PRECURSORS TO FEMICIDE

Guatemalan Women in a Vortex of Violence

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Abstract: Today women in Guatemala are killed at nearly the same rate as they were in the early 1980s when the civil war became genocidal. Yet the current femicide epidemic is less an aberration than a reflection of the way violence against women has become normalized in Guatemala. Used to re-inscribe patriarchy and sustain both dictatorships and democracies, gender-based violence morphed into femicide when peacetime governments became too weak to control extralegal and paramilitary powers. The naturalization of gender-based violence over the course of the twentieth century maintained and promoted the systemic impunity that undergirds femicide today. By accounting for the gendered and historical dimensions of the cultural practices of violence and impunity, we offer a re-conceptualization of the social relations that perpetuate femicide as an expression of post-war violence.

INTRODUCTION

Since 2000, more than five thousand women and girls have been brutally murdered in Guatemala (*Prensa Libre* June 4, 2010). Their bodies litter city streets, urban ravines, and the imagination of the media. Images of murdered women and girls are so commonplace that each new death risks becoming a footnote to illustrate a rising death toll. These femicides take place in a country that has become infamous for having one of the region's top homicide rates (Godoy 2006; Handy 2004; Sanford 2008). In 2007, for example, Guatemalans were killed at a rate of 41.8 people per 100,000, compared to U.S. figures of 5.6 people per 100,000 in the same year (Ibarra 2008; U.S. Department of Justice 2007). Even though men are

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ten times more likely to be killed than women in Guatemala, the number of femicides has been growing—from 213 in 2000 and 383 in 2003 to 665 in 2005 and 722 in 2008. The astonishing number of unsolved murders of both men and women demonstrates both perpetrators' impunity and the state's tolerance of gender-based violence (Costantino 2006). A historical analysis of the processes through which gender-based violence became normalized is crucial to understanding femicide today. As with violence against women during the late 1970s and 1980s, the femicide epidemic (and the more generalized violence in Guatemalan society) is partly a function of a historical gendered violence that the state and society condoned as early as the 1900s.

Femicide, a term brought into currency by feminist sociologist Diana Russell in the late 1970s, was reconceptualized by Russell in the late 1980s to denote the gendered terror practices that culminate in socially tolerated murder (Caputi and Russell 1992). According to Russell (2001b, 3), femicide, which she defines as "the killing of females by males *because* they are female," exists only because it is sustained by culturally accepted practices that promote gendered violence, including the socially tolerated forms of sexual abuse, physical and emotional battery, and sexual harassment. As Russell (2001a, 177) argues, femicide bolsters male dominance and renders "all women chronically and profoundly unsafe." Guatemala's historical record reveals a long history of acceptance of gendered violence and the military government's and the judiciary's role in normalizing misogyny. As a political term, femicide holds the state responsible for violence against women because it fails to ensure their safety and tolerates perpetrators' violent acts (Sanford 2007). As Marcela Lagarde y de los Ríos (2006, 1) asserts in her study of femicide in Ciudad Juárez, Mexico, "Feminicide occurs when the authorities fail to efficiently carry out their duties to prevent and punish [the killing of women] and thus create an environment of impunity."[1] We argue that femicide in Guatemala has its roots in authorities' failure to prevent and punish all violence against women (not just homicide) as early as the turn of the century. Our goal is

1. Latin American feminists, led by Marcela Lagarde y de los Ríos (2006), suggest that *femicidio* in Spanish simply denotes female homicide and that *feminicidio* is more suggestive of Russell's concept. But the *feminicidio* that Lagarde de los Ríos suggests is not quite equivalent to Russell's concept of femicide; the former promotes the notion that it is possible to understand women's murders as a type of genocide because they work to destroy women as a social group in society. Although *feminicidio* shares Russell's claim that cultural and social practices sustain the murder of women, Russell does not conceptualize this type of gender terror to be fully equivalent in its effects to genocide (Russell and Van de Ven 1976). Because our goal is to understand the historical processes by which the state and society helped create the conditions for the broader phenomenon of violence against women, we use the term *femicidio* or *femicide* to denote the killing of women instead of the term *feminicidio* or *feminicide*, which assumes that these processes are in place.

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to understand the process by which violence against women became state sanctioned, socially accepted, and quotidian.

Because it represents a web of gendered social practices and relations of violence, femicide must be understood beyond individual violent acts (Radford and Russell 1992). Looking at historical social relations of violence sheds light on why women are killed in Guatemala and, more important, how killing with impunity became possible and acceptable. With its roots in the gendered legal and social practices of the past century, systemic impunity was cemented during the country's thirty-six-year civil war (when terror forced the social acceptance of mass murder) and became further entrenched thereafter through a postwar peace process that has left violence unresolved.

VIOLENCE AS A SOCIAL RELATIONSHIP

The pervasiveness of femicide is one of the most often-cited changes in the character of Guatemala's violence in the transition from the thirty-six-year civil war (1960–1996)—also known as La Violencia (the violence)—to the postwar period. As the sociologist Angelina Snodgrass Godoy (2006) argues, violence in Guatemala has changed not so much in terms of the quantity of victims but mainly in the way social supports are mobilized to sustain high levels of violent crime. We argue that gender-based violence has played a crucial role in the long-term acceptance of high levels of violence. Violence against women in Guatemala has become a constitutive—rather than aberrant—feature of the social fabric because sexism and the civic exclusion, public denigration, and physical abuse of women have been socially and legally excused (Menjivar 2008). To cite but one recent example, in 2000, the Guatemalan Office for the Defense of Women received 4,908 allegations of domestic violence against women—a figure that probably represented only 5 percent of cases (Morales 2001).

