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# *Flexible Justice*

## Neoliberal Violence and ‘Self-Help’ Security in Bolivia

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**Abstract** ■ As Bolivia has restructured its economic and political sectors according to a neoliberal model, citizens have been required to become more ‘flexible’ in securing their livelihoods, creating ‘self-help’ economic activities and informal employment schemes to make ends meet. At the same time, as state mechanisms for administering justice and producing ‘security’ fail due to the inadequacies of the neoliberal regime, Bolivian citizens are adopting ‘flexible’ attitudes toward crime and punishment, frequently turning to ‘self-help’ justice mechanisms (including private security patrols and vigilante lynchings) to combat crime in their communities. This article explores the processes by which neoliberal logic and language condition the experiences and responses to crime and insecurity of residents in different neighborhoods of Cochabamba, Bolivia. It suggests that lynchings in Bolivia today be understood as a kind of neoliberal violence, produced both by the scarcities and deficiencies of the privatizing state, and by the logic of transnational capitalism itself, which has saturated civil society and public culture.

**Keywords** ■ Andes ■ Bolivia ■ neoliberalism ■ transnationalism ■ vigilantism ■ violence

In the second week of October 2003, a week that marked the anniversaries of both the Columbian ‘discovery’ of the New World and 21 years of Bolivian democracy, the Bolivian state massacred 62 people in violent confrontations in and around the nation’s capital, La Paz, and neighboring El Alto (*Opinión*, 2003c). The massacres occurred in the context of the so-called ‘Gas War’, a massive social protest joined by peasant groups, labor unions, coca farmers, and the urban poor, against the Bolivian government’s plans to export natural gas through a Chilean port for sale to the United States. Fearing that once again, as has happened so many times in the neoliberal era, a vital component of the Bolivian ‘national patrimony’ was to be expropriated by foreign interests, this loose coalition of indigenous and labor groups took to the streets, demanding cancellation of the gas sale and the resignation of Bolivia’s president, Gonzalo Sanchez de Lozada.<sup>1</sup> The bloodiest confrontation between protestors and the state occurred on 12 October, when heavily armed police and military units attempting to escort gasoline trucks past a blockade in El Alto fired live

ammunition into a crowd of people challenging this action. In response to these killings, protestors' calls for the president's resignation escalated, while blockades, marches, and demonstrations gained momentum throughout the country. Despite international support, the president's ruling coalition crumbled in the face of continued domestic unrest, and Sanchez de Lozada fled the country a few days later.<sup>2</sup>

As human rights scholars and activists have discovered (e.g. Godoy, 2002), democratic governance does not automatically produce a rule of law and a respect for human rights, a fact that has become painfully clear to Bolivians and students of the Bolivian sociopolitical landscape in recent years. Though officially a democracy since 1982 – when a democratically elected regime replaced the military 'narco-dictatorship' of General Luis García Mesa, ending decades of authoritarian rule in the country – Bolivia has struggled to implement democratic political and legal reform while contending with the requirements of neoliberal structural adjustment and the globalization of capital. The Bolivian state, a star pupil of the neoliberal school, has diligently complied with the demands of international lending agencies and foreign nations (especially the United States), restructuring its economy to provide a more favorable climate for multinational investment, privatizing national industries and slashing state payrolls and programs, while watching unemployment rise and poverty worsen for the majority of the national population (Kohl, 2002).<sup>3</sup> State efforts to impose these political and economic mandates have sometimes been accompanied by violence, both by and against the state and its representatives. Indeed, as the violence of the Gas War reveals, Bolivian society today, though formally democratic, is more violent than ever: according to the Bolivian Permanent Human Rights Assembly (*Asamblea Permanente de Derechos Humanos*), more Bolivians were killed by the state in 2003 than during any year of the military dictatorships (AIN, 2003). The Gas War violence continued in 2005, as protestors again took to the streets to demonstrate against the unresolved issues surrounding privatization and expropriation of natural gas, again willing to invoke the wrath of the state to protest neoliberal policies relating to the nation's most valuable natural resource.<sup>4</sup>

