

(Un)imagining the state:

Guatemalan lynchings and the erosion of the state's monopoly of violence.

Gavin Weston

Durham University

Introduction

Guatemala's transition to peace in the 1990's was filled with hope and expectation. Following more than three decades of conflict, and five centuries of colonial rule, a real opportunity to change citizen's experiences of the Guatemalan state seemed possible. In most respects the reality fell well short of this imagined potential – but for one brief moment the state was imagined as potentially good and beneficial. While grassroots movements across Guatemala continue to demonstrate new possibilities and potentials - the state more often demonstrates its fractured nature, lethargy and corruption. Against this backdrop there was a 'hunger' for justice established through years of its absence (Rothenberg 1998). Somewhat inevitably these demands were not satiated.

The toothless nature of the peace accords (Wilson 1997) meant that all but a handful of atrocities from the conflict went unpunished. An upsurge in crime coinciding with the

rolling out of the not quite fit for purpose Civil National Police demonstrated that criminals did not fear agents of the democratic state as they had once feared the military regime. As a result the impunity experienced by agents of the state during the conflict (Zur 1994) and transition to democracy was now also being experienced by criminals - an atmosphere of injustice abounded. Vigilantism soon spread across the country as citizens started to take justice into their own hands (Godoy 2006; Weston 2008). Between 1996 and 2001 the United Nations Verification Mission in Guatemala documented 421 incidents of *linchamientos* (lynchings), involving 837 victims, of which 116 were fatalities (MINUGUA 2003: 279). Unlike their namesake in the United States *linchamientos* were not racially motivated, but were instead mobs responding to allegations of criminal (or sometimes 'morally deviant') acts. Mobs, with varying degrees of organisation or spontaneity were taking justice into their own hands. While lynchings persist today, increasingly these attacks are being replaced by more preventatively oriented patrol-based vigilante groups. These vigilante patrols echo the civil patrol system established in the early 1980's which saw a majority of rural males armed, trained and coerced into patrolling their own communities.

It is in relation to these three strands: dissatisfaction with the state, vigilantism and the civil patrols that this article will explore issues regarding justice, violence and the imagining of the Guatemalan state. Drawing upon the work of Benedict Anderson (1983) and subsequent anthropological work which looks at the imagined state (Hannsen and Stepputat 2001; Asad 2004; Das and Poole 2004; Poole 2004) this paper will explore the oscillations in the perceived legitimacy behind state and non-state regulatory violence. In contrast to work by Mbembe (1992) and Gupta (1995) who demonstrate the ways in which protest or negative perceptions of the state may feed discourses of state legitimacy, here I

show the opposite occurring and the state's legitimacy waning. Existing literature explores the way in which the state and its margins are made coherent or incoherent through 'imagining'. This article focuses on issues of justice and violence, exploring the ambiguity in the imagining of the Guatemalan state in areas where its power and perceived legitimacy are declining, leading to an active unimagining of the state. Drawing upon doctoral fieldwork in Todos Santos Cuchumatán, a rural, predominantly Maya town in the north-western highlands, this paper explores the role of state and non-state regulatory violence in relation to ideas of justice and the state. The various stages at which the state has been perceived to condone non-state violence as legitimate and used its own violence in ways which are clearly contrary to citizens interests has led to a situation where the state is imagined as inherently ambiguous.

Background

Beginning in urban areas in 1954 in what is often described as a 'low intensity' or 'gentleman's' conflict (a euphemism which obscures high levels of brutality and widespread assassinations) it was President Montenegro's signing of a document in 1966 which gave the military *carte blanche* to fight the guerillas in any way they saw fit which led to the conflict escalating (Ball, Kobrak and Spierer 1999). By the late 1970's and early 1980's the conflict had shifted to rural areas with formerly uninvolved Maya communities increasingly drawn into the conflict by guerillas who sought solidarity among the rural poor. In the resulting period, known as *la violencia*, spanning between 1979 and 1983, there were "440 massacres in villages burned off the map by the Guatemalan army, one and a half million were displaced, 150,000 fled into refuge, and 100,000–150,000 were dead or disappeared." (Sanford 2003:

14). Alongside this, under the military rule of General Efraim Rios Montt, *Patrullas Autodefensa Civil* or Civil Autodefence Patrols (PAC's) were introduced.

Under Montt high levels of violence were maintained but coupled with increasingly sophisticated methods of population control. The civil patrol system saw men in rural areas armed and trained to police their own villages. This PAC system was coupled with food for work schemes and a system of relocating rural Maya to model villages (Wilson 1995). Surveillance methods became ever more sophisticated as Montt's military sought out networks of informers (Remijnse 2003, Wilson 1995). These PAC's were immensely successful in that they were inexpensive to operate, yet mobilised and politically aligned an immense number of rural males. By 1983 an estimated one million Maya men with ages spanning from 12 to 70 were made to patrol their own communities (Warren 2000: 236). These new paramilitary structures quickly replaced other forms of local hierarchies such as *cofradías* (Saint Societies) (Burrell 2005: 17) bonding them to local communities in a new "hegemonic "army-peasant partnership"" of civil patrols (Stepputat 2001: 297). While this was successful inasmuch as it extended the state into rural areas, it was also counter-productive as it dissolved the state/citizen divide which establishes the parameters of duties and expectations for both the governing and the governed.

As with most rural areas Todos Santos' experience of patrols was polarising. All males were forced to either join the patrols or to become considered as sympathisers. As such it eroded all middle ground aside unless you were willing to engage in a two-faced or half-hearted complicity. During the 2003-2004 election, following a cynical move by President Alphonso Portillo, payments for prior services rendered by PAC's became an election issue. Being there when these payments were made I was shocked to see people

who I had assumed to be former leftists (due to their present political opinions and their friendships with former guerrillas) going to collect their cheques. The townsmen went out drinking: very few went unpaid. Those who I had been shocked to see collecting cheques said it was just what they did at the time, they had little choice. Locally it seemed like it those who achieved higher positions in the patrol's hierarchies who felt fully militarised and enfolded into the state. A sense of power led to a sense of complicity. Those who were younger at the time and who did not achieve such positions seemed to view the patrols more pragmatically.

Stepputat notes that the very need for patrols highlights the lack of state penetration in rural areas (Stepputat 2000; 2001). So while the government extended its power through patrols into rural areas, this led to confusion in respect to the nature of the relationship between state and citizen. Having placed the power of the state in the hands of ordinary people (right up to and including the power over life and death), the post-peace accord Guatemalan state has experienced difficulties in retrieving control from patrollers.