Throughout Latin America, an increase in violence since the 1980s has been associated with the effects of globalization, economic crisis, recession, and neoliberal policies aimed to reduce the size of the state. In Guatemala, another factor loomed even larger than those. Because La Violencia normalized violence and rape, several experts have argued that it was the genesis of both femicide and the state's complicity in it (McKinley 2007; Tuckman 2007). To be sure, because the military, *patrullas de autodefensa civil* (civil self-defense patrols), and other security forces personnel who committed 99 percent of sexual crimes against women during the civil war have never been brought to trial, the impunity with which this violence was perpetrated facilitates today's brutal murders of women (Comisión para el Esclaramiento Histórica 1999; Consorcio Actoras de Cambio 2006). Yet identifying La Violencia as the sole or even primary catalyst ignores a greater historical trend of widespread violence against women and

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disregard for their civil rights that dates back at least to the dictatorships of the early twentieth century. When, for example, the "Macheteador de Mujeres" struck in 1931, the police described his nineteen-year-old victim as "a woman of indigenous race, with various grave injuries on the right side of her face and neck, similar to the way the forearms and hands were horribly knifed. It was clear that all of the injuries had been caused by a machete" (*La Gaceta: Revista de Policía y Variedades* [hereafter *La Gaceta*] May 24, 1931). In another chilling historical precedent, more than one hundred years before a seven-year-old girl was kidnapped, raped, and beheaded on her way to a local store in 2007 (Guatemala Human Rights Commission 2007), two men in Chimaltenango grabbed a six-year-old girl, pulled her up on a horse, and rode off with her as she screamed.[2] These historically distant but contextually close incidents are but a few examples that speak to the persistence and increasing acceptance of violence against women and the ability to violate others without repercussion.

PRECURSORS TO FEMICIDE, 1898–1944

During the first half of the twentieth century, two of Latin America's most repressive dictators ruled Guatemala: Manuel Estrada Cabrera (1898–1920) and General Jorge Ubico (1931–1944). Although aggression against women did not begin with these authoritarian regimes, the violence that buttressed them filtered down to community and family relations. The pervasiveness of domestic violence and the systematic impunity that accompanied it contextualizes the state's violation of its female citizens' rights. If evidence from Chimaltenango's criminal court records (1900–1925) and *jefe político* (governor) papers (1920–1935), Patzicía's municipal archives, and *La Gaceta* are any indication, women were routinely the victims of beatings and whippings, and to a lesser extent rape and murder.[3] Even when judges ruled in their favor, the courts offered little protection or redress.

Defendants' testimonies indicate that men assumed ownership over women's bodies. Similar to the way the Estrada Cabrera and Ubico dictatorships threatened Guatemalans by occasionally murdering political enemies, "official indifference toward widespread sexual aggression" reinforced what the historian Cindy Forster (1999, 72) calls "gendered terror," which both provided an outlet for male frustrations that did not challenge the state and perpetuated a sense of fear and intimidation that regimes used to keep people in line. When applied to Guatemala,

2. Archivo General de Centro América (AGCA), índice 116, Chimaltenango 1902, legajo (leg.) 3, expediente (ex.) 23.

3. AGCA índice 116, Chimaltenango; AGCA Jefatura Política de Chimaltenango; Archivo Municipal de Patzicía [AMP]; *La Gaceta*.

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the anthropologist Deborah Poole's (1994, 8) argument that "states have used terror and violence to construct both regimes of overt authoritarian domination and systems of democratic rule" suggests that gender-based violence helped sustain the Estrada Cabrera and Ubico dictatorships and the more democratic governments that ruled from 1920 to 1931.

The same obedience that authoritarian (and even democratic) regimes demanded from their citizens was reflected in gender relations. Some male defendants, such as Juan Sian, explained that they hit their wives because they "did not want to obey what I commanded."[4] According to the criminal record, both Mayan and Ladino (nonindigenous Guatemalan) men beat their female partners for speaking their minds. The thirty-two year-old Ladino farmer Eduardo Gramajo hit his domestic partner Paula Galvez "for a bad response that she gave."[5] Such disregard for women's self-determination justified violence against women who did not conform to men's wishes.

What emerges in the judicial record is a parallel system of justice that governed gender relations in highland communities. Customary law in many Mayan communities recognized a man's right to hit his wife (and children). When couples married, elders informed new husbands that they must control their wives, which they could achieve with restrained levels of physical force. In turn, women learned that they must always obey their husbands and endure occasional beatings (Bunzel 1967; Carey 2006; Handy 2004; Kalny 2003). Such counsel was part of the social process that sustained violence. It also reified highland men's gendered powers, particularly because court officials did little to curb it. While highland customary law condoned violence, judges' responses to domestic violence cases expanded the parameters of gender-based violence by approaching women as "outlets for male aggression" (Socolow 1980, 57). To be sure, judges' rulings reflected a broader acceptance that dated back to the colonial era of using sexual and gender-based violence to uphold patriarchy (Few 2002; Socolow 1980). That neither customary nor state law effectively discouraged domestic violence points to the ways communities and authorities alike socially supported and perpetuated violence against women.

The collusion of such state institutions as the courts and police with local cultural practices sustained violence in highly gendered ways. In contrast to men, when women lashed out, authorities depicted them as immoral, savage "cave-dwellers" who "drank the blood" of their antagonists or simpletons who could not be held responsible for their actions—discourse that perversely justified their subjugation by presenting women as less than human (*La Gaceta* June 21, 1931; *La Revista de la Guardia Civil*

4. AMP, paquete (paq.). 24, 1 de febrero 1928.
5. AMP, paq. 127, Libro de Sentencias Económicas (LSE) 1935, 28 de enero 1936.

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August 15, 1946). Patriarchal perceptions privileged male violence over female violence. As the gendered discourse of violence against women became increasingly normalized, legal practices did little to mitigate it. Guatemala's current femicide epidemic is, at least in part, an outgrowth of this past.

