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**Problematizing Discourses of Femicide in Guatemala:
Feminist Universalism, Neoliberal Subject Formation and Hypervisibility**

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Dedication

For my mother, Emilia Sandra Garcia, and my sister Hannah Christina Richards.

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Abstract

Problematizing Discourses of Femicide in Guatemala: Feminist Universalism, Neoliberal Subject Formation and Hypervisibility

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In this report I argue that the analytical unit of femicide must be expanded beyond gender in order to assess the axis of inequality upon which gender violence in contemporary Guatemala is being waged. Intersectionality and a gendered racial formation theory provide a more nuanced basis from which to undertake an analysis of gender violence and femicide, and the grounds for devising effective long-term strategies for ending violence in its myriad forms. Second, I argue that the increased visibility of femicide of late in Guatemala, far from being evidence of gradual progress toward addressing the problem, should be read as a sign of the problem's deepening, in a new and perhaps exacerbated form. Using historical examples from the Guatemalan women's movement, I demonstrate that demands to end gender violence and increase the rights of women, when articulated by the state, have often led not to a diminishing, but a *reshaping* of patriarchy and other forms of oppression. The Guatemalan state's transition towards neoliberal governmentality, and the gendered subject formation that is a part of this process, raise additional contradictions that merit further attention. State-based approaches to women's rights and protection should be merely one element of a larger political strategy towards more radical transformations of the state and racial, social and economic inequalities that will end gender based violence in the long-term.

TABLE OF CONTENTS

I. Introduction	1
II. Background: Gender Violence and Femicide in Guatemala.....	7
III. Problematizing Femicide: The Limits of a Universalizing Feminist Human Rights Discourse	15
IV. The Guatemalan Case	20
V. Intersectionality and Racial Formation Theory as an Alternative	25
VI. Gendered Neoliberal Subject Formation and the Hypervisibility of Femicide in Guatemala	33
VII. Conclusion.....	41
Bibliography	45

I. Introduction

The story of the brutal killing of 19-year-old Claudina Isabel Velasquez Paiz is that most frequently invoked by Western scholars, activists and governmental entities in condemnations of femicide in Guatemala. (BBC 2007; European Parliament 2006; Washington Office of Latin America 2006; Sanford 2008; United States Senate Resolution 178, 2008; Guatemala Human Rights Commission 2009; Chazaro, Casey & Ruhl 2010) A promising young law student who was “beautiful, gregarious, and well liked by her peers,” (Sanford 2008: 114) Claudina disappeared on August 13, 2005, shortly after communicating with her parents for the last time from a party in Guatemala City. At two o’clock in the morning, her parents were awakened with a telephone call informing them that their daughter was in grave danger. The family immediately dispensed to search for her, and desperately attempted to enlist the help of the local police, who refused to make a report or classify Claudina as missing until 8:30 the next morning. By this time, it was too late. Claudina’s raped and beaten body had been found several hours earlier, with a bullet wound in the back of her head, merely two miles from the party where she was last seen. (Sanford 2008: 113-114)

Claudina’s father’s quest for justice garnered international attention as a central character in the 2006 documentary *Killer’s Paradise* (BBC, Dir. Giselle Portenier). In an all too common situation, authorities initially dismissed the prospect of investigating Claudina’s killing, on the grounds that she was “not worthy” of investigation because she had a belly ring and was wearing sandals. “In the parlance of the Guatemalan police, this

meant she was a gang member or a prostitute.” (Sanford 2008: 114) “*La trataron como una cualquiera,*” cries her younger brother in the documentary. “They treated her like a *nobody.*” (BBC 2007) Claudina’s story has since become emblematic of the widespread impunity encompassing over 5,000 feminicides in Guatemala since 2003, as well as the ineffectiveness of the criminal justice and judicial systems in investigating cases and protecting women from gender violence.

Indeed, Claudina’s is a tragic story of the beauty and innocence of youth that comes to a sudden, violent close. But beyond the rage-inspiring facts of her case, and certainly not to diminish the irreplaceable loss of a precious young life and the pain and anger of her loved ones, it is important to question what the telling of this particular story, and the prominence of this case among Western literature on Guatemalan feminicide, helps to mobilize. The circulation of feminicide as an “empowered term” (Bueno-Hansen 2010: 290) in the Latin American region has certainly helped enable urgently needed feminist struggles to make violence against women visible, as a step towards equalizing gender relations. But the liberal democratic human rights framework that informs the construction of this discourse, drawing upon essentialized notions of universal womanhood, reinscribes a duality between one category of female subjects deemed representable, and another unrepresentable—between one group of women defined as being *worthy* of state protection, “rights” and “justice,” and another who is not.

The indigenous subject is conceived in the violence of the conquest, and the race and gender logics emanating from this originary moment of violence continue to operate.

Sexual violence was systematically inflicted on indigenous women's bodies during colonialism. This practice continued in the genocidal counterinsurgency strategy during the Guatemalan civil war, where Maya women were identified as internal enemies, and persists today. The normalization of racialized sexual violence against Indigenous women through various epochs of Guatemalan history contributes to the overwhelming silence encompassing the continuum of violence that shapes their lives and that of their communities.

In this framework, whereas femicide against indigenous women would be understood as normative, perhaps part of what makes Claudina Isabel Velasquez Paiz's case—and that of other *ladinas*—so representable is that the sexualized killing of a *ladina* woman is a disruption of Guatemalan racial common sense.¹ Unlike the inherently “rapable” bodies of indigenous women (Smith 2005), the sexual violation of *ladina* women's bodies is something abnormal, something that demands justice. In the universalizing discourse of femicide, the hypervisibility of the *ladina* victim—representative of all “women”—reinforces the invisibility of the continuum of violence that shapes indigenous women's lives.² Thus upon further examination, the Paiz case demonstrates what kinds of subjects have the right to be counted, memorialized, or are worth fighting for justice for—and those outside of that realm. She stands in for a

¹ I use this term in the Gramscian sense of the internalization of hegemonic ideological constructs in the production of consent.

² Neither “*ladina*” nor “indigenous” women are a homogeneous group. But the discourse of femicide portrays female victims in essentialist terms, furthering the invisibilization of violence against indigenous women, but also essentializing *ladina* women's identity, a point to be elaborated in part three of this paper.

homogenized group of “women”, and the erasure of state violence against indigenous women. The epistemological assumptions embedded in narrative strategies of the femicide discourse are a tacit continuation of the practice of invisibility that is ongoing from the colonial encounter.

Departing from these observations, this paper advances two arguments: 1) Theorization of and politics around femicide in Guatemala must be framed in terms of the intersectionality of race, class and gender oppression.³ The post-structural paradigm⁴ (including racial formation, Gramscian and Foucaultian theory) provides the best basis from which to undertake an intersectional analysis of gender violence. Thus, I suggest that a gendered racial formation theory⁵ can provide further insights into why and how femicide operates, and best help devise strategies to halt its proliferation; and 2)

³ I recognize that an intersectional analysis based primarily on race, class and gender, while expanding the analytical unit of femicide, remains limiting. Numerous elements of subjectivity intersect with race, class and gender, including sexuality, location, age, and others. While recognizing the inherent limitation of the race, class and gender framework, I will utilize this formulation for the purpose of this paper, advocating this expansion of the analytical unit of femicide.