These violent events and continued unrest have their roots in the Bolivian state's efforts to comply with foreign pressures and structural adjustment programs encoded in transnational strategies of political and economic reorganization, and thus represent forms of 'neoliberal violence' (cf. Auyero, 2000). Neoliberal violence is at once structural and undeniably physical; it entails an inequitable distribution of resources within a rigidly hierarchical society, which ultimately must be implemented and maintained by state violence, and which in turn engenders violent responses. This violence is quotidian – it marks the everyday lives of poor, marginalized (and, in Bolivia, indigenous) people, creating a profound sense of insecurity, an anxious and fearful 'structure of feeling' (Williams, 1977) that colors every aspect of daily existence – and in moments of rupture like

the Gas War, it can be shockingly bloody. It also transcends the geographical and ideological space of the nation-state, being motivated by and pursuant to the demands of a transnational political-economic regime that reconfigures national policies and programs according to its own logic of privatization, 'responsibilization', and 'flexibility' (Harvey, 1991; Ong, 1999). In the economic restructuring that underlies it and the reduced capacity of the state to provide services that this restructuring creates, neoliberal violence produces violations not only of the political and civil rights of individuals, but of their social and economic rights as well.

I put forth the idea of neoliberal violence because I want to use it as a frame for interpreting yet another kind of violence currently ongoing in Bolivia, one that I think must be viewed within this same, broader context of neoliberalism and the rights violations it engenders if it is to be properly understood. I am referring to the lynching of thieves by groups of residents in many urban neighborhoods throughout Bolivia, but particularly centered in the southern zone of Cochabamba, Bolivia's third largest city. While exact numbers are difficult to come by, my own research (supplemented by that of *Acción Andina*, 2003) has documented hundreds of such incidents in and around Cochabamba over the last five years (Goldstein, 2003). As I discuss below, lynching has proliferated in Cochabamba and elsewhere in Bolivia in conjunction with the nation's overall economic decline, and as people's vulnerability to violence, official corruption, and criminal predation has escalated.

My attempt in this article to understand lynching violence should not be misconstrued as an effort to rationalize or justify it. Without a doubt, lynching represents an indefensible form of violence, a violation of the most basic rights of human beings. And yet, what I want to suggest here is that these lynchings be understood not in isolation from the ongoing violence produced by the Bolivian state, but in concert with it. The spate of lynchings occurring in Cochabamba and other locations across Bolivia is generated by and in reaction to transnational violence that is at once structural, physical, and all pervasive in Bolivia today. Far from the spontaneous expressions of an innately primitive and anti-democratic nature (a common interpretation of lynching, as I will discuss in more detail below), lynchings are collective expressions of rage and despair in a context of total vulnerability, not only to crime but to the ravages of a political-economic order that disproportionately and prejudicially impacts poor and indigenous people. Facing mounting violence and crime, unemployment and a sense of powerlessness to confront a sociopolitical order that ignores their demands for economic, legal, and social justice, these people respond with violence, in a futile effort to control crime and as a response to the nation-state's neglect of their own rights to justice and security in their communities. At the same time, the form and the logic of vigilante justice in Bolivia today is profoundly shaped by and expressive of certain basic principles of neoliberalism itself. In particular, the 'privatization' of justice reflects key

organizational – indeed, cultural – themes of neoliberal political economy, and rather than working to reduce lynching violence, the national state and its transnational underwriters, as principal proponents of the logic of flexibilization and privatization, can actually be viewed as co-conspirators in its elaboration. I thus suggest that lynchings in Bolivia today be understood as a kind of neoliberal violence, produced both by the scarcities and deficiencies of the kind of ‘sclerotic state’ (Speed and Reyes, 2002) that neoliberalism precipitates, and by the logic of transnational capitalism itself, which has saturated civil society and public culture.

