be" (Weber [1918] 1978). Weber's definition implies that the state is immersed in a perpetual project to control violence within its territory, and if we are to take his definition as absolute, a number of questions come in to play on the very existence of the 'state' in the contemporary day. Cases of vigilantism in Bolivia and Guatemala have demonstrated that the state not only fails to maintain a monopoly over 'legitimate' violence within its territory, but also in some cases does not demonstrate any real commitment to do so. Daniel Goldstein's analysis of urban communities at the outskirts of Cochabamba demonstrates how the state has historically deemed certain communities "illegal" and thus freed itself from any responsibility to provide for their security and well-being. In Guatemala, rural communities are considered outside of the reach of the rule of law not

solely because of their distance from city centers, but the supposed failure of their members to “understand” the complexities of the central legal system. Crime-control becomes a project of local communities rather than the state itself, due purportedly to their own failures rather than the failures of the state. To an extent, lynchings demonstrate a desire on the part of the community for Weber’s definition to be a *reality*; lynching must be contextualized within a broader call throughout Latin America for a measure of *mano dura*, for the authority of the state to reach into its margins and protect all of its citizens from transgressors. If the power of the state does not reside in its full monopoly over the “legitimate use of physical force” within its territory, how are we to conceive of the nature of the state in both Guatemala and Bolivia?

There has been surprisingly little theorizing on the ‘sovereign’ in liberal constitutional governance, perhaps because “the figure of the sovereign has been relegated to a repertoire of archaic images: the prerogative of kings and the ritualistic majesty of despots and absolutist monarchs” (Hussain & Ptacek 2000: 498). As such, the very nature of sovereign has been understudied in liberal-constitutional states, and largely assumed unnecessary. Carl Schmitt, and later Giorgio Agamben, have both offered a response to the questions raised by Weber’s definition through their conceptualization of the ‘state of exception’ as an essential element of modern state sovereignty. Rather than a monopoly over violence, Schmitt offers his definition of the sovereign as “he who decides on the exception” (Schmitt 1922: 1), in what appears to be a clear response to Weber’s designation:

All law is “situational law.” The sovereign produces and guarantees the situation in its totality. He has the monopoly over this last decision. Therein resides the essence of the state’s sovereignty, which must be juristically defined correctly, not as the monopoly to coerce or to rule, but

as the monopoly to decide. The exception reveals most clearly the essence of the state's authority. The decision parts here from the legal norm, and (to formulate it paradoxically) authority proves that to produce law it need not be based on law (Schmitt 1922: 12).

What exactly Schmitt imagines the 'state of exception' to be must of course be illuminated. Schmitt defines the exception as "a case of extreme peril, a danger to the existence of the state, that thus cannot be "circumscribed factually and made to conform to a preformed law" (1922: 6). He proceeds to argue, "what characterizes an exception is principally unlimited authority, which means the suspension of the entire existing order" ([1922] 1985: 12). Agamben explains Schmitt's state of exception as "the place where the opposition between the norm and its realization reaches its greatest intensity" (2005: 36). Schmitt's theory of the state of exception did emerge in a particular historical-political moment, Germany after World War I, and thus his focus is *times* of crisis for the state, rather than exceptional *spaces* or *populations* within the state itself that are constantly maintained in a state of exception. Yet his theory can inform our discussion that perhaps there do exist *exceptional* spaces within the state, realms of "emergency" in which norms are circumscribed and do not align with practice.

Agamben theorizes that the state's withdrawal of legal protection to its citizenry has actually become a working paradigm of modern state governments. In his text *Homo Sacer: Sovereign Power and Bare Life*, Agamben articulates the manner in which the sovereign has the capacity to decide who is imagined as a "political" being or citizen, and which subjects of the state are conceived of as "bare life," or killable bodies in Agamben's analysis. In his review of Agamben's text, James Tunstead Burtchaell offers a useful description of *homo sacer* as utilized by Agamben:

Under primeval Roman law a criminal declared a *homo sacer* was an outlaw whose life could neither be accepted by the gods (in sacrifice) nor

protected by men (against homicide). *Sacer* in this ancient sense suggests a paradoxical existence both imposed and shunned by human society: a “bare life” stripped of all recognition, rights, comity. It meant banishment into an alien status wherein one was carefully denied all fellowship and protection (1998: 625).

Thus Agamben imagines that in modern democracy there is a distinction between those who are integral components of the state, and those who are excluded from the aims of the state. In his 2005 text, *State of Exception*, Agamben more directly engages Schmitt’s theory, offering his own definition of the state of exception:

[...] The state of exception is the opening of a space in which application and norm reveal their separation and a pure force-of-law realizes (that is, applies by ceasing to apply) a norm whose application has been suspended. In this way, the impossible task of welding norm and reality together, and thereby constituting the normal sphere, is carried out in the form of the exception, that is to say, by presupposing their nexus. This means that in order to apply a norm it is ultimately necessary to suspend its application, to produce an exception (Agamben 2005: 40).

Relating this work to his early writings on *homo sacer*, Agamben posits that the state has the capacity to decide who belongs within the normal political sphere and who pertains to the exception. More specifically, the state decides upon the times and spaces in which the norm is applied, and when and where it will be suspended. Agamben further conceptualizes modern society as committed to *homo laborans*: “a being deemed human insofar as economically productive, rather than as politically dignified” (1998: 626).

Perhaps most exceptional about his text, Agamben establishes that in order for the legal norm to exist there must also be a suspension of its application, a realm in which the norm does not pertain. Thus to Agamben, “the political realm constituted by sovereignty has as its originary—and thus continuous—aim the very production of this bare life” (Hussain & Ptacek 2000: 507). This can be counter posed to Weber, who imagined the

state in a perpetual project of monopolization of legitimate violence within its borders. Agamben is observing a modern mode of governance whereby “whole victim groups are made available to misuse by being categorized out of the body politic” (Burtchaell 1998: 626). Only through this process is the jurido-political order given legitimacy, as “the act of suspension itself creates a relation between the rule and its exception and thus, and only thus, giving the rule a coherence and validity” (Hussain & Ptacek 2000: 501). Agamben’s theory has disheartening implications for democratic governance, yet important insights for understanding the very nature of the state and legitimacy in both my considered countries. How does Agamben’s analysis speak to security and the occurrence of lynching in the Guatemalan and Bolivian states?

Applying the State of Exception in Bolivia and Guatemala

Agamben argues, “The rule applies to the exception in no longer applying, in withdrawing from it” (Agamben 1998 [1995]: 18). From Agamben’s theory, we can derive two points that are central to an analysis of the relationship of the state to the communities in which lynching has predominantly occurred. First, the state has a real capacity to decide when and where legal norms are applied. Second, in doing so, the state produces a practical distinction between “citizens” and “bare life,” and thus the benefits of citizenship are not automatically offered based on membership within a political community but rather a practice of inclusion and exclusion that takes place within that community.

My first point is that lynching occurs in spaces in which legal norms are not applied, and though the law technically exists, it offers no protection in practice. The

state has effectively left communities to fend for themselves; in both Bolivia and Guatemala, the communities where lynching has become prevalent often have a single police outpost or are not easily accessible to police. In Villa Pagador, police privately admit to a certain commiseration with vigilantes, citing the fact that they themselves are underequipped and underfunded as real limits on their capacity to protect the community (Goldstein 2004: 187). Residents of the San Jacinto community cite a lack of telephones as an impediment to involving the police in incidents of crime (Godoy 2006: xiii). Police forces will also often take hours to intervene in lynchings, in many cases a time far exceeding the actual time it would take to travel from their post to the site of the lynching. In the Villa Pagador, police arrived several hours after the lynching began (Goldstein 2004: 190). In the San Jacinto lynching, the police arrived after the lynching had ended (Godoy 2006). This is in stark opposition to many city streets of both Guatemala and Bolivia, often full of both military and police forces. Furthermore, the police who do attend to said communities are often corrupt, further enforcing the notion that the 'force of law' functions outside any real legal norm. In Villa Pagador, Goldstein notes that the police are widely assumed to be in league with the criminals due to the fact that they will often accept bribes to walk away when a crime has occurred (2004: 195). This sentiment also resonates in the community in which the San Jacinto lynching took place; the community protested against the police when they arrived at the site of the lynching because they were assumed to be disrupting justice rather than providing it. The complexity of this relationship is captured here; Goldstein points out, "From the perspective of state law, a police officer intervening to stop an illegal lynching is acting in accordance with his assigned duties, but for a barrio resident this same action is

perceived as a violation of the moral precepts of the community, a defense of the thieves against the people, and thus is a corrupt action” (2004: 195). The provision of security is so lacking in these spaces that police intervention is imagined as a harmful infringement on community rights rather than a means for their protection.

Aside from policing institutions, the state courts are also largely perceived as failing to protect communities. When crimes are actually documented by the police, the courts often take a number of years to process each case or preemptively free criminals in the eyes of the community. Thus while communities are not outside the juridico-political order, they are excluded from its real benefits. This fact fits neatly with Agamben’s definition of the state of exception:

In truth, the state of exception is neither external nor internal to the juridical order, and the problem of defining it concerns precisely a threshold, or a zone of indifference, where inside and outside do not exclude each other but rather blur with each other. The suspension of the norm does not mean its abolition, and the zone of anomie that it establishes is not (or at least claims not to be) unrelated to the juridical order (Agamben 2005: 23).

Access to the judicial system is not limited by formal means of discrimination, but rather whole realms of the population are excluded from its workings by the very fact that it becomes wholly ineffective when they attempt to make use of it. Places within the Bolivian and Guatemalan state thus become anomic spaces in which legal norms in practice fail to produce any real protection for the citizenry.

The second point I will make in relation to Agamben’s theory is that there exists a clear difference in the valuation of different populations in the application of law and security in both Guatemala and Bolivia. What is at hand is an active decision on what lives are “worth living.” As Agamben elucidated in his writings on homo sacer, the

political community is divided into citizens and “bare life;” we might imagine that communities in which lynchings occur have been viewed as killable bodies, distinct from the citizens who are protected through the authority of the law. As Das and Poole point out in their engagement of Agamben’s text, “The issue is not that membership is simply denied but rather that individuals are reconstituted through special laws as populations on whom new forms of regulations can be exercised” (2004: 12). In both the Bolivian and Guatemalan contexts, leaving communities to fend for themselves and do justice “by their own hands” is a real new form of regulation that the state exercises through its complicity. The state is limited by its lack of resources to provide adequate policing and strong judicial institutions to all populations within the state, and thus blame for failing security measures can be shifted from the state itself onto much larger structural problems of global power and resources. However, the state also makes an active decision on who will suffer the consequences of limited resources; both communities within the San Jacinto municipality and Villa Pagador have been in part chosen as populations that will be neglected and imagined as outside of the state.