⁴ By post-structural paradigm I am referring especially to several theoretical interventions: the absence of deterministic grand narratives, a view of social processes as being constantly in flux, a positive notion of power, the mutually constitutive relationship between discourse and objects of discourse, and a view of the subject and identity characterized by fragmentation, contradiction and discontinuity.

⁵ Here I take up Omi and Winant’s definition of racial formation as referring to “the process by which social, economic and political forces determine the content and importance of racial categories, and by which they are in turn shaped by racial meanings. Crucial to this formulation is the treatment of race as a *central axis* of social relations which cannot be subsumed under or reduced to some broader category or conception.” (1994: 61-62) Racial formation theory provides a dual approach to race/racism that looks at racism as discourse formation but also as a structural process, and how the two are articulated. I extend the term to “gendered racial formation” both to identify the invisibility of gender in most racial formation theory, and to point out the need to gender racial formation theory in an intersectional analysis.

Exclusion and oppression is one part of the story, but a gendered theory of subject-formation must also be emphasized in analyzing violence against women. I argue that the increased visibility of femicide of late in Guatemala, far from being evidence of gradual progress toward addressing the problem, should be read as a sign of the problem's deepening, in a new and perhaps exacerbated form. State recognition of violence against women, signaling both the increased legibility of women's bodies by the state and the reshaping of patriarchy, is one aspect of women's transformation into neoliberal subjects and a transition to neoliberal governmentality, concepts I take up in greater detail in section six, which may subject them to new forms of violence in the national and international realm. In addition, state recognition of widespread violence against women may also be used as justification for increased militarization, or other forms of coercive violence effecting already marginalized communities. More theoretical work must be undertaken to understand the gendered aspects of neoliberal subject formation in Guatemala on both a discursive and structural level, in order to devise effective strategies for organized counter-hegemonic resistance.

After providing a general background on gender violence and femicide in Guatemala, I will problematize the universalizing discourse that frames the femicide debate today, and political strategies to combat it. Next, I will outline the analytical possibilities opened up by an intersectional analysis and a gendered racial formation theory. Finally, analyzing the history of the Guatemalan women's movement in the post-war era, I will employ a limited intersectional and gendered racial formation theory analysis in order to move forward a discussion of how these analytical tools might be

used to enrich our understanding of the problem and devise effective political strategies and solutions.

II. Background: Gender Violence and Femicide in Guatemala

The circulation of the terms femicide and feminicide has increased dramatically throughout Latin America in the last decade. Coined by U.S. based criminologists Jill Radford and Diana Russell in 1992, femicide, defined as the misogynist killing of women because they are women, was first appropriated in the Latin American context in 2004 by Marcela Lagarde, a prominent Mexican scholar activist who believed it was an apt description of the mysterious mass killings of women taking place in Ciudad Juarez since 1993. Lagarde's translation of the term into Spanish—*feminicidio*—marked its entrance into the circles of feminist activists working to raise consciousness and stop the killings in Mexico. The discourse of femicide soon spread to other countries in the region witnessing mass killings of women whose brutal character recalled the signature of the Ciudad Juarez case.

Guatemala, a small country of 14 million, has seen over 5,000 killings of women since 2003—the highest number of any country in the region.⁶ (GHRC 2010) A staggering 98% impunity rate in these cases has quickly earned the country a reputation as the most dangerous place for women in all of Latin America. (Suarez & Jordan 2007) Scholar-activist Victoria Sanford has most notably written about the killings of women in Guatemala, and utilizes the concept of *feminicide* in place of femicide to describe the killings. (2008) Feminicide as defined by Sanford is a political term that conceptually

⁶ It is important to note that these conclusions are based on limited availability of reliable data on the phenomenon in the region. There might be competing incidences of feminicide and gender violence in other Latin American countries that are currently not reflected in existing literature on feminicide in the region.

encompasses more than femicide, because it holds both individual perpetrators and state and judicial structures responsible. Women are not murdered by men simply because they are women, Sanford contends, but also because state and judicial structures normalize misogyny, and fail to investigate cases and prosecute perpetrators of violence. Her redefinition of the term here is critical because it “helps to disarticulate belief systems that place violence based on gender inequality within the private sphere...and reveals the very social character of the killing of women as a product of relations of power between men and women.” (Sanford 2008: 112)

There is currently no consensus on whether to use the term “femicide” or “feminicide” in Guatemala, which according to some limits the ability to obtain reliable statistics and assess the true scope of the problem. (Musalo, Pellegrin & Roberts 2010: 172) I believe Sanford’s definition of the term, which recognizes state complicity, is a key intervention. In the move from femicide to feminicide, however, there is no gesture towards intersectionality. While recognizing that the term feminicide, although an important corrective in relation to the term femicide, does not define everything, rather than propose another term, I hope to build on Sanford’s definition, and will thus utilize the term feminicide throughout the course of this paper.

In literature on feminicide by scholars, activists and NGO’s, the phenomenon is seen as being an extreme trajectory on a continuum of other forms of gender violence. The proliferation of organized crime, transnational gangs, narcotrafficking and the sex trade are recognized as factors contributing to rising rates of feminicide in the region. But distinguishing specificities in each country’s unique social, political and historical

context are critical. Here, I draw heavily upon the work of Sanford, US-based human rights agencies, and the United Nations, to discuss the continuum of violence experienced by women, as these sources are the dominant voices on the subject in the Guatemalan context.

Various forms of violence against women, including marital rape and sexual harassment, are not recognized as criminal offenses by Guatemalan penal code. Currently a man can only be charged with domestic abuse if physical signs of injury remain visible for at least 10 days. (Amnesty International 2005) The Inter-American Commission on Human Rights (IACHR) notes that this “ignores the psychological and other forms of violence – ones that leave little if any evidence of physical injury – included in the definition of violence against women in national and regional standards.” Until its removal in 2006, Article 200 of the Guatemalan Penal Code waived criminal responsibility for rape of a victim 12 years or older if the perpetrator agreed to marry the victim. (Amnesty International 2005: 19) Article 180 of the Penal Code criminalizes sexual relations with a minor “as long as that person (the victim) is considered “honest” (Amnesty International 2005: 67). Such a term undermines the rights of the woman as it places a value judgment on the conduct of the victim rather than guaranteeing that the perpetrator is punished. As the IACHR and others have highlighted “such references are designed to protect a legal procedure other than the rights of the woman and tend to judge the victim instead of guaranteeing punishment of the perpetrator.” (Amnesty International 2005: 20)

Fifty-four percent of the Guatemalan population is composed of people from 0-17 years of age. A 2009 study by the United Nations Fund for Children (UNICEF) found that 85 percent of Guatemalan homicides from 1999 to 2010 were young people age 0-17. Preliminary data from the study, which interviewed five thousand young people, concludes that 75 percent of young people prefer not to denounce acts of violence perpetrated against them; 59 percent believe that denouncing violence does not serve any purpose, indicating a severe mistrust of the state. (El Periodico 2010) In terms of sexual abuse within families, “it is estimated that 7 out of 10 children, mainly girls, are sexually abused in the home.” (Erturk 2005: 11)