VULNERABLE AND VIOLATED WOMEN IN THE FIRST HALF OF THE TWENTIETH CENTURY

Although by their nature archival documents and particularly court records and newspaper accounts capture extraordinary events and thereby distort our lens onto the past, the frequency with which women were forced to defend themselves against unruly drunks, randy men, and violent husbands points to a larger pattern of gender-based violence, especially when considering that, for reasons of propriety, modesty, or honor, some women never reported such crimes. When women did come forward to report domestic abuse, often both the plaintiff and the defendant identified alcohol as a factor in the crime; the latter generally did so to explain, if not excuse, his actions (Bunzel 1967). For example, the forty-year-old day laborer Luis González, from Tecpán, said he was "too drunk" to remember attempting to strangle his wife in August 1947—an act that left her face and head cut and bruised. In the case's chilling conclusion, González commuted his sentence and left the courtroom with her.[6]

The record of female fatalities (see, e.g., *La Gaceta* April 19, 1942; *La Gaceta*, July 4, 1943) is a testament to the seriousness of death threats that men used to marginalize and gain power over women. When, for example, Señora Victoria Santos de Escobar caught her husband Sotero Escobar drunk with another woman, "he took [Victoria] by the arm and wanted to bring her down a dark alley; he tried to hit her indicating that he would kill her." Fortunately for Victoria, two men came to her aid. In taking her testimony, the scribe noted, "She assumed that in reality he was going to kill her because she knows him well and that he is capable of it." Partly because he did not cause "any injury or even insult her," the thirty-five-year-old farmer was absolved.[7] It must have given the judge pause, however, when three weeks later on August 15, 1946, he found Sotero guilty of whipping his fourteen-year-old son.[8]

On the basis of the criminal record, the transition from the Ubico dictatorship to the democratic government of Juan José Arévalo Bermejo (1945–1951) did not soften violent patriarchs. Despite the Arévalo and Jacobo Arbenz Guzmán (1951–1954) administrations' rhetoric of social

6. AMP, paq. 107, LSE 1945–1947, 8 de agosto 1947.
7. AMP, paq. 107, LSE 1945–1947, 22 de junio 1946.
8. AMP, paq. 107, LSE 1945–1947, 15 de agosto 1946.

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equality and justice, sexual violence "went largely unpunished under the new political order" (Forster 1999, 72). In her study of sexual crimes in San Marcos, Guatemala, during these democratic administrations, Forster (1999, 72) found that "a pervasive acceptability of hateful acts toward women seeped into work, politics, and economic change." As the aforementioned cases indicate, our own research bears this out too.

Although gender-based violence struck both Maya and Ladino, if *La Gaceta* and criminal records from Chimaltenango are any indication, there was a class component to reporting such crimes. Though not immune to domestic violence, early twentieth-century elites seldom allowed such transgressions to be dragged into public arenas. At the same time, by compelling poor and working-class women to work outside the home, poverty threatened their security for the same reason it afforded them more mobility and freedom than elite women. In turn, when men had to migrate for work, women were vulnerable in their own homes. Such was the case in 1910, when "poverty obligated" Felipe Colaj "to work in Guatemala City." Aware that Colaj was away, Juan Mux Chali broke into Colaj's home around midnight on July 15 while Colaj's pregnant wife Andrea Cana was asleep. After he threw her to the floor, Mux Chali held Cana at gunpoint, put a handkerchief in her mouth, and raped her in the presence of her five-year-old son. Even though she miscarried the next day, Cana did not report the crime (her husband later did) because Mux Chali had threatened to kill her if she did.[9] In an indication of the extent to which domestic violence had become normalized, the only witness who heard Andrea Cana scream did not bother to investigate her well-being—nor did he notice whether Mux Chali was the assailant. As such, Mux Chali denied the accusation and was freed. By not responding to Cana's screams or even reporting the incident, the witness effectively drew a veil over the crime. As Forster (1999) found, when government officials and local men and women upheld the vulnerability and subjugation of females in family and intracommunity relations, they sustained gender-based violence.

Women who had the courage to bring their gender-based violence incidents to court left behind a record that illuminates how social constructions of women contributed to their vulnerability. When explaining their plight, most plaintiffs began by emphasizing that they had done nothing to provoke male violence. Although rapists most often denied the charges, defendants accused of domestic violence often pointed out their victims' failings. Among the most commonly cited justifications for hitting their spouses was a failure to keep the house and children in order. When explaining to the court why he had beaten his wife while she was sick in bed, the thirty-year-old day laborer Benito Ajsivinac said, "It is true that I hit my woman yesterday, because she does not manage the care of her son,

9. AGCA, índice 116, Chimaltenango 1911, leg. 12E, ex. 43.

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and much less of her house."[10] As was often the case for these women, even when the judge ruled in their favor, the legal system offered little protection. Sentenced to ten days in prison, Ajsivinac posted bail after one night in jail. Indicating the extent to which the state abdicated its responsibility to ensure the safety of women, at least half of those convicted of domestic violence could afford to pay their fines and thus avoided incarceration.

In communities where men lashed out if they felt insulted, rejected, or jealous, or simply considered their wives gossips, women's diminished social status contributed to their vulnerability. Underscoring perpetrators' insolence, many defendants made no attempt to justify their actions, as was the case when the nineteen-year-old Isabel Méndez brought her husband to court for beating her; he simply confessed.[11] Although most gender-based violence during this period happened among kin, the victim and perpetrator were not always related, such as the time José Estrada whipped Leocadia Esquit with his tumpline.[12] As perhaps the most obvious (and alarming) consequence of the normalization of gender-based violence, many men who beat their wives, such as the forty-three-year-old Ladino farmer Esteban Ordóñez, said they got along fine with them insisting there was "no unpleasantness" between them.[13]

The legal system perpetuated domestic notions of women. When judges based their rulings on those assumptions, female plaintiffs were at a disadvantage. Even though the fifty-year-old Mayan farmer Felipe Lacan hit his wife Petrona Perón while drunk, the judge sentenced both parties. Because punishing victims of domestic violence was rare, the judge must have found Lacan's confession compelling: "The reason [I hit my spouse] is that she was drunk, failing her domestic obligations and she had addressed me with some insults and dirty words and I ask that you punish at the same time my wife for these transgressions."[14] Although the judge did not explain his reasoning, the message was clear: behavior unbecoming in a woman—inebriation, domestic failings, insulting her husband—warranted punishment. Disciplining women's transgressions had strong social supports (Carey 2008). Instead of trying to extirpate gender-based violence, authorities often reinforced it. By accepting men's justifications for domestic violence as plausible legal and social exceptions and meting out inconsequential sentences, judges effectively granted perpetrators impunity.