Despite PAC's having their powers formally removed through the 1996 peace accords it is of little surprise that dissatisfaction with justice and rising crime levels led to the re-emerging prominence of patrols. Aside from their re-emergence as an election issue, PAC's were often cited as key instigators and participants in lynchings. As with many other rural areas, Todos Santos experienced PAC's in the 1980's, lynchings in the 1990's and a new wave of patrols in the 2000's. As a result, it represents an ideal location through which to explore the significance these processes and institutions had upon the rural imagining of the Guatemalan state. But before returning to lynchings first we need to consider the issues surrounding the state in which they are inseparably entwined.

Theoretical Background

Civil patrols and vigilantism are just two sources through which ambiguities regarding state powers are mapped onto the Guatemalan state. Stepputat notes how in rural areas few distinctions are made between governmental and non-governmental state substitutes such as NGOs and development agencies (Stepputat 2001: 298). Das and Poole observe that it “is in the processes of everyday life that we see how the state is reconfigured at the margins” (2004: 19). In Todos Santos the state is not anchored firmly through constitutive practices, but is instead constructed ambiguously through relationships which overstep boundaries. A history of infrequent state representatives visiting and a more recent history in which virtually all males were allowed to, or even coerced into, wielding the power of the state creates an ambivalent attitude towards the state. Coupled with this are distinct inadequacies in those areas in which a functioning state is supposed to stamp its authority. Additionally local rural politics frequently has more to do with kinship networks and a patron/client system than with wider state policy.

In certain remote areas of Guatemala, like the temple complex at Tikal, the state exercises its control as fully as it does anywhere else. All that is necessary is enough vested interest to invest heavily in manpower and infrastructure. Similarly when inhabitants of Todos Santos lynched a tourist, a substantial reason to install a permanent police presence arose which drastically altered state/citizen relations. While politicians are forced to consider the relevance of marginal areas during election campaigns, the governments they form lack the motivation to extend their gaze, personnel or intentions into these areas more permanently. Due to this lethargy, the state is left with an infrastructure of poorly

realised powers extending limply into lives of marginalised Guatemalans. In the following section I wish to briefly explore the nature of these powers which lie at the heart of the state's dilemma: governmentality, the imagining of the state and their monopoly of legitimate violence.

State powers are in many ways relatively uniform around the world with law, international diplomacy and 'monopolies' on violence and taxation being clear examples of ubiquitous state powers. There is however real variance in the manners in which these generic powers are wielded, in the more subtle powers states wield and in the areas into which they choose to extend these powers. One way in which such variation emerges across state systems is through Foucauldian understandings of 'governmentality' or the "ways human practices become objects of knowledge, regulation, and discipline" (Hansen and Stepputat 2001: 4). While this may take the form of non-state bodies producing new spheres of knowledge, this often then sees the state in turn appropriate these areas as their own (Smart 1989:25). Such processes can be seen occurring as states draw upon scientific achievements regarding fertilisation to play increasing roles in kinship, through definitions of parenthood, which they are able to shape through legislation regarding new reproductive technologies, surrogacy and changes in marriage practices (Levine 2008).

If states are able to colonise such new areas as their own, then there is also the potential for the opposite to occur. At times this may be deliberate as is seen in recent centre-right ideas of 'big society' and 'small government' which are all about rolling back the powers of the state. But equally this may happen by accident: a sort of anti-governmentality of sorts. The state may deterritorialise specific spheres through inaction or incompetence,

best illustrated when we consider the role states play in their own 'imagining' at the margins.

Benedict Anderson's (1983) *Imagined Communities* saw him argue that the rise of the nation state came about during the industrial revolution as the printing press provided the possibility of creating a simultaneity of thought across large collectives. Increasingly states sought out symbols and new fulcrums for their own worship spanning across flags, anthems, monuments and expanding into sports, arts and cuisine. With increasing subtlety states started to play an active role in their own imagining.

Mbembe shows how jokes against political figures in Cameroon construct the targets as centres of power worthy of joking about (Mbembe 1992). One may poke fun at various features, figureheads and representative of a state, but in doing so one recognises through satire their meaningfulness and by extension elements of their legitimacy. Like Mbembe, Gupta explores a state perceived as imperfect, yet in which its very imperfection leads to a perception of that state as powerful and meaningful. Gupta demonstrates how in North India through everyday discourses of corruption the state "become[s] implicated in the minute texture of daily life" (Gupta 1995: 211). Even when agents of the state use their power to extort money this underlines the fact that they have the power to do so.

It is in anthropological work such as Gupta's and Mbembe's that the full complexity of the process of 'imagining' comes to light. Anderson notes of the process of imagining the state that "It is *imagined* because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion" (Anderson 1991:6). The community is imagined as sovereign while being inherently finite because "No nation imagines itself coterminous with

mankind” (Anderson 1991:7). But this process of imagining is not uniform; “Each “imagined state” [has] its own orientation toward the nation” (Nugent 2004: 257).

Complexity arises in the nature of this imagining. If something is imagined in a conventional sense then we would take it to be in some way unreal. Imagination in Anderson’s sense is not an illusion or fantasy, but a perception of reality. As with other objects, such as money, which must be imbued with mutual meaning for them to function properly, so too must the state. The process of imagining requires maintenance through ritualization in sport, memorials, anthems, flags (although new fulcrums for national imagining emerge and the significance of others dissipate over time) and other practices which anchor the state and a sense of belonging within a specific community. In this sense, the state is not an empirically verifiable, coherent, tangible thing. It is something more abstract with elements of belief entwined within ideas of a representative, just and sovereign state.

But there is simultaneously a second more tangible layer that constitutes the state.

As Mitchell notes:

“The state is an object of analysis that appears to exist simultaneously as material force and as ideological construct. It seems both real and illusory. This paradox presents a particular problem in any attempt to build a theory of the state. The network of institutional arrangement and political practice that forms the material substance of the state is diffuse and ambiguously defined at its edges, whereas the public imagery of the state is more coherent. The scholarly analysis of the state is liable to reproduce in its own analytical tidiness this imaginary coherence and misrepresent the incoherence of the state” (Mitchell 1999: 76).