The prevalence of gender based violence in Guatemala today is analyzed as being rooted in the maintenance of institutional practices of impunity cultivated during the country’s 36-year civil war, which ended in 1996 with United Nations-negotiated Peace Accords. An estimated 200,000 civilians were reported dead or disappeared during the course of the war; 93% of human rights violations were committed by the Guatemalan military. The Commission for Historical Clarification (CEH), a truth commission established by the UN, found the Guatemalan government and army responsible for acts of genocide against the majority indigenous Maya population. Despite these findings and a 2004 Inter-American Court ruling that the Guatemalan state and military were guilty of genocide, the architects of Guatemala’s genocide continue to enjoy total impunity. (Sanford, 2008:106, CEH 1999)

Sexual violence was an integral part of the military government’s counter-insurgency strategy during the civil war. Thousands of Maya women were raped and

tortured before being killed by state agents.⁷ The CEH report confirms that “the state trained its soldiers and other armed agents to rape and to terrorize women.” (Sanford 2008: 118) The systematization of sexual violence as part of the state’s genocidal counterinsurgency strategy is located in June 1982, three months into Rios Montt’s accession to power through military coup. During this period, females made up to 42 percent of massacre victims, compared to 14 percent in the previous year, representing a concerted shift in strategy. According to Sanford, “the number of women and girls killed rose so sharply [during this period] that the comparative percentage of male victims actually dropped.” (2008: 107)

The 1996 Peace Accords contained specific provisions designed to protect the rights of women. However, the inadequate implementation of the Peace Accords has prevented women from enjoying the benefits of these provisions, and contributed to a general social climate of heightened violence and social insecurity, in which women and girls are particularly vulnerable. (UNIFEM)

Guatemalans today (both male and female) live in an “extremely violent country with an astronomically high homicide rate that continues to rise.” (Sanford 2008: 108) Two key factors distinguish male homicide from female homicide. First, the female homicide rate is rising steeply in comparison to the male homicide rate. In a 2007 report to the United Nations, Special Rapporteur Philip Alston stated “while the female population increased by 8 percent between 2001 and 2006, the female homicide rate

⁷ It is widely recognized that the United States military provided Guatemalan Army officials training in counterinsurgency tactics used throughout the course of the war.

increased by more than 117 percent.” (11) In 2009, 720 women were assassinated. (Valdez 2010) This represents a 127% increase in femicide since 2002.

A second factor distinguishing femicide from male homicide is the shocking brutality with which many of the killings are carried out. In 2004 the Human Rights Ombudsman’s Office issued a statement that

In the case of women, the brutality used in cases of mutilation is definitely unique by comparison to male victims. Although sexual violence has been used in the case of many murdered women, it is also true to say that there have been cases of women who have been mutilated without being subjected to sexual violence which also demonstrates a particular type of cruelty that manifests itself in cuts to the face and inherent notion of the disfigurement of women’s beauty, the severing of organs... In other cases, the murders are similar to those of men in that the bodies are found with the hands tied and with a single shot to the head, as happened in the past. (Amnesty International 2005: 10)

Before being killed, many women are raped and tortured, their bodies mutilated and dumped in a public place. Since 2003 there has been an increase in female homicides with cadavers bearing marks of prolonged abuse and torture. The frequent disposal of female cadavers in public places demonstrates the ‘exemplary’ nature of these killings, intended to instill fear in women. According to the Inter-American Commission for Human Rights, sexual violence is often used as a tactic to terrorize women away from entering the political arena. (IACHR 2004)

Both the Guatemalan criminal justice and judicial systems have proven ineffective in the protection of women from gender violence. Police records document the outright dismissal of over 500 murder cases of women in 2005 alone from the moment the body is found. The process of filing a legal claim is haltingly slow. According to Amnesty International, “women continue to encounter numerous obstacles [in obtaining protection

from or justice for gender based violence] including dismissive attitudes of some officials, the transfer of their case from one institution to another, delays and a lack of interpreters. The Special Prosecutor for Crimes against Women reported that victims of domestic violence, for instance, were having to wait 20 days before prosecutors in her office could see them owing to their excessive caseload.” (Amnesty International 2005: 19) UN Special Rapporteur Philip Alston also concludes that the ineffectiveness of the Guatemalan legal system is deliberate: “The criminal justice system is funded at a level which seems to be designed to ensure its ineffectiveness” and “the lack of resources is due to a lack of political will.” (2007: 4-5)

Guatemala has ratified the majority of international legal instruments protecting women’s rights, and due to increased pressure from national and international NGOs, has increased domestic legal protections for women, including Decree 97-96, the *Law for the Prevention, Sanction and Eradication of Domestic Violence* and most recently Decree 22-2008, *The Law Against Femicide and Other Forms of Violence Against Women*. (GHRC 2009) But as the GHRC points out in its 2009 report “Guatemala’s Femicide Law: Progress Against Impunity?” these legal documents do not translate into effective enforcement or protection. As of February 5, 2009, a mere 11 cases had been tried using the new femicide law, resulting in only one conviction. (GHRC 2009)

The backdrop for this paper is grave. Violence against women is widespread in Guatemalan society. The state has failed to provide women with legal, judicial and institutional protection from violence. Few legal protections exist for women; a lack of implementation and enforcement measures renders existing legal protections ineffective.

The absence of criminal investigations is one major shortcoming of the justice system. Fear in prosecuting offenders prevails, particularly because of a lack of confidence in state structures. In its most extreme form, violence against women manifests itself as femicide. Widespread impunity for femicide and the lack of political will to confront Guatemala's femicide crisis amounts to nothing less than the government's political sanction of the brutal killing of thousands of women, and opens the door for other forms of gender violence with impunity that endangers women and girls of all ages.

III. Problematizing Femicide: The Limits of a Universalizing Feminist Human Rights Discourse

The circulation of the terms femicide and feminicide in Guatemala has produced an analytic category that discursively⁸ represents Guatemalan women as a homogenous, undifferentiated group. The result is the production of analyses that overemphasize the potential continuities between the civil war and the present day, and divorce women's rights from community rights. Furthermore, feminist human rights work, advanced by both US-based organizations and Guatemalan NGO's, is grounded in a notion of universal womanhood that assumes a commonality of gender experience across class and racial lines. In the international sphere, analyses that propagate a universal feminist human rights framework, upon further examination, may obscure global structural conditions that have direct links to the increase of gender violence. On the other hand, those analyses based on cultural relativism may have the unintended consequence of reinscribing culturally essentialist notions of the third world woman or patriarchal cultures, subject to the disciplinary measures of the international political arena and the neoliberal global market.

Taking account of the critique of feminist universalism, Radford and Russell name different forms femicide can take, depending on the social, political and economic context in which they occur. But the discourse remains, in its very inscription in their criminology work, rooted in a universal framework. Femicide, the "killing of females by

⁸ Here I am referring to the epistemological production of the representation of Guatemalan women, in the construction of a legal category that is representative of women as a social group.

males because they are females”, (Russell 2001: 3) exists everywhere and affects women in various historical epochs and situations. Universalism is thus indirectly present in their analysis; gender is reinstated as the primary determinant of a woman’s identity, centering patriarchy as the nexus of political intervention.

