Lynching As Lesson:
Context, Causes, and Consequences of Informal Justice
in an Indigenous Guatemalan Town

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Abstract

Though lynching as justice lacks legal backing and suggests social disorder, the 1997 murder of a young thief in San Antonio has been followed by a period of more adherence to the law instead of less. Through an exploration of the lynching’s causes, effects, and significance, this paper explores social order and deviance in San Antonio Palopó, a highland indigenous town in Guatemala. Particularly, there is discussion on the evolution of the town’s security and justice systems over the past several decades, with intent to analyze any syncretism that might have occurred between customary law and the models of social order and justice that have been encroaching from the outside, particularly from state authorities. Both the lynching and its place in town consciousness are examined in this context, revealing ways of thinking about crime and culpability in San Antonio and ultimately showing that the enduring forces that deter social deviance there are not necessarily institutionalized. In terms of its causes, the lynching could be understood as a public rejection of civil authorities; Foucault would call it a spectacle, a way to teach what happens when one breaks rules; in terms of its consequences, though, it also served as a reminder of the very crucial communal knowledge and informal social obligations that help hold the town together.

Introduction

In the middle of the night on July 4th, 1997, an inhabitant of San Antonio Palopó might have woken up and arisen from bed upon hearing noise—shouting, maybe church bells—the sounds of many people gathering, some angry, some excited, some frightened or merely curious. After hurrying through a maze of steep, dark walkways in the densely settled mountain town, he would arrive at the town hall to find a mob of about eight-hundred people in the street. There, situated next to the large white Catholic church, overlooking the vast, dark lake, he would witness the lynching of three young men accused of robbery, two who managed to escape with their lives, and one who died, drenched in gasoline and set on fire.

The 1997 lynching in San Antonio was only one of hundreds that took place in Guatemala in the years directly following the civil war; 421 lynchings were reported in the country between the years 1996 and 2002 (Handy 2004: 535). Like the sites of many other lynchings, San Antonio is a small, indigenous Maya town in the highlands; home to about four thousand Kaqchikel-speaking inhabitants, the town was built hundreds of years ago on the steep mountainside that borders Lake Atitlan. Currently, the vast majority of its population is Catholic. Based on three weeks of research in San Antonio, this paper tackles the question of lynching as informal justice—what is its relationship with the forces that create, sustain, or disrupt social order in this small indigenous town?
According to classic Western theorists on authority, justice, and security, social order is maintained in a top-down system in which the state holds ultimate power through its monopoly, so to speak, on sanctioned physical force as a method of coercion. (Weber 1918 in Dirkx 2011: 13). As Foucault argued in his seminal *Discipline and Punish*, modern societies have moved away from punishment as spectacle for the benefit of the public and transitioned into disciplining the body through the prison system (Foucault 1975). In modern-day Guatemala, though, the state-sponsored justice system is a broken one, struggling to recuperate after a decades-long civil conflict that ended with the 1996 Peace Accords. Several scholars have contextualized crime and punishment in a Guatemala struggling with political and economic turmoil; for instance, Anna Belinda Sandoval Girón explains in her article “Taking Matters Into One's Hands: Lynching And Violence In Post-Civil War Guatemala” (2007) that many Guatemalan individuals simply do not have confidence in the state’s ability to provide adequate security. The justice system is “struggling to gain legitimacy after historically serving the interests of the elite and the military,” and that is one of the principal reasons that some indigenous communities have resorted to lynching as a method of community justice (Giron 2007: 363). Aside from peoples’ distrust of civil justice authorities, though, the basic problem is that these systems aren’t effective. As Jim Handy said in his 2004 article “Chicken Thieves, Witches, and Judges: Vigilante Justice and Customary Law in Guatemala,” “it seems fitting to remind ourselves that the shift of punishment from ‘festival’ to ‘school’ [that Foucault perceived] was an important part of the extension of state power and the construction of state power and hegemony in modern Europe. The failure of that shift in Guatemala must say something about the limitations of state power in contemporary Guatemala” (Handy 2004: 545).