On the one hand we have processes of imagining, on the other we have institutions and agents. One is reducible to discourse or rhetoric, the other is corporeal and largely coherent: the state is both of these simultaneously. As Mitchell notes, if one thinks that they have rectified this inherent paradox in theorising the state, we have likely oversimplified some aspect of its existence. “Any attempt to distinguish the abstract or ideal appearance of the state from its material reality, in taking for granted this distinction, will fail to understand it” (Mitchell 1999: 77).

The two aspects, while seemingly paradoxically mutually exclusive, are in reality entirely entwined with one another. Both play their parts in the production of objects of knowledge, regulation and discipline. Law for example both necessitates agents and bodies for it to be written and implemented, but requires the state to be imagined as sovereign for the law to have an effect on behaviour of citizens. This is that facet of social organisation which we see in all types of community and society: the way in which the abstract solutions to human problems of organising ourselves as unwieldy collectives are made to seem sensible and coherent through the naturalisation (of sorts) of the system we find ourselves within. This all happens through the structuration of thousands or millions of parts working in cooperation and antagonistically against one another. It is not simply a top down imposition by an abstract ‘state’.

In theory then it ought to be possible to disrupt this imagining of the state where it is imagined as imperfect. Existing literature on the imagining of the state tends to focus on the way in which the state is brought into focus in the day to day lives of its subjects in unexpected ways, moving beyond print capitalism, monuments and collective rituals (Anderson 1991) to look at more subtle processes of ‘imagining the state’ (Das and Poole

2004). Deborah Poole, for example, explores how the state is constituted and reconstituted bureaucratically through identity cards and role calls on buses in Peru (Poole 2004). Even sporadic moderate harassment for paperwork reinforces the legitimacy of the state. The state is constituted through practices of ordinary citizens (although often in relation to state representatives), and these practices become objects of knowledge, regulation and discipline through use and re-use. Even if the edifice of the state itself is so clearly a socio-cultural construct, through these practices it becomes more tangible, rather than more illusory. The state becomes perceivable through these practices which 'anchor' it to "nodal points in discursive formations" (Hansen and Stepputat 2001: 4).

But what is clear from the case of Todos Santos is that this imagining has limits. Mbembe and Gupta's writing seems to suggest that the imagining of the state is unavoidable inasmuch as even when you protest against institutions and people within the state you confirm their power (Mbembe 1992). Even when state actors act illegally or beyond their proper state-derived powers, they are still showing themselves to be powerful and therefore underlining their legitimacy (Gupta 1995). Openly corrupt states are still imagined as meaningful and sovereign. Corruption similarly exists in Todos Santos and across Guatemala. Were corruption the only perceived flaw in the actions of agents of the state, then the situation in Todos Santos might be similar to that described by Gupta. It is primarily issues surrounding violence which undermine this being the case. But what vigilantism in Todos Santos points towards is the way in which this imagined meaningfulness may decline. Once a system fails a community to the extent where they are forced to replace state institutions with their own ad hoc responses, processes of unimagining the

state begin to occur when both the material reality of state (Mitchell 1999) and a more abstract sense of its legitimacy decline.

The state largely shapes material reality and governs relationships through law; that is to say “a body of knowledge/rules” which gives the *appearance* of being unified in “intent, theory, and practice” (Smart 1989: 6). Spanning the definition of crimes; the ability to tax; property ownership; regulating the use of space; apportioning powers ranging from the bureaucratic to physical coercion; and much more – bodies and agents within the state wield law in the construction of rules and the regulation of their implementation. In effect the state is constructed and construed through law (Worby and Rutherford 1997; Smart 1989). Godoy notes how central law is to the understanding of lynchings as it is both highlights the fact that the equality 'guaranteed' by citizenship is fictitious while also representing a framework through which redress for this inequality can be broached. As such, she argues that lynchings are characteristics of a deeply unequal society (Godoy 2006: 11-12).

Much recent analysis of the state has looked towards its margins; those areas where the practices, relationships and ideologies which constitute the state can be seen to break down. These are not fixed locales, but shifting contested spaces, places and battlegrounds in which the state is constituted and reconstituted, forgotten and rejected to varying extents. Asad notes three key ways in which we can 'imagine' the margins of the state. First, as the peripheries of territories; second, as the spaces, forms and practices through which the state is experienced and undone through the illegibility of its practices and words; and third, in the “space between bodies, laws and discipline” (Asad 2004: 279).

In relation to these types, we can see that those areas where the margins come into focus as marginal are not always the obvious 'frontier' areas, (Abrahams 1998) but also areas where we might expect to be at its most coherent and tangible. Prisons, for example, are both figuratively and literally the stronghold of the state. Yet when prison guards act criminalistically or turn a blind eye the 'space between bodies, law and discipline' exposes the potential marginality at the very heart of the state.

What experiences of marginality also suggest are how in extreme cases the process of imagining may fail. In some cases, unlike Mbembe and Gupta's case studies, this leads to state power being undermined rather than reinforced. This being the reversal of the process of imagining the state: the unimagining of the state. When state agents and institutions cease to play meaningful roles in the lived experience of its citizens they lose faith and cease imagining the state to be a meaningful locus of power and social organisation. When this occurs, particularly in relation to justice, people take regulatory counter-measures into their own hands. For this to occur, the state has to have fallen out of the minds of its citizens as the appropriate mode of social organisation through which to address perceived criminality. For social bandits, vigilantes and other similar movements to thrive in a world dominated by the state system requires the unimagining of the state.

This kind of marginality is the emergent experience of the state in Todos Santos. The fractured nature of the state, with state agents acting towards diverse, often contradictory, purposes is exacerbated by local politics which leans towards a patron/client system. Leading up to the election people would talk about the possibilities for their businesses and the schools their children attend conditionally,

based on whether their favoured mayoral candidate got into power. Tacit agreements circulated about funding for projects if groups with mutual interests voted en masse. This created a concentration of the imagining of the state in a particular finite moment. But this experience was inconstant and waned away beyond election time. This system also has the problem that those who do not vote for a successful candidate feel additional marginalisation. The overall effect is that the imagining of the state oscillates relative to the energy invested in Todos Santos (and specific Todosanteros) by national and local politicians. Those with an incumbent *alcalde* (mayor) maintain a stronger anchor as they are able to achieve things locally tapping into resources, but only for the duration of their political run. In a town that receives better Mexican radio and television signals than it does Guatemalan, with relatively high levels of illiteracy impacting the consumption of print media and where the nearest hospital and court are an hour and half away, the lack of anchors to their imagining has implications which spill over into specific incidences of violence, as will be discussed later.