The terrain of citizen rights within a resource strapped state is further complicated by the involvement of international laws meant to protect the rights of all humans, regardless of any form of distinction. Burtchaell makes an important point in regards to the rise of the international human rights regime:

The great modern declaration of human rights [...] in vindicating the dignity of all human beings *as such*, not as citizens or subjects or burghers or offspring or natives or taxpayers or believers, but simply as “bare” human beings stripped of every other status, won for Everyman a protection that has proven very biodegradable politically. The nation-states soon discovered that the way to deny odious people any or all of their sacred and inalienable rights was not to discriminate against them within political life, but to sequester them from it altogether (1998: 625).

Agamben's text analyzes the ways in which new means have arisen to delegitimize particular groups under liberal constitutional governments and the presence of international agreements on human rights. Lynching is a response not to active discrimination but the exclusion from rights that occurs through the state's failures to act to protect certain populations.

Conclusion: Exposing the State of Exception

The last of Agamben's arguments to engage here is his most severe point: the legitimacy of the sovereign has been produced through its capacity to distinguish the norm from its exception. It is beyond the reach of this thesis to attempt to verify or refute Agamben's point, but I would proffer that Agamben makes an apt observation; it is difficult to imagine a political community that has defined itself without some measure of reference to an excluded "other." I do want to suggest that lynching is itself a distinctive event; it is at once a clandestine form of regulation at the margins of the state, and at the same time a remarkably visible spectacle that catches the attention of the larger political community. Lynching, I argue then in the following pages, represents a distinct moment in which the reality of the 'state of exception' is made visible to the body politic and the state is forced to redefine, or at least pay visible attention to, its boundaries of inclusion and exclusion. Lynching represents a particularly violent act through which populations have quite vividly demonstrated their existence and actively attempted to redefine themselves as valuable subjects of the state rather than theoretically 'killable bodies.' Das and Poole argue that spaces of exception are also incredibly creative zones, though often fraught with terrible dangers; they point out, "though certain populations are pathologized

through various kinds of power/knowledge practices, they do not submit to these conditions passively” (2004: 19). Acts of lynching perhaps represent a form of politicking through which subaltern actors exercise their own agency and define themselves as influential beings within the political community. The following chapter explores the possibility of lynching as a form of contentious politics.

Chapter Three: Lynching as Contentious Politics in Bolivia and Guatemala

Introduction

Lynching presents us with two paradoxes when we consider its actual implications within contemporary societies. As the preceding chapter explored, lynchings are technically a form of illegitimate violence that the state condemns; yet, the state in both Guatemala and Bolivia has allowed for their occurrence through its complicity. Agamben's notion of the state of exception offers a theoretical framework to understand this paradox as perhaps a central element of democratic governance. Yet in this chapter, I will explore how subaltern actors have attempted to redefine themselves as citizens before an exclusionary state, often in violent forms such as lynching. In agreement with scholars Daniel Goldstein and Angelina Snodgrass Godoy, I argue that contemporary lynchings in Bolivia and Guatemala should be interpreted as a form of contentious politics through which their participants make demands on their fellow citizens and the state itself. The second paradox that I will explore in this chapter engages the nature of lynching. Using Goldstein and Godoy's argument as a preliminary framework, I offer an original contribution to the literature on lynching in both countries by suggesting that lynching serves as a paradoxical request; on the one hand, participants call for an increasingly authoritative and responsive state; on the other hand, they actively oppose state intervention and call for heightened community autonomy in questions of security and justice. This paradoxical request on the state has had practical implications on the

relationship between the state and its subject communities, a point that I will explore in the following chapter. First, however, it is necessary to explore this second paradox.

In order to frame this discussion, I will first consider differing explanations for lynching that have emerged in both Bolivia and Guatemala, attending to their inadequacies and falsehoods. Utilizing two central texts on contemporary lynchings, Godoy's *Popular Injustice: Violence, Community, and Law in Latin America* and Goldstein's *The Spectacular City: Violence and Performance in Urban Bolivia*, I will proceed to consider how lynching serves as a form of contentious politics. I will then elucidate the two contradictory trends that inform our understanding lynching as a form of contentious politics, relying on the case studies of Godoy and Goldstein to support my own argument on this paradoxical request. First, I will consider lynching as a call for an increasingly authoritative state, situating my argument within a broader trend towards civil support for *mano dura* throughout Latin America. Second, I will consider lynching as a call for greater autonomy for local groups from the state, considering this request as an element of a broader initiative for indigenous self-determination. I conclude by noting that lynching has real political consequences in both countries, which I will explore in more detail in the fourth chapter.

Common Explanations for Lynching

For a great deal of Western political theory, “the state is imagined as an always incomplete project that must constantly be spoken of—and imagined—through an invocation of the wilderness, lawlessness, and savagery that not only lies outside its jurisdiction but also threatens it from within” (Das and Poole 2004: 7). It is perhaps

because of the particular way in which the state is imagined that lynching is often explained through illustrative vocabulary that juxtaposes its occurrence to the ideals of the state itself. This is apparent through a brief examination of three explanations that have been popularly disseminated throughout the world: 1) lynching is a form of premodern law; 2) lynching is an attack on democratic institutions and practices; and 3) lynching is a response to weak rule of law. In each of these explanations, there is a clear discursive correlation between on the one hand, order, rationality, modernism, and the state, and on the other hand, barbarism, ignorance, and tradition in the realm outside of the state's control. The last explanatory category, which I will consider before my own, is that of 'structural explanations' for lynchings, which attend to economic, political, and social transformations that have produced the grounds for lynchings. While these structural explanations are necessary to understanding lynching, I argue that they fail to attend to the deeply political nature of their occurrence. Considered alongside an analysis of lynching as a form of contentious politics, they are more instructive.

One prominent theory that has only recently been disputed in popular media and still predominates in much of society is the notion that lynching is a form of 'premodernism,' a relic of a barbaric past that must be overcome. The countryside is equated to archaic structures of the past, while the city is imagined as the present and future that must at some point consume and overcome the lawlessness at its margins. The alleged modernity of the city is juxtaposed to the tradition of the countryside, a static relationship in which one will overcome and destroy the other rather than simultaneously affect one another. In his research on street justice in Brazil from 1979 to 1988, José de Souza Martins explains lynching as a phenomenon occurring at "the political threshold of

an unfinished intersection...where temporary and permanent migrants are gathered, and populations are barred in time and space from entering the modern world” (Martins 1993: 22) A Bolivian editorial writer noted, “The lynchings make Bolivia one of the most backward countries on earth...The image of Bolivia, of all of us, should not be marked by the primitive conduct of certain groups of people” (“Los linchamientos se repiten porque los las autoridades no hacen nada para evitarlos” 2002 qtd. in Goldstein 2004: 186). Inherent in this explanation is the notion that the state has failed to fully develop and modernize its territory. As forms of justice and dispute resolution are simplified into a dichotomous relationship between the modern and the traditional, lynching is clumped in with a number of peaceful forms of alternative dispute resolution that exist outside of the official legal system in countries throughout the world. Rather than imagining law as a complex set of dynamic practices, “this division neatly separates the culture and practice of dispute resolution into tradition and modernity, custom and contract” (Craig 1998: 5).

This orderly division between official and unofficial law systems neglects the dynamic nature of law itself, and also produces an imaginary of the countryside and the communities that reside there as wholly isolated from the progress of the city itself. Yet rather than representing “backwards” communities detached from social progress and modernity, communities in which lynching occurs are often “fully inserted in the globalized political economy of late modernity” (Godoy 2004: 632). Perhaps most importantly, equating lynching with some form of ‘premodern’ law produces a false association between customary forms of dispute resolution and lynching. While an incredibly diverse category of localized legal systems that cannot be adequately described

through an overall categorical term of ‘customary law,’ local forms of dispute resolution worldwide have by and large focused on reconciliation rather than retribution. Godoy points out that in Guatemala, no evidence exists to suggest that lynching is a mechanism of indigenous justice. Furthermore, the state itself is a relatively modern conception, and forms of “indigenous justice” or customary law have been practiced in Guatemala for well over 500 years, while lynching has only become a regularly occurring phenomenon over the past twenty years (Godoy 2006: 20). In his excellent study of misconceived explanations for lynching in Peru, Enrique Mayer points out that since Spanish colonization indigenous communities have been delegated a measure of juridical autonomy, thus recent attempts to valorize and empower indigenous law cannot be blamed for lynch violence. In a contemporary political context in which an equally high level of opposition meets the widespread resurgence of support for indigenous structures of justice and governance, equating customary law to lynching is a dangerous and highly effective political tool. Media and politicians opposed to recent reforms surrounding increased juridical autonomy for local groups have in many cases successfully co-opted stories of lynching and disseminated them as examples of customary law.

A great deal of popular commentary on lynching has also produced the argument that lynchings are an assault on democratic institutions and practices. Lynching thus represents a challenge to state authority. In Guatemala, the director of the National Police explained lynching as an act performed by people who “disrespect the authorities and are working against the sovereignty of the state” (qtd. in Handy 2004: 5). Goldstein notes that in Bolivia, “lynch mob participants are portrayed as representing a fundamental challenge to a democratic Bolivian society based on a rule of law and respect for

institutions of justice” (2004: 188). A Reuters article by Helen Popper notes that in 2007, the Bolivian city of El Alto’s regional police chief, Oscar Nina, stated, “People misunderstand the concept [of law], and, in the name of communal justice, commit crimes like lynching that sometimes end in murder” (Popper 2007). While lynching is a direct affront to Western notions of due process, it is misleading to frame lynching as an attack on democratic practice and institutions. Many vigilantes themselves have argued that lynchings are an inevitable response to their exclusion from the democratic system and judicial structures, implying a desire for involvement rather than an opposition to democratic practice. Thus imagining lynching as an attack on democratic institutions neglects consideration of the dynamics of inclusion and exclusion that are perhaps at the root of its occurrence.

While the above theories demonstrate the politicization of discourse on lynching, another widespread theory on lynching is that it is simply a response to weak rule of law and ineffective legal systems. Lynching emerges in a vacuum of state power, the anomic space that Agamben so aptly explains through his notion of the state of exception, and thus lynching is the creation of order in locales where state influence is limited or nonexistent. Vigilantes themselves have noted that lynching occurs because the state fails to produce security. While weak rule of law is an important factor not to be ignored in the occurrence of lynching, a sole focus on weak rule of law glosses over important elements of lynch justice. As the previous chapters have elucidated, in many cases communities have actively resisted police who attempt to disrupt a lynching, in some cases blocking road passage and in others throwing stones at patrol cars upon their arrival. In one case in March 2008, three police were lynched after their alleged attempts to extort money from

the community. As Goldstein establishes in his study in Villa Pagador, “People ... regard the police as another threat to their security: though officially an arm of the law, the police themselves are seen as lawbreakers, incapable of providing justice because they, too, are unjust” (Goldstein 2004: 195). A closer look at the nature of lynching begs a far more complex explanation than simply a response to weak rule of law, and more recent theories focus on broader explanations that move blame for lynching away from the communities in which it occurs.