Crucial to my research was the ability to study the alternative systems of maintaining social control in San Antonio, both historically and in the modern day. For instance, I was looking for evidence of customary law—the rules and systems employed in indigenous society. Jim Handy explains that customary law has in the past “flowed from a distinct world view which saw cause and effect, responsibility and rights, authority and obedience in entwined ways related to distinct societies and locales” (Handy 2004: 553). In general, “restitution was preferable to punishment,” and “punishment when it occurred was
meant to be exemplary and public and provide a lesson to the whole community;” finally, the process was “constricted through an intense and deep understanding of the community, its living and spiritual inhabitants and their histories” (Handy 2004: 557). Jim Handy also cites Sally Falk Moore’s study of customary law in Africa; customary law is “not just a special domain of knowledge or practice, but a body of ideas known by all and used by all” (Moore 1985 in Handy 2004: 554). Another alternative system crucial to my research is popular justice, what Sally Merry identified as an informal system of maintaining social order that does not involve a state government (Merry 1992: 162 in Dirkx 2011: 18). Popular justice represents the opinions and identities of the people; often, as in customary law, it involves communal decision-making and leaders who take their orders from the people. A Maya example adopted by the Zapatista movement in Chiapas Mexico is mandar obedeciendo, “to govern by obeying;” it worked in direct opposition to the one-party national government which paid no mind to indigenous peasants’ protests against new economic policies in the country (Levi 2002: 19).

Until 1985, the Guatemalan constitution gave indigenous community leaders the right to resolve local disagreements on their own (Handy 2004: 556); thus, the alterative systems discussed above might have been useful in preserving a community’ autonomy through the maintenance of what I understood to be a closed corporate community (Handy 2004: 554). As discussed above, though, indigenous models of justice have certainly not gone untouched by outside authority. Laura Nader’s article “Harmony Ideology: Justice and Control in a Zapotec Mountain Village” helps explain the dynamic between inside and outside forces of justice in indigenous communities: indigenous systems have historically kept the peace among inhabitants, thus helping them avoid intervention from an outside authority (Nader 1990 in Handy 2004: 554). At the same time, colonial and later national intervention has definitely occurred—San Antonio was lucky not to suffer such detrimental effects of the civil war that nearby towns did, but I still found immense evidence of changes made to San Antonio justice system, mostly through its incorporation into a regional and national justice schema. In this sense, a piece of my project was to explore any legal syncretism that has taken place—informe in part by the concept of religious syncretism discussed by authors such as John Watanabe (1990), legal syncretism would probably be a
purposeful adaptation of the traditional justice application process to work within the civil system sponsored by the state.

In terms of lynchings as an alternative form of maintaining social order, it’s not easy to see exactly why so many occurred in Guatemala. They have no particular connection to Maya customary law, and they are generally too disorganized to be characterized as popular justice. We could definitely apply Foucault’s ideas about punishment as spectacle—in the 1990’s, there was a big “increase of criminality and robbery throughout Guatemala, very often in areas where strong community structures meant very little crime until recently” (Handy 2004: 543), and frustration at that change was likely a major motivator in many lynchings; it would be a warning to anyone considering committing a crime in town. The Guatemalan lynchings are also understood by scholars as a call for more local control in indigenous communities; Jim Handy argues that "there is a complicated nexus linking lynchamientos to both the history of and more recent demands for an invigorated system of community controlled justice” (Handy 2004: 534). Aside from solely viewing the 1997 San Antonio lynching in terms of Foucault’s spectacle-as-punishment or advocacy for autonomy, though, my goal in this paper is to explore the specific circumstances in San Antonio that can further illuminate the event’s greater significance in the town.