If the imagining of the state is the most ethereal form of state power then violence is the most visceral. In its crudest sense the state is whichever body within a territory is best able to exert its violence. Hannah Arendt observes that “Violence is nothing more than the most flagrant manifestation of power” (2004: 237). While other modes of power are of equal significance (and without doubt, the more successfully other powers are used, the less violence is necessary), nevertheless, violence is central to state/citizen relations. Fundamental to the success of any state is, as Giddens notes - “Who controls the means of violence, how complete such control is and to what ends it is deployed...” (1985: 2). Vigilantism, and more specifically lynchings, could be seen to represent a direct challenge to

this monopoly on violence. There is however a certain reductivism in constructing lynchings as a contest over the monopoly of violence, which misses many facets of state-power.

Giddens posits in his strong state/weak state argument that ideally a state will both avoid having its legitimate monopoly of violence challenged while also minimising the necessity for it to use violence of its own. Through the perfection of bureaucratic administration states are able to properly carry out surveillance which has two key roles according to Giddens (1985: 15): accumulating information on individuals and groups and the direct supervision of activities, both of which are interconnected. The societal shift from the spectacle of the scaffold and the punishment of the body, towards the internalisation of the rules of surveillance and the reform of the soul, as espoused by Foucault (1997), is such a cataclysmic shift that its use is perhaps the *sine qua non* of the modern nation state. The “control of information and the superintendence of the activities of some groups by others” (Giddens 1985: 2) have become synonymous with state power.

The transition to democracy in Guatemala was supposed to contain a smooth hand-over of the role of surveillance from the military to other bodies. Within the 1996 peace accords there was a remit for the military to hand over intelligence collecting roles to “three formal civilian bodies; a presidential secretariat, a ministerial department and a congressional commission” (Schirmer 1998: 25). Alongside these measures came the introduction of the Civil National Police. These two changes signalled the supposed end of military dominance of the two sides of surveillance, accumulating information and direct supervision of activities. This should have seen an end to the networks and mechanisms of surveillance used by the military. While there were distinct moves to put these mandates

into action, as noted by Jennifer Schirmer (1998: 25-26), there should be a degree of scepticism over the completion of this dismantling.

The peace accords mandated that the military's attention should be focused outwards. However beginning under President Arzu in 1996, but carrying on under all subsequent leaders, governments have continued to use get out clauses in order to allow the military to back up the police in the face of rises in violent crime. The police being under-funded, under-trained and frequently corruptible are inadequate in regards to their role in policing (Godoy 2006: 54). In 1998 Gutiérrez argued that Guatemala was not in a period of demilitarisation - more that the military's focus had shifted from the Guatemalan left to crime (Gutiérrez 1998). Lynchings quite clearly emerge out of this haze of poorly realised state powers. The incomplete hand-over of surveillance duties from the military and its resulting continued inward gaze undermines the police, both in terms of function and funding. The threat of force still largely stems from the military rather than the police.

Lynchings

Guatemalan lynchings, as with most vigilantism, stem from a perceived inadequacy in the state's provision of justice; and in this way they challenge the state. However at the same time lynchings, being illegal, provide an opportunity to delegitimize this violence. State agents and institutions are in a position where they must either turn a blind eye and undermine the state's legitimacy or must intervene and punish participants for the state's inadequacy, further alienating already alienated communities. This has led to prosecutions being infrequent, but the threat and fear of prosecution being utilised as tools to try and

curb them. Yet in many cases lynching are a cry for the state to wield more power – not less. Lynchers often hope that the state will intervene in their communities while also hoping that this same wished for power will not focus prosecutions on them.

In line with Gupta (1995) and Mbembe (1992) Taussig argues that seemingly subversive acts actually constitute or fetishise the state by drawing the law, criminals and the state together in one picture. “This language binds not only the thief to his victim, but to the thief's own victimisation at the hands of Law and the laws of language” (Taussig 1992: 137). This means that even behaviour that places the state at its most 'other' still fetishizes the state insomuch as it can not be discussed without reference to the state, possible solutions and state failings - placing them within the same cohesive whole. What matters is that the state is being actively and continuously 'imagined' as meaningful in some fashion, and it is generally 'imagined' most vividly in relation to those things it protects against. Yet in the context of lynchings we see their inaction feeding the perceived legitimacy of non-state violence to the extent that one survey cited 75% of Guatemalans at least 'partially supporting' lynchings (Godoy 2006: 2).

Stepputat discusses how on the margins of the state, Guatemala's rural peasantry is forced to mimic the state in its absence to fulfil the needs their inaction creates (Stepputat 2000). He gives the example of villagers organising themselves to set up road-blocks “taxing movement by coercive means” (Stepputat 2000: 135) for road repairs in contexts where the state fails to take responsibility for road maintenance. This is part of a continuum of non-state actors disregarding the state's monopolies. The continued activities by former patrollers and members of the military represent an attempt to retain power given to them

during the conflict (Godoy 2006). But more than this they also act as counterpoint to the state – constituting it through challenging it.

This relationship between challenges to the state and the constitution of the state is part of a general dialectic between state and citizens. Giddens explains -

“All strategies of control employed by superordinate individuals or groups call forth counter-strategies on the part of subordinates. This phenomenon represents what I call the *dialectic of control* in social systems” (Giddens 1985: 17).

This dialectic relationship sees oscillations in perceived legitimacy flowing from state to non-state actors and back again. Godoy notes that lynchers sometimes go a step further towards seeking legitimacy through the state, while additionally challenging it.

“An *acta* is a legal document drawn up (in this case) by the community and sealed by its local government officials. It is not infrequent for communities to draw up an *acta* after a lynching as a way of formalizing the execution, as if to “legalize” it, and also to legitimate it by inscribing it in the official record of local government” (Godoy 2006: 183n).

While this never occurred in Todos Santos, this form of appeal to the law further illustrates the dialectic relationship between lynch mobs and the state. Having broken a state law, those responsible then seek the states complicity in the act. This both confirms the state as the body through which acts are legitimated while undermining the very idea of law which grants them this legitimacy.

This paradoxical dialectic of control, this push-pull action of state strategies and subordinate counter strategies, hides an important complication. As a factor in lynchings the

absence of the state is both real and unreal, a factor and an excuse. It is real insomuch as lynchings would not exist were it not for the inadequacies of the state criminal justice system. But it is unreal insomuch as it can only really be an *ex post facto* justification of a lynching. The police could not possibly hope to be present for every crime committed and mobs always have the option of detaining alleged criminals rather than attempting to kill them. Invoking the state's inadequacies as a justification is at least in part a strategic validation of their violent actions.