Structural Explanations

A number of important studies have emerged highlighting the structural changes that have taken place over the past twenty years and likely play an important role in the incidence of lynching worldwide. The most prominent structural change identified by scholars is the preeminence of neoliberal economic policy. In her analysis of the Villa Pagador lynching, Gloria Achá argues that poverty is a central consideration to the occurrence of contemporary lynchings, implying they emerge due to broader concerns of wealth distribution in Bolivia (2003). Also central to studies of lynching, particularly in Guatemala, is the impact of societal militarization through dictatorship and civil war. In his reflections on rural violence in a number of Latin American countries, Cristóbal Kay argues that agrarian structure and the nature of land reform are intricately tied in with differing levels of rural violence across the region (2001). He is thus arguing that structural changes are a significant cause of violence in Latin American societies. Furthermore, there is a general consensus in Guatemala that lynchings have occurred as a consequence of the militarization of civil society during the civil war period (Godoy

2006). Scholars in Bolivia increasingly recognize neoliberal economic policy as a force acting behind contemporary lynchings; while the state has been unable to fulfill its promise to promote prosperity and order within its borders due to the limitations placed on it by structural adjustment packages, violence is symptomatic of increasing poverty within the poorest sectors of society.

A number of authors have also noted widespread distrust of official authority throughout Latin America as a significant reason behind contemporary lynching. Jim Handy notes in his study of lynching in Guatemala, “one common thread, both throughout Guatemala and in other locales in which linchamientos have occurred, is what appears to be a generalized distrust of the national police” (2004: 9). Yet the significance of this distrust is left largely unexplained; while a generalized distrust in the police force may perhaps offer some explanatory means in regards to why people do not make use of official legal systems, it by no means explains why violent tactics such as lynching have become a prevalent response. It also begs a number of other questions on how and why such distrust develops.

These are all relevant observations, and many resonate with the observations noted in the previous chapter on the particular socioeconomic spaces in which lynching has occurred. Yet it is important to note that attendance simply to widespread structural changes affecting local communities does not offer a comprehensive explanation for the occurrence of lynching. Neoliberal economic policy has not produced lynching in every country in which it was implemented, nor has lynching occurred in all post-conflict societies. There exists a level of distrust for national police and governing institutions in countries throughout the world, yet this has not occasioned lynching in every one of these

countries. Furthermore, explaining lynching as an outcome of structural changes robs communities of any agency, communities that in all likelihood have recognized lynching as an incredibly powerful political tool, due in part to its gruesome nature and high visibility. An analysis of lynching must reach beyond these structural explanations, and I will thus explore lynching as a form of contentious politics in the following pages.

Lynching as a Form of Contentious Politics

As the limitations of the preeminent explanations for lynching have been discussed above, it is clear that a new interpretative paradigm can best inform our analysis of lynching and its larger impact on the societies in which it occurs. I thus argue, in agreement with Godoy and Goldstein, that lynching represents a form of contentious politics through which communities make demands on the state and vividly demonstrate their own exclusion from the benefits of citizenship. There are three points I will develop in support of this contention, with reference to the case studies of lynching in Villa Pagador and San Jacinto. First, lynching is a form of collective organizing that carries similarities with other forms of collective political action in Bolivia and Guatemala. Second, lynching is a form of spectacle and ritual through which collective groups make their demands violently clear to the state and society as a whole. Third, lynchings have real political consequences through their effect on public opinion on security within both states. From these three points, I argue that lynching is best interpreted as a political response to the marginalization of particular communities by the state, and a means through which such communities make particular claims on the state and society.

Throughout Latin America, popular protests against neoliberalism have been celebrated for their visibility and success, and collective rights have become the preeminent discourse for subaltern groups to petition the government for reform (Goodale 2009: 18). Bolivia received global attention for the popularly named 2000 “Water Wars” in Cochabamba, a number of protests against water privatization in the city that culminated in the removal of the private company *Aguas del Tunari* from Bolivia and a revocation of Law 2029 which afforded the company a monopoly over the country’s water sources. A fact that is apparent through the widespread increase in social protest against state retrenchment under neoliberal reform, “local actors increasingly interpret state neglect of social services as a denial of civil rights, including the right to a life free from crime and violence” (Goldstein 2004: 23).

While much more directly violent in nature than many other collective protests throughout the world, lynching should also be understood as a form of collective political action in response to the perceived infringement of the state on the rights of its citizens. In both Bolivia and Guatemala, collective organizing is an important element of political participation. While liberal political theory has classically defined citizenship as a set of rights and responsibilities established through an interaction between the state and the individual, anthropologist Sian Lazar argues that citizenship in Andean Bolivia is defined also by the participation of the individual in collectivities, such as neighborhood associations or unions. Collectivist ideology has a long history in Bolivian politics; Lazar contends that Bolivia’s collectivist traditions draw on “indigenous communal practices, Trotskyite trade unionism, anarchosyndicalism, and other threads” (2008: 3). This is not to say that individualism does not play an important role in the construction of citizenship

in the Bolivian state; voting is a classic manifestation of how citizenship is experienced by individual Bolivians. Yet, Lazar establishes that collectivities act as mediators between the state and the individual, and thus the “collective self” becomes a rights-bearing unit in relation to the state.

Collectivist political traditions are also apparent throughout Guatemala. Godoy argues that a deliberative objective of the counterinsurgency in the Guatemalan countryside was to “replace preexisting structures and practices with new, militarized forms of authority and governance” (2006: 78). As the Guatemala Truth Commission noted, “Between 1980 and 1983 the military strategy caused the dismantling of the Mayan communities as social collectivities. It oriented its activities toward the destruction of order based on authority and the organization and abolition of the symbols of cultural identity” (qtd. in Godoy 2006: 81). This process altered and weakened forms of collectivist decision making and community authority, and in this atmosphere of “fragile coexistence,” Godoy argues that “collective decision making is fraught with difficulty, particularly around topics—such as crime—that ignite passionate reactions” (2006: 85). Lynchings, then, Godoy argues are an attempt by communities such as those in the San Jacinto municipality to collectively reassert their agency in light of past and present victimhood (2006: 102). Thus, “lynchings present a certain paradox: they are forms of collective action that emerge in settings of low solidarity” (2006: 117). The notion that a level of political agency resides in the collective body is apparent in both Guatemalan and Bolivian political thought, as well as many locales throughout the world in which lynching takes place.

Lynching reflects this power of collective bodies in negotiation with the state; the collectivity has become the primary means through which communities relate to the local government and an influential means to petition for rights. As such, rights and the violation of rights are experienced collectively, and the response is by and large produced by collective action. Collectivities in Bolivia have developed a certain degree of agency through their capacity and willingness to step in for the state where it has failed. We can extrapolate from this point that lynching is not simply a form of crime control, but also a commentary on the state of citizen security and the failure of the government. In the face of widespread corruption and clientelism, the collective body is perceived as carrying a certain legitimacy that state officials have lost, or perhaps never had. As Lazar points out in the case of Bolivia, the collective group is able to negotiate with the state with some degree of power, a point she further explains in the following quote:

Part of what enables them to [negotiate with the state] comes from their ability to maintain the perception of two carefully delineated spheres: the people on one side and the politicians and businessmen on the other. They use this distinction to describe their relationship to the state because they maintain the perception that the state or nation (“our dear Bolivia”) is equivalent to the former and is being betrayed by the latter (Lazar 2008: 261).

An interview conducted by Godoy on the lynching in San Jacinto is instructive in the case of Guatemala. She states, “Many Mayan peasants [...] told me they did not have the luxury of debating political decisions when there were so many hungry mouths to feed; this does not mean they lack political consciousness, only that the forms in which they articulate political demands are likely to differ greatly...” (2006: 130). She notes that civil society is understood from a sociological perspective as a realm in which citizens come together through voluntary organization for their mutual benefit, and thus if

we are to “exclude violent, disorganized and illegal groups from our consideration in our theories about civic behavior, from the definitional get-go we undercut our ability to understand a world in which increasing numbers have embraced such tactics” (2006: 130). Forms of collective organizing that are integral to civil society cannot exclude lynching, even if it appears in direct opposition to a number of other democratic values.

Furthermore, lynching represents a cohesive, collective body’s attempt to visibly address the state’s failure, a fact that brings widespread attention to the topic of rule of law in the countries in which they occur. As a collective body through which citizens make demands on the state, the local community becomes the primary means through which residents both experience insecurity and articulate their demands for increased attention from the state. The act of lynching is represented to the public as the voice of a unified people against a wrongdoer who infringed on the rights of the community as a whole. I say it is *represented* as such because in many cases there are individuals within the community who attempt to intervene to stop a lynching, at times resulting in their own lynching. Yet as a form of collective violence, it is easily represented as the consensus of the community, instilling a level of moral grounding into its occurrence. Both Godoy and Goldstein offer ample evidence to support the contention that lynching, though violent in form, is an element of a broader practice of collective organizing that is central to political discourse and practice in Villa Pagador and San Jacinto. Interpreting lynching as a form of collective organizing allows for a more comprehensive understanding of its political implications. A look at lynching as a form of spectacle further substantiates my contention that they are a form of contentious politics meant to redefine a dominant sociopolitical order based on marginalization and exclusion.

In *The Spectacular City*, Goldstein argues that vigilante lynching and street festivals should be interpreted through the same analytic framework, as forms of spectacular performance through which “the marginalized insist on their own incorporation within national structures and systems from which they have previously been excluded” (2004: 19). Considering the central role that performance has played in the production of social order and the state itself, Goldstein argues that festivals and lynchings are one of the ways in which the Villa Pagador community reimagines the social order. Thus, spectacle to Goldstein provides “a kind of vivid political protest for groups of people ordinarily excluded from the mainstream of urban public life, an instrument of their own self-imagining that identifies as an emerging possibility of everyday life under globalization” (2004: 19). The attempted lynching in Villa Pagador was quickly picked up by the local media, which formed its own interpretations of the lynching and disseminated their story to the broader public (Goldstein 2004: 214). Goldstein notes the pedagogical dimension of lynching in Villa Pagador: “it is intended not only to critique, but to educate its audience as to the unfairness of the current social order, motivating observers to accept the need for and to work toward social reform” (2004: 218). While other forms of collective social protest in Latin America have been celebrated nationally and internationally for their visibility and subsequent success, Goldstein argues “lynchings are also spectacles, intended to catch the eye of an inattentive state and to perform for it visually and unmistakably the consequences of its own inaction” (2004: 182). The number of “attempted” lynchings that occur per each lynching further substantiates his point; lynching is often a drawn out process during which both the police and media arrive to witness and document the event.

