THE MANO DURA PROMISE: DILEMMAS OF HUMAN RIGHTS AND SECURITY IN NEW LATIN AMERICAN DEMOCRACIES

by

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The *Mano Dura* Promise: Dilemmas of Human Rights and Security in New Latin American Democracies

A thesis submitted in partial fulfilment of the requirements for the degree of Master of Science at George Mason University, and the degree of Master of Arts at the University of Malta

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ABSTRACT

THE MANO DURA PROMISE: DILEMMAS OF HUMAN RIGHTS AND SECURITY IN NEW LATIN AMERICAN DEMOCRACIES

George F. Shipp, Jr., B.A.

University of Chicago, 2011

Thesis Director: Professor Susan Hirsch

Violent crime rates associated with drug trafficking and the availability of small arms in Latin America is alarmingly high. A variety of frameworks for combatting this kind of crime exists. Some crime-stopping tactics involve the coordination of the international community and others encompass the participation and cooperation of the societies within the affected nations. Yet despite the availability of these tactics, individuals in some Central American nations have demonstrated a preference for mano dura, an aggressive strategy against crime that targets perpetrators with harsh punishments. Mano dura, translated both as ‘iron fist’ or ‘strong hand,’ is an extremely important crime-fighting strategy to study today since it reminds many proponents of democracy of the authoritarian regimes that are still fresh in the minds of many Latin Americans. This thesis explores why Latin American populations express support for mano dura today, despite the potential dangers it presents. Throughout this project, the current situation in Guatemala is examined in detail since crime rates there are among the
highest in the region and because the nation’s newly elected president promised he would clean up crime using a *mano dura* strategy. The thesis, which is supported by theoretical arguments and evidence from case studies, illustrates that the populations preferring *mano dura* are part of a society surrounded in the memory, imagery, and discourse of violence. Had civil war conflict resolution in Latin America involved a greater degree of restorative measures and the participation of local communities, then *mano dura* may not have become such an attractive policy for individuals today.
INTRODUCTION

On August 16, 2011, Amnesty International issued a statement to Guatemala’s presidential candidates four weeks ahead of the first round of the national presidential election. In the statement, Amnesty called for candidates to take action with regards to pressing issues including the investigation of human rights violations, deteriorating public security, investigation of acts of violence against women, the end of forced evictions, the protection of human rights defenders, and the respect of international human rights commitments.¹ This request for action is part of an effort to alleviate extreme levels of crime in Guatemala, where the murder rate has reached over 51 per 100,000 people, making it one of the world’s most dangerous countries.²

In a way, Guatemala’s newly elected President, Otto Pérez Molina may have taken Amnesty’s request seriously. On November 6, 2011, Molina won the second round of the national election 53.74 percent against the opposition’s 46.26 percent³ on a platform of crushing crime with a mano dura, or “iron fist.”⁴ To Molina, previous Guatemalan governments have been too soft on crime because they have failed to

¹ “Open Letter from Amnesty International to Guatemalan Presidential Candidates for the
implement the zero tolerance approaches to crime the nation needs. Now, human rights advocacy groups are worried that Molina may overstep boundaries that protect the human rights of the population over which the President will rule. Advocacy groups are especially worried because Molina was an army general and a director of military intelligence during Guatemala’s civil war, during which approximately 200,000 people died.  

Jennifer Harbury, a human rights attorney and author spoke with Democracy Now!, one advocacy group concerned by Molina’s election. She has made claims that her husband was placed into a “special intelligence prisoner of war program, by which the prisoner was tortured long term, without killing him, in order to break him psychologically and force him to collaborate” under the direction of Otto Pérez Molina in the late 1980s and 90s. When Molina assumed the Guatemalan Presidency on 14 January 2012, it seemed as if the new leader would follow through with his promise.

Despite alleged connections to violations of human rights and a history of iron-fist politics gone haywire in Latin America, Molina affirms that the return of the iron fist is needed today. Pérez Molina founded the Partido Patriota in 2001, which is illustrated by its logo of a raised clenched fist (see figure 1). To Molina, the mano dura “is a rite that I accept, that I am going to fight with character and with a firm hand in front of the

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institutions to bring peace and security and defend the lives of all Guatemalans so we can live with security as we deserve.”\textsuperscript{8} In my view, the thought that \textit{mano dura} could benefit Guatemalans is especially puzzling given the nation’s fresh memories of extreme civil war violence. The question of whether or not to implement \textit{mano dura} is not only occurring in Guatemala. In light of this, this paper asks the question of \textit{why} large portions of Central American populations are supportive of zero tolerance approaches to crime stopping today, despite the potential dangers.

\begin{figure}[h]
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\caption{Guatemalan President-elect Otto Pérez Molina and the clenched fist logo of the \textit{Partido Patriota}. Activist groups fear Molina’s promise to rule with an “iron fist” will resemble a return to the Civil War years in which approximately 200,000 Guatemalans were killed. (Photo: Jorge Dan Lopez / Reuters)}
\end{figure}

\textsuperscript{8} Ibid.
Most of the literature surrounding *mano dura* attributes the preference for the aggressive crime policy to ‘moral panics.’ Moral panics have occurred throughout history, and refer to instances when critical events induce fear into individuals thereby causing them to react in drastic ways. An often-cited example of moral panic is the transformation of numerous European parliamentary democracies into dictatorships during the period between the two World Wars. The September 11 terrorist bombings in the United States also lead to the implementation of drastic legislation such as the Patriot Acts that many now consider to have been too invasive. The literature notes, “social disorder in the form of crime is a significant factor driving voters to support authoritarian solutions and the ultimate breakdown in democracy” in some cases. Social disorder is only one of many factors that do contribute to support for authoritarian approaches like *mano dura*. Throughout this thesis, I show that many voters in Latin America have been driven to support *mano dura* because the repeated images and discourse of violence there have reminded individuals of the pain violence can cause in their lives. Further, I argue that painful memories of trauma are a crucial factor that leads many to support *mano dura* because conflict resolution in Latin America has not been comprehensive. The choice of whether or not to use tough zero tolerance policing measures is part of ongoing dilemmas surrounding security and human rights in Latin American and the United States.

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10 Ibid., 559.
Defining ‘Mano Dura’

A World Bank report on crime and violence in Central America notes that *mano dura* has become a central part of Central American crime and violence policy over the last five to ten years.\(^{11}\) The report defines it as “an approach that called for toughening criminal codes by identifying new offenses, increasing prison terms, or encouraging judges to apply maximum penalties.”\(^{12}\) In some instances, *mano dura* policies have gone well beyond this design and have violated human rights policies set forth in international treaties. In fact, the report contends that *mano dura* has done little to improve crime and violence and has instead allowed it to intensify. There are numerous cases in which national and local leaders have implemented *mano dura* policies against crime. Alberto Fujimori of Peru, Salvador Allende of Chile, and Francisco Flores of El Salvador all implemented the policy during their tenures as leaders of their countries.

*Mano dura* is sometimes translated as ‘strong hand’ or ‘iron fist.’ Throughout this thesis, I have chosen to use the Spanish phrase since its meaning is quite distinct from its translation. The latter English translation is used much more widely than Latin American *mano dura* to refer to general authoritarian practices. The media today commonly refers to the iron fist of Syrian President Bashar Assad whose crackdown on dissent in the

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\(^{12}\) Ibid., 28.
troubled nation is now commonly seen as blatantly oppressive and authoritarian.\textsuperscript{13} Additionally, the iron fist characterizes regimes including that of Alexandr Lukashenko, the freely elected Belarusian President who has modified his nation’s constitution so that he can stay in power indefinitely.\textsuperscript{14}

The term ‘iron fist’ scares many individuals because of its association with authoritarian regimes. According to Dan Slater, a political scientist, “democratic institutions fundamentally serve to provide stable patterns of popular representation. One way they accomplish this purpose is by constraining the chief executive’s ‘despotic power.’”\textsuperscript{15} When the ‘despotic power’ of a strong ruler is unchecked, it can transform into iron fist rule. Slater further states, “democracies can either be institutionalized, if rules constrain the ruler, or personalized, if rulers ignore the rules.”\textsuperscript{16} Mano dura is distinct from ‘iron fist’ because it implies a fear or intense worry that their lives could be worse if aggressive measures are not taken. As I show, this fear of violence is a significant reason why individuals have shown support for mano dura in their nations. Nevertheless, the terms do have great similarities, since they both imply authoritarianism. For example, if Molina does indeed decide to rule by mano dura, then Guatemala’s weak institutions may fail to keep his power in check. Furthermore, if Molina is involved in


\textsuperscript{16} Ibid., 82.
existing criminal networks, as some advocacy groups claim, then it seems that his power could expand to an even greater extent. If this occurs, then a decision to protect society from violence may in fact become the catalyst for a deteriorating situation.

Mo Hume, Lecturer of Politics at the University of Glasgow, contends that mano dura in El Salvador is the direct result of moral panics that have occurred there. In a 2007 study of the Salvadorian response to gangs in the early 21st century Hume contends, “the *Mano Dura* approach reflects a crisis in El Salvador’s fledgling democracy, since it is indicative of the endurance of a hegemonic political project of exclusion and polarization in El Salvador. This is led by a rightist government that silences the articulation of political alternatives to the use of force.”17 In El Salvador, *mano dura* manifests itself especially as arbitrary arrest of individuals with characteristics that can be associated with gang membership, such as tattoos or symbols. To Hume, the Salvadorian government has in many ways attempted to quell high levels of violent crime by using *fear* and *panic* as tools. Hume uses UNDP figures from 2003 to show that a majority of Salvadorians were in favor of the killing of criminals who terrorize the community because they fear the alternative: allowing the criminal to live, even in prison.18 I contend that Hume’s argument is only partly true, since moral panics are only part of the reason *mano dura* is favored by many voters.

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18 Ibid., 745.
Argument

Latin America has suffered enormously from conflict over the last five decades, and many individuals now possess traumatic memories of violence as a result. In this thesis, I argue that these memories exist to the extent they do because conflict resolution following the most intense war violence was insufficient. In other words, I contend that many groups and individuals in Latin America have not gone through an adequate reconciliation process in the years following the violence. Today, many Latin Americans continue to have very personal experiences with violence that call upon their memories as they are surrounded by images of violent acts and by discourse designed to incite fear of future violence. In sum, many Latin Americans in new postwar democracies demonstrate a preference for mano dura because they are convinced security is of a greater concern to them than the preservation of democratic human rights. This has occurred because current experiences with violence have invoked traumatic memories that have not been completely reconciled through comprehensive conflict resolution.

Roadmap

This thesis is composed of six chapters that support the above argument. In the first chapter, I offer two forms of conflict resolution. Literature from the conflict resolution field shows the importance of comprehensive and sustainable agreements that strive to reconcile difference between conflict parties. A post-conflict future can only look positive if neighbors are able to live together peacefully. Peaceful cohabitation is
achieved through legitimate justice systems, which can be either traditional (state-run) or restorative. The distinction between the two kinds of conflict resolution drawn in this chapter provides a way of comparing the conflict resolution processes of many nations including those in Central and South America to established theoretical models.

In the second chapter, I introduce the violent situation in Guatemala. I have chosen Guatemala as a primary case study because crime there is among the highest in the region and because the decision to implement mano dura was a key part of the recent Guatemalan Presidential election. As this chapter will demonstrate, Guatemalans are part of a culture of violence, which developed during the civil war years and continues today. Many Guatemalans possess painful memories of war, which current violence evokes.

In the third chapter, I explain the importance of moral panics in the formation of support for zero tolerance security measures. Again drawing upon the Guatemalan case, the role of the media and of Guatemalan leaders in the promotion of fear of violence will become clear. While some Guatemalans today are victims of violence, the fear of violence and of crime that exists currently is extremely disproportionate to the actual risk. I argue that because many Guatemalans continue to possess memories of trauma, the images displayed by the media and the discourses of Guatemalan leaders serve to produce moral panics. Because leaders have promoted mano dura as a beneficial policy against violent crime, citizens view the measures as necessary to their well-being.

In the fourth chapter, I introduce and analyze the 16 Guatemalan Peace Accords developed in the mid-1990s to show potential gaps in the conflict resolution process that followed the Guatemalan Civil War. The language of the Peace Accords demonstrates a
great concern and commitment to sustainable democracy founded upon human rights; however, security seems to have become the primary concern since the peace agreements were signed. The Accords were successful in establishing negative peace—an end to direct violence—in Guatemala, but reconciliation efforts have not been fully completed. This is the third reason Guatemalans today have chosen to support mano dura security policies. If reconciliation efforts introduced in the Accords such as the Commission for Historical Clarification—a kind of truth and reconciliation commission—are completed, then perhaps human rights would again become as great of a concern to Guatemalans as security issues.

In the fifth chapter, I broaden the discussion to include analyses of other Latin American nations. Cultures of violence, moral panics, and incomplete conflict resolution have led to mano dura strategies in many nations throughout the region, including El Salvador, and Peru. Even ‘mature’ democracies like the one that exists in the United States are prone to zero tolerance policing strategies, where moral panics are the primary support mechanisms. The chapter demonstrates how dilemmas of human rights and security are not uncommon and so the discussion of Guatemala should be taken as relevant in many situations.

Finally, the last chapter questions the alternatives to zero tolerance policing in the Americas. Michel Foucault notes how power affects individuals from a variety of places and so crime-stopping policies should not only be the responsibility of the state. While the state does and should play a key role in reducing crime and fear of violence, this chapter examines whether or not international bodies and community groups should also
be involved in anti-crime measures. It becomes clear that the best route to effective policing is a combination of strategies from different levels of society. Further research must be done in order to understand exactly which strategies will be most effective for a given context.
CHAPTER 1

Conceptualizing Conflict Resolution: a Literature Review

The goal of the conflict resolver goes far beyond finding a mutually agreeable ending to a conflict. Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall understand the job of the conflict resolution practitioner as much more complex. To them:

...conflict resolution is more than a simple matter of mediating between parties and reaching an integrative agreement on the issues that divide them. It must also touch on the context of the conflict, the conflict structure, the intra-party as well as the interparty divisions, and the broader system of society and governance within which the conflict is embedded.19

The three authors are correct in that conflict resolution requires a variety of components, yet many see the field as one-dimensional. Conflict is wrongly seen as something with a definite beginning and end, but the causes of the conflict can exist for years before direct physical violence begins and can remain for many years after bloodshed ends. In a later section of this paper, I show that the Guatemalan Peace Accords were mainly focused on this one-dimensional mindset. I contend that had the drafters of the peace agreements and the leaders responsible for implementing them made greater considerations of the multiple dimensions required for conflict to end, the inclination to implement *mano dura* policies in the nation would have been less likely.