Based on the history and scholarship discussed above, I will attempt to make sense of the 1997 lynching in terms of San Antonio’s transformation from closed community to one more politically and economically open, incorporated into a regional state-sponsored system of governance and influenced by Guatemala’s internal strife. This change is likely what accounts for the town’s spike in robbery rates during the late 1990’s, and it also explains why members of the community would choose to take justice into their own hands and commit a lynching. In San Antonio, social deviance had usually taken the form of familial conflict or public improper behavior, and there was a community-based system in place to solve those problems and designate consequences if necessary. In the late 1990’s, though, two changes occurred simultaneously: San Antonio’s rate of robbery escalated significantly, and its security and justice systems were more extensively integrated into a regional system that failed to improve the situation. In this light, we can understand the 1997 lynching in part as an expression of frustration at the civil system’s inadequacy. On
the other hand, we might be confused as to why it took a rather anarchic application of justice for a lawful community to reemerge with significantly less robbery, which is indeed what happened. It’s not that a lynching was necessarily what the whole community wanted—the general disorder of the event prevents us from calling it popular justice—but it did undoubtedly speak to the community dynamics that impose standards and obligations on its members. In other words, the purpose of the lynching was not just to rebuff civil authorities or threaten would-be-thieves, it was also to reassert the strength and cohesiveness of a community opening itself to the sometimes dangerous influences of Guatemala’s recent history.

Methodology

From February 12th to March 4th, 2012, I was living in with a family in San Antonio—a married couple and their five children. My three weeks of research consisted largely of interviews: some were more casual conversations with my host parents Cristina and Juan Carlos and community members I met around town, from farmers to schoolteachers to vendors—I typically asked what types of crime occur, how individuals relate to the police, whether townspeople are organized for their own protection, etc.—though I quickly found that the more specific the question, the better the responses would be. I also talked to individuals involved in public security and governance, such as a police officer and employees in the Municipalidad (town hall) and the people in the secretary and information offices. From them, I sought to know the methods used, resources available, and authorities responsible for maintaining social order and ensuring justice in San Antonio—how does the justice process work, what are the strength and weaknesses of the system, etc. My more extensive interviews took place with three employees Juzgado de Paz (Justice of the Paz) and with two past town mayors—one from the years 1996-2004 who has served as president of the Catholic church for the past several years, the other from 2008-2012. In those conversations, I was able to talk more theoretically about what causes crime, what justice means, how far local authority extents—that is, to what degree do the security and justice systems rely on larger regional or national institutions—and historical changes that might demonstrate a sort of legal syncretism. With the latter two categories of informants, I introduced myself as a student looking for more information about justice in
San Antonio, and typically people simply offered me a chair and we would begin talking. Finally, I was also able to examine some documents such as old records from the 1940’s through the 1980’s, modern information in census and community development planning publications from the last few years, and a newspaper clipping about the lynching, and that primary source material supplemented the interviews I conducted.

In terms of limitations, once or twice I could tell as a young, Caucasian, American female that people I talked to—younger men, usually—weren’t taking me seriously, though I was pleased to find that when I returned to an office more than once to follow up with another conversation, people were more receptive and would take the time—sometimes nearly an hour—to sit and talk with me. Additionally, at the beginning of my three weeks, I was hesitant to ask individuals about the 1997 lynching—not sure how people felt about the event or whether it was discussed openly, I didn’t want to make informants uncomfortable or unwilling to talk with me. A handful of days into my project, though, my professor Jay came over to my house and we breached the subject with my host mother, Cristina, who seemed perfectly comfortable giving us an account and answering the follow-up questions we had. From then on, I felt more confident bringing up the incident with community members—with regular townspeople, I would usually introduce myself, chat for a while and then, if I judged the atmosphere appropriate, casually bring up the subject; with more professional or authoritative individuals, such as past mayors or employees at the Juzgado de Paz (Justice of the Peace), we would first discuss a more general history of crime and justice in the community, and then I would ask questions about the lynching. Once or twice, the person I talked to brought up the lynching before I even had the chance, which certainly speaks to the lasting impression the event made on the town. Overall, the most difficult part of my research was deciding who to talk to and approaching them for the first time—one conversations got going, I was often thrilled by the amount of information people were able and willing to provide.