Although authorities' reluctance to intervene in domestic affairs partly stemmed from their recognition of *potestad marital*, or a man's right over

10. AMP, paq. 107, LSE 1945–1947, 9 de julio 1945.
11. AMP, paq. 24, 6 de febrero 1928.
12. AMP, paq 127, LSE 1935, 18 de octubre 1935.
13. AMP, paq. 24, 1 de agosto 1929.
14. AMP, paq. 24, LSE 1906, 8 de octubre 1916.

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the person and property of his wife, the judicial structure essentially condoned domestic violence. Never as powerful as Estrada Cabrera and Ubico conveyed, the early twentieth-century state used gender-based violence to uphold its rule. Even though Ladino judges' authority emanated from the state, they still had to appease their Mayan charges to a certain extent, because ultimately they granted judges local legitimacy. If communities deemed judges' decisions unjust or punitive, unrest or revolts could ensue. Read this way, victims of domestic violence were the sacrificial lambs who kept quotidian tensions at an acceptable level (Aguirre and Salvatore 2001). Forster (1999, 59) extends this analysis to the national level, arguing that by diverting "the anger of men into 'nonpolitical' channels . . . Ubico was served admirably by male violence against women." The same pattern during Estrada Cabrera's rule reminds us that "sexual coercion was an eminently political phenomenon" (Forster 1999, 70). For women, judges' refusal to deter gender-based violence was an exercise of the state's power.

In a legal system that elite men established and presided over, domestic violence was not afforded the same attention and seriousness as offenses that challenged state authority. Underscoring judges' priorities and the denigration of women during Estrada Cabrera's reign, the thirty-two-year-old day laborer José Coc was sentenced to fifteen days for "disrespecting the authority" in court and only five days for hitting his wife![15] If as Michel Foucault (1995) posits, punishment reveals the state's perception of the seriousness of crime, then the Guatemalan state considered domestic violence little more than a nuisance.

For communities in which Maya constituted the overwhelming majority of the population, a surprising number of Ladinos appear in the criminal record as victims and perpetrators of sexual violence. Although gender relations differed in Ladino and Mayan households, domestic violence knew no ethnic boundaries. Even though the larger absolute number of cases involving Maya is reflective of their demographics, the broader court record also reveals that Ladinas were less likely than Mayan women to avail themselves of the courts in the first half of the twentieth century. As such, Ladino sexual violence was less likely to be reported than Mayan sexual violence.

Judging from the court record of women who repeatedly returned to the authorities to denounce their husbands for domestic violence and evidence of women's use of such extrajudicial protection as flight and self-defense, some women lived in "a chronic state of emergency," where violence was the rule, not the exception (Taussig 1992, 11; see also Benjamin 1969). That some men did not perceive a need to justify and that others failed to see any "unpleasantness" in their violent relations with their

15. AMP, paq. 24, LSE 1906, 30 de julio 1916.

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female kin further speaks to the extent to which aggression became embedded in everyday gender relations. Even as early as the turn of the century, it is possible to see the process by which violence became normalized and commonplace—mundane, if not banal—and thus ignored. Ironically, this process of normalization can be attributed partly to a judicial system that facilitated violence by excusing men's transgressions against women. These gendered practices reinforced violence as a preferred mechanism of social governance. Femicide's pervasiveness today rests partly on the historical process of giving perpetrators the de facto power to violate others.

THE GENDERED PRIVILEGES OF VIOLENCE

Although Guatemalans came to accept a certain level of violence among men, they deemed violent women feral or irrational. Because their behavior defied social norms, accounts of female aggression were almost invariably accompanied by attempts to explain it. In contrast, excepting homicides, judges, lawyers, police, and journalists seldom felt compelled to explain men's violent outbursts beyond attributing it to a drunken binge.

As in the United States and elsewhere, the Guatemalan press sensationalized portrayals of violent women. When the domestic servant Agueda (or Adelaida) Noriega was captured in 1933, nine years after she murdered the family for whom she worked, *La Gaceta* printed a story that ran more than forty pages, almost as long as its normal editions (*La Gaceta* March 12, 1933). Even given the unusual and violent nature of the crime, the attention afforded it was excessive. When the police arrested violent women, they portrayed them as savages. To cite one crucial example from 1931, when bringing Magdalena Siquibache and Gregoria Boor before the court for fighting in the street, the police exclaimed, "so furious was Magdalena, she wanted to drink the blood of Gregoria, armed with a sharp knife" (*La Gaceta* June 21, 1931). In another report titled, "For Unconfirmed Jealousy, a Woman Becomes Bloodthirsty," the police graphically described Juana Francisca Carrera's response once she became convinced that her partner was having an affair with Julia Ávila. "Juana Francisca converted into a troglodyte, armed herself with a stone with a sharpened edge . . . Ávila's blouse, as a result of her rival's casts, became a heap of useless rags" (*La Gaceta* June 21, 1931). Violent outbursts such as these notwithstanding, police reports often perpetuated depictions of women as irrational beings dominated by passion.

In contrast to its obsession with highlighting violent women, *La Gaceta* mostly ignored the more common and pervasive violence against women. When reading the police blotter, the reader is left to infer incidents of domestic violence from the copious reports of male inebriation and disorderly conduct; seldom is the connection explicit. That newspapers and even *La Gaceta* rarely reported domestic abuse demonstrates how normalized

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such social interactions had become. In its portrayal of women as victims and aggressors, *La Gaceta* both elucidated and obfuscated gender-based violence. The account of Abraham Pelo and Gerardo Sequen attacking *la indígena* Juana Vásquez with a rock and machete on February 8, 1931, seems sanitized compared with the graphic descriptions of Magdalena Siquibache's and Juana Francisca Carrera's crimes. *La Gaceta* ignored the condition in which her attackers left Vásquez (*La Gaceta* February 8, 1931). Although gender distinctions in regards to physical abuse already were present in highland communities, the police and the courts expanded the boundaries of acceptable male violence while constricting those of female violence. Even as gender-based violence became normalized, female aggressors were singled out as deviants in ways that implicitly condoned efforts to keep women in line. As in other patriarchal societies, in Guatemala, violence was a male domain.