Radford and Russell articulate different forms femicide can take, including what they term “racist femicide”, or the killing of women of color by white men. Sexual violence and the lynching of black women during slavery in the United States is posited as the prime example here. (Radford and Russell 1992: 53-61) This form of femicide is differentiated from other forms, including marital femicide (the killing of women by their husbands) and homophobic femicide (the killing of lesbians by heterosexual men).

While it is certainly critical to assess the varying effects of violence on women differentially positioned along lines of race and class, in differentiating “racist femicide” from other types of femicide, the authors employ what critical race theorist Kimberle Crenshaw terms an “additive approach.” Rather than an “additive” approach, which analyzes race and gender oppression separately then adds them together, Crenshaw advocates the use of an “intersectional” approach. Violence is often the product of intersecting experiences of oppression based on race, gender, class, sexuality and other forms of subjectivity, and failure to recognize this can have serious ramifications for women of color. For example, centering the analysis on patriarchy alone criminalizes specific male perpetrators, but does not address the structural economic violence inflicted on women of color, which often also helps to create the conditions for gender based violence to arise. As Crenshaw argues,

Women of color are differently situated in the economic, social, and political worlds. When reform efforts undertaken on behalf of women neglect this fact, women of color are less likely to have their needs met than women who are racially privileged. (1991: 1250)

Building on Crenshaw's call to examine gender violence against women of color with an intersectional approach, Andrea Smith argues that sexual violence must also be examined in relation to colonialism. Sexual violence is not simply a byproduct of colonialism, but "colonialism is itself structured by the logic of sexual violence." (Smith 2003, 2005) The relations between colonizer and colonized often take on the symbolic character of sexual violence, disrupting a view of an easily identifiable victim and perpetrator. Racialized sexual violence, especially the rape of indigenous women by white men, was a systematized practice of colonial rule linked to the racialized construction of masculinity. (Mohanty 2003: 60) As Sylvia Wynter details, the discourse that emerged in the sixteenth century instituted a racial and gender hierarchy that was "concomitant with Western Europe's expansion into the Americas." (1995: 36) Indigenous peoples' subjectivity was constructed in relation to the the Rational Self of "Man"...embodied in the subject of the expanding state, the empirical referents of whose represented Human Other were the ostensibly "savage" and irrational peoples of the Americas." (1995: 36)

The increased visibility of gender violence within the framework of liberal human rights discourse can have the unintended effect of reinscribing feminist universalism and divorcing women's rights from community rights. The fact that femicide has become a globally circulating discourse, much like the discourse of "rape warfare", deepens the problem on a global scale. The gender essentialism that is both an element of and

constructed through international feminist discourse obscures global structural conditions in gender oppression. (Visweswaran 2004, Vasuki 1999) NGOs such as Amnesty International, for instance, highlight inefficiencies of the state in protecting women from violence, but espouse no anti-capitalist agenda and make no call for the state to establish more dignified social and economic conditions for all. (Dominguez-Ruvalcaba & Ravelo Blancas 2010: 192)

This dilemma is further complicated by the observation that the dominant forms *critique* of feminist universalism takes in the international feminist human rights paradigm can also be problematic. As Visweswaran argues, when the critique of feminist universalism rests upon the axis of cultural differentiation, it is “indistinguishable from a form of cultural essentialism that uses gender as the logic of articulation.” (2004: 485) Human rights atrocities committed in nation states are often attributed to cultural norms rather than socio-political conflict, and are often divorced from global policy that informs them. Representing both the cultures of the global south and women as homogenous is a colonialist move, dictating a paternalist view of both the global south and to women of the global south. (Mohanty 1991: 351)

Violence against women often becomes symbolic of a community’s oppression, signaling the need for international intervention. Cultures of the global south often become stereotypically portrayed as patriarchal and oppressive of women, subjecting them to new forms of surveillance by the global north—as if Western cultures were not patriarchal or oppressive to women. (Abu-Lughod 2002, Visweswaran 2004)

According to Visweswaran, in the international realm “the double movement between the universal and the culturally particular in human rights discourse pits women’s rights against her community rights, as if they were separable elements...” (2004: 500) I would add that this pernicious double movement takes place within the national context as well. In the United States, for instance, people of color are often discouraged from addressing issues of intracommunity violence because of the fear of reinscribing distorted public perceptions of their communities, or empowering the racist state to further violate their communities. Yet the cost of the accompanying suppression “is seldom recognized in part because the failure to discuss the issue shapes perceptions of how serious the problem is in the first place.” (Crenshaw 1991: 1256)

IV. The Guatemalan Case

The universal feminist human rights approach dominates Western scholarly and NGO-based literature on the subject of femicide throughout the region, and is exemplified in the Guatemalan context—where far less literature on the subject has emerged—by the work of Victoria Sanford. Sanford is certainly the most prominent scholar who has written on the subject of femicide in Guatemala, and has been a key activist in waging urgently needed solidarity-based struggle with Guatemalan activists working to stop the femicides. Indeed, the majority of literature on femicide in Guatemala by human rights organizations such as the US-based Guatemala Human Rights Commission and Amnesty International draw heavily upon the analytical framework in Sanford's 2008 article "From Genocide to Femicide: Impunity and Human Rights in Twenty-First Century Guatemala".

Sanford's article makes several critical interventions. She links the institutional mechanisms that enable femicide today to the civil war era, calling attention to the social outcomes of a context where the genocidaires have never been brought to justice. The primary continuities highlighted are 1) widespread impunity rooted in structures of institutional and organized terror that were cultivated during the war and 2) the link between the army's gendered counterinsurgency strategy, which included the rape and mutilation of thousands of indigenous women before being killed in the 1980s, and femicide today. The incapacitation of police and judicial structures are highlighted. For instance, Guatemalan police fail to utilize proper investigatory techniques in homicide and femicide cases; evidence from the scene of the crime is routinely buried

with victims. The vast majority of femicide cases are dismissed at the outset; those who attempt to seek legal justice encounter numerous obstacles with the judicial system. Sanford also draws our attention to the dominant practices of homicidal violence in general, which reflect dynamics of social cleansing, a point to which I will return later.⁹

Emanating from this analysis, Sanford calls on the international community to help end impunity in Guatemala by pressuring legal and judicial state structures to investigate homicide and femicide cases, move forward with the prosecution of human rights violations stagnating in the court system, and tie international assistance (foreign aid) to ending impunity. (Sanford 2008: 120)

Sanford's work has played a critical role in positing key points of analysis to help frame the femicide issue, enabling national and international dialogue and solidarity-based struggle. This particular article is also important because it allows us to question the axis of inequality along which femicide is being waged. However, because Sanford's article makes no distinction between women positioned differently on the basis of race, class, indigeneity, sexuality or other markers of subjectivity, it may be the case that contradictions raised by the present social and political context are not fully drawn out or engaged. Thus, while widespread impunity, institutional organization of terror and the incapacitation of police and judicial structures are certainly critical links to draw between previous historical eras and the present, the continuity drawn between the gendered elements of the state's genocidal project and femicide today may be

⁹ Sanford suggests that dominant media and government portrayals of femicide—which represent the killings of women as emanating from increased drug and gang violence, and common delinquency—are used as justification for a social cleansing of poor young men.

overstated. Being outside the context of a genocidal campaign against the Maya, we lack a clear axis of inequality on which this violence against women is being enacted. One of the major problems, limiting the ability to assess this point, is a lack of reliable data on femicide today. Building on Sanford's interventions, it would be important to obtain data on sexual violence against women that is disaggregated by race, in order to assess the extent to which current manifestations of violence against women falls along racial lines.