This disjuncture between the state's role and lynchers actions perhaps becomes clearest where the target is attacked for actions which would not otherwise be punished by the state. When alleged criminals are innocent or when offences are not illegal, but instead contravene religious or moral rules, the law would not be applicable. In the first attack in Todos Santos in 1997 a local youth, JM, was attacked by a mob after returning from the United States wealthy, with a determination to flaunt that wealth and acting, generally drunkenly, in a way which was locally abrasive. Gossip started to circulate about his drunkenness, brawling and general belligerence, eventually switching to link him to local acts of petty theft and then more serious crimes. When the *alcalde* addressed the town in the busy market square, accusing JM of a spate of armed highway robberies (crimes of which he was later cleared) a mob descended on him and beat him with any objects at hand, before trying to douse him in petrol and set fire to him: an attack which he survived. Other key factors in the attack were his perceived social deviance derived from the fact that he had returned from the United States with tattoos, long hair and piercings – subverting local customs and gender stereotypes (Burrell & Weston 2008; Weston Forthcoming), offences of deviance which fell well outside the police's jurisdiction.

The second attack, in 2000, was among the most widely reported Guatemalan lynchings due to its international dimensions, which saw a Japanese tourist and his bus driver fatally attacked due to panic connected to rumours of Satanic child theft (Weston Forthcoming) which had begun in the departmental capital, Huehuetenango. These rumours anticipated the arrival of Satanists on the first anniversary of a murder which had Satanic overtones. These rumours caused such hysteria that the military were brought in to reassuring patrol the streets. But radio broadcasts meant to reassure Huehuetecos unintentionally spread panic to Todosanteros. When a bus load of Japanese tourists arrived on market day, the town was a tinderbox waiting for a spark. That spark came when Catarina Pablo accused Tetsuo Yamahiro of trying to steal her child. A mob descended on Yamahiro, pelting him with rocks and hacking him with machetes. While other tourists escaped, some finding refuge in the local jail cells, others ran and hid in nearby forests. Their bus driver, Edgar Castellanos, was not so fortunate and was captured while trying to drive away and burned alive.

As with JM's appearance, the supernatural elements of Tetsuo Yamahiro's alleged offences were also outside the ordinary remit of the criminal justice system. Todos Santos is not unique in this respect as other attacks, notably the attack on the American tourist June Weinstock who was accused of being a shape-shifter, have also had supernatural elements (Adams 1999; Weston Forthcoming). Both attacks in Todos Santos, and many others across Guatemala, involved allegations which extend beyond criminal acts and into moral and religious realms.

The attacks highlight the oscillation and contestation between state and non-state actors as the appropriate bodies to handle the situations. In order to resolve a standoff

which saw JM barricaded inside a building with his family and friends providing a human shield, a relative was sent to fetch the military from the regional capital. Following the second attack the community both accepted blame for a horrendous error in judgement while also condemning the state for the heavy-handed investigation (Burrell and Weston 2008). Despite being one of the few locations in the country where lynchings were prosecuted (due to inevitable involvement of the Japanese government), judicial intervention failed to impose a sense of state authority in the community. Whether or not these assertions are entirely true, locals almost unanimously insist that of the six convicted of the attacks only one was definitely correctly prosecuted, and she was only responsible for making the initial fear-based accusation which sparked the attack. Others are believed to have played marginal roles at most or were the victims of alleged mistaken identity. Rather than stamping state authority on the town, the prosecutions further alienated an already marginalised community. As such the ambiguous imagining of the state can be seen being played out in relation to these attacks. The imperfect match between law and morality can be seen feeding the emergence of unimagining of the state.

While “normally law follows morality” (Hart 1961: 196) there is nothing inherent or necessary in the connection between law and morals. Laws may contravene moral codes (E.G. abortion laws) or fail to extend into certain moral spheres (E.G. forms of social or sexual 'deviance'). Harris notes “Laws themselves often put social actors in difficult moral predicaments by the fact that they forbid, or even criminalise, actions which for the people concerned are acceptable or desirable within their moral code” (Harris 1996: 2).

As Merry observes in relation to working class American's everyday understandings of the law - “Their ideas about the law and its role in society grow out of this general

political understanding of legal rights rather than accurate knowledge of rights articulated by the law” (Merry 1986: 257). A degree of legal illiteracy may perhaps account for some of the blame attributed to the inaction of the criminal justice system. While the criminal justice system is far from innocent in the fomentation of lynchings, the degree to which they are held responsible for the attacks masks the legal innocence of many victims who are wrongly accused, or contravene only moral rules. The obvious way to impose the law upon a given area is through a significant police presence which forces citizens to seriously consider the implications before taking the law into their own hands for any reason.

Martial Law

Following the lynching of Tetsuo Yamahiro in 2000 international pressure gave the Guatemalan state an incentive to provide Todos Santos with a police force. The recently established PNC were extended to the town in order to prevent reoccurrences. Despite boasting just a handful of officers, this gave Todos Santos the highest number of police officers per capita in the country at the time. But the police force was perhaps not the solution it ought to have been. Despite their presence locals continued to be concerned with crime levels. This led to a new wave of patrols in the early 2000’s, largely manned by former PAC’s. A regional court banned them as unconstitutional soon afterwards leading to their disbanding, only for them to re-emerge a few years later. During my fieldwork, which took place during the ban, local feelings towards the patrols were ambivalent. They noted both the fact that youth gangs seemed more subdued under the patrols while also noting the stirrings of injustices being done by the patrols. One example often cited involved an

elderly man who was beaten when he went out after a curfew to try and get his wife medicine. While local politicians appeared to be behind the patrols being taken to the regional courts, they also seemed to do little else to curtail them. There were certainly no moves to get the police to actively stop them. Did patrols have the support of police and the *alcalde*? There was no definitive answer; agents of the state had again allowed areas of ambiguity to emerge with non-state regulatory violence being tacitly approved.

Events occurred during the downtime between the two postwar periods of patrolling which demonstrated the ineffectiveness of the police. This came to a head in 2003 during three days of festivities surrounding the *Fiesta de Todos Santos* (All Saints' Day), the main festival in the local calendar. On the first evening of festivities a drunken policeman shot JM, the victim of the first non-fatal lynching, dead. The motives were unclear, but local elders and senior policemen feared reprisals and the entire police force fled town (Burrell and Weston 2008). This led to martial law being introduced.