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Fareed Zakaria, a popular journalist, indirectly echoes Ramsbotham et al. when makes a distinction between *liberal* democracy and *illiberal* democracy. He defines liberal democracy as “a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property.” Many associate the United States of America with liberal democracy because of its fair elections, its three separate branches of government, and its Bill of Rights protecting basic citizen rights. In brief, ‘illiberal democracies’ describes a government that is not elected freely and does not provide security and human rights protection. In the words of Zakaria, illiberal democracies could be “democratically elected regimes…routinely ignoring constitutional limits on their power and depriving their citizens of basic rights and freedoms.” By this definition, a Guatemala with *mano dura* policies can be considered an illiberal democracy since human rights would be sacrificed in favor of presumed security. On the other hand, it is unsettling how the journalist’s article, written at a time when many Latin American nations are just beginning to emerge from conflict, provides a key unsettling prediction regarding post-conflict. Zakaria fears, “Political and military leaders, who are often embattled remnants of the old authoritarian order, realize that to succeed that they must rally the masses behind a national cause. The result is invariably aggressive rhetoric and

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policies, which often drag countries into confrontation and war.”²² Using Zakaria’s definition, it seems that it could be one of the goals of a nation emerging from conflict to become a *liberal* democracy in an effort to ensure citizens are represented, law is enforced, despotism is prevented, and human rights are guarded.

**One-Dimensional Conflict Resolution**

Consistent with the definition of conflict resolution provided by Ramsbotham et al., one-dimensional conflict resolution only entails the agreement determined between disputing parties for ending direct violence. It does not go beyond the agreement to address the root causes of the conflict and the conflict’s structure, nor does one-dimensional conflict resolution address best practices for allowing conflicting parties to live beside one another harmoniously. While an end to direct violence is undoubtedly a core component of comprehensive conflict resolution, the agreements that are developed as a result of one-dimensional conflict resolution do not incorporate many of the necessary components to ensuring positive peace.

Johan Galtung, one of the “Founding Fathers” of the conflict resolution field, makes two critical definitional distinctions for the discipline. In the first, Galtung juxtaposes direct violence with structural (indirect) violence. In brief, when violence is direct, the effect by the actor on the recipient is physical or psychological.²³ When

²² Ibid., 38.

violence is structural, the violence “is built into the structure and shows up as unequal power and consequently as unequal life chances.”

24 Galtung’s definitions of negative peace and positive peace follow the logic of the definitions of violence. When an end to direct violence has been reached, it can be said that negative peace exists. Similarly, when structural violence ends, positive peace exists. For there to be positive peace, it seems that in most cases, there must also be an absence of direct violence. Of course, for conflict resolution to succeed, there must be both negative peace and positive peace (social justice) despite criticisms that this is only an ideal. 25 If a peace agreement that incorporates only one form of peace is signed, then by this logic, the conflict would not be fully resolved.

John Burton, another “Founding Father” of the field, agrees that effective conflict resolution goes far beyond finding an end to direct violence. In particular, Burton understands that all individuals have basic human needs, which “describe those conditions or opportunities that are essential to the individual if he is to be a functioning and cooperative member of society, conditions that are essential to his development, and which, through him, are essential to the organization and survival of society.”

26 While in many cases it is impossible to determine exactly what needs are fundamental to an individual human being, Sites creates a list of eight that he feels are consistently important. Among the eight basic human needs Sites identifies are consistency in

24 Ibid., 171.

25 Ibid., 186.

26 John Burton, “Chapter Three: Human Needs Versus Societal Needs,” a text provided for a class as part of a Master’s program in which I participated, 38.
response, stimulation, security, recognition, distributive justice, rationality, meaning, and a sense of control. According to basic human needs theory, conflict resolution is again viewed as a much more complex process than just the assurance of security from physical violence. Although the absence of direct violence is an undoubtedly important element of conflict resolution, it should be clear by now that it is not the only component of the process.

In one-dimensional conflict resolution, the agreement reached could largely be based upon positional bargaining between disputing parties. In this form of negotiating, parties take strict positions and make as few concessions as possible in order to make an eventual compromise. In some cases parties to conflicts may actually prefer that the conflict persist, though large parts of the population will almost always favor an end to the conflict. With this in mind, a great deal of conflict resolution focuses on finding an end to direct violence as its primary aim. Ramsbotham et al. realize the “aim [of negotiated settlements] is to find an outcome that neither [party] will reject, but, even if there are outcomes that both prefer to the status quo, there is still room for a great deal of conflict over the outcomes.” While it is unlikely that a conflict party will enjoy making concessions to its opponent, the wider goal of a negotiated settlement should be to find a solution in which both parties can find some level of satisfaction. In chapter four, I

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27 Ibid., 47-48.
29 Ramsbotham et al., Contemporary Conflict Resolution, 174.
30 Ibid., 187.
analyze the negotiated Peace Agreements that ended the Guatemalan Civil war and show that they were largely one-dimensional in their implementation. I argue that this has accounted for part of the decision Guatemalan leaders have chosen to consider *mano dura* as their anti-crime policy. Now, I turn to a theoretical discussion of what successful, comprehensive conflict resolution looks like.

Multi-Dimensional Conflict Resolution

In order to understand the scope of full conflict resolution, it is useful to consider Edward Azar’s foundational definition of protracted social conflict from 1978:

Protracted social conflicts are hostile interactions which extend over long periods of time with sporadic outbreaks of open warfare fluctuating in frequency and intensity. These are conflict situations in which the stakes are very high – the conflicts involve whole societies and act as agents for defining the scope of national identity and social solidarity. While they may exhibit some breakpoints during which there is a cessation of overt violence, they linger on in time and have no distinguishable point of termination. It is only in the long run that they will “end” by cooling off, transforming, or withering away; one cannot expect these conflicts to be terminated by explicit decision. Protracted conflicts, that is to say, are not specific events or even clusters of events at a point in time; they are processes.\(^{31}\)

Azar’s definition of protracted social conflict, which precedes Ramsbotham et al.’s definition of conflict resolution, is of key importance since it describes the nature of many ongoing Latin American conflicts. This will become especially clear in the next

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That the legacy of the Guatemalan conflict persists today is evidence that even after the official “end” of the conflict, many problems remain unresolved.

Because intractable conflicts are so complex, it is important to break their resolution into parts. Daniel Bar-Tal of Tel Aviv University makes a distinction between a conflict resolution phase and a reconciliation phase since “intractable conflicts deeply involve society members and result in the construction of a conflictive ethos, which provides the dominant orientation to the society.”

Once violence ends, it is crucial that parties to the conflict are able to understand one another and continue living side-by-side with one another. Individuals and groups will retain memories of their treatment by others during the conflict, which frequently translates into animosity, anger, or even hatred. Bar-Tal, referencing John Paul Lederach (1997), further divides the reconciliation phase into four elements: truth, justice, peace, and psychological change. The truth element of reconciliation entails open expression so that mutual understanding of the events of the past may be reached. Justice means holding those responsible for unjust acts responsible, which often includes restitution. The peace element calls for non-violence and understanding among constituents of the entire society in the future. Finally, psychological change entails changes in beliefs, attitudes, and even forgiveness as parties move forward with their lives.

Of course, the reconciliation phase cannot begin unless violence (direct and structural) ends. Peace agreements—often facilitated by third-party interveners—help to

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33 Ibid., 356.
bring about the moment where violence ends and reconciliation begins. As I mentioned earlier, this agreement must take the needs of all conflicting parties into account in order to be effective. Ramsbotham et al. outline five transformers of protracted conflict that are crucial parts of effective peace agreements. The first is context transformation. “Conflicts are embedded in a social, regional and international context” which in some cases allows the conflicts to perpetuate. When this is changed, the motivations of parties to continue fighting may be reduced. The second is structural transformation. Often, a stronger party wars against a weaker one. Parties have different strengths due to the structures in which they operate. When these structures are altered, the playing field is leveled and parties are more likely to reach agreement. Effective peace agreements must also strive to transform the actors in the conflict. For example, a change in the leadership of conflict parties may serve to allow the dynamic of the conflict to transform. Fourth, effective agreements must strive to transform the issues at stake in the conflict. Finally, they must contribute to the personal and group transformation of actors involved. This is achieved through the reconciliation practices outlined by Bar-Tal.

The five transformers of protracted conflict provided by Ramsbotham et al. may not be every element of effective peace agreements however. According to William Zartman of Johns Hopkins University’s School of Advanced International Studies, there is a “ripe moment” where conflict resolution is most likely to succeed. To Zartman,

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34 Ramsbotham et al., Contemporary Conflict Resolution, 175-176.

35 The Lebanese Civil War comes to mind here. Many of the parties involved in this protracted conflict had deep economic interests that supported a continuation of violence. Once this motivation was lost, fighting subdued somewhat.
“Parties resolve their conflict only when they are ready to do so—when alternative, usually unilateral means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament.”36 Zartman’s theory appears to be true intuitively, yet there have been instances where successful peace agreements have been reached after ripe moments have come and passed.37 Nevertheless, conflict resolvers with aims of implementing a comprehensive peace agreement must be aware of ripe moments and always act to make positive steps toward facilitating an end to conflict when these moments arise.

While this overview of comprehensive conflict resolution and of effective, multi-dimensional peace agreements is detailed, it is far from all encompassing. In this section, I have presented what I feel is one key reason violent conflict persists in countries whose populations are supportive of mano dura. The specific ways in which incomplete conflict resolution contributes to mano dura tendencies will become more evident later in this paper. In any case, it is clear from the existing literature that when conflict resolution only focuses on ending violence and does not include a reconciliation component, it cannot be effective.


CHAPTER 2
Guatemala’s Culture of Violence

Guatemala is a particularly interesting case to use for this study for several reasons. Freedom House, a prominent advocacy group based in Washington D.C. that monitors a nation’s level of democracy, classifies Guatemala as an electoral democracy, meaning the nation meets basic minimum requirements pertaining to election fairness.\(^{38}\) It may therefore seem surprising that an entire population would freely elect a leader who promises a severe crackdown on the activities of its people. In light of Guatemala’s past, it is not a great surprise that the nation’s people want radical change. The choice for *mano dura* may be a rational response to a desire to escape from a culture of violence that has existed for at least the last half-century.

During the later years of the civil war and immediately following the 1996 Peace Accords, Guatemala became a popular research site for anthropologists. These scholars produced vivid ethnographies detailing how *la violencia* (‘the violence’) affected communities across the nation. Most of these works focused on indigenous groups most heavily affected by the violence, which today comprise an estimated 56 percent of the

Among key works of this sort are those of Carmack (1988), Green (1999), Falla (1983, 1992), Manz (1988), Stoll (1993), Warren (1993), and Wilson (1991, 1995). It is remarkable how the ethnographies that emerged during the later years of the war period resemble one another in their findings. Other works, like that of O’Neill (2010) have examined political and structural violence in Guatemala City among primarily ladino (dominant, often colonial, and mestizo)\textsuperscript{40} populations. Linda Green’s \textit{Fear as a Way of Life: Mayan Widows in Rural Guatemala} (1999) and Kevin Lewis O’Neill’s \textit{City of God: Christian Citizenship in Postwar Guatemala} (2010) are particularly useful for understanding Guatemala’s culture of violence.

\textbf{Defining Culture}

Before entering into the violence Guatemala experienced, it is useful to define the term \textit{culture}. At a basic level, Shalom Schwartz defines culture as something that “consists of the derivatives of experience, more or less organized, learned or created by individuals of a population, including those images or encodings [sic] and their interpretations (meanings) transmitted from past generations, from contemporaries, or

\textsuperscript{39} “Guatemala: Population,” accessed Mar. 19, 2012, http://www.nationsencyclopedia.com/economies/Americas/Guatemala.html. Guatemala is notoriously bad at keeping census records, but it is generally agreed that the nation’s indigenous population is the largest by percentage in Latin America and well over 50%.

formed by individuals themselves.” While this definition does shed light on several important aspects of why people behave a certain way in ordinary life, it leaves out at least as many key nuances required for a full understanding of culture. What is important to note in Schwartz’s definition of culture are the words *experience, learned or created, images*, as well as the role of memory and history in the construction of culture.

Before linking the violent Guatemalan context to culture, the definition must first be nuanced. Kevin Avruch adds three key elements to Schwartz’s definition of culture. Avruch first notes that “*culture is socially distributed across a population,*” meaning that different segments of the same population sample possess different numerous cultural groupings. For example, I can be placed into categories like white, Christian, American, male, and others. Avruch adds, “*culture is psychologically distributed within individuals across a population.*” In other words, individuals from the same population sample internalize cultural representations to different extents. I am ‘Christian’ like many other individuals; however, Christianity means much more to me than ‘regular church attendance.’ Rather, the religion reaches deep into my emotional behavior, often guiding my daily activity. Finally, Avruch notes that culture “is closely connected to ongoing or past social practice.” Culture is not static and is subject to change in accordance with situations individuals face throughout their lives. Like Schwartz’s original definition of

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42 Ibid., *italics* original

43 Ibid.

44 Ibid.
culture, the precisions given by Avruch will become extremely important in the forthcoming analysis of a Guatemalan culture of violence.

This theoretical discussion of culture is not yet complete. An enormous quantity of cultures exists throughout the world, and often these cultures contradict one another. The existence of many very different cultures globally and the natural tendency to make comparisons of moral superiority between cultures can be termed ‘cultural relativism.’ While it is important for individuals of all cultures to be aware that their own values and ethical standards “are not necessarily universal or absolute,” this has been a historically difficult principle to adhere to. Throughout history, groups have entered into conflict with one another precisely because their cultures were in opposition. The French under Napoléon justified many of their colonial endeavors as a mission civilizatrice—a civilizing mission—believing their culture was superior over the culture of those peoples being colonized. Today, member states of the United Nations work together to defend human rights based on the Universal Declaration of Human rights. In both the French and the contemporary ‘Western’ (UN) cases, peoples have declared their cultures to be “universal.” But what makes these cultural understandings universal? Avruch, using the definition of Renteln defines universals as “those least common denominators to be extracted from the range of variation that all phenomena of the natural or cultural world manifest.” Yet, discovering extractable least common denominators in order to

45 Kevin Avruch, “Chapter 4: Culture, Relativism, and Human Rights” in Human Rights and Conflict, ed. Julei Mertus et al. (United States Institute of Peace Press, 2006), 105

46 Ibid., 107.

construct universals is variable and dependent upon a variety of contingencies. It could therefore difficult to proclaim that democracy is the only universally ‘good’ form of government because numerous eastern societies have functioned well through less democratic forms of government. In order to overcome this problem of universals, which manifests itself in many ways, it seems necessary to consider human rights as core to all human beings, as Avruch later suggests.\(^48\)

Agreeing upon a general definition of culture is no easy feat. The definition given here combines Schwartz’s emphasis on imagery and learned history with Avruch’s three precisions that culture is social and psychologically distributed and variable. Finally, while it is important to understand that one’s own culture is not superior to another, there have been many instances in which peoples have been convinced of their culture’s universality. Cultures are vast, and can describe many situations. It is particularly interesting for this thesis to understand what it would mean to have a culture of violence, as I contend exists in Guatemala. As I show in the next section using existing ethnography, the Guatemalan culture of violence is shaped first by a history of terror that has become part of a lasting memory. I then show that this culture of violence is further shaped by contemporary experiences of fear and imagery.