Because femicide is recognized by Sanford as a crime that exists because of the state's inability to protect the rights of women, an emphasis is placed on strengthening the capacity of the state to protect women. As Fregoso and Bejarano note in the introduction to the first comprehensive book on *Femicide in the Americas*, a state-centered approach to obtaining justice must be merely one strategy towards obtaining certain political goals. (2010: 21) Strengthening the state's capacity to provide protection and justice for women may have the unintended effects of strengthening state power and further marginalizing already marginalized communities. Rising in detachment from a larger analysis of structural inequality, legal interventions can have limited outcomes. That is, a divorcing of legal rights for women from social and economic rights may lead to short-term gains, but help in strengthening relationships of inequality in the long-term. Fregoso and Bejarano advocate employing a "human rights *for living*" approach, which considers it important to go beyond the state, and beyond the implementation of international human rights accords, considering alternative community-based approaches with the ultimate goal of reconstituting social relationships.

(2010: 20-21) In the Guatemalan case, it would be critical, building on Sanford's human rights based approach, to look to how women in various local communities define gender equality and human rights on their own terms, and what localized resistance strategies to femicide and gender violence are emerging. What do localized organizing efforts against gender violence look like in rural Maya communities, and what do they look like in urban, working class ladino communities?

Another reason to go beyond the traditional international human rights based approach is that the analytical framing of femicide in Guatemala advanced by Western NGOs and human rights organizations mobilizes culture in gender essentialist terms. In international human rights reporting, the universal woman framework is commonly maintained in analyses of femicide, but essentialist notions of Guatemalan culture are propagated as the basis upon which violence against women occurs. Examples of pathologizing references to Guatemalan culture abound:

- Amnesty International states that the prevalence of violence against women “has its roots in historical and cultural values which have maintained women’s subordination...” (2005: 3)
- The Guatemala Human Rights Commission centers a deeply rooted “machismo culture”¹⁰ as the reason for supposed widespread societal acceptance of unequal gender relations. (2008)
- A 2006 European Union report on femicide in Guatemala notes that “The roots of

¹⁰ Machismo is defined as the exhibition of a hyper- masculinity, often manifesting itself in a violent, virulent manner. Latin American culture is often stereotypically characterized as inherently “machista.”

violence are deep in the *machismo* culture in Central America...Violence is positive within *machista* culture: It is a central component of the masculine identity's attributes of toughness, force and aggression."

- The United Nations posits "during compulsory military service, young men informally underwent violent and humiliating initiation rites reinforcing a violent and machista ethic..." (UNIFEM, Gender Profile of the Conflict in Guatemala)

Even the United Nations Social and Economic Rights Council does not escape this practice. Though analyzing that violence against women in Guatemala is shaped by "Intersecting Systems of Oppression"—recognizing that class, ethnicity, urban/rural residence and displacement are systems of inequality that intersect with gender hierarchies—the machista "culture of" trope is mobilized. The framing of Guatemalan culture as inherently patriarchal, inherently oppressive and inherently violent by Western organizations fails to account for external social, political and economic factors that shape the Guatemalan state and historical context, and highlights the extent of Western human rights organization's complicity in furthering colonial relationships between the global north and the global south.

V. Intersectionality and Racial Formation Theory as an Alternative

The failure of universal feminism to interrogate race means that the “resistance strategies of feminism will often replicate and reinforce the subordination of people of color, and the failure of antiracism to interrogate patriarchy means that antiracism will frequently reproduce the subordination of women.” (Crenshaw 1991: 1252) Thus, in order to devise effective political strategies to combat femicide, an intersectional approach that recognizes the racial, gender and class identities of women is critical. A gendered racial formation theory provides the best alternative basis from which to reframe an intersectional examination of femicide, and determine the axis of inequality upon which this violence is being enacted.

Racial Formation Theory provides a dual approach to race/racism that analyzes racism as both a discursive formation and a structural process, and how the two are articulated; it therefore looks at both the representation of race and its material effects. Here I take up Omi and Winant’s definition of racial formation as referring to “the process by which social, economic and political forces determine the content and importance of racial categories, and by which they are in turn shaped by racial meanings. Crucial to this formulation is the treatment of race as a *central axis* of social relations which cannot be subsumed under or reduced to some broader category or conception.” (1994: 61-62) Winant’s analysis is instructive in demonstrating the state’s strategy of incorporation that arises from the dialogical relationship at work in contestations and reshaping of racial meanings. A fundamental example provided is how the more radical demands of the Civil Rights movement in the United States—envisioned as the

elimination of deeply embedded racial logics underpinning American institutions, policies and common sense, *paired with* a radical redistribution of wealth and power for blacks—was foreclosed by the incorporative strategies of the “racial right.” This “*strategy of incorporation*”—involved the “severing of the radical democratic implications of the movement’s vision from its more manageable moderate demands.” (2002: 150) “Rights” could be acknowledged and accommodated by state reforms (even though the achievement of those rights would later be curtailed); the redistributive and participatory claims of the movement would have to be abandoned.

It is precisely along this structural break that the discursive break occurs. Ideology itself is rearticulated alongside this “incorporative” strategy of the racial right:

they now mold their ideology by rearticulating the civil rights legacy’s moderate agenda of “rights” and “opportunities” in an ideology of individualism and meritocracy. They have largely defused the radical democratic vision that sustained the movement vision, and now claim to have entered a post-racial, indeed color-blind phase. (151)

Thus Winant demonstrates how the structural social, political and economic shape racial ideology and discourse, and are conversely reshaped by these discourses. It is arguable that the right’s incorporative strategy, which as Winant has argued, preempted discursive and structural breaks in racial formation, are applicable to varying degrees on a global level, and originated in the US with the very case of the Civil Rights movement.

This strategy of incorporation and articulation has also played out in the Guatemalan context. Charles Hale’s 2006 analysis of neoliberal multiculturalism provides the best analytical framework through which to examine racial formation and the accompanying dilemma of rights in this case. Hale identifies three distinct “stages” in the making of racial hierarchy in Guatemala: Separate and unequal, disciplinary

assimilation and neoliberal multiculturalism. According to Hale, the remaking of racial hierarchy is the result of grassroots struggles to open space within the state, and part of a broader process of political restructuring happening not only in Guatemala, but throughout Latin America and beyond in recent years. His analysis makes clear that each of these stages of racial restructuring are part of the state's hegemonic project to incorporate and thereby demobilize Indigenous demands, set the limitations and boundaries of struggle, reassert legitimacy and negotiate consent.

Hale examines the "menace" inherent in the political spaces that have been opened up in Central America and particularly, Guatemala as a result of the neoliberal multicultural project. The dichotomy of "neoliberal modernization on the one hand and indigenous cultural rights on the other" as incompatible, he asserts, is false. (Hale 2002: 488) Instead, the spaces opened up by multiculturalism, while originating in indigenous demands, often become part of the hegemonizing project of neoliberal capitalism. According to Hale,

The Gramscian notion of articulation, in these cases, becomes the analytical watchword: will the subjugated knowledge and practices be articulated with the dominant, and neutralized? Or will they occupy the space opened from above while resisting its built in logic, connect with others, toward 'transformative' cultural-political alternatives that still cannot even be fully imagined? (2002: 489)

When indigenous people's demands are articulated by the state, this very articulation becomes a more sophisticated mode of management. Hale's theory unravels the complex and contradictory underpinnings of how mass inequality and oppression can persist in a state that outwardly expresses support for Maya cultural rights and racial equality.