Social constructions that portrayed female violence as abhorrent aberrations influenced and in turn were reinforced by public policy and law. When women attacked men, some judges meted out greater punishment to them than to male aggressors. To cite one example, when Raymunda Miculax beat her domestic partner Juan Martín on January 17, 1935, the judge sentenced her to ten days in jail, commutable by ten cents a day. What distinguished her punishment from that of her male counterparts was the judge's assessment of an additional one quetzal fine to cover Juan's medical costs, despite the *empírico*'s (unlicensed physician) testimony that no medical care was necessary.[16] Reinforcing the web of gendered social practices that sustained violence, authorities and communities both supported violence against women and ostracized and punished violent women.

The same social constructions that downplayed women's humanity also held the potential to exculpate them. For instance, in 1946, one journalist argued that, because women were inferior to men, they could not be held responsible for committing crimes. Recognizing society's oppression of women, the writer asserted that "the woman has been unable to develop her mental faculties nor form a clear and precise conscience. . . . This is the origin of innumerable crimes that are not anything more than the incapacity to look for solutions other than the ones that instincts dictate." The author argued further that female crimes were never the product of premeditation, intelligence or deceit but rather motivated by self-defense, revenge, or love. The journalist concluded:

> [M]ost female crimes lack the basic elements of imputableness: intelligence and freedom. . . . [and] free-will. Because for free-will to exist, requires the intelligent capacity to elucidate between good and bad, capacity to conceive the results of an action and all the possible consequences. Most female delinquents—and this has

16. AMP, paq 127, LSE 1935, 17 de enero 1935.

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been proven—in addition to their mental deficit, find themselves with numerous natural afflictions. . . . These circumstances have impeded the woman from participating in society with a sound, disposing mind. (*La Revista de la Guardia Civil* August 15, 1946)

The very condition of being female explained women's crimes. Though expressed in a more sympathetic tone than those evoked in police reports, this writer too judged women to be less than fully human—an impression that reflected criminal codes enacted in the late nineteenth century throughout Latin America, which considered women "irresponsible" for crimes because of their "naturally emotional" state (Aguirre and Salvatore 2001, 23).

WOMEN AND SENSATIONAL VIOLENCE

Throughout the twentieth century, newspapers sensationalized murder. Journalists working during La Violencia in particular described the coverage of murder as indispensable to their craft. One journalist recalled, "We even used a slogan to describe it: 'Our Daily Dead.' By 10 am we always had a photo of some political death or something of the sort" (personal communication between the author and anonymous *Prensa Libre* reporter, April 2005, Guatemala City). According to editors of *Prensa Libre,* during the civil war, reporting on murder, state-sanctioned or otherwise, was something that appealed to readers. Editors suggest that circulation figures support this claim and confirm that journalists were encouraged to seek out such stories. Associates of the Guatemalan Armed Forces, who provided reporters sympathetic to their cause with preferential access to "crime scenes" and an occasional photograph of murder scenes, even occasionally encouraged coverage of political murder (personal communication between the author and anonymous *Prensa Libre* and *El Imparcial* editors and reporters, March 2005, Guatemala City). Reporters and editors interviewed suggest that the practice of sensationalizing murder has its roots in the business of journalism, and this is partly borne out in the aforementioned examples from the earlier part of the century.

However, the practice of counterinsurgency policies during La Violencia sensationalized violence against women in particular to reinforce the military state's patriarchal role. Ten years before the height of La Violencia, the murder of Rogelia Cruz Martínez stands out as emblematic of how women's bodies became sensationalized in this period. Embodying the characteristics of the ideal of woman in the late 1950s, Cruz Martínez was constituted—as Anne McClintock (1993) suggests is characteristic of colonial spaces—as an emblem of the nation through her body. As a Ladino beauty queen and teacher representing Guatemala at the 1959 Miss Universe Pageant, Cruz Martínez was the epitome of femininity. After Cruz Martínez was brutally murdered in 1968 (likely because of her student

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activism and/or a relationship with a revolutionary leader), Guatemalan newspapers emphasized that her murder was a loss to the nation because her body—the national symbol—had been violated. Reflecting on her murder, *La Hora* editor Clemente Marroquín Rojas stated that "nothing did more damage to our sense of civilization than the murder of Rogelia Cruz Martínez, this killing of a woman" (Erlick 2004, 107–108). According to newspaper reports, Cruz Martínez's "body[,] wearing only a brassiere," showed signs of rape (*El Imparcial* January 12, 1968). Countless journalistic and semifictionalized accounts in the months that followed added to the sensational murder, suggesting that her body was skinned and had its breasts removed, and some proposed she was garroted to death. Detailing how the body of Rogelia Cruz Martínez became sensationalized into fiction, Mary Jane Treacy (2001) suggests that "Rogelia the Beauty Queen" fell into politics as an image made by the press and then destroyed by her killers and subsequent portrayals in the press. Treacy (2001, 45) argues that, "because she entered the public arena and transgressed its rules, [Cruz Martínez] became an image upon which vengeance was taken, witnessed, and enjoyed"—a practice that the state and its agents embraced during the civil war. It is precisely this practice that is instrumental in setting the stage for reviewing violated bodies today.

GENDERED TERROR AT THE HEIGHT OF LA VIOLENCIA, 1978–1984

During the civil war, the Guatemalan armed forces promoted and practiced counterinsurgency through the use of traditional conceptions of gender roles and identities established earlier in the century. The Guatemalan military displayed images of Ladino women who transgressed the norms of prescribed behavior in nation-building public service ads and regularly published cadaver reports in newspapers. As with Cruz Martínez, transgressing and violent women—those who had or could have involvement with guerrilla groups—were constructed as threats based on the conception of women's moral fragility and their roles as primary reproducers of society.