In this analysis of the articulations between global capitalism and local violence, the nation-state emerges as a key player: rather than being rendered irrelevant by globalization (as some critics have suggested – see the discussion in Comaroff and Comaroff, 2001), the nation-state becomes a critical site through which global economic and cultural flows are managed and deployed, an instrumental actor that maintains the conditions of capitalist profitability and, through its policies, regulatory requirements, and interpolation of local subjectivities (what analysts are now commonly calling its techniques of governmentality, following Foucault, 1991; Merry, 2001), the state instantiates capitalism’s cultural logic in the daily administrations of national life (Robinson, 2004). And it is the state that is the principal point of articulation between global forces and local actors, who respond to the pressures and potentials of globalization, sometimes as willing collaborators, at other times in violent protest against the similarly violent transformations it engenders. In what follows, I examine some of the most critical cultural and political components of this transnational articulation, focusing on ideas about privatization, flexibility, and justice that not only have local impacts, but that are continually managed and reworked by local actors attempting to establish a sense of security for themselves in the highly unstable social field of late capitalism.<sup>5</sup>

In the next section of this article, I provide a summary description of lynching in Cochabamba, with reference to the larger discursive frameworks within which it is typically interpreted. I then go on to suggest that lynching be understood as part of a larger practice of violence that pervades neoliberal society, and in fact partakes of the fundamental logic of ‘flexibility’ that lies at its heart. The next section of the article discusses other forms of ‘privatization of justice’ in Bolivia, including police corruption and private police firms, suggesting further linkages between neoliberal economic logic and the provision of security in the contemporary Bolivian city. In the conclusion, I analyze these various forms of violence and security provision within the broader context of neoliberal capitalism, with suggestions for how this discussion can affect our understandings of global and local linkages in contemporary society.

## Lynching violence in Bolivia

The vigilante lynching of criminal suspects has become a common practice in the marginal barrios of Bolivian cities, with the majority of such incidents being reported in the southern zone of Cochabamba. As I have described elsewhere (Goldstein, 2003, 2004), one of the first of these lynchings occurred in one such barrio (Villa Sebastián Pagador) in 1995, when I was there doing fieldwork. In that event, three individuals were caught red-handed robbing a home in broad daylight, and were nearly lynched by a crowd of angry residents. When the police finally arrived, dressed in riot gear, to disrupt the lynching, people attacked the advancing police cordon until the police dispersed the crowd with tear gas.<sup>6</sup> This near-lynching, as it turns out, was an early forerunner of what has since become a common practice of collective violence by the residents of marginal barrios all around Cochabamba. According to reports that I and my colleagues in Acción Andina have collected from police sources, social service agencies, and local newspapers, literally hundreds of lynchings or attempted lynchings have occurred in Cochabamba during the last five years. Indeed, events of this kind have occurred with such frequency in the popular barrios of Cochabamba and elsewhere that, according to a recent report, Bolivia ranks second in the world (behind Guatemala) in the number of lynchings that have taken place (*Opinión*, 2003a).<sup>7</sup>

Lynchings have occurred with such frequency in Cochabamba that they have become routinized, and unfold according to their own ritual schema. Typically in these incidents, a criminal suspect (usually a supposed thief, child molester, or some other kind of felon or petty criminal) is apprehended by a group of local residents, who are quickly joined by other inhabitants of the zone. This group ties up the suspect, and subjects him (or sometimes her) to verbal and physical abuse, which can include beating, hair cutting, and stoning. Sometimes these tortures lead to death, as the suspect is doused with gasoline and set on fire by the angry mob. More often than not, however, the police arrive to rescue the lynching victims or otherwise disrupt the event. In most cases, both the victims and the perpetrators of lynching violence are of indigenous origin (Quechua and/or Aymara), and belong to the poorest, most marginal sectors of Bolivian society. As the next section of this article discusses in more detail, lynch mob participants in Cochabamba typically justify their violence as a response to rising crime in their neighborhoods and the apparent inability or unwillingness of the authorities to police their communities effectively.<sup>8</sup>