\(^{48}\) Ibid., 111.
Examining Contemporary Violence in Guatemala

Linda Green, whose research occurred during the late Civil War period in a town she calls Xe’cøj (in order to keep the name of the actual town anonymous), set out to focus on how the loss of a husband affected the economic life of widows in Guatemalan indigenous communities. She encountered levels of suffering that she did not anticipate and ultimately concluded “that violence and fear suffused people’s everyday lives.”

Green makes this conclusion due to the way violent history has impacted the traditional culture of the indigenous Maya people. Violence has replaced or destroyed the Maya way of life. Markers of this traditional life that have since been destroyed to a great extent include dress, social/communal relationships, language, and “customs” which connect Maya religious practices to neighbors, ancestors, and nature.

The violence that has now replaced traditional Maya culture began during the early colonial period. The “ladinization” of the Maya began as Spanish-speakers began reproducing with the indigenous population, creating a separation between the indigenous and the ‘cultured’ mixed elite. The racial separation that developed out of the colonial period was not improved once Guatemala gained its independence from Spain in the early nineteenth century. Elite ladinos marginalized the Maya by establishing themselves on indigenous land as a dominant master over an ‘inferior’ population. Many in the nineteenth century did this by contracting local populations to work on plantations in the


50 Ibid., 27.
finca system or in army militias. The marginalization of the indigenous Maya population continued through the civil war and even continues to a large extent today. O’Neill notes in 2010 that “86.6 percent of the indigenous live in extreme poverty, 75 percent do not own land, and 34 percent of indigenous women are severely malnourished.”

Guatemala’s civil war officially began in 1960 after the failure of a nationalist uprising. Six years before, the United States backed a coup against then President Jacobo Arbenz, who was seen as a threat to the American United Fruit Company. The Guatemalan state militarized itself quickly in response to these events. In turn, many members of indigenous communities were recruited by ladino insurgencies to fight for land rights and democracy. This came to a head during the authoritative regime of Efrain Rios Montt (1982-1983), who engaged in a “scorched-earth” campaign to rid all of Guatemala of guerillas. Since Montt understood the guerilla movement as coming from the indigenous population, these often-innocent communities were the primary targets of brutal massacres. Green notes that by the early 1980s,

Guatemala [‘land of eternal tyranny’] was notorious not only for the political murders, kidnappings, and disappearances that had almost become daily occurrences since the mid-1970s in both urban and rural areas but also for the wholesale massacres, mutilations, and burnings—even of the elderly, children, and pregnant women—in indigenous villages in the highlands.\(^{52}\)

The civil war years, especially those under Montt, are now acknowledged by the United Nations Genocide Convention to be genocide. The United Nations-led peace


\(^{52}\) Green, *Fear*, 29.
process that came to an end in 1996 was rocky at best and failed to address many of the inequities between the indigenous and *ladino* population.\(^{53}\)

O’Neill wonders “how ‘post’ is postwar Guatemala?” in his ethnography centered in Guatemala City (*Guate*). In many ways, *Guate* is representative of the high diversity of Guatemala’s population in general, with over one million indigenous people in residence.\(^{54}\) While the Civil War has come to an official end, he finds that “Guatemala City’s current murder rate is higher than the average number of Guatemalans killed each year during the country’s genocidal civil war.”\(^{55}\) Corruption runs rampant and citizens of the nation have little faith in their federal justice system or in the national security apparatus. O’Neill, referencing Seligson and Azpuru (2004), notes that because of this lack of faith in the national government to provide justice, many Guatemalans find taking justice into their own hands to be an acceptable response to crime. “Femicide,” or the violent murder of women is also a current issue in *Guate*.\(^{56}\)

If we return to the definition of culture that was given in the first section of this paper, we quickly realize how a culture of violence has come to dominate in Guatemala. For the indigenous people of Guatemala, violence has become ingrained in their culture over nearly 500 years of unceasing violent action and discrimination. While violence may manifest itself differently in different areas of Guatemala, it is nonetheless present to

\(^{53}\) Ibid., 172.

\(^{54}\) O’Neill, *City of God*, 17

\(^{55}\) Ibid., 21.

\(^{56}\) Ibid.
some extent. Violence has become part of the shared Maya historical experience over the last centuries. Of course, it would be an overgeneralization to state that all Maya communities have suffered from the same intensity of violence. Green notes in 1999 that she became “convinced by trusted Guatemalan friends that while it [violence and fear in Xe’caj] might now be emblematic, neither was its way of life unique among many of the towns and villages that dot the altiplano.”57 The replacement of traditional Mayan culture with a culture of violence is evident in three ways. First, ancient weaving practices are being corrupted as indigenous women desperately search for alternative forms of income after the loss of their husbands.58 Second, relations between members of indigenous communities remain distrustful as a result of the Montt scorched-earth campaign that demanded neighbors accuse one another of participating in the insurgency in order to survive.59 Finally, Mayan language and customs are being eroded by the dominance of ladinos, who see Spanish and Christianity60 as more legitimate cultural practices. The replacement of indigenous culture with a culture of violence continues despite the official end of the Guatemalan civil war in 1996 and manifests itself extreme inequality with the dominant ladino population.

While the civil war affected the primarily ladino community in Guatemala City differently from the countryside, its effects are made evident by the rampant corruption

57 Green, Fear, 4. The altiplano refers to the natural Maya landscape, which is traditionally considered sacred.
58 Ibid., 127-148.
59 Ibid., 28.
60 Ibid., 149-165,
and lawlessness that persists today. With an astronomically high murder rate and distrust in the capabilities of the Guatemalan state, a culture of violence has overtaken any pre-existing ladino culture. Thus, in some sense, all Guatemalans have a shared learned history of violence exemplified through the erosion of traditional imagery. Further in line with our definition of culture, we see the culture of violence distributed widely across the Guatemalan nation at different levels of intensity. For some, violence is only a small component of what makes up their culture while for many others, Guatemala’s culture of violence is manifested as a form of psychological terror.

The World Bank report mentioned earlier is particularly useful for understanding the burden this culture of violence places on the well-being of Guatemalan Society and Latin America more widely.\(^6^1\) Two of the illustrations from the report are reproduced in figures 2 and 3 below. Figure 2 shows extremely high rates of criminal victimization throughout Latin American using information the Bank analyzed from Latin American Public Opinion Project (LAPOP) raw data. In Argentina, for example, 28% of adults surveyed declared having been victimized by crime over a 12-month period. Much of Central America, including Guatemala, falls toward the center of the range around 17%. In Figure 3, homicide rates are shown on a color-coded map of Central America. It is clear from the map that the rural Péten region in northern Guatemala as well as areas surrounding Guatemala have the highest homicide rates. It is also evident that most of Central America experiences extreme violence in the form of homicides today.

The World Bank provides its analysis in order to argue that crime and violence in Central America are hurting economic growth rates in the region. The body estimates that a 10% reduction in the homicide rate could produce economic gains up to 1% of GDP in some Central American nations.\textsuperscript{62} The Bank finds crime and violence rates to be so high due to drug trafficking, youth violence and gangs, as well as the availability of firearms left from earlier wars. If crime and violence is affecting economic growth as the World Bank contends, then continued experiences with violence are not only operating in conjunction with memories of terror, but are affecting the lives of all individuals in the region—including those not directly victimized by crime—in profound ways.

The picture of Latin American violence today is worrisome. Homicide rates there are among the highest in the world and are not improving. As Kevin O’Neill implies, it may not be accurate to describe the region as “post-conflict.” Rather, Latin America suffers from an intense culture of violence solidified by terrifying memories and current experience. This troubling culture has provided the setting for the development of preferences in favor of \textit{mano dura} strategies against crime.

\footnote{\textsuperscript{62} Ibid., 9.}
Figure 3: Homicides, the most violent of crimes, affect nearly all of Central America to some degree. (Illustration: Cuevas and Demombynes cited by The World Bank, 2011)
CHAPTER 3
Constant Reminders of Violence

Many Central Americans have daily experiences with violence in their nations and neighborhoods. I have shown that for many, high crime rates remind fearful individuals of the terror they experienced during recent wars. These memories of atrocious direct and structural violence will last their entire lives. Yet, it is important to realize that individuals are also fearful because their lives are filled with constant reminders from the media, political leaders, and other groups that the violent situation will not improve without drastic change from all levels of society. Individuals are told of violent events to which they can relate and a sort of panic ensues. In this chapter, I elaborate upon what is perhaps the most obvious explanation for the recent turn toward mano dura crime policies on crime in Latin America. A threefold approach will be taken: First, moral panic theory will be explained and its different conceptualizations will be outlined. Next, data from the AmericasBarometer database will show that many Guatemalans support repressive measures designed to lower rates of violent crime. The final section of the chapter reveals the images conveyed to the Guatemalan population through the media, the government, and other groups. Moral panics have operated in conjunction with cultures of violence in Latin America and generated high levels of support for authoritarian crime policies like mano dura.
Moral Panic Theory

Sociologists coined the term ‘moral panic’ in the 1970s to describe the almost global reactions toward youth hooliganism in the 1950s. Many youth following World War II were part of a prosperous postwar society and adopted many practices (such as “automobile worship” and listening to loud music) that ran contrary to the morals society had been accustomed to. These contrarian practices generated fear within the traditional population, who soon instituted measures designed to protect the youth from immoral influences. Stanley Cohen, the first to use the term ‘moral panic,’ defines it in the opening to *Folk Devils and Moral Panics* as:

A condition, episode, person or group of persons [that] emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible.”

Efi Avedla, a Professor of History and Archaeology at the University of Crete, demonstrated the accuracy of this definition in her 2008 work on youth delinquency in post-civil-war Greece. Avedla’s analysis, which draws upon newspaper articles and legislation passed at the time, showed that the mass media did indeed

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“disproportionately” portray youth criminality as a widespread social threat, leading to the preference for discipline and suppression of ‘immoral’ youth practice.65

While the mass media certainly has a role in the manufacture of moral panic, other actors could also be part of the manufacturing process. Erich Goode and Nachman Ben-Yehuda, two prominent sociologists who helped shape moral panic theory, wonder which groups are responsible for outbreaks of moral panics. They identify three models, which describe the origins of moral panics. The first is the grassroots model, which contends that panics originate with the general public.66 Alternatively, Good and Ben-Yehuda explore the possibility that moral panics are elite-engineered by small groups to deliberately incite fear and concern over an issue that they realize is not terribly harmful.67 Finally, moral panics may be manufactured by individual interest groups with the goal of generating behavior change for their own benefit. All three models are valid in some sense, yet the authors ultimately conclude “no moral panic is complete without an examination of all societal levels, from elites to the grassroots, and the full spectrum from ideology and morality at one end to crass status and material interests at the other.”68 In other words, moral panics are the products of multiple levels of society and not a single source.

65 Ibid., 44.
67 Ibid., 164.
68 Ibid., 168.
That moral panics are manufactured by a variety of parties is only part of the story. Fiona de Londras, a specialist on the War on Terror at University College Dublin School of Law, finds that moral panics literature has mostly focused on top-down approaches rather than considering those effects of the fear produced. To her, it is just as important for the literature to see moral panic as “a real and genuinely felt panic that exists in the wake of serious terrorist attacks and which creates a demand for repressive action.”69 While de Londras writes on the effects of terrorist attacks on a population, it seems important to apply this concept to other situations. It is reasonable to assume that violent crime also generates a demand for a repressive response. De Londras connects her definition of moral panic to David Garland’s idea of “collective victimhood,” which is especially important for enacting repressive measures since legislation can only be passed when a collective body of individuals agrees on a response.70 De Londras argues that Stanley Cohen’s conceptualization of moral panic is flawed because he perceives it as a reaction “by the media, the public, law enforcement, politicians and legislators” rather than the general population.71 The responses of these actors is of course important in affecting change, yet Cohen’s approach misses the idea of general demand for repressive measures from the affected masses, de Londras contends. As we consider the influences of moral panic, it is necessary to keep both the top-down and bottom-up approaches in


70 Ibid., 15.

71 Ibid., 21.
mind. Particular actors have manufactured panic in order to generate a demand within the general population in support of repressive measures.

Existing literature on moral panic is also useful for answering the question of how to know when a moral panic has taken hold in a society. Again according to Goode and Ben-Yehuda, one realizes a moral panic is occurring when five elements are present. First, there will be an intensified level of concern for the supposedly immoral behavior in question. There will also be hostility toward those practicing behavior. Third, there will be general consensus across society that the practice is unacceptable and that it should be stopped. Next, the hostility expressed by those condemning the questionable behavior will be disproportionate, as is implicit in the definition of moral panic. This is a particularly important component of moral panic, since in many cases where fear of something exists there is no real threat. For example, a population may condemn listening to loud music because it sees the practice as being linked to youth criminality when in fact there is no link at all. Finally, moral panics are volatile. They emerge swiftly and may disappear just as abruptly.

Using this framework, several examples of moral panics can be identified. Ben-Yehuda gives the example of the May 1982 Israel Drug Panic. He notes how Ora Namir, chairperson of the Knesset Committee on education, presented alarming information about drug use and abuse by youth in Tel Aviv. The media quickly picked up on the story and publicized stories of lack of cooperation from high schools throughout the country. Drug use was described as a “terrible” problem, yet the Ministry of Education was never

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72 Goode and Ben-Yehuda, “Moral Panics,” 156-158.
able to identify the origins of Namir’s disproportionately exaggerated story.\textsuperscript{73} Jennifer K. Wood writes on moral panics surrounding the kidnapping of youth in the early 2000s. Wood notes how legislation enacted in response to the kidnappings reflects images of victimhood conveyed in the media. In particular, Wood finds that coverage of the kidnappings of Elizabeth Smart and Amber Hagerman (whose name inspired the title of the national AMBER Alert bill) led to “the misperception that children in America are at a high risk for abduction.”\textsuperscript{74} While there are countless examples of moral panics that fit Goode and Ben-Yehuda’s framework, the last I will mention is occurring as I write this section. On 20 July 2012, a mass shooting in a Colorado movie theater left 12 dead and 58 wounded. The shooting has become an instant tragedy touching all Americans, fueled by the media frenzy that began immediately after the event. The morning after the event, politicians, legislators, the media, and the public are already discussing changes in gun control legislation.\textsuperscript{75} Questions surrounding public safety are also emerging: Should metal detectors be installed in more public places, for instance? Of course, going to a movie theater today is no more dangerous than it was yesterday but support for new legislation from the bottom is indicative of both top-down media-manufactured fear and a bottom-up conceptualization.