Full-page advertisements appeared in the early 1980s to depict individuals considered "dangerous" to Guatemalans and the nation. The ads urged readers to turn in these individuals to the authorities. What is unsettling to the viewer is the youth of the subjects and the inordinate number of young women portrayed as threats. The display of young Ladino female guerrillas in government-sponsored advertisements shows that women, because of their naïveté (or lack of a "sound, disposing mind," see *La Revista de la Guardia Civil* August 15, 1946), required guidance so as to not be lured by Marxist ideologies. Expanding on the pattern established earlier in the century, these ads describe women as threats because, as teachers and caregivers, they had access to susceptible youths. Advertisements

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suggested a need to tame and control women who would not be traditionally considered participants in politics or insurgency. Once defined as threats through their gender, they became dispensable. In the midst of La Violencia, the military separated citizens into those who mattered and those who did not, an act that normalized violence and provided the moral justification for the impunity that undergirds today's femicides and murders of thousands of men.

Most advertisements mirror Lidia Amparo Santos Chacón's story, which showed respected professionals who, according to the anonymous authors of the ads, became involved in the destruction of themselves and their country because of confused idealism and/or some foreign pressure. All individuals are described as threats to the country and its way of life because of their purported involvement in terrorism and crime. Women are portrayed as both individuals in need of rescuing and threats:

> Lidia Amparo Santos Chacón, alias "Yali" or "Julia," is a young Guatemalan teacher who in her attempts to change Guatemala, chose the extremist path of terror and violence without realizing that in doing so, she became an instrument of interests foreign to the authentic destiny of our country. . . . [She] took advantage of her work as a teacher for the Casa Central school in Guatemala City by involving immature young women, and attaining their enrollment in the subversive activities of the extremist communist group called ORPA.
>
> Because of her subversive and extreme acts, Lidia Amparo Santos Chacón, alias "Yali" or "Julia," is a danger to you and your loved ones. (*Prensa Libre* December 6, 1982, 25)

In this account, Chacón is beyond salvation. The authors link her youth and gender to her wayward path. Chacón is not an agent but a "vessel" used by foreign interests to entice young women by taking advantage of her role as a teacher. Such transgressions depict women as falling from a position of privilege to the role of a criminal/terrorist, and they are a common motif in ads that aimed to demonstrate the dangers of social activism to "well-intentioned" young men and women. But they also were intended for the general public, as warnings about the criminal next door.

The internalization of these warnings is evidenced in ads that families affected by counterinsurgency violence took out in newspapers to differentiate their disappeared loved ones from the antinational militant that Chacón's story represented. Thelma del Socorro Valdivia's husband, for example, sought the return of his wife on the grounds that she was simply "a homemaker who dedicated herself exclusively to her home" (*Prensa Libre* April 4, 1981, 8). Her kidnapping by hooded men armed with machine guns and traveling in a van with tinted windows was, according to Socorro Valdivia's husband, an error given that she complied with what was expected of her gender and was not engaged in any activities outside her home.

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Advertisements like the one that represented Chacón demanded the vigilance and involvement of all readers in ending insurgency through the surveillance of women who engaged in any way outside their homes. The overrepresentation of women in these ads evince the role of the surveillance of females in counterinsurgency strategies. These advertisements advocate the control of women in particular but can be extended to other citizens who are deemed dispensable.

Counterinsurgency advertisements detail the practices through which it became possible to justify the killing of men and women. They show how hidden powers became responsible for the dispersion of citizenship status—whether you do or do not matter—and maintenance of national order. They also demonstrate how "extremism" understood as antifemale behavior (during the first part of the twentieth century), communism (during La Violencia), or gang involvement (today) became a justification for social cleansing with impunity. By accepting the public violation of women who transgress gender norms, society condoned the violation of any transgressing citizen.

RAPE AND OVERKILL: ROOTING FEMICIDE IN SOCIAL AND LEGAL IMPUNITY

During La Violencia, the preferred tools for inflicting pain included rape and overkill (murder and torture exceeding the force necessary to terminate life). The bodies of female victims today regularly display evidence of both in ways that resonate with the cadavers displayed during La Violencia. Cadaver reports displayed how female transgressors were disciplined—always understating and mostly obliterating any evidence of the perpetrators. The tortured female was a particular site for rewriting the Guatemalan nation-state, and the bodies its agents produced became emblematic of the impunity with which the armed forces and paramilitaries functioned. Because far fewer women than men were killed during the war (roughly 15 percent of all deaths), cadaver reports of female victims during La Violencia are unusual and make up less than 10 percent of all cadaver accounts (Ball, Kobrak, and Spirer 1999). During La Violencia, the victim's gender and ethnicity played a pivotal role in determining the type and method of torture, forms of body disposal, and forms of reporting on violated cadavers.

Most victims during the civil war were Maya, many of whom were killed in massacres that are nearly absent from newspapers with urban Ladino audiences. Indigenous women were killed almost twice as often as Ladinas during La Violencia. In interviews, Mayan refugee women detail witnessing rapes, public eviscerations of pregnant women, postmortem lacerations, seemingly ritual burning of women and men alive in places of worship, public decapitations, and maiming. Prior to mass assassinations, women were raped in front of their loved ones and community members

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(tape-recorded communications between the author and twelve anonymous refugee women in refugee camps in Campeche and Quintana Roo, Mexico, May 1994). Close to 90 percent of all rape victims are believed to have been Maya (Ball et al. 1999). Although the removal of the fetus from the body of a pregnant woman was a common precursor to assassinations during a massacre, evidence of evisceration, as in the following account, was a rarity in the newspaper record (Torres 1999):

> A woman's cadaver was found: It was noted that the woman measured 1.60 meters in height. The cadaver was already in an advanced state of decomposition. It showed multiple blows and a hole in the abdominal region. (*Prensa Libre* October 26, 1982, 40)

The symbolic appropriation of the community's future often followed the rape and was completed by placing the cadaver on display so that those about to be massacred would see it. The foregoing account is evidence of the armed forces' public defilement of life, and particularly indigenous life, during La Violencia. According to the anthropologist Diane Nelson (1999, 326), insurgents were treated as people who were "like Indians: expendable, worthless, bereft of civil and human rights."