The sudden upsurge in lynchings since 2000 is not, I would argue, coincidental. Popular rage against the neoliberal state, brewing since the implementation of the New Economic Policy (state decree 21060) in 1985, began to crystallize and find expression around the turn of the millennium. Significantly, 2000 was the year the 'Water War' erupted in Cochabamba (Farthing and Kohl, 2001). A large-scale popular uprising in response to

the Bolivian state's attempt to privatize the water supply system in that city, the Water War forced the cancellation of the state's contract with the multinational Bechtel corporation, an event that was internationally hailed as a popular victory in the struggle against globalization (Finnegan, 2002). Several economic shocks also may have contributed to the rising tide of popular violence in Cochabamba at around this same time. The relatively successful coca-eradication program (the so-called *Plan Dignidad*) initiated in 1997 during the presidency of General Hugo Banzer had by 2000 begun to severely impact the regional economy of Cochabamba, as many families lost a longstanding source of informal income. Additionally, the Argentine economic crisis negatively affected the Cochabamba economy, as thousands of migrants were forced to return home and families dependent on foreign remittances lost a considerable portion of their income. By 2000, people in Cochabamba had become poorer and increasingly frustrated with a privatizing state whose promises of greater prosperity for all had clearly failed to materialize.<sup>9</sup>

Despite its many connections to contemporary political economy, local media accounts typically frame the lynching violence on Cochabamba's south side as acts of savagery, committed by people who lack a basic respect for democracy and civilized society. Bolivian newspaper commentaries frequently denounce lynching as 'an attack on social institutions' (*Los Tiempos*, 2001) that threatens to unravel the fabric binding the human community together. Lynchings are described as 'primitive and cruel', an embarrassment for a nation striving for modernity and progress: 'The lynchings make Bolivia one of the most backward countries on earth,' remarks one editorial writer (*Opinión*, 2002). 'The image of Bolivia, of all of us, should not be marked by the primitive conduct of certain groups of people.' Another columnist characterized lynchings as acts of 'primitive barbarism', asserting that they are symptoms of 'social degradation' that suggest that Bolivian society 'is losing the fundamental values that are needed to build a democratic society' (*Opinión*, 2003b). Lynchings are described as a brake on national progress and an obstacle to democratic advancement. From the perspective of analysts who produce the formal public discourse about the meaning of lynchings in Bolivia, it is the lynchings themselves that are the cause, rather than an expression, of the failure of democracy in Bolivia today.<sup>10</sup> By labeling lynching a survival of some bygone era whose practitioners themselves are retrograde, the practice and its perpetrators are made to stand as representatives of a predemocratic past that now serves as an anchor weighing on national political development.<sup>11</sup>

In reading such accusations, however, the fact cannot be overlooked that those being so characterized are indigenous Quechua and Aymara people, and that indigenous people in the Andes have long been depicted in terms similar to those being used to describe lynchings and lynch mobs in Bolivia today – as retrograde and primitive, threats to orderly urban life

and to civilization itself. Since the colonial era, the very presence of indigenous Andeans in the urban landscape has been considered a violation of the nation's 'racialized imaginative geography' (Radcliffe and Westwood, 1996), which locates 'Indians' properly in the countryside, and 'white' or '*mestizo*' populations in the city (Weismantel, 2001). In a similar fashion, indigenous rural-to-urban migrants in Cochabamba have long been perceived by the city's white middle class (and by the institutions of media, government, and commerce that they control) as invaders, threats to the longstanding social and political order of the city (Goldstein, 2004). The poverty of these people has been characterized as bearing disease and contamination into the city (see Colloredo-Mansfeld, 1998; Douglas, 1966); their patterns of land invasion and spontaneous settlement have been viewed as attacks on the 'rational' and orderly growth of the city itself (Solares Serrano, 1986; Urquidi Zambrana, 1967, 1986). Accusations of 'barbarism' and antagonism towards democracy ascribed to lynching intersect with this enduring racist critique of indigenous urbanites, demonizing the actors without attempting to understand the context that makes their violence possible and predictable.