A History of Security and Justice in San Antonio

The 1997 lynching occurred in an area of many changes to the San Antonio security and justice systems. By the middle of the decade, the community had stopped using its local jail and had begun exporting people to Sololá for incarceration; in 1998, a Juzgado de
Paz, or Justice of the Peace, was installed in the town; in 1999, five members of the National Civil Police were assigned to a police station to be located next to the palacio municipal, the town hall. These changes likely demonstrate the national government’s efforts to recuperate their broken police and justice systems in the wake of the 1996 Peace Accords, but they also represent the shift away from a different form of dealing with social deviance and disagreements in the town. In a sense, they represent a division of labor: in prior decades, the judicial authority, so to speak, was also the principal political authority in the town, the Alcalde, or town mayor.

My host parents both worked in the Municipalidad (the town hall, sometimes colloquially referred to as the Muni) in the late 1980’s, when the Alcalde also functioned as the town Juez—Juan Carlos was the Alcalde’s secretary, and Cristina worked in his office. Cristina recalled many instances when two disagreeing people or parties would visit the Alcalde; he would listen to both sides of the story and try to arrive at an agreement together, though she says that it was often very difficult to know who was telling the truth, who was right and who ought to be punished. If no agreement could be reached, she said, the parties would visit the Juzgado de Paz already established in nearby San Lucás. In order to know more about these proceedings with the Alcalde, I visited the Muni and got permission to view the records, the large, dusty paper notebooks—some, from the 1940´s, inscribed with elegant cursive and some, from more recent decades up through the 1980’s, filled with typewritten pages, the ink from the typewriter sometimes fading to red and blue when black ran out. All were full of entries recounting the various cases heard, with only slight variation in format: the parties were named, their ages, ethnicities, hometowns and occupations listed, their sides of the story summarized, and the Juez’s decision stated at the end, with the signatures or thumbprints of those involved included below. I scanned dozens of cases from various decades, and the cases were almost exclusively about marital separations, child support, domestic abuse, and public intoxication. The excerpts below are from a representative case from January 1970:

“Por Cuanto: para dictar sentencia se tiene la querella de Rosalio Sicay Choguaj, quien da cuenta a esté tribunal que ha sido maltratado con malas palabras de parte de Francisco Sánchez Sajbin… hecho ocurrido anoche a las veinte horas en esta población por lo que pide sea sancionado con forme la ley.

Resulta: que fue oído el indiciado Francisco Sánchez Sajbín…que es cierto que maltrato con las peores palabras a Rosalio Sicay Choguaj, pero lo hizo bajo afectos alcohólicos, que no recuerda nada.
Considerando: que con la querella del presentado y con la confesión espontanea del indiciado se prueba la base en éste procedimiento por lo que es el caso de resolver lo que está en derecho Art. 586 de Pros. Ples.

Por tanto: ...con base en lo considerado, ley citada y en lo que para el caso determina el artículo 469, inciso 2 del código penal común al resolver declarada: que Francisco Sánchez Sajbín es autor responsable de una falta contra las personas que lo que impone la pena de cinco días de prisión simple commutable en todo o en parte a razón de veinticinco centavos diarios la cual en caso de insolvencia purgará en las cárceles de la Localidad.”

In summary, a woman charged a man of verbally abusing her, and he admitted that he did it, though he was under the effects of alcohol when it happened and he could not remember anything about the incident. Considering Rosalio’s accusation and Francisco’s spontaneous confession, the Judge found it appropriate to apply the penal code, find Francisco responsible, and sentence him to five days in the local jail or, if he is able, by paying twenty-five centavos every day for five days. As far as the agreements go, the Alcalde as Juez’s decisions were definitely binding; he frequently assigned individuals to a handful of days in jail, especially for public intoxication, and he could also mandate that a man provide child support in a mensualidad, or monthly payment.