The military arrived late the following morning on the second day of the *fiesta*, the busiest in the three day celebration. Tourists are drawn to the celebration en masse by the 'drunken horse race' at the centre of festivities, which sees participants ride back and forth along a track stopping to drink *quetzalteca* (a local unrefined tequila) at either end. It was the only time I saw women openly drinking in public, while men drank more excessively than I had seen at any other public event. The level of public drunkenness led to a highly chaotic celebratory atmosphere.

The chaos of the second day began first thing in the morning with a jailbreak in the hours between the police fleeing and the military arriving. The local jail cells, which largely serve as a drunk tank, are next to the central park and were full that morning with those

detained by the police the night before. Friends and relatives concerned that those incarcerated would be held indefinitely, but also revelling in the lack of police, used ropes to pull the iron doors off the cells. While it was an understandable act in the absence of police, it added to the feel of lawlessness that permeated.

Throughout the three days of *fiesta* six people died. JM was shot dead by two drunken policemen; one man died of alcohol poisoning; one man fell asleep under a bus and was cleaved in two when the bus ran over him in the morning; one youth was stabbed by another (allegedly in a dispute over the death of JM); one died in the horse race (deemed a sign of prosperity for the town's following year) and a woman was found hanged. Allegedly her husband had returned from the United States for the *fiesta* to find her pregnant with a child that could not have been his. Whether she had killed herself was a matter of some debate. JM aside, whether the presence of the police would have prevented any of these deaths is unknowable.

I was more than a little surprised by the indifference with which the martial law was met. I was also astounded by the ages of most of the soldiers, many of whom looked barely sixteen and were dwarfed by their massive machine guns. But what also surprised was their inability to police. This came to a head when a non-local Guatemalan started aggressively sexually harassing *gringas* (the feminine form of *gringo* – meaning American – but used throughout Guatemala to refer to 'white foreigners'). By the time the head of one of the language schools (a *gringo*) had physically thrown him out of his school for groping another girl, I had already heard of him doing the same to three others, and he was getting increasingly drunk. Complaints had been taken to the *alcalde*, who along with everybody in his office was too drunk to act, and to the military who did nothing. Yet when the molester

himself went to the police to claim he had been manhandled by the head of the language school they came and surrounded the building, necessitating locals to intervene and point out his innocence (and the accuser's guilt). Despite this they still refused to act against the attacker even though locals and tourists alike were now furious at him. It was in this circumstance that a locally respected Todosantero offered to raise a group to 'deal' with the individual. Exactly what the 'dealing' would entail was ambiguous, but he was quite clearly prepared to use physical force. The *gringa* to whom the offer was made politely declined. In a separate incident (the following day) the military did successfully intervene to stop a mob who had gathered outside the local magistrate's office. The furious family of the man killed by the bus had gathered to attack the driver who was inside giving a statement.

These events underscored two things for me; that the military were not capable of the necessary community relations aspect of policing, and that the police although told to leave Todos Santos following the death of JM, could be successful in some aspects of their duties. This is despite the fact that the police in Todos Santos occasionally verged on a cruel joke. One had fatally wounded a girl while drunk driving, while a rumour circulated that a second had drunkenly run a tee-total teacher off the road and covered his crime by soaking him in spirits.

Despite the quite clearly flawed service record of police in Todos Santos, they were bestowed with some sort of authority which can be seen in the lack of lynchings in the four years between their instigation and the introduction of martial law. In the two (alcohol fuelled) days following their leaving there was a suggestion of gathering a vigilante group together and a lynching attempted. Admittedly it was an exceptional three days which saw six deaths, and it should be noted that the satisfaction with the police is not enough to

prevent the desire to instigate civilian patrols, but the police quite clearly achieved something which the military could not. Despite their inadequacies the presence of the Civil National Police in Todos Santos represented a tangible state presence in the town. The state is far easier to imagine if it is embodied and observable and permanent. While the military were apt to break up a mob, they also fostered an atmosphere in which their inaction provided Todosanteros with a 'need' to take justice into their own hands again.

In the same way that the margins of the state exist in prisons, here we can see the state losing control of the monopoly of violence despite the presence of the military. This demonstrates the absence of processes which bestow meaning upon these bodies. This indicates the unimagining of the state. The powers of state institutions begin to lose coherence in the face of pragmatic concerns for safety. A permanent police presence appears to curtail some (but not all) of the impulsive aspects of the desires to self-regulate. If the town with the highest national per capita police presence still feels the need to instigate patrols there is clearly incomplete belief in their functionality. Yet when a thief who had been a one-woman crime-wave, inspiring the 2002 return of patrols by stealing chickens and turkeys throughout the town, was eventually apprehended by a mob she was taken to the police rather than attacked. Yet in the absence of the police, the same trust was not extended to the military. The fact that Todos Santos had, at the time, one of the highest ratios of police per capita means that most rural communities find themselves in situations where turning to the police is not a viable option to begin with.

During this period of martial law I was left confused when I asked a key informant what he thought of the introduction of martial law in Todos Santos and he simply responded with a shrug. I turned to the other people there with us and they shrugged too. When

pushed further they agreed that military presence was better than nothing. This is the fundamental issue faced by the Guatemalan state regarding criminal justice, that something is better than nothing. But with such clear financial limitations there is no way Guatemala can roll out the numbers of police officers it would take to fulfil this task at a national level. While the state consistently fails to provide adequate policing, vigilantism will continue to emerge as a stopgap solution undermining the state. In the face of an overwhelming escalation in gang violence in recent years and with communities increasingly forced to bear the brunt of community safety with little or no help from police forces, a sense of lawlessness is becoming pervasive in a way which is clearly leading to the unimagining of the state on a scale which extends well beyond Todos Santos. Experiences are the same across much of rural Guatemala. It is the absence of the processes which constitute the state leading to others imagining other modes of social organisation and protection to be both more meaningful and effective.

Conclusion

Marginality is not the experience of all Guatemalans, but for these rural communities that have lived through the hyper-alienation of state brutality during the conflict and the imperfect reach of post-conflict state policing, lives are lived very much on the margins of the Guatemalan state. As they strive to establish social order in the gaps, each act of vigilantism further undermines the state and reinforces a perception of the state as inadequate, compounding the perceived need and viability of non-state violence. While the former militarised Guatemalan state may not have been strong in a Giddensian sense, it

was certainly feared and imagined as powerful. This is not the case in contemporary Guatemala.