Instead of regarding lynching as a barbaric survival from the past, I argue instead that lynching be understood in the context of neoliberal structural reform, within which it is embedded and from which it derives its logic and, in the minds of its perpetrators, its legitimacy. Lynching, in a sense, fulfills the highest mandates of neoliberal rationality: it represents the privatization of justice, the assumption by individuals of a service ordinarily provided by the state, and so points to the increasing importance of 'flexibility' as a personal and communal survival strategy in neoliberal society. Lynching fills the gap left by the withdrawal of the state from the delivery of official justice, as citizens themselves take on the responsibility of creating security when the state will not. Given the state's orientation toward responsabilization – the transfer of state functions to citizens and informal or non-governmental associations – lynching is the logical and indeed predictable response of people required to be flexible in providing for their own needs.

## Neoliberalism and the crisis of security

Neoliberal economic reforms accompanying democratization throughout most of the 'developing world' were intended to create a more productive environment for transnational capitalism by removing barriers to trade and creating a 'flexible' workforce that could provide cheap labor to transnational industries (Harvey, 2001). Flexibility is a critical dimension of late capitalism, part of the post-Fordist logic that allows corporations to maximize the turnover rate of capital by eschewing fixed production facilities and their associated labor costs, replacing these older, inflexible



relations of production with strategies of 'outsourcing', labor reorganization, and geographical mobility as part of a regime of 'flexible accumulation' (Harvey, 1990; Inدا, 2000). Promising a more efficient economy that would create more and better jobs for national workers while curtailing state involvement in both market regulation and the social reproduction of labor, neoliberalism has thoroughly displaced the developmentalist model that had for decades been the dominant approach to economic policymaking, shifting the emphasis in public discourse from national development to global competitiveness and efficiency (Arbona, n.d., a). Whereas in this earlier economic model the state was a major player in promoting national development by controlling market forces and guaranteeing (at least rhetorically) jobs and social welfare for the poor, in the neoliberal era the state encourages the development of 'self-help' social and economic mechanisms, devolving responsibility for the maintenance of workers from the private sector and the state to local communities, non-governmental organizations, families, and individuals (Gill, 2000). These reforms have resulted in a measurable increase in economic inequality and a dramatic decrease in the standard of living for the rural and urban poor, as ownership of land and other resources has become further concentrated, peasants have been dispossessed, and public sector jobs have disappeared (Gwynne and Kay, 2000; Lustig, 1995; Petras and Veltmeyer, 1999). Today at least 260 million people in Latin America live in poverty (Aiyer, 2001; Bulmer-Thomas, 1996; Chossudovsky, 1997).

Within Latin America, Bolivia has been one of the most aggressive implementers of the neoliberal model. Since 1985, the Bolivian state has promoted policies that have withdrawn the state from direct participation in the national economy, privileging private sector firms as the engines of development and encouraging self-generation of employment for displaced workers (Benería, 1996; ILO, 2002). Virtually all nationally owned industries have been privatized (or 'capitalized', in the language of the system),<sup>12</sup> the political potential of trade unions has been defused (García Linera, 1999), state programs and jobs have been cut, and the state itself has been 'decentralized', with the transfer of federal responsibilities to municipalities and non-governmental organizations (Kohl, 2003; Medeiros, 2001; Postero, 1999). In the realm of labor policy, Bolivia has emphasized a program of labor flexibilization ('*flexibilización laboral*'), a mainstay of Bolivian economic policy since 1985. Being flexible in the Bolivian context means being willing to work on short-term contracts, in home-based industries, and, increasingly, in the informal economy, creating one's own income-generating opportunities when the regular economy fails to provide work. Flexibility also means caring for oneself and one's family by working without a net, that is, through self-employment without benefit of public provision of social security. In the language of Bolivian neoliberalism, these forms of *flexibilización* and *responsibilización* of individuals represent what sociologist Ulrich Beck (1992: 143) has

identified as 'a generalization of employment insecurity' within post-Fordist capitalism, compounded by a complete sundering of the social reciprocity that capital and the state historically provided to labor.