Support for Repressive Policies in Guatemala

Similar to the legislative decisions given in the examples above, the preference for *mano dura* recently demonstrated by the election of Otto Pérez Molina in Guatemala can be interpreted as the product of a moral panic. In a presentation at the 2009 Congress of the Latin American Studies Association in Rio de Janeiro, Krystin Krause used data from the 2007 Guatemalan presidential elections to explore the interaction between media images, public opinion, and political rhetoric.\(^76\) Molina also participated in that election with the slogan “*urge mano dura.*”\(^77\) At the same time, the media conveyed images of violence, which encouraged Guatemalans to “be worried when they leave their homes in the morning for work that they may not return alive.”\(^78\) In the final section of this chapter, we will see how the media today reinforces support for *mano dura* policies as it did during the time surrounding the 2007 election. From her study of the media, public opinion, and crime, Krause discovers a wide range of support for *mano dura* and social reform crime control policies.\(^79\) Indeed, the media plays a crucial top-down role in the manufacture of moral panic.

Mitchell A. Seligson, a Professor of Political Science at Vanderbilt University, founded and directs the Latin American Public Opinion Project (LAPOP). He originally


\(^{77}\) Ibid., 3

\(^{78}\) Ibid., 13.

\(^{79}\) Ibid., 17.
formed LAPOP in order to study democracy in Costa Rica, but the project has since expanded to include survey data from throughout Latin America and the Caribbean. Detailed surveys are distributed and analyzed by the AmericasBarometer, which LAPOP established in 2004. Whenever possible, datasets include samples of 1,500 respondents stratified according to location, and are gathered in native (often indigenous) languages. Data gathered by AmericasBarometer reveal support for *mano dura*. In 2010, respondents were asked:

> Do you think our government needs an iron fist, or do you believe that the problems can be resolved with the participation of all?\(^\text{81}\)

1 *mano dura* [iron fist]
2 *participación de todos* [participation of all]

39.16 percent of respondents expressed support for *mano dura* while 60.84 responded that the problems they are facing could be resolved with the participation of all.\(^\text{82}\) While this response does not indicate majority support for *mano dura*, it is significant that nearly 40 percent of respondents supported repressive crime control policies just before the election of Pérez Molina.

Other questions asked in the Americas Barometer survey are more cause for concern. In a 1999 paper, Seligson finds “Guatemalan views on the rights of the accused are not a function of socioeconomic, demographic, or ethnic differences. Rather, they appear to stem directly from Guatemalans’ attitudes about the kind of government they


\(^{81}\) ¿Cree usted que en nuestro país hace falta un gobierno de mano dura, o cree que los problemas pueden resolverse con la participación de todos?

\(^{82}\) The AmericasBarometer by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org.
prefer—democracy or authoritarianism.”

At the time, Guatemalans surveyed indicated the weakest preference for democracy in Latin America at 44 percent. Yet, what Seligson found most troublesome in 1999 was that due process rights of the accused in Guatemala were in jeopardy. Those surveyed were asked the question:

In order to capture criminals, do you think the authorities must always respect the laws or can they sometimes act on the margins of the law?85

1 Deben respetar las leyes siempre [Must always respect the laws]
2 En ocasiones pueden actuar al margen de la ley [On occasion can act on the margins of the law]

In 1999, only 43.9 of those surveyed responded that laws protecting the accused can never be violated. While the figure has risen to 61.64 percent today, there is still a large segment of the population who sees the law as something flexible.

The data seem to echo Fiona de Londres’s theory concerning bottom-up moral panics. The support for repressive measures that is evident in the data is not the majority however. How then did a majority of voters vote in favor of Pérez Molina and his mano dura crime stance in 2011? One answer could be that the 2010 AmericasBarometer data reflects only negative and positive responses to the question asked and does not display neutral answers. Respondents are also given the option of answering no sabe [do not know] and no responde [no response] on their surveys, yet these replies are not included in the 2010 percentages when they are counted in 1999. Those survey respondents to whom the questions asked did not make sense or there was no preference likely makes up

83 Seligson, “Public Support,” 582-583.
84 Ibid., 564.
85 Para poder capturar delincuentes, ¿cree usted que las autoridades siempre deben respetar las leyes o en ocasiones pueden actuar al margen de la ley?
a significant portion of the 2010 dataset. In addition, the survey sample size is small compared to the over 4.2 million valid votes cast in the general presidential election. A margin of error must therefore be recognized when comparing the survey results with the election outcome. Taking these factors into consideration therefore, a bottom-up demand for repressive crime policies could indeed exist in Guatemala based on the LAPOP and AmericasBarometer data.

Manufacturers of Fear in Guatemala

It is harder to pinpoint top-down influences on contemporary Guatemalan moral panic surrounding crime than it is the bottom-up demand for repressive policy. It is clear that the media is contributing to the existing fears and memories of violent crime, but other forces behind the manufacturing of fear remain questionable. In this section, I examine the role of certain actors in the creation and maintenance of Guatemalan moral panic today. Since fear is manufactured by a number of different parties in Guatemala, it is difficult for individuals to escape their effects.

Few studies have focused on the Guatemalan media in particular. The nation’s four major newspapers—Prensa Libre, El Periódico, Siglo XXI, and La Hora—are all independent, based in Guatemala City, and are critical of the government and powerful interest groups.\(^\text{86}\) Each possesses high levels of readership and a website. All four newspapers publish stories that describe violence on a daily basis. For example, on 22

July 2012, the websites of the four main papers each published headlines on unrelated violent crime–related events that had occurred recently. *Prensa Libra* published a video report entitled “Fuerzas de seguridad en Cuidad Quetzal” [Security forces guard Quetzal City]; *El Periódico* ran an article entitled “Policía Nacional Civil tiene deficit de armas cortas” [National Civil Police has a deficit of small arms]; *Siglo XXI* posted a story called “Tiroteo en Santa Catarina Pinula durante operative” [Shooting in Santa Catarina Pinula during operation]; *La Hora*’s main story was titled “Impunidad impera en procesos de defraudación y contraband” [Impunity reigns in fraud and smuggling processes]. Often images of violence like the one shown in figure four accompany the print stories. It is not surprising for violence to occupy a place in a newspaper. However, it is remarkable that all four websites of the major national newspapers of Guatemala ran unrelated stories describing violent events at or near the top of their homepages. Guatemala also has four major broadcast media outlets: Canal 3, Canal 7/Televisiete, Canal 11, and Canal 13.\(^{87}\)

As is the case with the newspapers, stories of violence occupy a large part of the agencies’ daily news broadcasts.

\(^{87}\) Ibid.
In a 1997 paper, three Florida State University researchers published their findings on the relationship between fear of crime and news consumption. The study challenges the claim that the media has a strong fear-producing influence on its audience. Using a telephone sample of 2,092 adults in Tallahassee, Florida, the researchers examine responses to the following question:

On a scale of one to ten, with ten representing the most fear and one representing the least fear, how much do you fear being robbed by someone who

Figure 4: *Prensa Libre* included this photo of a body bag enclosing a body found in the rural Petén region on July 14, 2012. Guatemala’s media consistently publishes stories and images of violence, making it a potential contributor to audience fear. (Photo: *Prensa Libra*, July 14, 2012)
has a gun or knife… (someone breaking into your house to steal things; someone stealing your car; someone attacking you physically?)

Responses were put into relation with the frequency in which respondents followed a particular media form (including newspaper, radio, TV news, magazine, local TV). The study found that only white women who watched television news were significantly fearful of being robbed by someone who has a gun or a knife. Further, the authors of the report find that television news is the only media form where a group is most likely to see itself victimized. In other words, it is from television news that white women are most likely to construct meanings from the messages they receive throughout the broadcast. While the same social group categorizations are not valid in other nations, the Florida State University study suggests that the effects of the media in producing fear is limited. It may then be important to examine other manufacturers of fear in Guatemala. This may be especially true in Latin America, since literacy rates and television ownership are generally lower than in the United States.

The second and perhaps the most powerful manufacturer of fear in Guatemala is the government. During the war years, the government “institutionalized” terror in order to achieve its goals against insurgency. Members of the indigenous community and the Catholic Church were specifically made targets, since they traditionally supplied the

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89 Ibid., 352.

guerilla support base in the battle against the government. At the same time, guerilla
groups terrorized Indians into joining their ranks. According to a 1980 article written just
before la violencia reached its most intense point: “the use of terror…combined the
achievement of desired effects (destruction of the leadership of mass movements,
generalization of intimidation and consequent recession of mass struggle) with the
elimination of undesired ones (accusations of human rights violations against the
government, problems of legitimation, economic losses to business and the service sector,
etc.).”91 Thankfully, the terror generated during the Civil War far exceeds the fear created
as part of a moral panic today.

While the fear the government manufactures today pales in comparison to
intentionally produced Civil War terror, it does make significant contributions to the
bottom-up demand for repressive policies. During Otto Pérez Molina’s 2011 campaign
for president, harsher approaches to insecurity were his primary talking points.92 For
example, Pérez Molina repeated his tough stance on crime in the following manner:

I will not say that drug trafficking is in control of Guatemala, there are some
places that have become lawless in face of the current government, where
organized crime has taken the place of government. Some places where this is so
are Petén, Alta Verapaz, Izabal, where you [the government] actually control
organized crime and not the state…This is one of my challenges.93

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91 Gabriel Aguilera Peralta, “Terror and Violence as Weapons of Counterinsurgency in
July 5, 2012.

92 Rogelio Núñez, “Otto Pérez Molina, mucho más que sólo ‘mano dura,’” Infobae.com,
mano-dura.

93 “No le diré que el narcotráfico tiene el control de Guatemala, pero sí tiene unos bolsones que se
le han convertido en bolsones de ingobernabilidad al actual gobierno, que han pasado a ser lugares de
gobernabilidad para el crimen organizado. Ejemplo de eso están algunos lugares en Petén, Alta Verapaz,
Prior to the 2011 presidential campaign, the security platform was also the only policy Pérez Molina discussed, which may be the reason for his previous electoral failures.\textsuperscript{94} In the most recent election, security was supplemented by discussion of measures that may be taken to improve the Guatemalan economy, improve government transparency, and boost democratic values. It is nevertheless clear from the slogan of the Partido Patriota that security remained the party’s central focus before the 2011 election: “It is the right fist which means freedom, strength, effort and determination of the people of Guatemala, in order to bring about a better future.”\textsuperscript{95}

Pérez Molina has largely maintained his strong security stance since assuming the presidency. During his inauguration speech, the incoming president vowed to uphold his campaign promises and called for all Guatemalans to take part in the government he will institute. During the speech, Molina stated, “We will have security if we all procure it…we will have peace, if each one of us does their part, because Guatemala belongs to all of us.”\textsuperscript{96} As a symbol of his strong fist and echoing his party’s logo, the new President also broke with tradition and held his clenched fist to his heart rather than his open palm.

\textsuperscript{94} Núñez, “mucho más.”


This gesture served as one of many messages Pérez Molina has conveyed to his constituents facing high levels of criminal violence.

Since the inauguration, it remains difficult for Guatemalans to escape the imagery of government action against violence. While Pérez Molina and his party may have hoped to manufacture fear among potential constituents, he now hopes to show how well his government has acted. The President has installed National Civil Police troops in many locations across the nation since assuming office, having planned to add 10,000 new police to the national force. On July 07, 2012, Siglo XXI described the police surge as a “militarization” which the President vows to preserve “as long as is necessary.”

Ongoing reaffirmations of the need for tough policing throughout the country only serve to emphasize how the government of Guatemala is still manufacturing fear. While the increased presence of security forces may allow fear to subside for some Guatemalans, it continues to serve as a reminder of the nation’s dire situation for many.

Other groups such as non-governmental organizations also manufacture fear in Guatemala. Amnesty International, Human Rights Watch, and others all publish reports on violence, crime, and the dangers they pose for individuals in Guatemala. On June 5, 2012, the Nobel Women’s Initiative published a high-profile report detailing violence against women in Mexico, Honduras and Guatemala. The fact-finding delegation included the participation of Rigoberta Menchú Tum, recipient of the 1992 Nobel Peace


Prize and member of the Guatemalan indigenous community. In 1983, Menchú gave an extremely powerful account of the violence and human rights abuses she experienced firsthand in her book *I, Rigoberta Menchú*. She is the first indigenous woman to have won the Peace Prize and ran unsuccessfully for president of Guatemala in 2007. Menchú is widely respected by the indigenous community, and her participation in the publication of the recent report gives it added power. The report reveals a significant rise in *femicides* throughout the nations examined, alarmingly low conviction rates through the justice system, and a high frequency of attacks on human rights defenders. Advocacy groups including the Nobel Women’s Initiative report their findings precisely so their readers feel compelled to respond. Their role in producing bottom-up demand for action is clear.

This chapter has demonstrated that many Guatemalans support strict measures designed to combat high levels of crime. I argue that this is partly attributable to top-down manufacturers of fear, including the media, the government, and non-governmental organizations. Because of this, the claim that moral panics are responsible for significant levels of support for repressive anti-crime measures seems justified. It is important to realize however, that this is not the entire story. It has been shown that Guatemalans are also fearful that violence will affect them because they have vivid memories of terror that occurred during the Civil War. Because of this, moral panics also occur from the bottom up. The next chapter contributes yet another component to the story—that repressive crime policies like *mano dura* may be a response to incomplete conflict resolution following violent conflict.
CHAPTER 4
Successes and Failures of Conflict Resolution in Guatemala

It has been shown that present-day support for *mano dura* in parts of Latin America can be explained by a desire to escape from a culture of violence and by accompanying moral panics. I argue that a third factor contributes to support for zero tolerance policing strategies: incomplete conflict resolution. In this chapter, it will become clear that the implementation of a post-conflict peace process contributes greatly to the way governments and individuals interact with human rights many years after the conflict has officially ended. This is true even if peace agreements between conflict parties are drafted in a comprehensive manner, as was the case for Guatemala. An analysis of the 11 peace agreements signed by the government of Guatemala and the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), the unified guerilla movement, reveals that there was great concern for human rights and long-term justice throughout the UN-mediated drafting process. While conflict parties did follow through with many of the terms of the peace agreements following their signing in late 1996, concern for human rights soon tapered off while security issues continued to dominate. This dilemma is a legacy of the formal violence of the Guatemalan Civil War, which has become “new
violence” since the years following the Peace Accords. The drafters of the Accords understood the importance of human rights for a new democracy, yet today’s violence is characterized by a lack of trust in the justice system due to society’s failure to adopt practices that would make the new power structures legitimate.

The chapter proceeds in three sections. In the first, the comprehensive nature of the Guatemalan Peace Accords will be highlighted. Reaching agreement between conflict parties demanded numerous revisions and years of negotiations. The second section outlines the nature of the “new violence” that has developed since the final peace accord was signed in December 1996. Specifically, today’s violence is characterized by lynching and vigilante justice. The third section demonstrates the importance of human rights and long-term justice in order for many Guatemalans to regain confidence in their traditional justice system and their government. This traditional justice system is organized by the state and is centered on legal proceedings and due process. When Guatemalans are able to regain faith in their state, I contend that support of mano dura will decrease because traditional punitive justice will become a viable option for stopping crime. For conflict resolution to be completely successful peace agreements signed between parties and the subsequent implementation process must demonstrate long-term concern and willingness to incorporate human rights into every level of society.