The performative nature of lynching is also apparent in its occurrence in Guatemala. Godoy articulates the manner in which the ritual of lynching represents a moment in which the community itself reaffirms its values and cohesion; “by overlaying violence with ritual, communities affirm that these—unlike the savage acts of criminals—are acts of *meaningful*, legitimate violence” (Godoy 2006: 117). There is also often clear religious symbolism throughout lynchings; victims are often burned alive, stoned, or hanged, and their bodies are often left on display after the execution (Godoy 2006: 116). In the San Jacinto lynching, the accused men were set on fire by the community (Godoy 2006: xv). What is clear in both the cases of Villa Pagador and San Jacinto is that lynching is so politically powerful in part because of its highly visible and ritualized nature. The performative elements of lynching that Goldstein observed so aptly in Bolivia are also quite relevant to the Guatemalan case. Lynching is a form of violent political protest, a political ritual produced through execution that not only punishes the criminals but also interacts with the state itself (Goldstein 2004: 216).

The preceding analysis demonstrates that in the cases of Guatemala and Bolivia, lynching often serves as a form of contentious politics through which communities make demands on the state and society at large. I am influenced by the work of Goldstein in the above analysis, and have drawn also on Godoy’s study of lynching in Guatemala to further substantiate this point. Yet I now want to offer my own original contribution, and suggest that lynching makes two particular claims on the state, which are largely contradictory when considered together (which I suggest is necessary in order for us to grapple with the complexities of any act of lynching). I will thus address the underlying political messages that have emerged from contemporary lynchings. More specifically, I

focus on the role of lynching as a call for both heightened state authority and localized autonomy as answers to the crises of crime and insecurity facing communities in both countries.

Voices on the Vigilantes: State Authority and Local Autonomy

A resident of Villa Pagador in states, “It is well known that for poor people there is never justice. Therefore, we have to protect ourselves, by ourselves” (Achá 2003: 28; translation Goldstein). Furthermore, a number of individuals asserted that a lynching would not have taken place in Villa Pagador had the police not attempted to rescue the criminals (Goldstein 2004: 195). The political nature of lynching is further demonstrated in Godoy’s text. One particular quote from a San Jacinto community member captures its significance:

“So it seems like what’s happening is like what happened in Chichicastenango, in Xalbaquiej, as if people are learning this thing of lynchings, as if it were something common. Since there’s no justice for the lynchers either, it’s like every week, a new community [lynches], another month, another community. It’s already become kind of contagious. I don’t know what would have to happen to stop this, but it worries me very much. [...] On a national level, I want to know, what’s being thought of to end this sickness?” (Doña Laura in Godoy 2006: xvi).

There is a clear notion in both Guatemala and Bolivia that the state has failed to uphold, and even infringed on, the rights of its citizens by failing to provide them with a necessary level of security. The voices of vigilantes themselves found in the texts of Goldstein and Godoy further demonstrate that lynching is not a mere response to crime, but perhaps an integral component of certain communities’ fight for security from a negligent state. Lynching is vested with significant meaning in this context; it serves as both a rejection of the state and a request on the state. On the one hand, lynching

represents a clear rejection of state authority and a call for local autonomy; on the other hand, lynching serves as a call for an increasingly authoritarian state that will take a hard line on crime.

Lynching as a Call for Autonomy

Calls for indigenous self-determination and decentralization of power have been integral to the contemporary moment in Bolivia and Guatemala. In both countries, we have witnessed attempts to revive traditional justice structures to address community conflicts. Lynch justice has become a central topic of national conversation surrounding the self-determination of indigenous groups, as it has become erroneously associated with customary law and community justice. While this relationship is largely a fallacy, the occurrence of lynching does bring into stark focus the legitimate concerns surrounding autonomous governance and the appropriate role of the state in securing community safety. A principal trend in articulations of the demands of participants in lynching in Guatemala and Bolivia is a call for greater autonomy from the state and a high measure of self-determination and auto governance in juridical and policing affairs. As Godoy points out, “lynchings reveal a conflict not only between community members and criminals, but communities and the state—a conflict over whose authority prevails in matters of life and death. In this way, communities who lynch struggle to retain control not just over crime, but over decision making authority in matters of vital import to their day to day lives” (Godoy 2006: 122). While I have problematized the relationship between lynching and larger calls for indigenous justice and self-determination, this quotation demonstrates that lynching is itself an expression of autonomy and deserving of analysis. I identify three ways in which lynching acts as an expression of radical local

autonomy: 1) lynching directly rejects the authority of police and judicial structures; 2) lynching constructs an alternative, though violent, justice system; and 3) lynching is often explained by vigilantes themselves as a direct response to the state's infringement on the community's right to self-determination.

Lynching is at first a rejection of state authority and call for autonomy through its direct denunciation of the policing system. As both the San Jacinto and Villa Pagador incidents demonstrate, lynching often involves a rejection of police interference, often through violent means such as direct assaults on the police themselves. Incidences of assault on police and the institutions of state security abound, and in a marked number of cases the actual targets of lynching are authority figures themselves. As Franz Chávez notes in a report of the incident, on April 26th, 2001, the mayor of the highland Bolivian community Ayo Ayo, was lynched by local residents who accused him of embezzling public funds. Mayor Altamirano was tied to a stake and burned, and left by the community with a sign at his feet that read, "This death is due to the negligence of the Public Ministry (the Public Prosecutor's Office) and the Finance Ministry." On March 13, 2001, a Guatemalan judge was hacked to death by a mob after he acquitted a suspected rapist ("Guatemalan mob kills judge"). In February of 2008, three police officers were lynched in a community outside of Cochabamba for attempting to extort money from a man who did not have license plates on his car. These cases demonstrate that lynchings have manifested as direct assaults on the institutions of authority and "legitimacy" in both countries, rather than serving simply as a means of crime control. Lynchings quite explicitly reflect a rejection of the formal legal system, and thus a quite direct statement of autonomy from the state itself.

Lynching is also representative of a call for autonomy through its construction of an independent “justice system.” While lynching is a shockingly violent act, it does produce an alternative to the central legal system that in theory attempts to uphold certain norms of social practice through its function. There is a clear notion in lynchings in both Guatemala and Bolivia that the central legal system has not produced real justice, and therefore an alternative is formed. A K’iche’ Mayan man in Guatemala explains:

The people have talked about this, and the people make a deep analysis that there is no justice, and they know that if they [the police] catch the thief he’ll just pay those who are responsible for the so-called justice, so money is what talks and since the thieves themselves always have more money than honest people, they’re the ones who always come out ahead, so for this reason the people have arrived at this determination [to lynch]... The people are tired of the lack of application of justice... and in the end they take justice into their own hands (qtd. in Godoy 2006: 95).

Lynching is thus established as the alternative to a failed legal system; it is constructed in response to the perceived inadequacies and therefore represents an autonomous creation, dependent on the state only insofar as it is justified in relation to the state’s failures. To its participants, lynching serves as a legitimate and autonomous response to state neglect. Lynching is thus itself an act of autonomous governance, a denunciation of state authority, and a demonstrated will on the part of the community to construct judicial mechanisms independent of the state itself.

Lastly, vigilantes themselves focus on the need for local autonomy in their actual explanations of lynching. Goldstein points out in regards to the Villa Pagador lynching, “In Villa Pagador, some people asserted that the burning never would have taken place had the police not shown up and attempted to defend and rescue the criminals. People thus regard the police as another threat to their security: though officially an arm of the law, the police themselves are seen as lawbreakers, incapable of providing justice

because they, too, are unjust” (2004: 195). In this quotation, the unjust police are thus imagined as infringing on the community’s right to justice, and thus the lynching is justified as a response to this infraction. Similar argumentation can be found in the justifications for lynching in Guatemala. In the San Jacinto lynching, the people allegedly stated, “We have to make justice right here in our hand and if we take you there [to the courts], they won’t make justice. No. It’s better to do it right here” (Godoy 2006: xiii).

Lynching is thus a call in part for autonomy from the state; the active rejection of police authority, construction of an alternative justice system, and direct calls for heightened community autonomy from the state all demonstrate this fact. From the above analysis, it would appear that communities in which lynchings occur reject state authority. Yet interpreting lynching solely as a call for heightened local autonomy neglects important elements of lynching that reflect a clear desire for greater state involvement in local communities; in many ways these calls demonstrate a desire even for a more authoritarian state to fight crime. I will now explore this equally important trend.

Lynching as a Call for Mano Dura

In her analysis of lynching in Guatemala, Godoy argues that lynching, as an element of a broader trend towards *mano dura* in Latin America, is “a bitter manifestation of the neglected intersection of law and politics as it plays out in situations of extreme polarization” (2006: 12). She interprets lynchings alongside calls from across the socioeconomic spectrum in Latin America for stiffer punishments, the imposition of the death penalty, and a heightened intervention of security forces in everyday life. Contextualizing lynching within both a history of military dictatorships and the

contemporary inequality of Guatemala's social structures, Godoy argues that lynching should not be confined to a reflection of the past or present, but an amalgam of different lived experiences and a call for the importation of particular elements of the past that are idealized within the context of insecurity and fear in the present day (2006: 33).

Lynching is thus an experience produced by both past and present conditions, and cannot be explained without reference to both the physical violence of the military dictatorships and the indirect violence of neoliberal modernization. The cases of San Jacinto and Villa Pagador help to inform an understanding of lynching as a call for an increasingly authoritative, responsive, and inclusive state, rather than simply a rejection of state authority and a manifestation of the desire for governing autonomy. We thus begin to understand the paradoxical nature of lynching, at once a rejection of the state and at the same moment a demand for heightened state security measures and increasing the violent capacity of the state. I will develop this argument through three main points: 1) lynching represents an acknowledgment of the legitimacy of violent justice; 2) lynching exposes the contradictions of human rights on the ground; and 3) participants in lynchings argue that they would not occur if the state provided more rigid punishments for criminals.

To a certain degree, lynching represents an acknowledgment on the part of the community of the legitimacy of violent forms of justice. The very fact that in both the San Jacinto and Villa Pagador cases justice was made through the exaction of violent punishment underscores a broader appreciation for violence as a means for the community to regain power over transgressors. In both cases, participants articulated a general notion that jailing and formal courts of law offer no real means of redress, and thus communities turn to lynching because it does offer a means to remedy a wrong

done to the community. Godoy points out that even as certain practices are recognizant of the violence of the civil war period in Guatemala, villagers have also welcomed the return of militarized structures to respond to contemporary crime (2006: 96). This general appreciation for violent justice is also seen more generally throughout Bolivian and Guatemalan society; a 1998 survey completed by the newspaper *Prensa libre* in Guatemala found that 86 percent of the population supported the death penalty (Godoy 2006: 60). In Bolivia, similar sentiments of support for violent justice are reflected in criticisms of the New Criminal Procedure Code introduced in 2001. The New Code introduced a set of procedures, such as ensuring *habeus corpus*, the presumption of innocence, and new restrictions on police brutality, all of which were aimed at promoting transparency and the enforcement of Constitutional guarantees (Goldstein 2007: 66). While these laws should in theory protect citizens against violence, there has been widespread criticism from both citizens and police forces. In the department of Cochabamba where Villa Pagador is located, people imagine the law as yet another impediment to punishing criminals. A policeman residing in a barrio in which lynchings have occurred offers an apt analysis of this point:

The policeman is a common citizen like us, the only difference being that he wears a uniform and complies with what the law says, nothing more. Because beyond that he can do no more, because he doesn't have the power like before [the enactment of the New Code]. Before at least with a stick, or with kicks, the policeman could make delinquents talk, and later he recovered. But now, no, even the worst delinquent we can't touch a hair on his head, so says the law. These are exactly the reasons given by Derechos Humanos [human rights], the Defensor del Pueblo, *Defensa Pública* [the public defender's office]. For the delinquent, I tell you honestly, I think they bring four or five professionals, but for the common citizen not even one professional do they provide. So there are circumstances in which the citizen has to be prepared, he has to know the law" (qtd. in Goldstein 2007: 68).