It is clear from the frequency of the cases heard—in March of 1979, for instance, I counted at least eight consecutive cases of public intoxication—and the nature of the problems addressed, usually familial matters, that the system of Alcalde as Juez was regularly employed by the inhabitants of San Antonio to resolve problems and address instances of unfavorable or harmful behavior. Additionally, the system exhibits many attributes of customary law as described above: it is relatively informal, simple, involving fewer people and a quicker process than would a trial with lawyers and a jury. This system also includes a judge elected by the people, someone who is familiar with the goings-on of the town—we might say, in that sense, that the Alcalde as Juez wasn’t a disinterested judicial authority; rather, he was one intimately connected to the town, one who could balance civil code with a thorough understanding of the town’s specific history, culture, and ways of thinking about social deviance.

In 1998, though, there occurred what a licenciado (law graduate) at the Juzgado de Paz called a division of labor: a non-Alcalde Juzgado de Paz, created by and under the exclusive supervision of the National Supreme Court, was installed in town to serve as Juez for San Antonio and the surrounding aldeas, or villages (Edgar Paul, Interview Feb 23 2012). Its official purpose in San Antonio, according to the “Plan de Desarrollo Municipal”...
(2011) is the application of justice, though when I first visited the office, I noticed a poster that named the preservation of social harmony as its central goal, and it seems that its role in the town might be more easily interpreted as such. The current Juez, Edgar Armando Godíneo García, says that domestic violence is the principal problem in the community that they deal with; for murder or other major crimes, a suspect would have to be transported to Sololá for a trial. The office’s services are public and free of cost, and the decisions they make are binding—for instance, Edgar said, if he decides that an abusive husband ought to move out of his family’s house, the man is obligated to obey the Juez’s orders. Though they work in conjunction with the police, Edgar told me that there is not much a relationship with the Municipalidad—judicial and political powers are no longer exercised by the same authority, and though the Juzgado de Paz process also involves somewhat informal conversation between disagreeing parties, the Juez employed there is less intimately connected to the community. He is not elected by the public, and out of the five people employed at the office, and at least three people, including the Juez, commute to San Antonio from out of town. A such, I judge the current system to correspond less to notions of customary law and popular justice.

As mentioned above, the transition from Alcalde as Juez to Juzgado de Paz took place during a decade of several changes in San Antonio—the termination of the local jail, the establishment of National Civil Police officers—but the 1990’s were also extremely tumultuous for Guatemala as a whole. Following the internal conflict, the pervasiveness of its violence, the breakdown of local institutions of social order, and the economic hardship experienced in its aftermath, crime flourished in both urban and rural communities. Even in San Antonio, a town frequently described to me as very intimate and safe—a place that was, thankfully, relatively isolated during the conflict—crime rates in the 1990’s were up. By 1997, the year before the Juzgado de Paz was installed, robbery had become a big problem in the community—multiple people I talked to said that members of the community were scared, angry, frustrated during this time—and then one night in July, three young men broke into a house and received a consequence that would shape the nature and understanding of crime and justice in San Antonio for years to come.
The 1997 Lynching and the Question of Community Justice

The basic story of the lynching, recounted to me by several members of the San Antonio community and corroborated by newspaper coverage by the Guatemala Free Press, is as follows: in the middle of the night on March 4th, 1997 three young men, twenty six year-old Lucas Juárez Chocó, twenty four year-old Félix Choguaj Sicaján, and nineteen year-old Francisco Xoc Pérez, broke into the house of Pablo Sicay Pérez, apparently attempting to commit burglary. Sicay Pérez woke up, and he and his neighbors first brought the men to the local soccer court, then tied them up and took them to the town hall, dragging them, according to Cristina, along a rough pathway until they were severely beaten (Field Notes Feb 17th 2012). At 6:45 in the morning (Sáenz Archila 1997), the mob that had gathered at the Municipalidad decided to lynch the three thieves— they succeeded with Lucas Juárez Chocó; Félix Choguaj Sicaján managed to escape and hide in his house on the outskirts of town; Francisco Xoc Pérez, who was covered in gasoline, ran until he found firefighters from Panajachel who took him to the hospital in Sololá.