In postwar Guatemala, where the state encourages people to forget the civil war, the evidence of massacres is still a sensitive topic. Given the country's history of structural racism, the underreporting of massacres in newspapers during La Violencia can be analyzed as tacit acceptance of the murder of Maya. Newspaper editors and reporters suggest that the armed forces curtailed and surveyed their access and ability to report on massacres in newspapers during La Violencia and that reporting on massacres not only was logistically difficult but also carried significant risks to the personal safety of journalists, photographers, and editors (personal communication between the author and anonymous *Prensa Libre* and *El Imparcial* editors and reporters, Guatemala City, 2005).

As the culturally ideal vessels of the Guatemalan family, female Ladino cadavers were more frequently displayed with signs of overkill and rape. Female transgressors were punished more forcefully than their male counterparts precisely because the moral costs of defilement were greater. In cases where women showed signs of overkill, as in the following account, journalists tended to include very subtle signs of disapproval:

> YOUNG WOMAN. Under the Río Seco Bridge, kilometer 127 of the route from Río Bravo to Tiquisate, a cadaver of a young woman, around 26 years of age, was found. She was shot to death after having been tortured. The unknown woman was 1.5 meters high, had white skin and, as a detail that could lead to her being identified, she had two gold crowns on her upper teeth. (*Prensa Libre* June 20, 1978, 2)

This account has an implicit request for recognition, and in the capital, the combination of her skin color and gold crowns suggest the victim's

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elite status. Such details were more common in accounts describing female victims. With the body of a woman, this seemingly typical description signals a form of torture often reserved or emphasized for female victims: rape. In Guatemala, rape was typically associated with two types of violations: massacres and capture by state or parastate authorities. Parastate authorities working as hidden powers then and today are believed to be responsible for femicides. Most cadaver reports of female bodies during La Violencia detail rape as part of the necrographic maps or torture signs found on bodies (Torres 2005). Focusing on rape is a technique that draws us into the current practice of re-viewing victims of violence instead of the social supports or agents of violence.

During La Violencia, the focus of rape on the victims rather than on the perpetrators reinforced the feelings of vulnerability that politically motivated violence hoped to instill. Because of its power to shame and violate women's characters as well as their bodies, rape became a tool for torture. Parastate forces not only raped women but also defaced their bodies to ensure the viewer's attention focused on the acts of torture. This type of rape, which Sylvanna Falcon (2001, 41) defines as "national security rape," is a result of the hypermasculinization of a militarized environment in which rape becomes a tool to shame women and men. Making rapes public was part of the process of national security rape, where the act of viewing was intended to draw an audience into one final act of violation. Re-viewing victims became an act of social complicity that allowed for the construction of Guatemalan newspaper readers into a "bystander community" (Huggins, Haritos-Fatouros, and Zimbardo 2002, 137). The establishment of Ladino readers as a bystander community worked to sustain the atrocities of La Violencia through a type of participant inaction: readers re-viewed the atrocity but remained unwilling or unable to oppose it.

In the subsequent account of rape, the assassins attempted to obscure the victim's identity but ensured that the act of violation and its effect on her body would become public by placing the cadaver near the University of San Carlos during the morning rush hour:

> The cadaver of a lady approximately 23 years of age was found yesterday on 31st Street and 10th Avenue, Zone 12, El Bosque Residences, at 6 am. Its face and cranium were completely destroyed, making a full identification impossible. . . . [She was] nude and showed clear signs of having been raped, said the volunteer firemen. (*Prensa Libre* April 11, 1983, 19)

Her body was placed for commuters to see in a middle-class residential area as they traveled to and from the university. In the foregoing newspaper account, the body is re-presented—both textually and photographically—for a national audience. The publication of the account completes the exercise of power that was begun on the victim's body and makes the body, not the perpetrators of the crime, the focus of attention.

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Playing up the silences commonly associated with rape further reinforces the sense of insecurity gained from exposure to savagely tortured bodies. Because the rapists were the authorities—members of the special and regular armed forces and police—they had impunity. Instead of bringing the perpetrators to justice, making rapes public only further denigrated victims and threatened the safety of both the victims and their families (Recuperación de la Memoria Histórica 1998). Building on the violence, shame, and secrecy commonly associated with rape, the designers of Guatemala's counterinsurgency policies attempted to force women and men—both indigenous and nonindigenous—into a symbolically subservient role in which military impunity and authority could remain unquestioned. Grounded in the practices of impunity begun earlier in the century, military and paramilitary forces incorporated rape as a weapon of governance during La Violencia.

The display of tortured women suggests their frequency (99 percent) as the prime victims of sexual crimes and rape (Ball et al. 1999). However, the display of their tortured bodies underrepresents the frequency of their overkill. Taking into account dominant gender paradigms in Guatemala, defilement of female bodies may have crossed the boundaries of what the public considered acceptable during La Violencia's already aberrant displays of violence. Although such accounts are exceptional during La Violencia, they bear striking similarities to the femicide accounts that have littered newspapers since 2000. The increased frequency with which evidence of overkill appears on female cadavers today speaks to the extent to which the display of postwar violence has surpassed that of La Violencia.