The state's inadequacy in maintaining social order and meeting the justice needs of remote communities such as Todos Santos seems to suggest only two possible solutions; either develop the reach of the state through a widespread (ideally more accountable) expanded police force, or expect the emergence of patrol-based vigilantism. The first is financially unrealistic for Guatemala, and the second, an extrajudicial form of popular justice, risks undermining state authority further. The solution is to be found then in the expansion of the state in a way that does not commit unavailable resources but co-opts what is already available - namely through appropriation of the emerging governmentality concerning customary law.

As stated earlier, governmentality is concerned with the "ways human practices become objects of knowledge, regulation, and discipline" (Hansen and Stepputat 2001: 4). In customary law we have such a body of knowledge and practice which is re-emerging as an ideological movement in post-conflict Guatemala (Sieder 1998, 2001; Handy 2004; Gutiérrez 2003). In a context where the state is rapidly losing perceived legitimacy in regards to justice this represents a discursive field those state representatives could easily engage with and appropriate in order to declare it their own.

Customary law would allow for the state to be extended into the imagination and practices of rural Guatemalans on minimal resources. It can easily be rolled out as an inexpensive extension of the existing *juzgados de paz* (justices of the peace). These *juzgados* already carry out community-based reconciliatory functions and as such an expansion of

these roles would seem to be a pragmatic step. This would see the state inserting itself into local conceptions of justice and morality. Handy argues that 'customary law' is infinitely more capable of dealing with issues such as witchcraft and the accusations of Satanism which was central to the attack on Tetsuo Yamahiro (and many others), while it would also be capable of delivering swift tailor-made forms of justice in response to specific local problems (Handy 2004; Gutiérrez 2003). If a community is predisposed towards detaining suspected criminals for local magistrates to deal with rather than seeing justice resting in their own hands, lynchings may be avoidable while more organised patrols may avoid the rougher, disproportionately violent edges of vigilantism which make them problematic.

Sieder (1998) argues that historically as well as in more recent incarnations Guatemalan customary law most often prioritises face-to-face conflict resolution; clearing the air with discussion, apologies and reparations, which is particularly important in relation to witchcraft allegations. This is made possible by an 'intense' and 'deep' knowledge of local people, their relationships, their histories and the respect for those making the judgements. Post-colonial and post-war state-based judicial structures, in failing to recognise the salience of extra-legal accusations such as witchcraft, undermine their moral legitimacy and emphasise their alien nature to indigenous communities. Allied with the state's slow responses to problems that demand instant answers one can see that logic dictates a more locally relevant system of law (Sieder 1998: 107). An integration of indigenous customary law was committed to in the Agreement on the Rights and Identity of Indigenous Peoples (1998: 98), yet few steps have been taken towards fulfilling this promise.

Sieder observes the form this ought take in contemporary Guatemala need not represent a two tier justice system split between Maya and Ladinos, urban and rural, but

instead can aspire towards a “hybrid mixture of local adaptations and practices and elements of universalistic or national legal norms” (1998: 107; 2001). This system would be “dynamic, contingent and contested” pragmatically avoiding over-complex western codifications and maintaining an oral simplicity making it approachable for the illiterate (Sieder 1998). While this vision perhaps papers over some of the complexities which would face integrating such systems into national justice systems (and potential harms regarding local rulings on immoral rather than illegal behaviour), accessibility is perhaps the key demand emanating from rural areas. Injustice and impunity in themselves may not make people lynch, but when allied with an unapproachable, slow, and often alien legal system they play key roles. If the state wants to be imagined properly in these areas, there needs to be something of substance in these rural areas to anchor state imagining. The existing emergent governmentality concerning customary law represents a body of knowledge and practice through which the state can achieve this – the alternatives of increased police or a laissez-faire attitude to vigilantism have already been shown to be respectively financially impossible and counter-productive.

Vigilante patrols ought to be a last resort rather than a viable alternative due to inherent flaws regarding evidence and proportionality (Weston 2008). Customary law offers a way in which the state can extend its jurisdiction, demonstrate its authority and in a way which would make justice far more accessible for those poorest, most marginalised rural communities who have arguably been denied it for the last five centuries since conquest. This might satisfy the hunger for justice which was created during Guatemala’s transition to peace.

Email: gavin.weston@dur.ac.uk

References

Abrahams, Ray

1998 *Vigilant Citizens: Vigilantism and the State*. London: Polity.

Adams, Abigail

1999 Gringas, Ghouls and Guatemala: the 1994 attacks on North American Women Accused of Body Organ Trafficking. *Journal of Latin American Anthropology* 4 (1). Pp. 112-133.

Anderson, Benedict

1991 *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1991.

Arendt, Hannah

2004 From *On Violence*. In: P. Bourgois and N. Scheper Hughes (eds) *Violence in War and Peace: An Anthology*. Oxford: Blackwell. Pp. 236-243.

Asad, Talal

2004 Where Are the Margins of the State? In: V. Das and D. Poole (eds) *Anthropology in the Margins of the State*. Oxford, School of American Research/James Carrey. Pp. 279-288.

Ball, Patrick, Kobrak, Paul and Spierer, Herbert

1999 *State Violence in Guatemala, 1960-1996: A Quantitative Reflection*. Washington DC: American Association for the Advancement of Science.

Burrell, Jennifer

2005 Migration and the Transnationalization of Fiesta Customs in Todos Santos Cuchumatán. *Latin American Perspectives* 32 (12). Pp. 12-32.

Burrell, Jennifer and Weston, Gavin

2008 Lynching and Post-War Complexities in Guatemala. In: D. Pratten and A. Sen (eds) *Global Vigilantes*. London & New York: C. Hurst & Co. Pp. 371-392.

Das, Veena and Poole, Deborah

2004 The State and its Margins: Comparative Ethnographies. In: V. Das and D. Poole (eds) *Anthropology in the Margins of the State*. Oxford: School of American Research/James Carrey. Pp. 3-34.