Violence is thus imagined as a necessary means to produce order within the state. There is then a certain seductive promise of tranquility in violence, one that was perhaps birthed by the brutality, yet order and perhaps even efficiency, of authoritarian dictatorships in Guatemala and Bolivia's respective pasts. These observations bring me to my next point; lynching reflects the contradictions of human rights law on the ground in both Guatemala and Bolivia.

It is clear in both Guatemala and Bolivia that the notion of human rights at times confronts and conflicts with struggles for security at the community level. Lynching is a community claim to security that directly violates, and in the eyes of the community supercedes, the rights of the perceived transgressor. This conflict is apparent in local discourse surrounding the San Jacinto lynching and other similar incidents. Speaking on human rights, one woman stated, "It's a contradiction. Because for [the police], they say they're fighting for human rights, right? But in reality, they don't have any consideration for the rights of the people, because the people want to see the criminals punished" (qtd. in Godoy 2006: 70). Another correspondent reflects, "And where are the human rights of the people the criminals killed? Since they're already dead they don't have any human rights anymore. They didn't have them when they were alive either" (qtd. in Godoy 2006: 69). One Guatemalan woman queries, "Isn't justice a human right too?" (qtd. in Godoy 2006: 70). A discourse of rights is thus used to justify the abrogation of other rights; community security comes to trump individual rights in cases of lynching. This sentiment is further reflected in justifications for lynching offered by its participants.

Finally, participants and observers of the San Jacinto and Villa Pagador lynchings themselves assert that lynching would not occur if the state took a more authoritative

approach to cases of crime. A schoolteacher interviewed by Godoy on lynching in San Jacinto and other municipalities throughout Guatemala makes this point: “If the government were rigid, if it made sure the laws were followed, people wouldn’t [lynch] ... Look, you never used to see that the people would take measures of their own like burning people, no, that’s only come since the end of the armed conflict” (2006: 58). Similar sentiments emerge in the Villa Pagador case. A barrio leader perhaps demonstrates this most vividly in a speech after media interpretations of the lynching characterized its participants as barbaric. Don Juan Mamani states in an address to a colonel of the National Police:

Sr. Colonel, on a previous occasion there occurred something similar to what is happening to us now. At that time you promised to grant us the personnel necessary for the tranquility of the barrio. Again we were promised twenty-four-hour protection, and shortly thereafter it was forgotten. And these are the consequences, when we can’t count on the support of the authorities. We understand, Colonel, that there are very few police personnel. But also it is necessary that you give them to the areas where their protection is most required for the well-being of the citizenry itself (qtd. in Goldstein 2004: 200).

There is thus a clear call in Villa Pagador for a more involved state, even as lynching reflects a statement of community autonomy.

Lynching thus represents not only a rejection of the state, but a simultaneous desire for protection under the law and a promulgation of increasing state violence against criminals. In both its nature and the justifications for lynching offered by vigilantes, it is a paradoxical act. In such a way, lynching, as a form of vigilantism, does not only function to uphold certain norms (dictating that you will not steal, rape, or murder) but also redefine the sociopolitical order of inclusion and exclusion (that govern who the state protects and who falls outside of its reach). If we are then to see lynching in

Bolivia and Guatemala as a form of contentious politics meant to both comment on and redefine the sociopolitical order and the role of the state within local communities, what has been their political impact?

Conclusion: The Political Impact of Lynching

Lynching is thus in many cases a political act through which communities attempt to express their existence and redefine themselves before society and the state as citizens rather than “killable bodies.” Through a spectacular demonstration of violence, lynching portrays what Nasser Hussain and Melissa Ptacek refer to as the “supremely *unspectacular* violence to which this life as such is ever-increasingly threatened” (2000: 505; emphasis added). The political power of lynching is thus vested in its high visibility; “spectacle provides a kind of vivid political protest for groups of people ordinarily excluded from the mainstream of urban public life, an instrument for their own self-imagining” (Goldstein 2004: 19). Political Scientist Orlando J. Pérez offers an instructive point worth consideration here in his analysis of public insecurity in Guatemala:

For the average citizen, the police are the most visible instrument of government; their actions powerfully influence whether government is perceived to be legitimate [...] The failure to deepen democracy and the rule of law and to extend citizenship rights across all social sectors shakes public confidence in the police and judicial system, weakens the rule of law, and increasingly undermines support for democracy. As long as this skepticism is confined to poor and marginal social sectors, the political consequences to governments remain limited even as the institutions of criminal justice may continue to degenerate. When crime rates increase and produce broader social and economic effects, the attention of the middle and upper classes focuses on the failings of the police and criminal justice system [...] At this point, governments experience a sharp rise in the political price they pay for ineffective, brutal, and corrupt law enforcement (2003: 628).

From Pérez' point, the "visibility" of weak rule of law is demonstrated as a central component of any societal or governmental response. If the failures of security are perceived only by the marginalized—or the "bare bodies" in relation to Agamben's theory—the government has a much greater capacity to ignore weakening rule of law, as the "political price" for doing so is quite low. Once contextualized within Pérez' observation, the political impact that lynching offers to its practitioners is evident. Lynching in rural Guatemala has served to demonstrate quite vividly the failures of the peace accords to produce citizen security in the countryside. In Bolivia, lynchings have served to make vividly public the failures of law enforcement at the margins of the state. The moment at which the 'lawlessness' of the state of exception comes to affect the politically enfranchised there is a loud call from the citizenry for reform of the security apparatus. This fact has not gone unnoted by communities; Goldstein observes,

What is becoming apparent is that the vigilantes themselves have gained a more explicit recognition of the power of spectacular lynching to create social change. Increasingly, people in the barrios are using the press coverage that the lynchings have gained them to communicate their dissatisfaction with the state to a wider audience, which they are finding is increasingly receptive to their message" (2004: 232).

Yet as I have earlier noted, lynching represents two distinct and contradictory requests upon the state: greater autonomy from the state and increased state authority. In the following pages, I argue that simply increasing state authority or granting local juridical and policing autonomy will not adequately respond to the concerns raised by lynch violence. An integrated approach that engages state investment in local security initiatives with community expertise and involvement will produce a more effective and sustainable system of citizen security.

Chapter 4: Constructing a State Response

Introduction

As I have argued in the preceding chapter, lynching is a political act, meant not simply to ‘produce law’ where the state has failed to, but to interact with the state itself. In doing so, it serves a paradoxical purpose to its practitioners; it is at first a form of revolt against the state and a call for autonomy, and at the same moment a demand for inclusion within the state and an increasingly authoritative state response to crime. We find in the explanations of vigilantes themselves these contradictory trends. The rationale behind lynching cannot be conceived of as clear-cut and its innate contradictions must be acknowledged, both in its analysis and practical policy responses. Any attempt to conceptualize lynching as either a call for governing autonomy or a request for a more authoritarian state glosses over important complexities in its very nature that help to inform both its impact and what may serve as the most productive path forward. What is necessary now is a reflection on the impact of these contradictory calls. As the following analysis will show, initiatives towards both increased state authority and violence, and heightened local autonomy, have found real traction in Guatemala and Bolivia, in part perhaps because of the occurrence of lynchings such as those documented in Villa Pagador and San Jacinto. Contextualized within an understanding of the state of exception as a root reality of marginalized communities throughout Guatemala and Bolivia, I argue in this chapter that neither of these two disparate responses to increasing crime promise real empowerment of local communities. Rather, I argue for security initiatives that integrate state led programs with local expertise and knowledge. The form

that such initiatives could take will be further elucidated at the conclusion of this chapter. First, I will consider the effect of an increasingly authoritative state, and next consider the potential significance of local juridical autonomy in communities such as those within the municipality of San Jacinto and Villa Pagador. Lastly, I suggest that the most effective security initiatives will be borne from projects that attempt to incorporate state-community dialogue and draw on local expertise and knowledge.

Mano Dura and the State of Exception

As the preceding pages have discussed, participants in lynching often say that the acts would not occur if the state increased violence against criminals and took a more authoritative approach to security. This argument is not particular to vigilantes, but also emerges from a diverse array of actors: government officials, wealthy urban dwellers who fear the encroaching crime of the city's periphery, police who are frustrated with the limitations placed on violent redress to criminal action. In the contemporary moment in Latin America, as well as other regions throughout the world, there seems to be increasing popular support for a more repressive state to combat crime, a phenomenon upon which a number of scholars have written over the last decade (see Stevens, Bishin & Barr 2006; Godoy 2006; Goldstein 2007; and Goodale & Merry 2007). Nor is support for a more repressive state reserved only to particular classes or political ideologies, but reaches across class boundaries and runs through leftist and rightist political parties (Goodale & Merry 2008). While this is not to argue that everyone suddenly supports a revived authoritarian state in Bolivia and Guatemala, it must be acknowledged that this call does not emerge from only particular socioeconomic or political groups. There is an

increasingly prominent belief throughout Latin America that the basic rights of the citizenry can be more effectively protected by a stronger, often more repressive state, a point on which Goldstein makes a quite telling observation:

The poor line up with the rich to administer violence to the poor, or to advocate for its administration; men and women alike are capable of brutal force and acts of extreme vengeance; civil society does not restrain the state or provide protection against its abuses, but spurs the state on to greater acts of violence, undermining the very limits put in place to moderate state excess (2007: 73).

Thus while authoritarian regimes may in fact serve to further marginalize particular communities in both Guatemala and Bolivia, the effect of their security programs is at least visible at the ground level. This is juxtaposed to the coming of the human rights regime in both countries, which to many has produced no real benefits in actual practice. Local encounters with the concept of human rights do not demonstrate to Bolivians and Guatemalans an increase in their own security or well-being. Rather, the discourse of human rights is often employed to protect alleged criminals.

The dangers of authoritarianism are quite clear, particularly to those versed in Latin American history. In both Bolivia and Guatemala, military dictatorships are for many an all too recent memory. Yet as the previous chapter elucidated, there is also a notion throughout both countries that crime was at least controlled under periods of dictatorship; in the case of Guatemala, “although the imposition of militarized authority came at a terrible human cost, it did provide a system of order and stability for highland communities during the war, providing a means, however brutal, for resolving disputes” (Godoy 2006: 98). A middle class woman in Cochabamba expressed a similar sentiment when she told me that at least during the military dictatorship there was order in the

streets and bread on the table. There is a real sense that neoliberal democracy has come at the cost of stability.