As early as 1978, women's bodies were found with obliterated faces and signs of overkill. One such example describes a "lady" who "had eight bullet perforations in different areas and crushing blows to the face that made her practically unrecognizable" (*Prensa Libre* July 29, 1978, 66). Overkilled women were often described as youths, and in all accounts, journalists subtly questioned these acts of violence. This type of questioning included alluding to a perpetrator who was generally absent in other accounts of torture; using adjectives to suggest that the attack was excessively violent; and the attribution of emotions like shock, surprise, or emotional disturbance to unnamed witnesses. Journalists subtly challenged the bounds of state-sponsored violence in this account:

> TWO YOUNG WOMEN WERE BEHEADED IN ZONE 8 YESTERDAY: Cadavers of two beheaded young women were found yesterday morning in Zone 8. So far the motives or perpetrators of the crime are unknown. The neighbors of Zone 8 were surprised at the finding of the cadavers and at the way that they were assassinated, and they called the municipal firemen to take away the unfortunate women from the eyes of the curious, especially the children. One of the cadavers . . . showed that not all of its skin had been severed from the body. It is estimated that the

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victimizers used a forceful instrument that was too sharp and you could also see particular bruising in the arms and legs where blows were received. (*Prensa Libre* January 8, 1981, 8)

In both cadaver reports, the women's faces are obscured, either through the removal of the head or through beatings that rendered them beyond recognition. The account noted the youth of the victims while subtly indicating that the assassinations were unusual and repulsive: the additional qualifications given to the female cadavers suggest that finding defiled female bodies was less tolerable than the usual parade of male cadavers. Although most reports discuss the injury, the reports presented here characterize the weapons used as "crushing" or "forceful," alluding to the use of excessive force.

Reflecting on the documents discussed here, one Guatemalan journalist interviewed in 2001 stated that such accounts evoked the idea of counterinsurgency fear: a fear of unspeakable or unknowable torture and a fear of the public shame that identification and display could bring. Women were common victims for the purposes of creating such fears. At the same time, the constant presence of tortured and violated bodies during La Violencia began to anesthetize readers. Instead of being exceptional, violations of women became common and ultimately normal.

CONCLUSION

Femicide as the socially tolerated murder of women in Guatemala relies on the presence of systemic impunity, historically rooted gender inequalities, and the pervasive normalization of violence as a social relation. The entrenchment of the social supports of femicide has been a gradual process in Guatemala through which women's rights in particular and citizens' rights more generally have been eroded. Culturally supported through the promotion of unequal gender roles and portrayals of women as minimally human, gender-based violence came to find legal and social acceptance during the first half of the twentieth century. This legal leniency effectively provided impunity and helped foster a more generalized violence in Guatemalan society. Since then, security forces have expanded acceptable levels of violence.

Early in the twentieth century, social constructions of gender that restricted women's roles and possibilities as well as customary and state law that asserted women's subordination to men reinforced (and at times explicitly condoned) gender-based violence. Women who failed to live up to society's expectations of them as diligent, docile producers and reproducers could be beaten. Although judges did not explicitly affirm these notions, by not contradicting them or not doling out stiff sentences, they contributed to the conditions whereby gender-based violence propagated. Informed and influenced by patriarchal regimes, these cultural and legal

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premises helped the dictatorships of Estrada Cabrera and Ubico legitimize violence over less powerful groups. As the legal historian Douglas Hay (1992) argues, state violence and private violence are reciprocal and reinforcing. Gendered violence, in this context, became a powerful tool to control both women and men. What has changed in the postwar era is that state violence and private violence are no longer so easily distinguished. Throughout the first half of the twentieth century, the state often abdicated its responsibility to guarantee the safety of its citizens (particularly women). As generals took power after 1954, and gender-based violence expanded (e.g., the use of rape as a weapon), women's bodies increasingly became sites of terror.

In another pattern of change over time, efforts to arrest perpetrators of gender-based violence have decreased dramatically since the early twentieth century. In general, in the first half of the twentieth century, when women reported gender-based violence, the accused were arrested. After the "Macheteador de Mujeres" had "so savagely macheted" Cristina Chicoj, for example, the police pursued him from his highland village near San Juan Sacatepéquez to the Guatemala City train station (*La Gaceta* May 24, 1931). In contrast, today police make arrests in only 2 percent of the approximately five thousand homicides each year in Guatemala. More disturbing still, of the 5,027 femicides from 2000 to 2009, only eleven perpetrators were convicted (Fisher 2007; McKinley 2007; Network in Solidarity with the People of Guatemala 2008; *Prensa Libre* June 4, 2010).

Throughout the twentieth century in Guatemala, the state did not just condone gender inequity through its legal practices; it combined patriarchy with the use of violence as a tool for governance. Evident most clearly during La Violencia, military regimes made gender-based violence a critical part of the exercise and reproduction of power in Guatemala. The military state became an active participant in the promotion of violence against women as it used women's bodies to legitimize its role as a patriarch.

Yet the murders of women during La Violencia and today are similar to each other and specific to Guatemala because of the almost-half-century-old tradition of public display of their violation and the sensational quality attached to re-viewing victims. Beginning with Rogelia Cruz Martínez, Guatemalans who re-viewed bodies of tortured women also became bystanders to atrocity. Even before La Violencia, women who transgressed gender norms through their involvement in politics came to be defined as citizens who did not matter and thus warranted being targets of state-sponsored violence. Just as police and courts expanded the possibilities of male violence against women, they sought to define female political participation or women's aggression as a justification for violent exclusion. Intimating that victims have connections to organized crime or insurgents justifies curtailing their civil rights and by extension approaching femicides as exceptions to the rule of law. Earlier in the century,

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infidelity or failure to perform domestic duties warranted beating. Today, women's transgressions are used as social justification for murder.

Establishing the historical precedence of gender-based violence in Guatemala reveals what the current obsession with statistics obscures: the historical development and the social and juridical acceptance of impunity and gender inequity, as well as the normalization of violence as a social and political relationship. These conditions facilitated and still perpetuate the overkill of women. Although the alarming numbers of murdered and tortured women could be framed as a simple outgrowth of La Violencia, vestiges of genocide, or the sadism of drug traffickers, gangs, and paramilitary groups, examining the social support networks of gender-based violence compels us to confront the potential horrors of patriarchy. Uncovering the historical precursors to femicide reveals a pervasive tolerance of violence, which ultimately controls its population, male and female alike.

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