The contradictions inherent in the neoliberal multicultural state run parallel to those of Ladino subjects of this new mode of governance. While neoliberal reforms

restructure economic and political processes, Hale notes that neoliberalism is also a process of subject formation:

processes that shape and transform individual subjects and collectivities, as well as economies. Like ladino racial ambivalence, the ideology of neoliberalism affirms cultural rights, and endorses the principle of equality, while remaking societies with ever more embedded and resilient forms of racial hierarchy. This parallel, I argue, signals a great menace to indigenous movements, and to their potential allies—a rough equivalent to the twentieth-century ideologies of mestizaje, assimilation, and unitary citizenship for the new millennium. (2006: 20)

The shift to a Ladino elite and state interested in shaping cultural rights rather than denying them are, according to Hale, a potential cause for the “impasse” that indigenous rights movements face in contemporary Guatemala.

Hale’s analysis brings to the fore the productive elements of neoliberal multiculturalism in racial terms. Extending this theorization to centrally encompass female subjectivity, and the remaking of gender formation, might open up possibilities for alternative theorization of femicide and gender violence. One aspect of this analysis might be looking at the possibilities and limitations posed by the state’s increasing extension of “women’s rights”, such as the 2008 Law Against Femicide and Other Forms of Violence Against Women. Another aspect might be examining what rising visibility of violence against women signifies in the global arena. Visweswaran, for instance, argues that state engagement of the “woman question” signals the increased implementation of structural adjustment policies, or a country’s adherence to the neoliberal era. (2004)

Gender is often made invisible in racial formation theory, or added on as an afterthought. Rather than adding gender as another element of racial formation theory, I propose developing an intersectional *gender formation theory* to understand the discursive racialized aspects of gender oppression and its material effects. Centralizing

gender and sexuality in the formation of the racial state might provide insight into the meaning of gender violence in various epochs of the Guatemalan national context. This kind of theorization would necessitate viewing gender oppression in its discursive and structural forms, and provide the grounds for resistance strategies that link women's rights in the liberal rights based framework with eliminating the material economic basis of gender oppression, as well as other forms of violence.

Carol Smith's analysis comes closest to positing a historicized gendered approach to racial formation theory in Guatemala, beginning in pre-colonial times. By unearthing the historical role of both Ladina and Maya women in the making and remaking of racial ideology, her article "Race-Class-Gender Ideology in Guatemala: Modern and Anti-Modern Forms" (1995) highlights the fact that race and class hierarchy are reproduced through gender, and a regulation of female sexuality. However, while intersectional, Smith's analysis is not necessarily racial formation theory because she locates the construction of race as predating capitalism, in a premodern "symbolics of blood" upon which "an emerging bourgeoisie erected the more directly biologist, racist system of modernity." (Smith 1995: 725) In this sense, biologist, and later, assimilationist racial ideology has its roots in "blood regimes" that legitimated and enforced power regimes and social status based on descent lines. Smith demonstrates that the control of women's bodies and sexuality is central to maintaining and enforcing premodern blood regimes (in the process, maintaining racial purity), because "women had been construed as the biological "repositories" of descent systems...that ideologically and materially bolstered Western class systems..." (Smith 1995: 726) Women thus became icons "around which

a modern nation or culture would be built in cultural, biological and material terms. Reproductive control over women—control of their sexuality—became the instrumental means by which economic, political, and cultural dominance of the elite in a new nation was assured.” (Smith 1995: 730)

Smith’s analysis teaches us that states are gendered entities. They both construct gender identities and relations, and are reshaped by contestations over gendered meanings. However, while providing insight into this process in the Guatemalan context, Smith’s choice of locating race in a symbolics of blood that predates capitalism is limiting. Her analysis lacks a material base at its inception, and her argument thus proves to be largely discursive. Though utilizing an intersectional analytical approach, she falls short of providing a gendered racial formation theory. However, it is her analysis of indigenous women’s relationship to community that might prove most useful in advancing a racialized analysis of gender violence in contemporary Guatemala. Smith points to how indigenous women are seen as having abandoned indigeneity when they leave their home community, perhaps for an urban area. It is thus difficult for an indigenous woman living in an urban area to not be viewed by her community with suspicion. This analysis might be useful in demonstrating how racial formation conspires to make this particular subgroup of victims of femicide impossible to defend themselves—to stand up for themselves and be counted by their families. Indigenous families might prefer not to come forward and claim their loved one because of the stigmatization accompanying her leaving the community.

Saidiya Hartman's analytical frame provides some additional clues as to what a gendered racial formation analytical framework might look like. Hartman locates the formation of gender oppression in the birth of capitalism with the institution of slavery. Enslaved black women were routinely subjected to sexual violence because their bodies became the vessels through which capitalism was reproduced. Thus, according to Hartman, "the normativity of sexual violence establishes an inextricable link between racial formation and sexual subjection." (1997: 85) The formation of gender is thus inextricable from the violence of racial capitalism. For black women, then, anti-violence strategies and the achievement of political rights must be figured as an integral element of resistance to racial capitalism; the two cannot be separated.

Hartman's analysis not only raises the point that sexual violence has been a constitutive element of the formation of the modern nation-state itself, which is racial and capitalist by nature, but also the necessity of a coalitional politics based on relationality of oppression. According to Jared Sexton, because "the racial circumscription of political life (bios) under slavery predates and prepares the rise of the modern democratic state, providing the central counterpoint and condition of possibility for the symbolic and material articulation of its form and function", (2010: 40-41) the complexities of racial rule and racial formation must foreground the existence of black people; that is, "the whole range of positions within the racial formation is most fully understood from this vantage point." (2010: 48) With this in mind, feminist anti-racist struggle must be undertaken in relation to black subjectivity. Like indigenous women, the experience of Afro-indigenous women has also been invisibilized in discourses of feminicide and

gender violence in Latin America today. Another area of inquiry this opens up in the Guatemalan case is the differentialization between Maya indigenous women and Afro-descendent black women, such as the Garifuna communities situated in Livingston, along the coast.

It becomes evident, then, that patriarchy alone cannot be the target of resistance strategies to violence. An intersectional theoretical approach to gender violence in Guatemala would link race, class and gender oppression. This approach would be critical for ladina women as well, who are not a homogenous group but differentially situated based on class and other aspects of subjectivity. Analyzing how racial capitalism is reproduced through gender oppression in the Guatemalan context might provide clues as to why and how femicide operates today, and how Guatemalan women might effectively contest gendered meanings and resist violent oppression. But intersectionality is also a politics. As such, an intersectional political approach would necessitate a research agenda that works in alliance with and starts from the positionality of Afro-descendent and Indigenous women. Starting from the subjectivities of women and their communities most marginalized by structural racism and other forms of oppression provides the means through which a relational coalitional feminist politics might be envisioned, with the capability of combating gender violence and helping to transform the larger socio-political landscape.