We have also witnessed a number of attempts at the state level to increase its capacity for violent action in light of the escalating ‘emergency’ of crime. New legislation calling for a return to the death penalty has been suggested in El Salvador, Mexico, Ecuador, and Guatemala; more stringent laws for jailing offenders have been promulgated in Bolivia, Argentina, Brazil, and Venezuela (and this list is by no mean exhaustive) (Godoy 2006: 59). Furthermore, even leftist social movements are complicit, as the Bolivian Movement for Socialism (*Movimiento al Socialismo* – MAS) ran, and won, on a 2005 platform that included a promise to increase police presence and “guarantee the effective sanction of delinquents” (MAS 2005 qtd. in Goldstein 2007: 73). Returning now to the necessary question at hand, does a more repressive state promise heightened security in areas historically pushed to the margins and left to fend for themselves?

If we once again conceptualize communities such as San Jacinto and Villa Pagador as existing in a state of exception where the norms of law are markedly separated from actual practice, a more repressive, authoritative state offers little remedy. If lynching, as I have demonstrated in the preceding pages, is a supplication for rights within an exclusive system, endowing the state with greater repressive means only increases its capacity to oppress its population in the name of its own security. Goodale recognizes a troubling dilemma in his study of law in Bolivia: “the most (structurally) marginalized campesinos in rural Bolivia also can be among the most fervent advocates for the very discursive regimes that shape—and, at times, produce—their

marginalization” (2009: 151). It is necessary to recall here that lynching is not merely an attempt to produce law and security, but also a form of dramatic spectacle through which populations express their own subjectivity. Goodale argues a compelling point: while a number of scholars have imagined the political and social transformations taking place in Bolivia as a rejection of liberalism, the many forms of social protest in the country are actually based in a liberal rights framework that at least in theory recognizes and utilizes notions of natural rights (2009). If we interpret lynching as in part a political act that attempts to reimagine subaltern actors as rights-bearing citizens before the state, security programs targeted at producing an increasingly authoritative state solely in the realm of security offer little redress to the underlying concerns expressed by vigilantes; as Godoy articulates in the case of Guatemala, “Lynchers do not clamor for the vindication of their individual rights through the resolution of discrete criminal cases. What they seek is a broader transformation of their world, a fairer system in which the marginalized have a voice” (2006: 22).

Effective initiatives to address the concerns raised by lynch violence will thus not emerge simply from increased state authority. Yet, we must also consider contemporary initiatives to increase local juridical and policing autonomy in Bolivia and Guatemala as a possible response to the contemporary and increasing prominence of lynching. Even as a more repressive state presents clear threats to citizen rights in Guatemala and Bolivia, the possibility of increasing the governmental and juridical autonomy of subject populations perhaps carries with it similar concerns.

Autonomy, Decentralization, and the State of Exception

As I have noted, lynching also represents a call for autonomy from the state. Godoy points out that there is a “deliberate attempt to mimic the functioning of the official justice system—in effect, to construct an alternate system subject to the controls of the community” (2006: 123). This point is further substantiated by the fact that a number of lynchings are accompanied by a direct rejection of police intervention, the means through which local populations most often experience their relationship to the state. As Goldstein discusses in the case of Bolivia, “what public displays of legitimate inclusion [such as lynching] often conceal is the profound ambivalence of the actors, whose faith in such institutions is tempered by long experience of subordination and violence, and who recognize the heterogeneity that such inclusive political communities strive to mask beneath a homogenizing ideal of citizenship” (2004: 20). Thus, alongside a call for a more repressive and authoritarian state, we must also acknowledge lynching as a form of rejection of the state and a request for greater autonomy for localized groups.

Discourse on local autonomy is also intricately tied in with state and regional initiatives to increasingly acknowledge and empower long oppressed indigenous populations. Yet a point worth recognition in both Guatemala and Bolivia is that the shift towards recognition at the state level of a multiethnic society on the ground has occurred in the context of neoliberal economic and political reforms (Postero 2007; Hale 2002). Recent reforms in both Guatemala and Bolivia targeted at multiculturalism have been appealing to governing officials in part because they fit comfortably alongside neoliberal reform. Indigenous activists and academics are not the only ones touting the benefits of localized forms of justice; “indigenous justice and informalization more broadly have

also been embraced by advocates of decentralization and privatization and are increasingly favored by international lending institutions seeking a way to promote rule of law without involving state bureaucracies in vast experiments in social engineering” (2006: 139). It is worth noting that a number of multicultural reforms took place in Bolivia during the presidency of Gonzalo Sánchez de Lozada, who is also notorious within the country for the widespread implementation of neoliberal reforms. Hale argues that in the case of Guatemala, “the state does not merely ‘recognize’ community, civil society, indigenous culture and the like, but actively re-constitutes them in its own image, sheering them of radical excesses, inciting them to do the work of subject-formation that otherwise would fall to the state itself” (2002: 496). Most instructive in his analysis is the notion that new rights afforded to indigenous populations throughout Latin America constitute both “newly opened political space and ‘discipline’ those who occupy that space” (Hale 2002: 490). In a number of ways then, forms of self-help policing correspond with neoliberal development orthodoxy that propounds a minimal state role and limited reliance on the state for citizen welfare (Lazar 2008: 71).

Recognizing the relationship between neoliberal informalization and deregulation on the one hand, and increasing autonomy for local groups, on the other hand, allows a more panoptic image of how increased autonomy could impact citizen rights. In Bolivia, the empowerment of customary law alongside the official legal system has been a highly contested issue. While President Evo Morales has included the equal valorization of indigenous legal structures alongside the central legal system in the new Bolivian Constitution, how exactly this pluralist legal system will function in practice is relegated to later consideration through the simple phrase, “A law will determine the mechanisms

of coordination and cooperation between indigenous jurisdiction and ordinary law.”

When we consider the actual complexities of constructing a constitutionally pluralistic legal regime on the ground, it is imaginable how complex such a law will have to be.

While there is a real case to be made that distinctly individualist ‘citizen rights’ are themselves a relic of Western political thought, it must also be acknowledged that they have become an element of the experience of citizenship within the state in both Bolivia and Guatemala. Citizenship in both countries is a complex experience, rooted in both collective and individual involvement with the state (see Lazar 2008). The fact that collective groups in both countries are increasingly utilizing a liberal rights framework to articulate their claims to self-determination, land, and freedom of cultural practice, makes this clear. Beyond the real concerns surrounding the subversion of individual rights in customary legal practices, there is also an important argument to be made that increasing autonomy for collective groups from the central policing and judicial system does not effectively respond to the demands made through lynching. It must be recalled that lynching has not only represented a call for greater autonomy, but has also been largely explained as a response to the state’s failure to provide for its citizens.

It is thus necessary to note that greater local autonomy leaves space for the state to retreat from any role of provider, which perpetuates a ‘state of exception’ in which the state can effectively exclude specific populations, based here on the justification that they desire greater autonomy from the state. I am not arguing against increasing autonomy for collective groups; rather, I want to acknowledge the complexities and limitations of the state receding from any active involvement. In the realm of security, increased autonomy for local groups would also mean a further retrenchment of the state from any

responsibility to its citizenry. Neither of these responses adequately deals with the question of exclusion that is perhaps at the root of lynching as a form of contentious politics. How then can we construct a system that responds to the seemingly paradoxical calls on the part of local communities for both heightened protection under the state and increased autonomy from the state? The following pages offer a few suggestions on a potential path forward in the realm of citizen security in Bolivia and Guatemala.

Developing Integrated Approaches to Security: A Case for Local Knowledge and Legibility

I have offered a somewhat dire analysis of the current state of citizen security, but I want also to suggest that there have been promising developments in Guatemala and Bolivia in recent years. While these are not to be considered solely as a response to lynch violence, it is important to note that lynching has led to increased attention to questions of security and inclusion within both countries. It is necessary here to reiterate the complicated position of the state: it is at once met with calls for greater autonomy for collective groups, while simultaneously met with a call for *mano dura* and a heightened level of state authority countrywide. In the preceding pages, I have argued that both a strict autonomy approach and an increasingly authoritarian approach will likely subject citizens to what Agamben has called the “force of law” without norm, rather than build a system of accountability in which citizens feel secure in their communities and included by the state. While my analysis has thus far placed a significant degree of blame on the state for the occurrence of lynching, I want now to reflect on a productive path forward and recent initiatives by the Guatemalan and Bolivian state that offer a great deal of promise. Specifically, I will consider projects that attempt to integrate local community

knowledge and alternative forms of conflict resolution with state led security initiatives. I argue that these projects will help to rebuild trust both within communities and between the state and communities, leading to a more sustainable system of citizen security. In order to frame this discussion, I will first introduce James Scott's argument on the role of legibility and practical knowledge in modern state development projects.

In his text *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Scott argues that the art of state governance is based on the simplification of its population through widespread attempts to make society 'legible.' Through diverse processes such as the creation of permanent last names, mapping, and census taking, modern states have produced common standards through which their populations are decipherable from a synoptic view. Scott offers a strong critique of the state's tendency to pursue legibility, noting the role of oversimplification and uniformization in massive projects of state-led social engineering that have largely failed their subject populations; in particular Scott cites processes of "villagization" in Tanzania, Soviet collectivization, and what he terms "high-modernist² cities" such as Brasília. In response, Scott calls for recognition of practical, localized knowledge, which he deems *metis*, a term borrowed from the ancient Greeks. *Metis*, Scott argues, is learned through daily interactions and activities and is inherently illegible; it applies to the particularities of each unique situation and thus cannot be simplified, categorized, or universalized.

² Scott defines 'high modernism' as a "strong version of the self-confidence about scientific and technical progress, the expansion of production, the growing satisfaction of human needs, the mastery of nature (including social nature), and, above all, the rational design of social order commensurate with the scientific understanding of natural laws" (1998: 4).

While Scott's emphasis is a critique of high-modernist projects, his analysis also offers some insight into the basic benefits of 'legibility.' Though Scott critiques the detrimental effects of large-scale state simplifications of complex realities, he does recognize that summary descriptions and stylized facts make it possible for state officials to "intervene early in epidemics, to understand economic trends that greatly affect the public welfare, to gauge whether their policies are having the desired effect, and to make policy with many of the crucial facts at hand" (1998: 77). Furthermore, it has also paved the way for more democratic and inclusive systems of education and governance and the provision of security services to larger segments of its population. Yet what is notable in both Guatemala and Bolivia is the manner in which the distinctions between legible and illegible populations have allowed for the exclusion of citizens from the provision of basic rights. As earlier discussions have demonstrated, the 'illegibility' of populations in Bolivia and Guatemala has been a central element of the state's capacity to deem them 'illegal' or 'outside' of the reach of the law, and thus separate *de jure* law from actual practice. What is in order is a delicate balance between the production of 'legibility' and attendance to the value of *metis* in any state-led security initiative.