Foucault, Michel

- 1977 *Discipline and Punish: The Birth of the Prison*. London: Penguin.
- 1991 Governmentality. In: A. Sharma and A. Gupta (eds) *The Anthropology of the State: A Reader*. Oxford: Blackwell. Pp. 131-143.
- Giddens, Anthony
- 1985 *The Nation-State and Violence: Volume two of a contemporary Critique of Historical Materialism*. London, Polity.
- Godoy, Belinda Snodgrass
- 2006 *Popular Injustice: Violence, and Law in Latin America*. Stanford University Press.
- Gupta, Akhil
- 1995 Blurred Boundaries: The Discourse of corruption, the Culture of Politics, and the Imagined State. *American Ethnologist* 22(2). Pp. 375-402.
- Gutiérrez, Edgar
- 1998 El problema de la desmilitarización en la Guatemala del post-conflicto armado.¹ In: R. Sieder, (ed) *Guatemala After the Peace Accords*. London: Institute of Latin American Studies.
- Gutiérrez, Marta Estela
- 2003 Los Mecanismos del poder en la violencia colectiva: los linchamientos en Huehuetenango. In: C. Mendoza and E. Torres-Rivas (eds) *Linchamientos: ¿Barbarie o "justicia popular"?* Guatemala: UNESCO/Proyecto Cultura de Paz.
- Handy, Jim
- 2004 Chicken thieves, witches, and judges: vigilante justice and customary law in Guatemala. *Journal of Latin American Studies* 36 (3). Pp. 533-561.
- Hansen, Thomas Blom and Stepputat, Finn
- 2001 Introduction. In: T.B. Hansen and F. Stepputat (eds) *States of Imagination: Ethnographic Explanations of the Postcolonial State*. Durban/London: Duke University Press. Pp. 1-40.
- Harris, Olivia
- 1996 Introduction: Inside and Outside the Law. In: O. Harris (ed) *Inside and Outside the Law: Anthropological Studies of Authority and Ambiguity*. London: Routledge. Pp. 1-18.
- Hart, Herbert Lionel Adolphus
- 1961 *The Concept of Law*. Oxford: Clarendon
- Levine, Nancy
- 2008 Alternative Kinship, Marriage, and Reproduction. *Annual Review of Anthropology* 37. Pp. 375–89.
- Mbembe, Achille

1992 The Banality of Power and the Aesthetics of Vulgarly in the Postcolony. In: A. Sharma and A. Gupta (eds) *The Anthropology of the State: A Reader*. Oxford, Blackwell. Pp. 381-400.

Merry, Sally Engle

1986 Everyday Understandings of the Law in Working-Class America. *American Ethnologist* 13. Pp. 253-270.

MINUGUA

2003 "Los linchamientos: un flagello que persiste." In: C. Mendoza, C and E. Torres-Rivas (eds) *Linchamientos: ¿Barbarie o "justicia popular"?* Guatemala City, Colección Cultura de Paz. Pp. 275-329.

Mitchell, Timothy

1999 Society, Economy, and the State Effect. In: G Steinmetz (ed) *State/Culture: State Formation After the Cultural Turn*. Ithaca/New York: Cornell University Press. Pp. 76-97.

Nugent, David

2004 Before History and Prior to Politics: Time, Space, and Territory in The Modern Peruvian Nation-State. In: T.B. Hansen & F. Stepputat (eds) *States of Imagination: Ethnographic Explanations of the Postcolonial State*. Durban/London: Duke University Press. Pp. 257-283.

Poole, Deborah

2004 Between Threat and Guarantee: Justice and Community in the Margins of the Peruvian State. In: V. Das and D. Poole (eds) *Anthropology in the Margins of the State*. Oxford: School of American Research/James Carrey. Pp. 35-66.

Remijnse, Simone

2003 *Memories of Violence: Civil Patrols and the Legacy of Conflict in Joyabaj, Guatemala*. Amsterdam: Rozenburg Publishers.

Rothenburg, Daniel

1998 Los Linchamientos - The Meaning of Mob Action in the Wake of State Terror in Guatemala. *Native Americas* 15 (1). Pp. 1-7.

Sanford, Victoria

2003 *Buried Secrets: Truth and Human Rights in Guatemala*. New York: Palgrave MacMillan.

Schirmer, Jennifer

1998 Prospects for compliance: The Guatemalan Military and the Peace Accords. In: R. Sieder (ed) *Guatemala After the Peace Accords*. London: Institute of Latin American Studies.

Sieder, Rachel

1998 Customary Law and Local Power in Guatemala. In: R. Sieder (ed) *Guatemala After the Peace Accords*. London: Institute of Latin American Studies.

- 2001 Rethinking Citizenship: Reforming the Law in Postwar Guatemala. In: T.B. Hansen and F. Stepputat (eds) *States of Imagination: Ethnographic Explanations of the Postcolonial State*. Durban/London: Duke University Press. Pp. 203-220.
- Smart, Carol
- 1989 *Feminism and the Power of Law*. London: Routledge.
- Stepputat, Finn
- 2000 At the Frontiers of the Modern State in Post-War Guatemala. In: A. Arce and N. Long (eds) *Anthropology, Development and Modernities: Exploring Discourses, Counter-Tendencies and Violence*. London: Routledge. Pp. 127-140.
- 2001 Urbanising the Countryside: Armed Conflict, State Formation, and the Politics of Place in Contemporary Guatemala.' In: T.B. Hansen & F. Stepputat (eds) *States of Imagination: Ethnographic Explanations of the Postcolonial State*. Durban/London: Duke University Press. Pp. 284-313.
- Taussig, Michael
- 1992 *The Nervous System*. London, Routledge.
- Warren, Kay
- 2000 Death Squads and Wider Complicities: Dilemmas for the Anthropology of Violence. In: Jeffrey Sluka (ed) *Death Squad: The Anthropology of State Terror*. University of Pennsylvania Press, Philadelphia. Pp. 226-248.
- Weston, Gavin
- 2008 *Lynchings in Todos Santos Cuchumatán: A Genealogy of Post Conflict Violence*. PhD Thesis: University of Sussex.
- Forthcoming The Habitus of Hearsay: Guatemalan Vigilantism and a Reassessment of the Agency of Gossip and Rumor.
- Wilson, Richard
- 1995 *Maya Resurgence in Guatemala: Q'eqchi Experiences*. Norman: University of Oklahoma Press.
- 1997 *The People's Conscience? Civil Groups, Peace and Justice in the South African and Guatemalan Transitions, Briefing Paper*. London: Catholic Institute of International Relations.
- Worby, Eric and Rutherford, Blair
- 1997 Law's Fictions, State-Society Relations and the Anthropological Imagination – Pathways out of Africa: An Introduction. *Anthropologica* 39. Pp. 65-69.
- Zur, Judith
- 1994 The Psychological Impact of Impunity. *Anthropology Today* 10(3). Pp. 12-17.