VI. Gendered Neoliberal Subject Formation and the Hypervisibility of Femicide in Guatemala

Neoliberalism refers to the radical reshaping of economic and political terrain since the 1970s, characterized by free market competition maximized by abolition of government regulation of private industry, the elimination of tariffs, the scaling back of state welfare programs, privatization of state enterprises, and implementation of monetary and social policies favorable to transnational capital. (Brown 2003, Williamson 2004) The birth of neoliberalism can be attributed to the 1970s global economic crisis, as well as the rise of third world liberation movements and the gains of social movement forces, which prompted capital and its political representatives to organize an offensive in order to reestablish class power. (Robinson 2008: 14)

Latin America is often referred to as the original testing ground for neoliberal experiments. Because disarming and dismantling the gains made by social movements and organized labor was a critical precondition for the imposition of a neoliberal agenda, the United States often supported military coups of democratically elected social democratic or left-leaning governments in the region and aided the installation of military dictatorships more favorable to neoliberal policy implementation. From Pinochet's Chile to Rios Montt's Guatemala, these dictatorships were a precursor to the social and political reconfiguration of the state and civil society under the current hegemonic power relations, which have had devastating effects on the majority of the population, especially

women and children.¹¹ The speed of neoliberal reforms has increased economic volatility, leading to periodic financial crises, and higher levels of poverty and inequality. (Huber & Solt 2004: 156, Robinson 2008: 256)

In focusing on violence against women in Latin America, the “disposable woman” dimension of neoliberalism often comes to the fore. But there is also a “gender-conscious” version of neoliberalism that must be taken into account. Understanding the gendered aspects of neoliberal subject formation is critical in relation to understanding the forms of subjectivity and practice that open paths of resistance to neoliberalism. Endemic violence disfigures political subjectivities, but the neoliberal project also creates new political subjectivities, subject to new forms of violence. The transformation of femicide into discourse, and the appropriation of this discourse by the Guatemalan state, is one window on how the productive elements of neoliberal subjectivity operate.

Foucault contends that rather than an expression or affirmation of increased liberation or freedom, an object’s transformation into discourse is a technology of power. That is, the moment that something previously invisible is transformed into discourse (and hence made visible), it becomes a point of intervention for power. The mobilization of mechanisms of sexual control may signal a transition between operative modalities of power—from premodern power to modern power. By entering the public discourse, sex becomes something “to be administered,” rendering the personal life and body of the

¹¹ A complicated dialogical relationship between the imposition of neoliberal globalization and resistance has always existed, but will not be taken up until later in this section, in my discussion of the Guatemalan women’s movement.

individual increasingly visible and subject to state technologies of surveillance and control. (Foucault 1990: 24)

The issue of visibility through transformation into discourse is further complicated by hypervisibilization. Hypervisibility of violence against women has been notably utilized to construct a masculine state as the “rational guarantor of order.” (Das 2007) Turning women’s bodies into a commodity for public consumption can justify increased militarization and other forms of state violence. This hypervisibility relies on invisibility as well. In the Guatemalan case, Sanford argues that the hypervisibility of violence against women, blamed in the media on the proliferation of organized crime, gangs, and ordinary delinquency becomes a justification for the state’s social cleansing of poor, young men. (2008: 118) Thus the dilemma that comes to the fore here is: how can we be critical of both the problem of the mass killings of women (necessitating the visibilization of the problem) and the problems of hyper-visibility arising with representations of this violence? Getting to the heart of this question requires looking to the history of women’s engagement with the Guatemalan state, including political struggles to open space for gender politics, and the complexities that arise in the process of devising state-centered approaches to remedying gender oppression. Foucault’s formulations hold particular relevance in this discussion, and merit attention in terms of the reconstruction of subjectivity under neoliberal governmentality.

In the neoliberal era, the oft-repeated saying “everybody resembles his or her sovereign” might well be rephrased to “every citizen resembles the market.” As Wendy Brown highlights, neoliberalism is essentially a “constructivist” project that refigures

individual subjectivities according to principles of market rationality. (2003: 4) Human action is equated with entrepreneurial action, characterized by the ability to make rational choices based on profitability and utility. The state removes itself from a regulatory role and shifts responsibility to the individual. In tying individual action to moral responsibility, poverty and inequality, though structurally produced, are refigured as the result of individual failure or lack of entrepreneurial ethics, often explained with pathologizing references to culture.

Brown further explains the construction and interpellation of individuals as entrepreneurial actors by tying neoliberal subject formation to Foucault's concept of governmentality: "Neo-liberal subjects are controlled *through* their freedom...because of neoliberalism's *moralization* of the consequences of this freedom." (2003: 7) Coercive state control of subjects is replaced by state formation of subjects; control is achieved "through formation rather than repression or punishment." (2003: 21) In Guatemala, one strategy of neoliberal governance has been the creation of categories of subjects that need compensatory attention and increased "rights" in order to integrate them into the modern market. The operative logic is thus extending rights and opening up space within the state to indigenous communities, as Brown observes, to create subjects with a chance of competing in terms of entrepreneurial action.

The question that comes to the fore is whether there is a gendered version of this case in the formation of "women's rights". Following Brown's analysis, extending women's rights would be necessary for creating a rational female subject capable of competing in the market as rational actors. The responsibility for regulating violence

against women would then be removed from the state, and shifted onto female subjects themselves. One of the primary dangers in hypervisibility of femicide thus might be the removal of state responsibility for gender violence in its myriad forms. It remains to be seen whether the Guatemalan state is indeed attempting to construct a new female subjectivity in the name of addressing the problem of violence against women. However, the state itself has claimed that the high levels of femicide is due to a Guatemalan “culture of violence”, invoking a pathologizing reference to culture that removes responsibility from the state. Alba Trejo, the head of the Presidential Commission Against Femicide, recently spoke to the press about the high numbers of killings of women in the first quarter of 2011. The Prensa Libre article that covered her report notes “according to the authorities, the majority of the assassinations of women is the product of a machista culture that prevails in this Central America country, as well as the actions of youth gangs, groups of organized crime and narco trafficking.” (April 1, 2011)

If an integral part of neoliberal political rationality is the construction of subjects empowered to be rational actors in the market, and the “dissemination of social norms designed to facilitate competition, free trade, and rational economic action on the part of every member and institution of society” (Brown 2003: 4) a country’s addressing of the “women’s rights” become crucial in facilitating the participation and productivity of its female subjects. According to Visweswaran, the “woman question...once a marker of colonial and nationalist discourses, now stands literally as a signifier of the neo-liberal economy not only of the extent to which “developing nations” have successfully adopted structural adjustment development policies.” (2004: 509) If women’s bodies are the

symbolic periphery of the nation (Das 2007, Arextaga 2003, Nelson 1999), it is certainly the case that the reconstruction of female subjectivity has been an integral part of the reconstruction of the Guatemalan nation in the post-war era.