The importance of a level of 'legibility' can be easily applied to the realm of law in both countries. While universalist legal regimes such as that of human rights have been critiqued by communities for their innate contradictions, they have also provided a framework for subaltern groups to make demands on the state for greater social, political, and economic respect and inclusion. Hale's analysis captures this point well; new projects of multiculturalism in Guatemala have opened political space for oppressed and excluded groups, yet they have also served to shape the very language of contention,

decide which rights are legitimate, and dictate the specific forms of political action that are appropriate for their achievement (2002: 490). Reforms throughout Latin America meant to produce political systems more reflective of their multicultural societies have not wholly redefined the frameworks of political participation, but rather served to incorporate more actors into the same liberal frameworks. This point is well articulated by Goodale in his analysis of the Law of Popular Participation in Bolivia, which was an attempt to decentralize governance by empowering local collectivities:

The legal redefinition of collectivities in Bolivia during the 1990s had the effect of *expanding* the categories of Bolivians whose subject positions were recognized within Bolivia's legal framework, rather than transforming the framework itself [...] the reconceptualization of Bolivia's different collectivities as rights-bearing juridical subjects during the 1990s simply reinforced Bolivia's basic legal-ideological framework by reinterpreting its principles in terms that reflected shifting political and social realities at the end of the twentieth century (2009: 51).

Goodale notes that this process has not only afforded rights to indigenous populations but also allowed the state to incorporate such populations into its very framework *of* rights.

The whole realm of law and rights then is based on a process of producing legibility in the population; making individuals and groups subject to laws means in part defining them as units of analysis. While there are clear elements of this process to take issue with, to label this as a wholly negative phenomenon to be avoided takes away the agency of communities that have made loud calls for incorporation into the existent system. Citizens in both Guatemala and Bolivia have expressed a clear desire for more open access to the judicial system and protection under the state. Yet as many attempts to apply universal notions of human rights to every local situation quite vividly demonstrate, we must also face the complexities of universalized legal concepts at the local level. Law must find some grounding and legitimacy in the populations it is meant

to protect and serve. The cases of lynching that have been described and analyzed in the preceding chapters further substantiate this statement. The paradoxical nature of lynching as a call for autonomy from the state, and also incorporation into the system, demonstrates the complexity of producing inclusive legal systems. Legal systems must not only strive to protect all individuals equally, they must also be legible and sensible to the populations they are meant to serve. How can these learned facts be translated into effective security initiatives in our two case studies? Most promising in both Guatemala and Bolivia are thus security projects that attempt to integrate local knowledge and community participation with state-led initiatives emphasizing security and civil rights.

In both countries, we have witnessed the growth of state initiatives aimed at promoting citizen security, many of which have attempted to integrate state security initiatives with community dialogue and input. Citizen security refers to “the capacity of individuals and groups to enjoy or exercise the political, economic, and civil rights that correspond to the status of citizen in a society” (Kincaid 2000: 40). This is differentiated from national security, which refers to “the safeguarding of the state’s sovereignty over the territory and population within its borders, and implies policies to confront any threat to that sovereignty,” and public security, which is “the maintenance of civil order necessary for the execution of basic societal functions [...], along with the upholding of the rule of law” (Kincaid 2000: 40). In both countries, programs that are targeted specifically at promoting “citizen security” have attempted to integrate local knowledge and social relations into a larger structure based on the provision on individual rights. The increasing influence of the notion of citizen security as a distinct project from national or public security appears at this point to be a quite positive development.

In Santa Cruz, Bolivia, the state has initiated a program called “Police in Action,” which is aimed at rebuilding community trust in the police force through active communication and collaborative learning between the police and communities (“República de Bolivia: Democracia y Seguridad Ciudadana”). Central to this plan is a system of collaborative learning in which the police and the communities they are meant to protect enter into conversation. In La Paz, Bolivia, recent initiatives have been proposed to create a “community police” branch of the national police system that would remain in permanent consultation with the local communities in which it works, to the ends of promoting communication between security forces and local actors.

The government has initiated similar programs in Guatemala. In 2002, the government proposed and implemented a “Program of Citizen Security” that emphasized the need for social communication between state security institutions and the population as an integral element of a sustainable and effective policing system. Furthermore, a number of non-profit organizations have worked to incorporate local communities into the reconstruction and redefinition of the legal system and policing structure since the 1996 Peace Accords (“Seguridad Ciudadana en Guatemala”). These organizations have worked to give local communities a role in the development of government institutions, increasing their accountability to the populations they are meant to serve.

I have offered a quite cursory explanation of these programs, and I do not argue that these initiatives will not face a number of bumps along the way, nor do I believe that they represent an ideal form to necessarily be identically replicated in the future. Many remain in their developmental stage, and information on their implementation is limited. For those that have been implemented, there are already some concerns coming to the

forefront, namely surrounding underfunding, adequate infrastructure, and successful inter-institutional coordination (“Diagnóstico de policia comunitaria en Bolivia”). At the moment, there is too little information on their impact for a comprehensive analysis of their consequences. However, I do want to highlight that these programs have a great deal of promise because they are neither based on a more authoritarian role for the state nor on its further retrenchment. Rather, they are based on integrating local knowledge with state-led security initiatives. The rise in lynching in Guatemala and Bolivia has demonstrated a clear lack of trust in the government to provide security, and thus any successful security initiative must attempt to rebuild social networks and relationships between citizen and state. There are a few reasons why these programs offer promise.

First of all, they incorporate continuous community dialogue and participation into the security structure. In Guatemala in particular, highland communities have become incorporated into the state largely through military domination during the civil war period. There are also high levels of demonstrated mistrust in Bolivian authorities; in a survey conducted in 1998, 27 percent of respondents said they had paid a bribe to a policeman and 46 percent had witnessed someone else paying a bribe (Pérez 2004: 634). By increasing communication, these programs can help to rebuild a relationship between communities and the state based in citizen rights rather than their deprivation.

Secondly, these programs allow for a level of ‘legibility’ necessary for any state initiative to provide services to a community. As Scott noted, legibility is a central tool of state-building, and often an exploited one. However, it is also a necessary tool. Furthermore, devolving policing and judicial responsibilities to local communities based on their calls for increased autonomy is a somewhat romantic notion; while

semiautonomous community governance has certainly functioned in some contemporary cases,³ communities also have resolved conflict through violence, as lynching has demonstrated. The reasons why communities that have historically focused on reconciliation have now turned to retribution as a means of disciplining community transgressors can be debated, but we must also attend to the fact that today many communities have turned to violent punishment. Maintaining an active and positive state presence in communities allows for a system of accountability in which individuals have some means of protection beyond the community itself.

Lastly, these programs also produce circumstances through which national law and security initiatives can become “legible” to local populations. While arguments that lynching occurs because communities do not understand the complexities of modern legal systems have very little validity, there is a real need in both Bolivia and Guatemala for local populations to have access to information on the law and how it affects their daily lives. Most importantly, the ways in which citizens can make use of the legal system to protect themselves and their families must be clear. The aforementioned initiatives demonstrate a clear commitment to providing the necessary outlets for community access to the legal process.

Conclusion

In his critique of the Thaba Tseka Development Project in Lesotho, James Ferguson argues that the most successful development transformations will be guided in

³ The Guatemalan community of Santiago Atitlán is a celebrated example of semiautonomous governance; though there is a minimal formal police presence, the community has developed its own policing system and state authorities in the community are politically subordinate to Mayan community leaders (Godoy 2006: 138).

part by the people who experience the poverty and oppression that has in the first place led to a prescribed need for “development.” He states, “the changes that really matter are not simply “introduced” by benevolent technocrats, but fought for and made through a complex process that involves not only states and their agents, but all those with something at stake, all the diverse categories of people who craft their everyday tactics of coping with, adapting to, and, in their various ways, resisting the established social order” (1990: 281). While Ferguson’s observations emerged in regards to live stock farming practices in Lesotho, his suggestion carries a great deal of relevance across the spectrum of development projects. Lynching has perhaps shown that local actors will be deeply invested in any process in which they have a great deal at stake, in some cases making their voice violently heard. Considering that the development of security initiatives has a direct impact on their everyday lives, local actors must be actively involved in the construction of security programs in Bolivia and Guatemala. I have suggested that the most promising state reforms are borne out of a combination of sustained state integration and commitment to communities combined with increased communication and local involvement in security efforts. Recent programs in both Guatemala and Bolivia aimed at promoting citizen security offer reason to be hopeful.

Chapter 5: Vigilantism in Comparative Context

Introduction

In this thesis, I have presented the argument that lynching often occurs in particular spaces that are perhaps central to the state's definition of itself, though at the same time considered marginal and functionally outside of the rule of law. I proposed that lynching is a form of regulation maintained through the state's complicity, which serves as one of the many forms of extralegal regulation through which the state maintains itself. Yet lynching also serves a particular purpose to its participants as a form of contentious politics through which communities have made a paradoxical demand on the state; lynching is at once a rejection of the state and a call for local juridical and policing autonomy, as well as a demand for an increasingly authoritative and responsive state that will take a strong stand against crime in local communities.

I began my analysis with a consideration of the role of vigilantism in the contemporary world, suggesting that the nature of the state has changed quite dramatically in the present day context. While at the global level new transnational governing institutions have emerged, the local experience of security in the every day has been most transformed by the adoption of neoliberalism as the reigning policy doctrine in countries throughout the world. The second chapter focused on the relationship between local communities at the margins of the state and the sovereign power, and explored the nature of the particular sociopolitical spaces in which lynchings occur. I argued that marginalized communities in both Guatemala and Bolivia largely exist in a 'state of exception' in which legal norms and actual practice are decisively separated. In the third chapter, I considered lynching as a violent demonstration of community agency. I argued

that lynching is a deeply political act through which its participants make demands on society and the state. My fourth chapter considered the real implications of these demands in policy responses. I pointed out that a turn solely to an increasingly authoritative state, as well as a simple reliance on local communities in the provision of security and justice, are both potential routes. However, neither of these policy directions would respond to the questions of inclusion and exclusion that are at the root of contemporary lynchings in Guatemala and Bolivia. I thus argued that the most successful policy initiatives would emerge from the integration of state led security initiatives with local leadership and expertise. I want to reflect here on three important points: space for further research, how my own research affects our interpretations of Goldstein, Godoy, Agamben and Scott's texts, and lastly, the implications of this study in a global context.