Several parts of the story need closer examination: how did the mob form, and why was the decision to lynch the men made? What was the atmosphere—were people excited, angry, frightened, entertained? Where were local authorities, and why did they fail to stop the lynching from taking place? The accounts I heard each gave different details, some of which were witnessed, some only told secondhand; some pieces helped me see how the event might have been purposeful; others illustrated the mob dynamics that undoubtedly confused the scene, amplifying emotions and accelerating the unfolding of events. According to Andréz Cúmez Pérez, vice-mayor from 2004-2008 and mayor from 2008-2012, people were alerted by shouting; according to Juan Carlos, the mob’s leaders utilized the town’s public announcement system; according to Cristina, they rang the church bells. What is clear, regardless of the method, is that the mob’s leaders intended for this to be a public event, witnessed—and thus sanctioned by—many members of the community, and it is likely that they commandeered one or more formal techniques to gather people in front of the town hall, a place which itself is representative of community-minded action. By the time that police and the mayor arrived on the scene at the Municipalidad, about eight-hundred people had gathered, and the atmosphere was decidedly angry. Pantaleón, the mayor at the time, told me he tried to reason with the mob, who responded, “If the mayor
wants to help these people, we’ll burn the mayor too!” (Pérez Cúmez, Interview Feb 25th 2012); he and Cristina also both told me that the mob also sent away the police, claiming that they had no business in the matter.

The idea to lynch the thieves was undoubtedly influenced by the pervasiveness of lynching-as-punishment in post-war Guatemala, but the decision to actually do it remains something of a mystery. All of my informants told me that Pablo Sicay Pérez, the owner of the house, went to jail after the lynching, but nobody knows who actually lit the match that killed Lucas Juárez Chocó. According to the newspaper article, a public prosecutor from Sololá and the jueza de Paz from San Lucas Tolimán (another nearby town) arrived on the scene at 8:35, about two hours after the lynching took place, and they questioned a man named Antonio Santos Díaz who, according to multiple witnesses, “was one of those who incited the mob to commit the act and take justice into their own hands,” but they ended up letting him go (Sáenz Archila 1997). Important here is that the owner of the house, the man who was initially wronged, did not have full control of the punishment served; it seems that other individuals also had a disproportionate influence over the mob, provoking the crowd and urging the lynching, and the fact that two of the suspects were able to flee speaks to the general confusion of the event. In other words, the murder of Lucas Juárez Chocó wasn’t necessarily a community-sponsored event—it was too emotional, too chaotic for us to know it had the support of the town—but it was a punishment that represented a communal frustration with the robberies happening in San Antonio and the local authorities’ failure to stop them. In order to gain a deeper understanding of lynching’s function as both punishment and prevention of social deviance, though, I decided to investigate the more philosophical components of social order in the town.

Ways of Thinking about Crime and Culpability

Counter to some stereotypes of rural indigenous communities, lynching in San Antonio was never normalized—my host father said that for him, the 1997 case was a sad event, and that he’d seen videos of a lynching in Sololá. “Horrible,” he told me, wincing and shaking his head (Azañon, Interview Feb 21st 2012). When interviewing people about the lynching, I often turned the conversation to ethics and culpability, seeking to figure out how the event fit into peoples’ conception of justice in San Antonio. I asked Andrès Cúmez
Pérez, mayor from 2008 to 2012, whether he considered the lynching a murder, and he responded yes, but that the men who committed the act weren’t totally to blame—they were reacting to a burglary, and we can’t forget that the thieves were guilty of something too. This response speaks to the idea that community members are justified in taking justice into their own hands when there isn’t a very effective security system in place—the town was frightened, and somebody had to do something to deter crime.