The Comprehensive Nature of the Guatemalan Peace Accords

Guatemala was the last country in the Central American region to push for an official end to its bloody civil war. Once Nicaragua and El Salvador had commenced their conflict resolution processes, the Guatemalan military gave in to international pressure to seek out an official end to violence.\textsuperscript{100} Direct talks between the Guatemalan government and the URNG began in 1991 and the United Nations entered the scene in 1994 in order to mediate an agreement. The last of the eleven UN-mediate accords, the “Accord for a Firm and Lasting Peace” was signed by the government of Guatemala and the URNG on December 29, 1996, ushering in the official end of \textit{la violencia}.

The eleven accords presented a comprehensive framework for Guatemala’s transition from authoritarianism to democracy. Combined, the nature of the Accords is consistent with the definition of multi-dimensional conflict resolution presented in the first chapter. Each of the eleven peace agreements was designed to compel parties to make specific contextual changes in order to move forward in a productive democracy. For example, the signing of the “Agreement on the Definitive Ceasefire” marked the end of direct violence between the government and the URNG. Other agreements, like the “Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society” and the “Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict” set the groundwork for finding an end to structural

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violence. Finally, the “Comprehensive Agreement on Human Rights” attempted to guide conflict parties toward a cooperative future. The eleven accords and the dates they were signed are the following:  

- Agreement on the Basis for the Legal Integration of URNG (12 December 1996)
- Agreement on Constitutional Reforms and Electoral Regime (7 December 1996)
- Agreement on the Definitive Ceasefire (4 December 1996)
- Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society (19 September 1996)
- Agreement on Socio-economic Aspects of and Agrarian Situation (6 May 1996)
- Agreement on Identity and Rights of Indigenous Peoples (31 March 1995)
- Agreement on the Establishment of the Commission to clarify past human rights violations and acts of violence that have caused Guatemalan populations to suffer (23 June 1994)
- Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict (17 June 1994)
- Agreement on a Timetable for Negotiations of a Firm and Lasting Peace in Guatemala (29 March 1994)
- Comprehensive Agreement on Human Rights (29 March 1994)
- Framework Agreement for the Resumption of the Negotiating Process between the Government on Guatemala and the Unidad Revolutionaria Nacional Guatemalteca (URNG)

The titles of the eleven accords suggest a thorough plan for ending violence in Guatemala and establishing democracy founded upon social justice between conflict parties.

Yet, there are certainly reasons to critique the Accords. Suanne Jonas recognizes the Accords as “a series of compromises between radically opposing viewpoints,” which weakens their achievements.  

Yet, there are certainly reasons to critique the Accords. Suanne Jonas recognizes the Accords as “a series of compromises between radically opposing viewpoints,” which weakens their achievements.  

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Comprehensive Agreement on Human Rights, the parties agree primarily to accept an international verification mission by the United Nations. The United Nations Verification Mission in Guatemala (MINUGUA) began its work in January 1997 and operated until May 1997 with the following threefold task:\textsuperscript{103}

a. Receive, consider and follow-up complaints regarding possible human rights violations;

b. Establish that the competent national institutions are carrying out the necessary investigations autonomously, effectively and in accordance with the political constitution of the Republic of Guatemala and international norms regarding human rights;

c. Determine whether or not a violation of human rights has occurred on the basis of whatever information it may obtain…

Jonas’s criticism that the human rights agreement did little more than provide the mission for MINUGUA is unfair. While the establishment of MINUGUA is one of the few concrete products of the human rights agreement, that concern for human rights was included into the peace agreements is of great importance.

A human rights vocabulary is echoed throughout the ten other accords, particularly in the preambles. Under the guidance of the United Nations, this is not surprising. In fact, the language used in the Accords makes it seem like the establishment and preservation of human rights in Guatemala are the ultimate goals of the agreements. For example, the Agreement on the Definitive Ceasefire states:\textsuperscript{104}

The Government of Guatemala reiterates that the incorporation of the URNG in the political and legal life of the country, under conditions of security and

\textsuperscript{103} Comprehensive Agreement on Human Rights, 19 March 1994

\textsuperscript{104} Agreement on the definitive ceasefire, 4 December 1996.
dignity, is in the national interest, given that it is directly related to the objective of reconciliation and the consolidation of a democratic system open to all, and to the contribution of all Guatemalans in building a prosperous country, a just and equitable socio-economic system and a multicultural, multiethnic and multilingual nation.

While this agreement is designed to ensure that direct violence between the URNG and Guatemalan Army does not continue, language like that used above indicates a willingness to reconcile differences between parties, recognizing that Guatemalans are different from one another and deserving of respect. Similarly, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict uses the following language in its preamble:  

> Considering the national, traumatic dimensions of the uprooting that occurred during the armed conflict in the country, in human, cultural, material, psychological, economic, political and social terms, which caused violations of human rights and great suffering in the communities which were forced to abandon their homes and ways of life, and in the populations which remained in those areas…

Here, the agreement recognizes that all Guatemalans have suffered and require deep change in order to recover fully. This small excerpt again indicates a great willingness to go beyond just finding an end to direct violence. A need for great structural and personal transformation is acknowledged.

A second important aspect of the Accords is the demilitarization process following the signing of the agreements. Most importantly, the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society limits the power of the Guatemalan army to “protection against external armed

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105 Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, 17 June, 1994, Preamble.
threats.”\textsuperscript{106} “Threats to public order and internal security” fall under the jurisdiction of the National Civil Police. Jennifer Schirmer noted in 1999 that the demilitarization process was perpetually stalled, with the military utilizing “a vocabulary of ‘strategic peace’ by insisting on its intention to comply with the peace accords while relying on the civilian government’s panic over public order and security to justify its continued control over internal defense and intelligence matters.”\textsuperscript{107} While control of internal matters has effectively passed to the NCP, chapter three demonstrated that the same vocabulary is being used to justify \textit{mano dura} today. Today’s authorities are constantly expressing their intentions to respect human rights, though they confess that strong hand measures are required to achieve the security goals the Guatemalan population demands.

A third key component of the peace agreements is democratic transition. The participation of the entire population of Guatemalan in the rebuilding process is emphasized in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, which states, “the implementation of this Agreement will benefit the whole population, consolidate the governance of the country and enhance the legitimacy of its democratic institutions in the interest of the people of Guatemala.”\textsuperscript{108} As part of the Accords, the structure of government is to be reformatted and legitimized by free elections. Military control must be passed to civilian leadership,

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\textsuperscript{106} Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, September 1996, IV.A.
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\textsuperscript{108} “Strengthening of Civilian Power,” preamble.
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and the system of justice reformed. The role of women and an end to ladino-Mayan racism is emphasized. The inclusion of these very important components of participatory democracy into the Peace Accords are undoubtedly important, yet their implementation has proven to be weak. J. Mark Ruhl attributes the weak application of these principles to “insufficient civilian commitment to reform.” The Ruhl notes how President Alvaro Arzú (1996-2000) did reduce the military ranks in accordance with the agreements. However, the military under Arzú never did give up its responsibility for maintaining peace and internal security. Ruhl largely attributes this lack of change to the defeat of important Constitutional Amendments in May 1999. When asked in referendum if reforms to the constitution should pass, less than 19 percent of registered voters turned out. The following President, Alfonso Portillo (2000-2004), did little more to reform the military, which “continued to enjoy institutional autonomy and broad de facto immunity from prosecution under the FRG [Guatemalan Republican Front] administration.”

This section has revealed broad concern for comprehensive conflict resolution as exhibited in the UN-mediated Guatemalan Peace Accords. Human rights are a central focus, as is demilitarization and democratization. While the inclusion of these principles into the Peace Agreements is important, critics have made note of the consistent failures of leaders and society with regard to their implementation. The next section illustrates how this overall lack of implementation has produced a new violence characterized by a

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110 Ibid., 60.

111 Ibid., 79.
lack in faith in the traditional justice system. Some describe this new violence as chaotic or even “backward.”

New Violence and Lack of Faith in Traditional Justice

While the Peace Accords did establish a formal end to direct violence between the Guatemalan Army and the Unidad Revolucionaria Nacional Guatemalteca through the Agreement on the Definitive Ceasefire, a great deal of violence continues today in conjunction with human rights violations. This agreement, signed on December 4, 1996, called for “the cessation of all insurgent action by URNG units and the cessation of all counter-insurgent action by the Guatemalan armed forces” and established security zones in order to separate battling forces.\textsuperscript{112} The accord directed conflict parties to perform specific, concrete actions, and was thus successful in establishing negative peace. Today’s violence is of an entirely different nature from the violence that occurred during the Civil War years. According to Benson, Fischer, and Thomas, it is a new violence “galvanized [by] social residues and collective memories and past traumas and brutalities.”\textsuperscript{113} This is consistent with the conceptualization of a culture of violence provided in chapter two. The authors note how this violence is often sensationalized in the mass media, a top-down manufacturer of moral panic fear.\textsuperscript{114}

\textsuperscript{112} Agreement on the Definitive Ceasefire, December 4, 2012, A. 1 and B.

\textsuperscript{113} Benson, Fischer, and Thomas, “Neoliberalism,” 38.

\textsuperscript{114} Ibid., 39.
Armed robbers attack vehicles on main roads in broad daylight. People who regularly ride public buses (the only mode of transportation available to most) expect to be victimized when they travel. Images of bloody corpses and bullet-ridden cars dominate the mass media. The genuine reality of violence is sensationalized, made into a commodity sold on street corners and on television screens…. Guatemala remains a dangerous place, and the question of just who to blame is the subject of regular conversation.

Often this blame is placed on the poorer segments of society, the drug traffickers, or the youth. However, it will become clear that this new violence is often supported from the top, which results in a lack of faith in the traditional justice system and democratic state legitimacy.

Marginalized segments of the Guatemalan population are undoubtedly actors in the new violence phenomenon. *Linchamientos*, or lynchings became relatively common following the Peace Accords. Between 1996 and 2002, MINUGUA documented 482 lynchings<sup>115</sup> while BBC reported that more than 100 occurred in 2010.<sup>116</sup> Defined by the United Nations as “acts of tumultuous violence against individuals, independently that is perpetuated against one or more victims and that it results on [sic] death or not,” lynchings are disorganized and often very public displays.<sup>117</sup> It is important to note that members of the same community and racial group as the victims often carry out these acts of new violence. In addition, the crimes for which the victims are being punished are

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often acts of petty theft. One 2011 report noted how four residents of a Guatemala City suburb were lynched after having stolen a truck carrying flour. According to the report, the ‘criminals’ “were beaten and dragged to a football field, then set on fire.”\footnote{“Guatemala ‘theives’ lynched,” \textit{BBC News}.} At the same time, other residents reported that those performing the lynching were forbidding firefighters access to the football field where the lynching was occurring. These are gruesome, tortuous acts.

The literature outlines several reasons lynchings may be occurring in such frequency in Guatemala. Angelina Godoy notes how due to the prevalence of these acts perpetuated by indigenous communities in remote areas, many see those committing them as “backwards.”\footnote{Godoy, “When ‘justice’ is criminal,” 626-627.} While lynchings are effectively concentrated to the highlands and not the capital or port areas, Godoy notes that the acts are not pre-modern. In fact, the Mayan justice system is well documented and founded upon systems of restitution and not retribution.\footnote{Ibid., 630.} Besides, lynching did not occur with great frequency until the 1990s. The dominant argument explaining new violence involves the inadequacy of the state justice system. Since the justice system is at a virtual standstill with an alarmingly low conviction rate, the literature sees lynching as a form of individual justice. Those affected by crime are forced to take matters into their own hands and enact punishment onto criminals themselves. Yet, a crime like a flour theft and the punishment enacted are
incredible disproportionate in many cases. This has lead authors to wonder if there is perhaps more behind new violence lynching.

Godoy largely agrees with the dominant understanding of lynching, though she takes the argument a step further. Since participatory democracy has not been fully realized since the signing of the Peace Accords, she sees violent lynching as a convoluted form of democratic compensation. Godoy contends “rather than spontaneous eruptions of expiatory fury, lynchings constitute a deliberate attempt by embattled communities to reaffirm values they see as threatened.“121 Going even further, lynchings are understood as a form of political empowerment in a democratic society when there are few other options available in remote areas. Since the interventions of the state into indigenous communities during the Civil War, the Maya have lacked sufficient autonomy. In a way then, Godoy sees lynchings as a perverse step toward democracy. Anna Sandovol Girón also views lynchings as a sort of twisted empowerment. She sees lynchings not only as distrust in the traditional justice system, but also as a “deep distrust of the ladino and upper-class institutions and the institutions that have helped maintain current class and racial inequalities, including the police, the military, and the court system.“122 This racial interpretation also views new violence as a desire to participate in an incomplete democratic society. A final interpretation integrates the mano dura response into its understanding of new violence. Benson, Fisher, and Thomas see iron fist support as a “commonsensical” reaction to the new violence; however, this response does not address

121 Ibid., 636.

the root causes at stake. To them, new violence is the product of “structures that systematically place poor and vulnerable populations such as the indigenous Maya majority and the urban and rural poor in harm’s way.”

In all three interpretations of new violence in Guatemala, structural issues are at the root. For conflict resolution to be fully effective, peace agreements need to do a great deal more than end direct violence between conflict parties. This requires overcoming inequality, achieving understanding, and accepting differences between all peoples of a nation. For a country as diverse as Guatemala, this requires extra effort. The interpretations of lynchings and new violence given by the literature indicate a clear willingness for even the most marginalized of populations to participate in their political system. The next section demonstrates some of the successes and failures of efforts designed to facilitate the full incorporation of all Guatemalan peoples.

Attempts at Promoting Human Rights in Guatemala

The end of World War two brought the idea that certain rights are inherent to all peoples on the globe to the forefront of international policy. This concept is articulated in the 1949 UN Universal Declaration of Human Rights (UNDHR), a sort of bill of rights for the global human race. Considered by some along with the Genocide Convention as “the high-water marks of a movement which was not so much for human rights as against

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123 Benson, Fischer, and Thomas, “Neoliberalism,” 40.
the tyranny and racist ideology of Nazism,“\textsuperscript{124} the UNDHR remains a core component of international politics and law today. As a foundation text for the United Nations, the document provides guidelines for the treatment of individuals throughout the world. In its preamble, the UDHR recognizes that humans rights have “inherent dignity,” are “equal and inalienable,” and need to be protected by the rule of law.\textsuperscript{125} Further, the UN text demands an end to torture (Article 5), fair trial (Article 11), right to freedom of movement (Article 13) and thought (Article 18), non-discrimination (Article 23), right to education (Article 26), and much more. In essence, ensuring the presence of human rights equates to guaranteeing dignity, fairness, and opportunities for all.