Veronica Schild notes, “neo-liberal modernizations, as hegemonic projects, ensnare social subjects, make them act as agents and hence implicate them in their own unfolding (new) subjectivities.” (2000: 277) This process is evident in the Guatemalan post-war context. Democratic and neoliberal political and economic reforms opened political space for women beginning in 1986. But the burgeoning “women’s movement,” which had largely grown out of a multiplicity of resistance to state violence at the height of the war, was forced to largely demobilize more transformative demands in exchange for recognition and engagement with the state. Susan Berger notes that “while the women’s movement expanded, it also became more professionalized, institutionalized, and NGOized.” (2006: 28-9) Legislative reforms and financing for international development projects that targeted women were achieved, but the shift from a social movement to a largely institutionalized approach came at a great cost for potential unity of various sectors of the women’s movement, including the exclusion of women differentiated by race, class, indigeneity and other forms of subjectivity who did not adopt the “feminist” label. “Self-defined feminist organizations were most often founded by middle- and upper-class mestiza [ladina] women in urban areas, whereas non-defined women’s groups were more likely to be led by indigenous rural women.” (Berger 2006: 29)

In short, the developmental feminism that took hold in the post-1986 era contributed to the increased polarization of the Guatemalan women's movement along racial, class, ethnic and geographical lines. Though Berger does not put it in these terms, it is evident that the hypervisibilization of ladina women's political empowerment and engagement with the state, largely because of their legibility to international development agencies espousing a neoliberal agenda, contributed to the continued invisibilization of rural indigenous women's needs and political desires altogether, or merely peripheral representation, in the same period.

As a result, women's social movement demands for a radical restructuring of the Guatemalan state and society in the civil war era were curtailed by the hegemonic incorporation of limited gender-based social rights. Discursive and legislative legitimacy was not accompanied by gains in the material social and economic realm. In turn, rather than eliminating patriarchy and gender oppression, the state's sophisticated strategy of incorporation—evident only in using a gendered racial formation theory approach—increased women's political rights while simultaneously reshaping patriarchy, intersecting with racial, class and other forms of oppression.

Berger also notes that the reshaping of gendered subjectivity in the early stages of transition to neoliberalism was largely connected to the question of how women could best contribute to national projects of economic development. (2006: 42) The Law of Social Development (*Ley de desarrollo social*) is one of the most pertinent examples of this. Passed in 2001, the law “creates the legal procedures and structures by which the state can both “promote, plan, coordinate, execute, and evaluate” national development

and bring women into its national economic development project.” (Berger 2006: 52)

The Law of Social Development names the family the basic societal unit, and has the health and well-being of the family unit as its centerpiece, including measures for practicing family planning and ending gender violence. Strengthening the family unit was a precursor to women’s participation in state projects of economic development.

(53)

State legislation aimed at reconstructing female subjectivity and gender relations—a central component of which is ending gender violence—has been enacted as a means towards enabling women, broadly categorized, to perform their duties in the Guatemalan nation’s economic development. The history of the Guatemalan women’s movement demonstrates that women’s activism against gender oppression has in some cases actually enabled more sophisticated modes of patriarchal control, and further marginalized indigenous and women from rural areas.

VII. Conclusion

Discourses of femicide have clearly gained increased visibility in the public sphere due to the activist and advocacy work of organized feminist groups, and mounting international pressure. The most notable example is the 2008 passing of Decree 22 The Law Against Femicide and Other Forms of Violence Against Women, which enables the prosecution of multiple forms of violence against women including psychological and economic violence, along with a stated goal of “guaranteeing the life, liberty, integrity, dignity, protection, and equality of all women before the law.” (Article 1, Decree No. 22-2008) Guatemala has since created an Office of the Presidential Commission Against Femicide, tasked with implementing the law, and an anti-femicide unit in the National Police. As noted in an earlier section, however, the vehicle of rights can often protect racial and gender inequality. The isolation of social rights under racial capitalism naturalizes other forms of subordination, namely material economic exclusion. Thus one of the primary potential dangers for visibilizing femicide in the legislative realm is the possibility of racialized patriarchal structures to be reconfigured, and ultimately deepen power inequities.

The discourse of femicide and the political mobilization that has arisen to combat it must be viewed in terms of the contradictory political legacy of the Guatemalan women’s movement. A number of questions arise, including: How is the analysis of and agenda advanced by the women’s movement that has arisen to combat femicide informed by a relationship with state agencies and international NGOs? To what extent does this relationship grow out of the earlier institutionalization and NGOization of the

women's movement? Have legislative reforms such as the Law Against Femicide and Other Forms of Violence Against Women altered or deepened power inequities based on race, class, indigeneity, sexuality and other forms of subjectivity? To what extent is the essentialization of gender identity constructed in order to achieve legitimacy within the international realm, and to what extent has it been successful in achieving political objectives? Where do discourses of femicide and feminicide fall within the spectrum of national and international discourses of gender violence and women's rights, and what localized, differentiated alternative means to women's empowerment exist? Due to the contradictory and tension-ridden historical relationships between women's groups, echoing Berger, "Is it possible for indigenous [, Afro-descendent and] mestiza women to join forces and work within the state for gender-specific [anti-violence] reforms?" (2006: 12)

In the past, the language of ending "violence against women" has been incorporated into judicial reforms as part of the process of creating female subjects more susceptible to neoliberal governmentality, licensing increased exclusion along material economic, racial and other lines. Violence against women has also helped mobilize masculine protectionist rhetoric in elections and validate the propagation of policies that validate increased militarization. One place to look in the immediate future to see whether there is a continuation of this process playing out is the rhetoric of the upcoming Presidential election.

A discussion of feminicide and gender violence specifically has not yet figured in the political rhetoric of the upcoming Presidential election, but it is clear that gender

formations are being mobilized in the electoral platform of the Patriot Party, the right wing party that currently leads primary election polls. Two major components of the Party's electoral platform are creating effective strategies to combat violence and organized crime. The Party's political symbol—the “Mano Blanca” (White Hand)—is a throwback to the name of a notoriously brutal “death squad,” a semi-clandestine group with ties to the right wing political party, during the war that ‘disappeared’ thousands of people. The Patriot Party's presidential candidate is Otto Perez, a retired army general trained at the U.S. School of the Americas with a questionable human rights track record. We have yet to see whether Perez will mobilize the discourse of femicide, or take up the widespread killings of women, in his campaign for the presidency as an invocation of a masculinist protectionist role. However, his running-mate Roxana Baldetti, in a recent “message to women” posted on the party's website, asks women to take advantage of this political opportunity [the election] and get out and vote, “because we are thinking about the well-being of our families, because we are thinking about the well-being of our children, and because we are seeing this as an opportunity...above all, to provide for the security of our families.” (Partido Patriota 2011)

The political rhetoric of this far right conservative party are a final example of what is at stake in the hypervisibilization of violence. The state's alliance with market rationality has a vested interest in expanding social and economic control, while at the same time coopting the language of rights and security. Hale's conclusion is instructive in this regard; he states that oppressed groups have much to gain by occupying spaces opened up, but “when they do...we should assume they will be articulated with the

dominant bloc, unless this decision forms part of a well-developed strategy oriented toward resistance from within, and ultimately, toward a well-conceived political alternative.” It is thus critical that the lessons offered from a historicized, gendered racial formation analysis of the women’s movement be taken into account in devising an intersectional political strategy and coalitional feminist politics to combat femicide. State-based approaches to women’s rights and ending gender violence would be merely one element of a larger strategy towards more radical transformations of the state and racial, social and economic inequalities.

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