On the other hand, Pantaleón, the mayor from 1996 to 2004, shared a more compassionate view of the three young men who broke into Pablo Sicay Pérez’s house—his explanation into the event delved further into the causes of crime in the community. Justice, said Pantaleón, is to look at the reason somebody commits a crime or a sin—their state of mind, their familial history, the pressures pushing them one way or another. Lucas Juárez Chocó, Félix Choguaj Sicaján, and Francisco Xoc Pérez, he reminded me, had all been drinking before the break-in occurred. I found Pantaleón’s philosophy on crime in the community hugely enlightening, especially because it included the Catholic perspective shared by so many members of the San Antonio community. When I asked about how religion plays into his conception of justice, he paused for a few long moments, and then began to recount a brief history of how God’s word has reached earth—first through Jesus, then the apostles, now through the Pope—but he was very clear that nobody really knows what is in God’s mind. All we know for sure are the principal sins—Pantaleón listed adultery, murder, robbery, and being a borracho, which could mean being intoxicated or could also represent another negative state of mind. This last one struck me as quite interesting: the problem as I understood it, was when someone’s mentality is altered, their capacity to make decisions affected, their responsibilities to behave as a proper member of the community forgotten.

Before this interview, one of the townspeople I had asked about the lynching was a woman named Maria who sells textiles in front of the Catholic church. As soon as I brought up the incident, she cut me off and warned me that people would lie to me about what happened. “Those men were not thieves, they were drunks,” she insisted multiple times (Maria, Interview Feb 18th 2012). Later that day, I found out that Maria was actually closely connected to the incident: her sister was married to Francisco Xoc Pérez, one of the suspects who managed to escape. Based on that, I judged her biased and thus paid little
mind to her emphasis on the men’s intoxication. Days later, though, when I was looking through the Juez as Alcalde records, I found dozens of entries that mentioned intoxication, indicating that it has historically been a problem in the town. Thinking about what borrachera, or drunkenness, means in terms of social deviance, I was suddenly reminded of something Andrès had said—during his time as mayor, he was having trouble with young men getting rowdy at the big nighttime dances attended by many young people in town, and the problem, he thought, was the masks that they often wore, so he banned the masks and had far less trouble afterwards. I hadn’t known what to make of that information at the time, and then I realized—the trouble with a mask is the anonymity it creates, the way it frees someone from social obligations, almost the same way that borrachera does. In an intimate town like San Antonio, individuals need to somehow come out of themselves if they are to behave in a way the community would consider improper.

Pantaleòn also told me that it’s a small group of people in town that incite negative behavior in others, and this seemed to be a large part of his analysis of what happened the night of the lynching. Essentially, the more people who partake in negative behavior, the more acceptable it seems—the responsibility is spread thinner, and guilt is harder to identify and prove. Even in terms of the spike in crime rates in the 1990’s, it’s easy to see the robberies as a growing trend; every time an individual committed a burglary, the act was more normalized; every time an individual was not properly prosecuted for committing burglary, the threat of consequences was lowered and the act itself became less risky. Considering the relatively mild nature of crime in San Antonio, it seems to have been easy enough for the region’s weak security and justice system to let burglaries slide by, and that allowed for more transgressions to take place.

On the other hand, the intensity of the lynching had the opposite effect. The act was severe enough for two men to go to prison after the lynching—the owner of the house and another man who was instrumental in the lynching—but I was told that both are back in town now, so at the very least, townspeople tolerate their presence, likely reasoning that these two mean paid their dues through a formal system. The event also had an enormous impact the event had on community history and consciousness: fifteen years later, nearly anyone in San Antonio would be able to tell the story of the lynching—even those who didn’t witness it or weren’t in town can say something. Generally, I found that people
discussed it seriously but openly, lamenting that it happened but not appearing ashamed. Finally, it is also worth noting the subsequent decrease in crime following the lynching. Rather than allowing opening a space for more serious infractions to take place in town, the punishment-as-spectacle served its purpose as a lesson to the town—it renewed the idea that the community was strong enough to hold its members accountable for their actions. It’s a shame something like this had to happen, said Pantaleón, but there was definitely less crime in the years that followed.