Human rights are of utmost importance to comprehensive conflict resolution partly because they help build the legitimacy of post-conflict governments. In order for people to live together in a successful post-conflict society, the above human rights principles must be followed. Individuals can regain their dignity when they share the truth of their conflict experiences. Further, those responsible for the most atrocious of acts during conflict must be held accountable for new governments to be considered legitimate by their people. Post-conflict Guatemala is characterized by only a limited amount of success in the human rights domain. While some measures, such as the Commission for Historical Clarification (CEH), have been relatively successful at restoring some dignity to Guatemalans, impunity remains a major roadblock to establishing the legitimacy of the new Guatemalan State. In fact, some alleged


\textsuperscript{125} \textit{Universal Declaration of Human Rights}, preamble.
perpetrators of crimes against humanity have found support from state leaders in the preservation of their amnesty over the years. Conflict resolution cannot be considered complete until perpetrators of such crimes are prosecuted for their acts.

The Agreement on the establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer established the CEH, a truth and reconciliation commission widely considered to be the most effective in Central America. Given the broad mandate “to clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict,” the CEH differed from the better known South African truth and reconciliation commissions in that it did not provide amnesty to individuals who came forward with their truths. In order to be free of bias, a foreigner led the commission and individuals were not assigned individual responsibility for any acts. Witnesses were heard confidentially as evidence was gathered and many victims came forward to give their stories. When the body presented its findings to a crowd inside and surrounding the National Theater of Guatemala City on 25 February 1999, “nearly everyone agreed that all expectations had been exceeded.” Since the commission lacked ties to the judicial system and individual responsibility could not be assigned to perpetrators of violence, it was anticipated that the report would lack power. This was all proved wrong when the

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126 Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer, Purposes I.

CEH recommended the President of Guatemala make a public apology to the people of the nation, thereby assuming responsibility for a great deal of the violence.

While the 1999 CEH report did reveal the often-shocking truth of the civil war in a public setting, the leader of the Commission admits there were shortfalls of the process. In particular, Christian Tomuschat, the German head commissioner wrote in a 2001 article that the Guatemalan government was especially reluctant to assist in the investigations. In the article, Tomuschat notes how CEH investigators were not given access to many of the requested Ministry of Defense documents. On this basis, the author concluded, “that a truth commission needs better means of procuring evidence.”\textsuperscript{128} In addition, Tomuschat pointed out structural issues in the commission itself. The body’s work was extremely rushed and therefore, the commission risked having to deny victims a hearing.\textsuperscript{129} Despite these problems, human rights groups and the press responded favorably to the work of the CEH. For a conflict resolver, the Commission on Historical Clarification is certainly a step in the right direction for comprehensive conflict resolution. The shortfalls the CEH encountered only serve to emphasize where Guatemala still needs to make improvements in terms of human rights.

In order for Guatemalans affected by civil war violence to regain their dignity, the government, as well as regime leaders, must accept more accountability for their actions. General Ríos Montt has been the subject of numerous international court hearings ever since the Peace Accords were signed in 1996. A 1999 article in \textit{Social Justice} described

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\item\textsuperscript{128} Ibid., 251.
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Guatemala as a “country with no rule of law,” a title earned because seeking justice for conflict crimes was nearly impossible immediately following the Peace Accords. At the same time, the article points out the “Commitment against Impunity” found in the Comprehensive Agreement on Human Rights, which states:

1. The Parties agree on the need for firm action against impunity. The Government shall not sponsor the adoption of legislative or any other type of measures designed to prevent the prosecution and punishment of persons responsible for human rights violations…

3. No special law or exclusive jurisdiction may be invoked to uphold impunity in respect of human rights violations.

Taken alone, the commitment of the Guatemalan Army, the URNG, and the United Nations seems strong with respect to impunity. In reality though, vigilante justice has replaced the traditional justice system and even high-profile figures like Montt have gone unpunished and have even risen to power again. Elected to Congress in 2000, Ríos Montt gained immunity from prosecution in Guatemalan courts due to legislation that grants protection to elected officials.  

Montt’s immunity expired in January 2012 and he has since received numerous calls to appear before judges in Guatemala and set the story straight. The former dictator, allegedly responsible for the worst of the violence, denies having ordered the massacres. If prosecutors in Guatemala are successful, then The Associated Press and numerous

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human rights are hopeful that the case will set the precedent for dozens of other men accused of participating in war crimes.\textsuperscript{132} It should be noted that prior to this year, the international community (led by Spain) was assuming the responsibility for bringing an end to impunity in Guatemala. In December 1999, Rigoberta Menchú and other activists brought genocide, torture, terrorism, summary execution, and unlawful detention charges against Montt in Spanish courts.\textsuperscript{133} On September 25, 2006, the Spanish Tribunal upheld the charges, claiming universal jurisdiction despite the fact that there was no tie to Spain or its national interest in the case. A case was opened against Montt, though he cannot be tried \textit{in absentia} and his extradition to Spain is unlikely. International human rights involvement is sometimes required when national governments are not capable of assuming the responsibility, and Spain’s attempt to provide their assistance is noteworthy.

The international community again got involved in Guatemala’s fight against impunity when the United Nations established the \textit{Comisión Internacional contra la Impunidad en Guatemala} (CICIG) on December 12, 2006. The Commission’s mandate (which remains active today) is threefold:\textsuperscript{134}

1. …Investigate the existence of illicit security forces and clandestine security organizations that commit crimes that affect the fundamental human rights of


the citizens of Guatemala, and identify the structures of these illegal groups (including the links between such groups and State officials) as well as their activities, operating modalities and sources of financing.

2. ...Help the State to disband clandestine security structures and illegal security groups, and promote the investigation, criminal prosecution and punishment of the crimes committed by the members of such groups.

3. ...Make recommendations to the State of Guatemala regarding public policies to be adopted—including the necessary judicial and institutional reforms—to eradicate and prevent the re-emergence of clandestine security structures and illegal security forces.

The CICIG attempts to fulfill its mandate by serving as a complementary prosecutor in the judicial process and by recommending reforms. To Andrew Hudson and Alexandra W. Taylor, the CICIG has show to some extent “that the Guatemalan criminal justice system can be made to work,” since the Commission succeeded in advising the cases of several powerful individuals, including ex-President Alfonso Portillo, to trial in 2009.135

That the CICIG does not have independent prosecutorial powers is also the Commission’s greatest limitation according to the authors.136 This is because the Commission must be admitted as a party by the national judicial system. The commission continues to work with the judicial system today by providing recommendations for institutional capacity building and by providing governmental transparency. It has a great potential to change Guatemala, but as a hybrid body, it cannot do so fully without national support.

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136 Ibid., 61.
This chapter has demonstrated Guatemala’s failure to adhere to many of the human rights commitments outlined in the 1996 Guatemalan Peace Accords. It is partly due to this failure that the nation has become ripe for mano dura support into 2012. While a human rights language, complimented by promises to demilitarize and democratize was echoed throughout the Accords, the post-conflict implementation phase did not fully realize the goals of the agreements. As a result, a new violence characterized by vigilante justice has emerged throughout much of rural Guatemala. Simultaneously, faith in the traditional justice system remains low in urban centers due to persistent impunity and ‘stale’ leadership. Still, there have been some noteworthy human rights successes in the nation. In particular, the report released by the Guatemalan Commission for Historical Clarification shed light on mass atrocities so that affected individuals could begin to regain some of their dignity by knowing the truth. Today’s Comisión Internacional contra la Impunidad en Guatemala has established a model—albeit fairly weak— for bringing accountability to perpetrators of mass civil war violence. For mano dura to become a less attractive option for Guatemalans, measures like these must continue to grow and strengthen. When human rights become a fully integrated component of Guatemala society, citizens can begin to trust the court system instead of resorting to vigilante justice.

This chapter could be taken as an endorsement of a Human Rights Approach. While I have stressed the importance of individual rights, this model does have its critiques. For instance, this thesis has argued for the importance of leadership accountability, but certain amnesty approaches have also helped in post-conflict healing.
Further, even successful public trials do not always alter the retributive feelings of the victimized. The chapter serves to emphasize the specific human rights dimensions that have often been overlooked in Guatemala’s rebuilding process. Rather than serve as the only analysis of the post-conflict peace process, the points highlighted here should be considered alongside potential criticisms of a Human Rights Approach.
CHAPTER 5

‘Zero Tolerance’ Policing Elsewhere in the Americas

*Mano dura* is certainly not unique to Guatemala, nor are repressive crime policies unique to Latin America. This chapter will demonstrate that zero tolerance policing strategies extend far north and far south of Guatemala’s borders. In El Salvador, Guatemala’s Central American neighbor to the south, support for *mano dura* was motivated by the exact same factors present in Guatemala today. Elsewhere, including in the developed world, ‘zero tolerance’ policing policies have also garnered great appeal due to moral panics, which are sometimes highlighted by memories of violence, by images in the media, and by the discourse of political leaders. In these same developed places, the thriving of conflicts centered on the activities of criminal networks and intensified by socio-economic factors has also led to support for zero tolerance policing strategies. The chapter is divided into three sections. The first examines the distinct similarities between the situation in Guatemala and El Salvador in order to illustrate how support for *mano dura* is generated by a formula that is not unique to a certain national context. The second section shows that *mano dura* extends well into South America. This discussion of the situation in South America also demonstrates how a culture of violence, moral panics, and unfulfilled promises of conflict resolution have produced support for *mano dura* in many new South American democracies. Finally, the last section shows
how zero tolerance policing policies have come to fruition in developed nations like the United States, which has sometimes provided models for other nations. The analysis of this chapter reveals how repressive policing measures do have a global appeal, brought about by similar factors.

*Mano Dura* in El Salvador

Conflicts often ignore national boundaries. As atrocities were occurring just to the north in Guatemala, the *Frente Farabundo Martí para la Liberación Nacional* (FMLN) was engaged in civil war with the Salvadorian army.\(^{137}\) The war officially ended in 1992 when the Chapultepec Peace Agreement was signed by the government of El Salvador and the FMLN. During the fighting, approximately 80,000 people were killed and thousands more were wounded,\(^ {138}\) leaving many lasting traumatic memories with survivors of the conflict. When Mo Hume conducted his research five years ago, *mano dura*—characterized by arbitrary imprisonment of suspected gang members—was the rule of law.\(^ {139}\) With 55.3 murders per 100,000 citizens nationwide\(^ {140}\) and given the three factors which have led to support of the policy in Guatemala, it is unsurprising that *mano dura* was the chosen approach to fight crime in El Salvador. This section will explore


\(^{139}\) Hume, “*Mano Dura,*” 739.

\(^{140}\) Hume, “The Myths,” 59.
whether or not the formula that led to support for mano dura in Guatemala today applies to the Salvadorian context. In Guatemala, contemporary support for mano dura is the product of a culture of violence, moral panics, and incomplete conflict resolution. The analysis of El Salvador looks at these same three factors.

Part of Hume’s research looks at how violence in El Salvador is perceived today. Interestingly, the author notes that “people use and condemn violence at the same time,” not only to control crime, but also in their daily lives. Salvadorian society is constructed in a hegemonic, patriarchal way. The literature Hume cites notes how violence in El Salvador “becomes a key expression of masculine behavior and a mechanism for ensuring continued male privilege,” which is internalized in Salvadorian society and then reproduced.142 The hierarchal household, which often includes violence toward ‘disobedient children,’ has become the norm in the nation. Hume notes cases where Salvadorian parents have historically punished children by beating them or by breaking their bones. From the father’s perspective, “He sees it as his duty as a father to discipline his children with violence. He was subjected to violence and feels that it did him more good than harm, so he continues to apply the same logic to his own parenting. Such values are necessary to provide order to a messy reality.”143 While this logic seems to make sense from a parent’s perspective, using violence to punish may in fact not be the most effective way to raise children. At the same time, Hume also explores the

141 Ibid., 64.
142 Ibid., 62.
143 Ibid., 64-65.
dominance of the male in Salvadorian culture. He notes that landowners often used violence to discipline their workers and that when Salvadorian men raped women, it was rarely considered violence because females were not considered full citizens.\textsuperscript{144} These examples illustrate how the belief that violence disciplines effectively may only be the product of culture and not the reality.

El Salvador’s culture of violence goes far beyond personal relationships. Hume’s research also shows that the state and elite groups have embedded violence in Salvadorian political, social, and economic life\textsuperscript{145} since the independence of the state. In January 1932, state military forces massacred about 30,000 indigenous people after a brief uprising.\textsuperscript{146} During the civil war in the 80s and early 90s, Salvadorian forces used terror as a weapon to divide communities against one another in ways similar to the use of terror by the Guatemalan army. Even today, neighbors in Salvadorian communities distrust one another and see violence as an inevitable fact of daily life. Their memories of civil war terror have not disappeared, and will not if trust in their fellow community members is not restored.

As in Guatemala, the fear of crime that has developed in El Salvador is not rational. Just because a neighbor was identified with the enemy 20 years ago during the civil war years does not mean that that neighbor wishes to harm you. Yet, the media and political discourse have greatly contributed to irrational fear of violence in El Salvador.

\textsuperscript{144} Ibid., 65.

\textsuperscript{145} Ibid., 69.

\textsuperscript{146} Ibid., 69.
In one extreme case, the Honduran security minister claimed that a link between Al Qaeda and Central American gangs existed, which demanded additional police and military attention. The information conveyed to the general population in this instance and many others produced a moral panic, by which “issues of race, crime, and youth were condensed into a public image that fed a broader crisis in society, in which fear and panic created ripe conditions for a move to increased ‘authoritarian consensus.’” In the 2004 presidential campaign, *mano dura* became an integral part of the winning candidate’s platform, since the policy claimed to protect the citizenry from violence. In fact, it seemed the winning party only used the *mano dura* promise to win votes from the electorate’s fear of crime. This second key factor in the production of support for *mano dura* does in fact echo the Guatemalan case.

Finally, the post-conflict situation in El Salvador is characterized by unfulfilled promises of conflict resolution as it is in Guatemala. While the Chapultepec Peace Agreement of 1992 called for an end to impunity (Chapter I), electoral reform (Chapter IV), “and the reunification of Salvadorian society and a growing degree of social cohesion” (Chapter V), it seems this has not been achieved even 20 years later. In fact, Sonja Wolf goes as far to contend, “El Salvador has relapsed into electoral

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147 Hume, “Mano Dura,” 743.

148 Ibid., 744.


authoritarianism.”\textsuperscript{151} The international community views El Salvador as democratic since it holds regular competitive elections, yet the nation does not allow “real political space” for dissent or disagreement. Further according to Wolf, Salvadorian leaders do not have the “political will” to address the root causes of violence, such as the distrust that runs rampant in Salvadorian communities, and the socio-economic disparities that plague the nation. Instead, Salvadorian leaders have chosen to implement \textit{mano dura} as a punitive approach to violent crime, through which human rights violations “compounded by the absence of effective control mechanisms” have become the norm.\textsuperscript{152} Further, since the Nationalist Republican Alliance (ARENA) was able to dominate the 2004 presidential and 2006 legislative elections by duping the electorate into voting for a \textit{mano dura} platform, Wolf paints the Salvadorian government as manipulative.