The Stones Left Unturned

Throughout this analysis, I have emphasized the need to shift the paradigms through which we interpret lynching. I have thus largely offered a critique of current interpretations, and supported new interpretations of lynching as a form of contentious politics that insists on a transformation of state-society relations. I did however find my research limited by the simple fact that little in depth research has been done on lynching. Perhaps because lynching is so often interpreted as a form of premodern law or a barbaric act, few scholars have attempted to offer thorough interpretations of its occurrence. Yet beyond the limitations produced by popular interpretations, lynching is by nature a difficult practice to research. As an extralegal form of coercion, it is in part clandestine, and its participants are thus hesitant to speak out on its occurrence. While there are clear

obstacles to researching lynching directly, a great deal more research is necessary in Guatemala and Bolivia on the levels of security experienced by citizens residing in urban peripheries and rural zones. Furthermore, I concluded my analysis by reflecting on the importance of state led security initiatives that integrate localized knowledge and expertise. A number of such initiatives have taken form in both countries, many under a broader framework of new efforts aimed at promoting citizen security. While these programs are primarily in their infant stages, further study into their successes and weaknesses would be quite useful to inform our understandings of both why lynching occurs and how the state and society can most appropriately respond. Yet this study itself has contributed to the literature on lynching, and it is worth reflecting on its impact on the scholarly conversation to which I have attempted to offer a new voice. I have most directly engaged with the works of Daniel Goldstein, Angelina Snodgrass Godoy, Giorgio Agamben, and James Scott. I would like to briefly reflect on how this thesis influences our understandings of the contributions of these specific scholars.

A Post-Analysis Review of the Literature

Daniel Goldstein deals most directly with the political nature of lynching, arguing that lynchings are a form of spectacle through which communities demand their inclusion within an inattentive and exclusionary state. His argument offered a guiding point for my research, and a framework of analysis to which I have attempted to offer further insight. By drawing on the case of Guatemala, I have demonstrated that much of Goldstein's analysis has bearing outside of his particular case study; his observations can be applied to cases of lynching in Guatemala as well. While I have offered further evidence to

support Goldstein's argument that lynching serves as a form of politicking through which communities assert their grievances, I have also contributed an analysis of the particular demands which lynching makes on the state and further explored the relationship between the state and community under modern democratic governance. My argument that lynching serves as a paradoxical request for both autonomy and incorporation demonstrates the highly complex nature of the political act that Goldstein has identified.

As the preeminent scholar on lynching in Guatemala, Godoy's text served as an important reference for my own analysis. Contextualizing lynching within a broader call for *mano dura* throughout Latin America, Godoy contends that we must interpret lynching as one act within a broader phenomenon of increasing societal support for more severe criminal laws and procedures. Her analysis influenced my own argument that lynching serves as a request for heightened state authority alongside a call for increased autonomy, and her description of the San Jacinto case and reflections on Guatemala served as a framework through which I could analyze similar trends in the Bolivian case. Yet my engagement of Guatemala as a case study offered input into the contemporary conversation on the impact of lynching in Guatemala, and has helped encourage further analysis. My consideration of the particular ways in which lynching serves as a call for autonomy from the state itself complicates her argument that it is an element of a broader trend towards widespread support for authoritarianism; while this is clearly an important aspect of lynching in Guatemala, my study shows that we cannot neglect the role lynching does play in conversations on indigenous self-determination and local governing autonomy. While lynching is by no means representative of customary legal practices in Guatemala, it has come to play a part in political discourse surrounding questions of the

valorization of indigenous forms of justice at the state level. In order to fully interpret the political impact of lynching, this relationship necessitates study and analysis.

Furthermore, considering the case of Guatemala alongside that of Bolivia forces us to step outside of contemporary explanations for lynching in Guatemala that emphasize the civil war period as the primary causal factor. Aside from studies directed within Bolivia and Guatemala, I have also engaged the theoretical works of Giorgio Agamben and James Scott.

Agamben's explanation of the state of exception as a working paradigm of democratic governance was instrumental to my analysis. It offered a framework through which to understand the subjectivity of particular populations in the Guatemalan and Bolivian state to diverse forms of regulation outside of the formal legal system. Yet as a study of the sovereign, Agamben's text neglects consideration of the agency of actors who exist within his proposed state of exception. Looking at acts of lynching as both forms of extralegal regulation and deeply political acts, I have suggested that those who occupy Agamben's theoretical state of exception do not do so passively. Rather, spectacular displays of agency, such as lynching, represent the ways through which such populations object to their exclusion from the benefits of citizenship.

Lastly, I have entered into a conversation with James Scott on his theory of legibility and the high modernist state. While I have engaged his recognition of metis as a necessary element of any development initiative, this study demonstrates quite vividly the value of some level of legibility within any population. Scott focuses predominantly on the unintended consequences of large-scale state development initiatives, critiquing state attempts to produce 'legibility' in inherently complex societies that defy simplification

and uniformization. While Scott argues that the state is in a perpetual project to produce legibility within its population, my study demonstrates that perpetuating realms of *illegibility* has also been an important element of statehood. For resource strapped states, illegibility serves as a real means through which populations are classified out of the citizenry and denied basic state provisions. Engaging Agamben's theory on the state of exception, this study impacts our understanding of legibility as a necessary element of any state led security initiative.

Relevance of the Study: A Brief Look at Mexico and South Africa

If a reflection on the contribution of this thesis to contemporary conversations on lynching in Guatemala and Bolivia demonstrates a further progression in analysis, this study's applicability in other contexts throughout the world must also be considered. If the cases of Guatemala and Bolivia suggest lynching is increasingly utilized as a form of contentious politics, the changing role of the state throughout the world would suggest that similar forms of protests against an increasingly retrenched state might emerge elsewhere. Preliminary research into the cases of Mexico and South Africa suggests that similar circumstances of marginalization have produced comparable occurrences of collective protest through acts of lynching.

Lynching has occurred with increasing frequency throughout Mexico over the last two decades. Involving the use of brutal forms of punishment, often beating with hands, sticks, or stones, lynchings in Mexico reflect similar levels of ritualization as those studied by Godoy and Goldstein in Guatemala. They are also highly public events in Mexico, many of which are disrupted by police or public authorities and nearly always

attended by media representatives (Vilas 2001). Lynching serves as a form of collective response to redress a wrong done to the community as a whole. While the form which lynching takes in Mexico implies that it perhaps serves as a political act, it is the communities and actors who participate in lynching that demonstrate the applicability of my study to the case of Mexico. In his reflection on lynching in Mexico, Carlos Vilas engages considerations of the meaning of legal pluralism, looking at both the *de jure* and *de facto* existence of alternative forms of dispute resolution. His consideration of *de facto* legal pluralism is quite instructive:

The other direction of legal pluralism emanates from the state itself. I refer to the *de facto* existence of two legal orders that derive from the uneven enactment of state legality to distinct population groups. The growing problematic of human rights violations in formally democratic and constitutional regimes is witness to this duality. Legality, especially in that which refers to individual rights and guarantees and to the set of principles, norms, and practices subsumed in the concept of "rule of law", do not have effective enforcement, or have it in a sporadic way, for many of the more vulnerable segments of society –e.g. indigenous communities, women and children, poor people, rural workers, villagers—or more conflictive ones: political opposition, critical journalists, union activists. The formally democratic and constitutional states tend to violate their own legality in the actual treatment of these population groups; in fact, and independent of formal legality, discrimination can take place between first class citizens and these others, implicitly and practically second class ones. Duality in the legal treatment of the population implies an effective violation of the rule of law (Vilas 2001: 157).

Vilas engages an element of democratic governance similar to that exposed in Agamben's text, and observes the same phenomenon evidenced in Bolivia and Guatemala: communities in which lynchings occur are largely maintained outside of the state's application of legal norms; while the laws themselves exist, they lack effective enforcement for particular populations. A preliminary consideration of lynching in Mexico demonstrates the possible applicability of this study outside the context of

Guatemala and Bolivia. Yet thus far I have only explored the incidence of lynching in Latin American countries. A look into the practice of lynching in South Africa demonstrates that contemporary lynchings cannot be described as a particularity of Latin America, but rather a larger phenomenon that has political implications throughout the world.

South Africa emerged from apartheid in 1994 with a new Constitution predicated on human rights and a nation-building project based on reconciliation. The African National Congress (ANC) government was not met by the challenge of building institutions in a void of authority, but rather breaking down a highly functional and institutionalized regime based around racial segregation. A necessary step in this process has been the slow dissolution of apartheid laws that subject whites and blacks to different judicial systems. Yet challenging the application of a universalized legal system based in human rights conceptions in South Africa is the stark reality that “customary law” is not merely a remnant of colonial and postcolonial domination. Rather, it represents a dynamic legal system based in “informal moralities and mechanisms of adjudication” that have evolved overtime with social thought and fluid forms of community organization (Wilson 2000: 76). Yet alongside many of these non-violent forms of conflict resolution, explicitly physical and often brutal forms of punishment have also emerged in communities at the margins of the post-apartheid state. ‘Necklacing,’ which is the summary execution of an alleged criminal by forcing a gasoline-filled tire around his or her neck or chest, has been used as a means of crime-control in a number of townships through out the country. As an informant noted to Bronwyn Harris in her investigation of vigilante justice in South Africa, “the people who take part, those vigilantes, much of

them are the victims of crime, people who've been raped, people who are not satisfied with the justice system, whom their cases were not properly solved, whom their cases were not taken up" (MJ qtd. in Harris 2001: 12).

In his analysis of violent punishment in the post-Apartheid state, Lars Buur suggests that the use of corporal violence is "embedded in a range of practical logics that include the production of moral beings, and the socialization and reordering of a whole range of identity formations that make it possible to cope with socioeconomic marginalization. Moreover, the brute facts of socioeconomic marginalization and the requirements for survival themselves lend legitimacy to this kind of violence" (2003: 26). Familiar in the South African case is the sense of marginalization and exclusion from the benefits of citizenship that is at the root of lynch violence in the Bolivian, Guatemalan, and perhaps Mexican, cases. New forms of regulation have developed in the anomic space in South Africa, where perhaps traditional structures have fragmented and been replaced by abstract laws that offer no protection in practice.

While each of these cases needs further attention, the similarities across cases demonstrate the need to understand lynching as a larger political phenomenon occurring throughout the world, rather than a "barbaric" particularism of specific ethnic groups in Bolivia or Guatemala. While vigilantism may by its nature defy any sort of clear definition, its contemporary prevalence worldwide demands both scholarly and practical attention.

Conclusion

I set out in this thesis to explain lynching as a politically significant act through which communities constitute themselves as citizens before an inattentive state. What has become apparent throughout my research is that lynching is not simply an act through which communities define themselves as political beings rather than “killable bodies,” but also a site in which the state itself is forced to reconstitute its boundaries of inclusion and exclusion. While violent in nature, lynching has served a particular purpose in Bolivia and Guatemala. It has made vividly clear the enormous disparities between the promises of citizenship and the realization of “rights” in the realm of security. As we offer scholarly analysis of the privatization and informalization of security at a transnational level, it is perhaps the local experience that best sheds light on the complexities and challenges of the changing role of the state in the every day.

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