**Conclusions: Present-Day Institutions, Legal Syncretism, and the Power of Informal Social Ties**

Today in San Antonio, there are three policemen—my host aunt Manuela told me that they don’t live in town, though the policeman I talked to said that all three were from San Antonio. Of all of my informants, this man was probably the least confident and willing to talk to me—he had only been on the job for a month, and he told me he doesn’t do anything else besides meet boats that arrive at the docks, probably collecting some sort of payment. The only places I ever saw San Antonio policemen at work were the docks and the road that leads into town, collecting a tariff from trucks that come in to deliver products like Coca Cola or gasoline—and they only had bikes for transportation. On the other hand, every so often I saw Sololá policemen come through in their black pick-up trucks: it seems that if any relatively serious law enforcement or police business needed to happen in the town, a squad from Sololá would be called in. Another Carleton student also told me that he met a private security personnel who works for the police—his job is to patrol town as a plainclothesman. In general, though, crime rates in San Antonio are currently pretty low—Cristina told me that people in the outskirts of town would be more likely to organize themselves for protection, as they perceive slightly more danger there, but as Pantaleón said, it is pretty safe for a woman or child to walk the streets of San Antonio after dark.

In the “Plan de Desarrollo Municipal” (2011) that I consulted, there was a list of strengths, weaknesses, and objectives of the San Antonio security and justice systems; it claimed that there is legal backing for the local government to do more organizing around the issue of security, and the goal for the next decade is to thicken the security cover by integrating the “juntas locales de seguridad” (local vigilante groups) with the
Municipalidad’s central program, expanding the police presence by putting a station out in the more rural area, and facilitating communication by getting radios for all of the different neighborhoods. These goals, though, involve additional resources which may or not become available to San Antonio, if only because of monetary reasons. Moreover, the “Plan de Desarrollo” also lists several vulnerabilities—for instance, there are very few police officers, and Andrés, mayor from 2008-’12, told me that he never considered his police force big enough—he would ask them to do something and often it didn’t get done. San Antonio also suffers from a slow judicial process, a faulty application of the law, and the peoples’ unwillingness to report crimes. Horacio of the Juzgado de Paz told me that bribery is common, the Public Ministry in Sololá is supposed to conduct investigations but rarely properly does so, and San Antonio still has to export any suspects to Sololá for trials.

Hoping to find some lingering pieces of customary law that are employed more successfully than the somewhat corrupt and ineffective system discussed above, I asked an employee at the Juzgado de Paz if there exists anything along the lines of a parallel justice system that offers both indigenous and civil models for responding to crime. Caesar told me that there’s really only one justice system—the national system—and that indigenous communities used to employ costumbres to resolve small problems in town, but now there only exist one or two active indigenous organizations in the region that keep up with that kind of conflict resolution. Based on my examination of the evolution of the justice system over the past several decades, it seems that San Antonio has experienced a certain degree of legal syncretism: though the judicial authority is state-sponsored and has less intimate knowledge of the town, familial disputes are still settled through the tradition method of relative informal conversation with a judge. However, I see what Caesar is saying: from a legal standpoint, San Antonio has largely transitioned to the tools and resources of a civil justice system, even if they aren’t very effective.

From a practical standpoint, though, I believe that the major force ensuring social order in San Antonio remains its size and intimacy. As discussed above, the 1997 lynching wasn’t just a slap in the face to the authorities who were supposed to maintain order—it was also a reminder to all townspeople that their minimal, almost nonexistent accountability to the incompetent civil justice system had not replaced their social obligations to their community. Indeed, the lynching likely served to strengthen community
ties through its impression on the town’s shared consciousness and history. It seems that for all of the ways in which San Antonio has become a more open community in the last century, it still remains a tightly-knit one, and in terms of the forces that sustain social order, the informal, non-institutionalized system seems to have endured better than the formal ones.
Works Consulted


Maria, n.d., Fieldnotes from San Antonio Palopò, Guatemala, February 12th-March 4th,


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