While El Salvador is far from fulfilling its promises laid out in the Chapultepec Peace Agreement, it too has made some attempts at addressing root causes of post-conflict violence. Unlike the Commission for Historical Clarification in Guatemala, the report published by the UN Truth Commission in El Salvador in March 1993 placed individual blame for violent acts on specific military officers and others.\textsuperscript{153} Further, immediately following the signing of the peace agreement, the armed forces of El Salvador were successfully restructured and the newly formed National Civilian Police

\textsuperscript{151} Wolf, “Subverting Democracy,” 430.
\textsuperscript{152} Ibid., 445.
(PNC) had mostly adopted civilian notions of policing. Yet, crime quickly became one of the most concerning issues in the nation following the restructuring of the military, and citizens began adopting notions of justice similar to those present in Guatemala. In 1996, a near majority of citizens expressed a right to take justice into their own hands and in 2002, the traditional justice system was viewed as “weak, inefficient, antiquated, overly partisan, and subject to corruption.”

The similarities between Guatemala and El Salvador are remarkable. In both nations, support of mano dura in the twenty-first century is the product of a culture of violence, moral panic, and incomplete conflict resolution. This may not be so surprising, given that the conflicts in Guatemala and El Salvador were similar in many ways. Because of this, it is useful to see if support for mano dura in South America stems from the three factors identified in new Central American democracies.

Responding to Violent Crime in New South American Democracies

A great deal of literature concerning South America focuses on how fear of violent crime drives zero tolerance crime fighting policies. Other literature sees the weakness of democratic rule and lack of political will to attack root problems as the basis for repressive anti-crime measures. At the same time, daily reminders of past trauma and currently perceived threat often generate cultures of violence that do not discourage

154 Ibid., 835-837.
155 Ibid., 842.
156 Ibid., 859.
violent actions. As we have seen in Guatemala and El Salvador, it is important not to isolate these three factors when discussing support for *mano dura* in Latin America. While *mano dura* may assume different forms elsewhere in the Americas, it continues to be important to always consider how violent culture, perceived threat, and weak democracy interact with one another. This section will examine literature concerning the policing strategies of South America, which often attributes zero tolerance policing to one of the three factors outlined in this thesis. In order for the literature on repressive policing in South America to be complete however, the factors presented as causes must be combined.

Numerous South American nations have implemented *mano dura* policing strategies at some point within the last 20 years. In Argentina, repressive policing in 2001 led to the killing of 240 civilians in greater Buenos Aires alone.157 In Fujimori’s Peru, *mano dura* policing was used as an authoritarian campaign tool.158 In Brazil, one of the most unequal countries in the world, repressive crime policies there have also been viewed as tools used by the elite in order to manipulate a political issue to benefit their own interests.159 In all three cases, democracy was weak, human rights were unprotected, and civil society lacked the capacity to support democratic objectives. At the same time,

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direct and structural violence produced a culture of violence, which the press and societal leaders used to produce moral panics.

The Peruvian case is particularly interesting, since it shows very clearly how a supposedly democratic nation can in fact be mostly authoritarian, much like El Salvador. Alberto Fujimori, President of Peru from July 28, 1990 to November 17, 2000, assumed the presidency as a populist after having been virtually unknown only three months before. Throughout his campaign, Fujimori tried to disassociate himself from the violence that occurred in the previous decade and from the socioeconomic issues that divided Peru as a result. As the Fujimori years progressed, the President “began a systematic attack on Peru’s political elites and the establishment institutions they controlled—namely, the political parties, Congress, and the judiciary.” In doing so, Fujimori effectively became the sole holder of any form of political power. Without any political parties of significance in 1995, Fujimori and other independent candidates earned 90 percent of the vote in the presidential race. With the dissolution of established institutions came greater efficiency in the maintenance of order. Yet, the capability to establish order quickly meant greater capacity to abuse power. Since his power went largely unchecked, the still-loyal military was used for a variety of policing tactics including the organization of civil defense committees to drive out any remaining


161 Ibid., 97.

162 Ibid., 101.

163 Kay, “Fujipopulism” 60.
guerillas and for electoral coercion. *Mano dura* in Peru was not used to combat early forms of new violence like those Central America is witnessing today; nevertheless, the Peruvian form of *mano dura* was also the product of culture of violence, fear of violence induced by effective campaigning, and the existence of undemocratic values.

Not all Latin American post-conflict situations resulted in *mano dura*. Lucia Dammert and Mary Fran T. Malone explored the relationship between policing strategies and fear of crime in a 2006 *Latin American Politics and Society* journal article. Their analysis asked whether community-based policing strategies produced lower levels of fear of crime than zero tolerance strategies.\(^{164}\) In the study, they identified a “wide range of daily insecurities” which produced fear of crime. These insecurities include socioeconomic indicators, victimization, trust in the press, trust in police, and community participation.\(^{165}\) In brief, the authors conclude that criminal acts were not the main producers of fear of crime throughout Latin America. In many ways, the indicators Dammert and Malone provide echo those cultural and discursive factors identified in my analyses of Guatemala and El Salvador. Yet some nations like Chile have adopted community-based approaches, which focus on concentrated preventative actions organized around strong relationships between police and local communities.\(^{166}\)

According to Dammert and Malone, what made Chile different from nations that did


\(^{165}\) Ibid., 30-32.

\(^{166}\) Ibid., 38.
adopt *mano dura*, were very high levels of public trust in the police and the presence of community prevention programs. The existence of trust in the police and community-based programs could indicate that Chilean society is more democratic than societies that have supported *mano dura*. It could be that Chilean society may have realized its conflict resolution promises to a greater extent than Guatemala or El Salvador.

While the South American nations mentioned in this section may be many miles away from Guatemala, the same three factors that fuel support for *mano dura* in Guatemala were present at the time the repressive policing strategy was adopted south of the Panama Canal. There is a clear relationship between fear of crime, powered by a culture of violence and moral panics, and *mano dura* when democratic values are weak and absent. For repressive policing to become law, must there always be a lack of true democracy? The next section answers this question by looking at moments when the United States, a nation Freedom House considers “most democratic,”\(^{167}\) has tried its hand a ‘zero tolerance’ policing measures.

**Zero Tolerance Policing in the United States**

Most Americans would not understand the term *mano dura* nor would Americans say that policing in the United States occurs with an iron fist. Nevertheless, comparisons between Latin American *mano dura* and American ‘zero tolerance’ policing strategies can definitely be made. Like Guatemalans, Salvadorians, and Peruvians, Americans fear

\(^{167}\) On a scale of 1 to 7 from most democratic to least democratic, the United States scores 1.0. See http://www.freedomhouse.org/report/freedom-world/2011/united-states for the Freedom House analysis.
violent crime, and our government has responded in numerous ways. If our democratic process is working correctly, then responses to crime in the United States should be just and respect human rights. However, in some cases, the traditional procedural justice system has been bypassed when a ‘zero tolerance’ policing strategy has been law. In these cases, due process rights have been sacrificed in favor of increased penalties. This section examines why the traditional justice system was avoided by looking at how ‘zero tolerance’ policing succeeded in becoming law.

Literature on zero tolerance measures in the United States often cite the role New York leadership played in addressing crime during the 1990s. Both Governor George Pataki and Mayor Rudolph Giuliani were successful in their reelection campaigns partly due to their roles in introducing strict crime policies. Pataki often linked the problems New York faced with crime and simultaneously sought to toughen punishments against perpetrators of criminal acts. In fact, Pataki’s claims that crime in New York was greater than elsewhere in the United States were exaggerated and in 1997, violent crime was actually becoming less common. The New York leadership may have built up fear of crime and then acted upon that fear for a variety of reasons, but it certainly seems that moral panics generated widespread support for zero tolerance policing in this case.

Angelina Godoy looks beyond the moral panic factor when she compares American zero tolerance measures directly with Latin American mano dura. She notes how early 21st-century crime policies in the United States reflect an ‘us versus them’

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169 Ibid.
mentality on the part of the leadership and general population. She gives the examples of felony disenfranchisement, which affects predominantly African American men, and deportation of lawful US residents to show how zero tolerance policies separate “unwanted” perceived enemies from the general population. According to Godoy:

These [zero tolerance] policies effectively mark those who have had contact with the criminal justice system as noncitizens, to decrease the permeability of the boundary between us and them and to push the communities they inhabit into—or beyond—the outer limits of the polity. Far from incidental, the drawing of this boundary is fundamental to the political project of governing through crime; many recent policies appear to draw and enforce this boundary, bearing only tangential connections to actual crime fighting.

As “they, the enemy” are separated from “us, the good,” justice and human rights are sacrificed in the name of security. While the human rights violations in the United States may not be of the same brutal magnitude of those committed during repressive Latin American regimes, the actions of the United States should not be ignored. It seems that zero tolerance in the United States is the product of political ambition and the lack of will to address the true causes of crime. If the United States is to be a true democracy, we must protect human rights while simultaneously having the will to find lasting solutions.

Conflict such as what occurred in Central America during civil wars has not occurred in the United States for over 100 years. Nevertheless, American leaders are able to spread fear of violent crime throughout the States based upon perceived threats of constructed enemies such as suspected terrorists or violent criminals. In order to avoid unjust policing practices, nations must guarantee that human rights are given at least the same attention as security concerns. While zero tolerance policing in the United States

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170 Godoy, “Converging on the Poles,” 520.
differs from mano dura in its intensity, factors that have led to the implementation of zero tolerance measures closely resemble those elements behind mano dura. Historically, there have been cases where Americans are inundated with images of violence and exaggerated discourse of leaders whom they trust. When this meets with a willingness to dismiss democratic values, zero tolerance policing may result.

Zero tolerance and mano dura are only punitive measures enacted against criminal activity. Repressive policing policies do not begin to address the enormously complex causes of criminal activity. The United States and other democracies across the globe, which have forwarded policing models for developing nations to follow, strive to address crime through a combination of rehabilitation, transformative justice, punitive measures, and legal proceedings. For new democracies that are just emerging from the authoritarian era like Guatemala, the capacity to combat crime in this way may not yet exist on the state level. Could crime in new post-authoritarian democracies be addressed in ways that target the root causes of crime while working to build the capacity of more established democracies possess? The final chapter addresses this question by providing possible suggestions that could be examined by policymakers.
Chapter 6

Capacity-Building Approaches to Crime for New Democracies

Thus far, my analysis has shown that support for purely punitive approaches to violent crime like *mano dura* can exist when there is a culture of violence, fear of crime, and lack of democratic values. This three-tiered formula is not unique to one particular country. But while *mano dura* may seem like an appropriate response for voters in some electoral societies, punitive zero tolerance policies in fact do not address the root causes of crime. Rather, the literature comparing zero tolerance across the Americas has argued that restrictive crime policies only serve to satiate irrational fears of populations while often functioning as electoral tools. In this chapter, it is my goal to provide alternative ways of viewing crime fighting in new Latin American democracies that have just emerged from violent conflicts. Though American democracies like Guatemala can claim that they lack the capacity to implement alternative approaches to violent crime, the methods I advocate can be achieved with few resources. Leaders and constituents should not only seek to punish criminals; rather, the fight against violent crime should be viewed as an opportunity to become more democratic. When the punitive mindset is combined with a more restorative one, then perhaps fear of violence and violent crime will decline in even the most affected areas.
The chapter will be divided into three sections. In the first, I ask if victims of violent crime seek hardline responses or if they prefer other forms of justice. In fact, the literature indicates that victims often do express a want for their victimizers to be punished. Yet, victims of violent crime also seek a world in which others can be kept safe from criminal acts. Trustworthy justice systems in legitimate democracies are proven to be one way of protecting citizens from violent behavior. In the next section, I examine whether or not international cooperation could assist developing post-war nations. So far, international organizations have proven to be of some, but limited value in assisting with crime problems, particularly in Central America. Nevertheless, the utility of international cooperation must not be disregarded. Finally, I propose that community-based strategies have the greatest potential for Latin American crime fighting when trustworthy justice systems are rare. Local efforts to promote responsible citizenship and community policing strategies may give criminals the support they need to end their violent tendencies. Further, community efforts have been shown to increase democratic participation and even governmental legitimacy. My goal in advocating for community-based efforts is to encourage further research into the subject so that related measures may be considered as components of state policy.
Justice According to Victims of Violent Crime

Uli Orth published a study in 2003 that revealed the punishment goals of a sample of adult crime victims.¹⁷¹ Victims of crime were asked to rank possible punishments for their victimizers on a scale of 0 (not at all important) to 5 (very important). The survey revealed that deterrence of the offender was most important to the victims (4.6), while personal security and societal security were considered next important (3.9). That these responses received the highest ranking from respondents indicates clearly that punishment of the offender is of significant importance to victims of violent crime. Yet, several questions can be raised from Orth’s study. First, what does a victim’s concern for personal and societal security indicate? Victims surveyed endeavor to see a reduction in the amount of fear of violent crime present in society, yet the question of how this may be achieved is not addressed. In addition, the sample size of the research is alarmingly small. Of the 174 individuals asked to provide responses, only 32% completed the survey. It seems therefore, that additional research into the goals of victims of violent crime could be useful for the development of solid conclusions.

If zero tolerance policing does deter criminals while providing personal and societal security, then it should not be disregarded as a potential solution. Indeed, literature from the 1970s seems to indicate that strict policing is something that can provide security widely. A 1971 article in the *Annals of the American Academy of Political and Social Science* claims that ‘hard line’ crime policies are effective primarily

because they take criminals off the streets. The authors claim, “The answer, then, to the question of how to mount an effective crackdown on crime lies basically in first recognizing that crime is committed by criminals, and second, in getting as many criminals as possible out of circulation so that they are no longer free to victimize the law-abiding.” Effective crime stopping measures must therefore include three elements: increased apprehension of criminals, higher rates of conviction, and greater rates of incarceration. It is noteworthy that contemporary mano dura resembles closely the ‘hard line’ approach from 1971 advocated here. Today’s literature, however, has made significant developments since the ‘take-criminals-off-the-streets’ argument.

Seminal theorists like Michel Foucault supported powerful state responses to disobedience throughout their careers. Unlike the authors of the Annals article, Foucault saw power as a good force, and “what makes it accepted, is simply the fact that it doesn’t only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse.” Nevertheless, if used inappropriately, power can become a negative force that Foucault contends few would be likely to obey. Policing is undoubtedly a form of power, since states use it to exert their control. If what Foucault claims about negative power is true, then repressive policing may have little effect on violent crime. This is supported by the fact that violent crime


173 Ibid., 23.

has not been mitigated since the implementation of mano dura in Central America, nor has satisfaction with the police increased.¹⁷⁵

Foucault’s discussion of power does not end at the state level. While the state does exert a measure of power:¹⁷⁶

the State, for all the omnipotence of its apparatuses, is far from being able to occupy the whole field of actual power relations, and further because the State can only operate on the basis of other, already existing power relations. The State is superstructural in relation to a while series of power networks that invest the body, sexuality, the family, kinship, knowledge, technology and so forth.

We know what Foucault says about the limitations of the state is true because each member of any society participates in multiple hierarchical systems. There could be multiple power relationships in a school, a religious group, or a professional setting, for example. Since power relationships extend far beyond the state, it makes sense to consider how these relationships might affect crime.

The efficacy of specific non-state programs designed to reduce crimes has not been fully tested. Instead, research typically focuses on state responses. Hung-En Sung proposes the due process orientation toward crime most commonly found in consolidated liberal democracies. Whereas authoritarian states tend to focus on large police forces and prison systems, small judiciaries, and high rates of arrest, conviction, and incarceration, liberal democracies should strive to reduce police forces and build judicial bodies.¹⁷⁷


Such a system can only be successful however, if the large judiciary can be trusted. Judicial bodies must be free of corruption, which is not easy feat for contemporary Latin America. As Mitchell Seligson contends, the dispersion of formerly dictatorial power, neoliberal reforms, and the rise of personalist politicians paved the way for Central America’s corrupt present shortly after the civil wars.\textsuperscript{178} Rising Central American leaders should strive to end corruption by encouraging constituents to demand increased transparency and accountability from current leadership so that their governments can begin to be viewed as more legitimate. Of course, other state measures such as those that aim for an end to impunity must also be continued if the state is to exert effective power against criminals.

Since power forms knowledge from many non-state sources, other measures must be explored. Parenting programs, marital and family therapy, early childhood education, mentoring, peer mediation, and peer counseling have shown promise in the reduction of youth violence, but no such program can definitively end crime on its own.\textsuperscript{179} These non-state approaches are precisely the kinds of programs that should be examined closely when considering how to effectively reduce crime. The next two sections of this paper focus on non-state measures for combatting crime from two different perspectives. Before explaining why community-based programs may be great value for new Latin


American democracies, the next section investigates whether states should consider working with international and/or regional bodies for support.

The Limited Value of International Cooperation

At the April 14-15 Summit of the Americas in Cartagena, Colombia, Otto Pérez Molina spearheaded an effort to legalize drugs throughout the region.\textsuperscript{180} While this was perhaps an extreme initiative, the American government’s immediate and outright rejection of the proposal demonstrates some of the limitations new democracies in Latin America face when asking for international assistance with the implementation of regional anti-crime policies. International cooperation should not be completely disregarded as a resource for post-conflict states however, since democratic transitions often involve guidance by precedents set by other states and by skills provided by organizations like the United Nations. This section will demonstrate some of the dilemmas posed by international assistance and address ways states can benefit from such assistance to a greater extent.

The Organization of American States (OAS), a Pan-American regional organization established in 1948, strives to provide “an order of peace and justice, to promote their [members] solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.”\textsuperscript{181} In accordance with this


mission, member states—which include all nations of North, Central, and South America—meet to discuss the primary issues that face the region. For instance, the Organization acknowledges the importance of human rights and social justice, and has viewed violent crime as an impediment to development. Further, at the 2003 OAS Special Conference on Security, member states declared “It is the responsibility of the specialized fora [sic] of the OAS, and inter-American international fora [sic] to develop cooperation mechanisms to address these new threats, concerns, and other challenges, based on applicable instruments and mechanisms.”182 Yet, since the body also promotes national sovereignty as among its primary foci, cooperation between member states has historically encountered obstacles.

Sean Bartlett, a research associate at the Council on Hemispheric Affairs, outlined the challenges the Organization of American States faces in a 2007 report.183 Primary among these challenges is the American dominance of the decision-making process. As the primary financial contributor to the regional body, the United States has traditionally felt entitled to interject its own interests on the functioning of the group. Thus, President Obama’s refusal to discuss decriminalization of drugs in 2012 became the final word on the matter before the subject was truly brought to the debate. Second, while the OAS does conduct Electoral Observation Missions throughout the region, these missions fail to address other obstacles to democracy including corruption and human rights oversights.


Instead, OAS Electoral Observation Missions have focused on promoting representative democracy, which could become electoral authoritarianism if other crucial components of democracy are not monitored. Finally, Bartlett questions how well the Organization’s leader, Secretary General José Miguel Insulza, can tread regional political issues like the differing agenda between Southern states and the United States. Initially opposed by the American government in 2005, Insulza has insisted on South America’s wish to be more autonomous from the USA. Some have suggested that regional organizations in the Americas exclude power-players like the United States and Canada. Instead, those individuals suggest Latin American nations form smaller organizations with limited missions like the Southern Common Market (MERCOSUR) become involved. However, without American support, new democracies to the south may face even greater challenges. In fact, shortly after assuming the presidency of Guatemala, Molina sought to regain the assistance of the United States military, which was banned during the Civil War years. Perez Molina saw this move as a way to contain Mexican drug traffickers, which would be less effective without American military equipment.

New democracies such as Guatemala also require the support of North America since the United States and Canada are key players on successful international bodies like the United Nations. The role of the United Nations goes well beyond the facilitation of peace agreements between conflicting parties. It has been demonstrated that

184 Ibid.

comprehensive conflict resolution depends on long-lasting transformative initiatives. The International Commission Against Impunity, which is under the control of the United Nations, is only one of many ongoing initiatives in Latin America today designed to end impunity and build democratic legitimacy. The United Nations Commission on Crime Prevention and Criminal Justice is acting simultaneously with CICIG to provide support to national governments that require assistance with their traditional justice systems. The Commission on Crime Prevention and Criminal Justice’s missions of “combat[ing] national and transnational crime, including organized crime, economic crime, and money laundering; promoting the role of criminal law in protecting the environment; crime prevention in urban areas, including juvenile crime and violence; and improving the efficiency and fairness of criminal justice administration systems”\textsuperscript{186} have been of great use to struggling democracies throughout Latin America.

Initiatives enacted in cooperation with the international community certainly have their limitations. Critics of the role the United States plays in the functioning of the Organization of American States are right to point out North American dominance in a body designed to promote negative and positive peace throughout the Americas. Yet, Central and Southern American states should not reject assistance from their northern neighbors outright, since it may be required for ongoing efforts to be successful. For cooperation between states to be effective in the promotion of democratic values security, recipient states should respond carefully to international offers for assistance. It is only

when these offers are designed around sustainable, long-term efforts to transform new democratic societies that they will be successful.

Focus on Community Efforts

Efforts to reduce violent crime and fear of crime have traditionally centered on state involvement. Smaller-scale efforts have been rejected because crime fighting is commonly believed to be something that requires significant resources and national attention. In fact, community efforts to stop crime should be explored as a viable alternative to demanding national and international efforts. This section will demonstrate the utility of community efforts by exploring the importance of cooperation with local security forces and by demonstrating how religious community groups in Guatemala have promoted the idea of “Christian citizenship.” Since according to Edward Muller and Mitchell A. Seligson, “democracy works in practice through the peaceful collective action of groups of citizens,” community involvement in crime stopping could be an important catalyst for the promotion of democratic values in new post-conflict Latin American states.

In some areas of the world, communities have engaged themselves directly in policing efforts. Usually policing projects are spearheaded by specific local groups and associations. These projects have typically included neighborhood surveillance, target hardening, changes in the design of the neighborhood, sponsorship of youth programs

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and employment programs, and support for victim-witness programs.\textsuperscript{188} Programs such as these are in stark contrast with state-enacted power programs like \textit{mano dura} because they acknowledge the effect other life events can have on an individual’s behavior. Research on community policing programs has revealed four primary goals: generating participation, generating understanding of community problems, addressing broader social causes of crime; and forming partnerships in community policing.\textsuperscript{189} While there are certainly limitations in the efficacy of community policing programs, their role in generating participation is instrumental in building legitimacy of new democracies. When individuals within a nation are able to participate in the building of mechanisms that are traditionally under the control of a state, these mechanisms are more likely to be accepted. Since participation is crucial to democracy, it makes sense to include citizens in manageable community policing efforts.

In a 1987 study, community relationships with police in Tokyo, Japan were compared with those in Santa Ana, California.\textsuperscript{190} While the two cities shared the same level of development, community members in Japan generally showed a greater trust in their police forces. This was so for three reasons. First, a large number of police officers in Tokyo are stationed in over 1000 fixed posts around the city. This allows police greater access to communities and allows them to maintain a constant presence. Second, police


\textsuperscript{189} Ibid., 74-77.

officers in Japan were shown to work very closely with civilian ‘police,’ who often resembled American neighborhood watch members. Finally, Japanese police often carry out duties that are not considered part of traditional policing efforts. These duties have included family counseling, settling domestic disputes, and receiving complaints about other government agencies. Perhaps surprisingly, these three community-policing techniques found in Japan possessed a similar character in Santa Ana. At the time of the study, the deployment of police to local posts around the city and the hiring of community service officers had yielded a significant reduction in crime. Further, community police officers were more cost-effective than traditional police efforts. This form of community policing, including the projects run by local associations, also builds democratic participation and produces a greater level of trust in state police forces.

Studies have also indicated that community-policing efforts reduce fear of violent crime, which has been shown to contribute to moral panics. In a study of two crime-ridden British towns, a sense of belonging in the community was essential to reducing fear of crime. The researchers found, “invoking the concept of the community as a vehicle for generating and managing social change has been espoused by those on both the left and the right of the political spectrum. This is nowhere more the case than in the arena of crime and crime prevention.” That fear of crime is related to community belonging is of critical significance, since moral panics have been shown to be among the primary reasons *mano dura* is finding support today.

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Evangelical Protestant groups in Guatemala have realized the power they offer in providing a sense of community to their members. Kevin Lewis O’Neill, an Assistant Professor at the University of Toronto, recently conducted an anthropological study of the role Evangelical groups are playing in promoting the idea of ‘Christian citizenship.’¹⁹² His findings revealed, “neo-Pentecostalism provides an increasing number of postwar Guatemalans with their sense of citizenship—with a sense of belonging to Guatemala, of being responsible for Guatemala, and of having the means to act in behalf of Guatemala.”¹⁹³ Despite this sense of belonging, O’Neill unfortunately finds that neo-Pentecostalism does not actually induce democratic action in general. I would argue that even though these specific Christian groups have not been shown to provide assistance in the form of community policing efforts, this sense of belonging is of profound importance to democracy. The individuals included in O’Neill’s study have developed a great personal devotion to their country, which certainly allows the nation to gain legitimacy. Christian groups must be encouraged to provide community assistance for them to be fully instrumental in Guatemala’s democratic transformation. The fact that community-minded groups have existed in post-war Latin American nations provides hope that they could be employed as a tool against crime and as a way to reduce quotidian fear of violence.

Mechanisms to reduce crime and build comprehensive democratic institutions should never be considered in isolation of one-another. The state undoubtedly has a

¹⁹² See O’Neill, City of God.

¹⁹³ Ibid., 200.
significant role to play in fighting crime but international and community organizations should not be excluded from comprehensive approaches. Since individuals experience power from a variety of sources, this makes a great deal of sense. Further, because crime and democracy assume a variety of forms throughout Latin America, assuming a generalized crime fighting approach across the region should not be encouraged. Additional research should be done into specific state, international, and community programs that could be useful in particular situations.
CONCLUSION

This thesis has systematically shown the reasons why populations of new Latin American democracies have supported zero tolerance policing strategies in their nations and has provided possible alternate interventions to elevated levels of violent crime. Once a model for comprehensive conflict resolution was drawn using existing literature from the field, three supporting points were identified using the case of Guatemala. First, violent cultures have persisted throughout much of Latin America, making support for authoritarian policing ripe. Second, the thesis pointed to the role moral panics have played in manufacturing fear of violent crime, to which populations respond. Third, the importance of human rights in post-conflict peace agreements was demonstrated. Cultures of violence, moral panics, and incomplete conflict resolution have also generated support for mano dura policing in many Latin American nations. Further, the United States, a nation whose policing strategies are sometimes emulated by other countries, has also implemented zero tolerance policing at times. Since mano dura policing strategies pose many of the same dangers that were present during the authoritarian regimes of many Latin American nations, I have argued that leaders and populations should consider more restorative policing approaches. Community-involvement models may possess the greatest promise for developing post-conflict Latin American democracies.
Nations must endure many years of healing before they can fully recover from intense violent conflict. Nations in Latin America that are emerging from bloody civil wars have not completed this process. As a result, many nations have become vulnerable to activities that were present during the war years. This is particularly true for Guatemala. Violent crime isn’t the only problem that plagues some Latin American nations: the responses designed to reduce crime are in themselves flashbacks to the war years. Nations can claim to be democratic because the majority of the voting population chooses crime responses like *mano dura*, yet the authoritarian nature of these responses is clear. In many cases, zero tolerance policing strategies have combined with rampant corruption to produce illiberal democracies: governments that are democratic only because they offer citizens the chance to vote. Yet even the most democratic of governments, including the United States and the United Kingdom, are vulnerable to zero tolerance policing at times.

Citizens who have expressed their preference for authoritarian policing have placed security needs over a human rights agenda. They have done so for three reasons that act simultaneously in Latin American nations. First, these citizens live in a society characterized by a culture of violence. Violence is just part of daily life, and violence seems to be an appropriate way of responding. Second, media and government outlets have created a top-down fear of violent crime in many Latin American nations. This top-down fear is matched with a bottom-up moral panic response. Since Latin American citizens are convinced *mano dura* will be effective against their perceived ‘problem,’ they have lent their support to proponents of authoritarian policing. While violent crime
certainly does impact many Latin American nations (and particularly those in Central America), violent crime is generally not as much of a risk to ordinary citizens as is believed. Finally, where individuals have shown support for *mano dura*, comprehensive conflict resolution has not been completed. Rather than a quick ending to direct violence, comprehensive resolution demands long-lasting transformation of individual and societal views. While direct civil war violence has ended in these nations, new violence persists because individuals and communities are distrustful of one another. Further, many citizens do not have legitimate traditional justice systems to which to turn for punitive and legal support. Since most studies concerning *mano dura* focus on one of the three factors individually, this thesis provides a more comprehensive conceptualization of the forces behind support for authoritarian policing in Latin America.

Contrary to what supporters of zero tolerance policing believe, new Latin American democracies including Guatemala require a greater number of ‘softer’ policing measures to end bloody criminal violence. Nations hoping to reduce crime should include some punitive responses, though these should be met with restorative measures. The international community can provide some guidance on this front, though less developed nations may find difficulty gaining the globe’s attention. Instead, I argue that community measures are the most attainable and transformative measures new Latin American democracies should explore. It is crucial that citizens of crime-ridden nations find a sense of belonging so that the state and policing mechanisms can begin to gain legitimacy. As Foucault contends, individuals are affected by the power of many difference sources. The power to stop violence today must come from many different levels of society.
Criminal violence is far from the central problem dangerous Latin American nations face today. The unfortunate reality is that security from perceived threats has reached the top of many national agendas. For post-conflict nations to be successful democracies, human rights must become at least as important as security concern. Human rights violations must be acknowledged and perpetrators of atrocious acts must be held to accountable. National and local justice systems must be made capable of prosecuting lawbreakers on all levels of society. Just as importantly, all citizens of society must be accorded basic freedoms and rights such as those set forth in the UN Declaration of Human Rights. While corruption may appear to be part of an unbreakable cycle in post-conflict nations like Guatemala, a human rights agenda can and should become the ultimate guiding force for governments.
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