Flexibility and individual responsibility, then, are the watchwords of Bolivian society today, and the state has pursued specific policies that put these principles into practice. For example, the Bolivian state is a major proponent of privately owned micro-enterprises, small-scale business interests intended to promote 'economic democracy' by generating new forms of employment, thereby providing market integration for the poor and marginalized (Rhyne, 2001). Micro-enterprise promotion positions the state as taking an active role in providing for its citizens, part of the state's own attempt to stabilize neoliberalism through highly visible public policy initiatives intended to demonstrate its commitment to strengthening the domestic economy. But, as Arbona (n.d., b) points out, micro-enterprises in fact require very little investment or oversight on the part of the state, and serve to transfer social welfare responsibilities from the state to the working poor themselves. Micro-enterprises fulfill the demands of international lenders in that they do not require the state to participate directly in the national economy, while promoting 'individual responsibility as the only possibility for securing welfare' (Arbona, n.d., b: 13). In the words of a Presidential decree on the subject of micro-enterprises, the Bolivian workforce is encouraged to be 'flexible', and to demonstrate 'responsibility, creativity, and adaptability' (Presidencia de la República de Bolivia, 1998; cited in Arbona, n.d., b) in generating employment in the face of the ongoing economic crisis. But the state offers no concrete alternatives when such enterprises fail, nor any material support to ensure that they do not.

The economic insecurity created by neoliberal reforms is complemented by a physical insecurity resulting from rising crime rates that have accompanied structural adjustment, compounded by the deficiencies of an unreliable and inequitable system of official justice. For the upper class, police and judicial services are at least nominally available to investigate crimes, respond to grievances, and resolve conflicts. But for the majority of crime victims, who are typically poor and marginalized, honest and reliable police protection or recourse to the law are simply nonexistent. Instead, the poor themselves are often criminalized in public discourse and in police practice, and experience heightened police violence, as states adopt more repressive and violent measures in the name of crime control (Davis, 2003; Frühling, 2003; Méndez et al., 1999; Pereira and Davis, 2000; Schneider and Amar, 2003; Ungar, 2002). Even in the absence of direct experience of crime, the fear of criminal and state violence, perpetuated by 'talk of crime', ratchets up the levels of insecurity people confront and the extremes to which they are willing to go to attain security (Caldeira, 2000; Dammert and Malone, 2003; Elbert, 1998; Rotker, 2002). Especially in urban areas, a general feeling of fear and insecurity may seem all-encompassing and inescapable, part of the *habitus* of daily life (Garland,

2001: 153; Merry, 1981). Facing widespread police corruption and violence, compounded by a generalized and apparently endless economic 'crisis', urban residents experience an overwhelming sense of 'ontological insecurity', a pervasive sense of despair and uncertainty that Anthony Giddens (1990) has identified as one of the defining conditions of late modernity.

While neoliberal economic policy has become ubiquitous throughout Latin America since the mid-1980s, the hegemony of neoliberal philosophy has been far from absolute, the promised benefits of democratic and economic reform contradicted by the escalating poverty and violence of neoliberal society. Nevertheless, the themes of flexibility, privatization, and self-help individualism, so prominent within liberal capitalism, emerge as profound cultural forces that shape the behavior of national subjects, and in turn are shaped by them. As the ethnographic discussion in the next section of this article explores, this is particularly true in efforts initiated by poor urban Bolivians to establish 'security' in their communities. Abandoned and victimized by the state and its policing and judicial apparatus, for many citizens the only viable option for obtaining security appears to be 'self-help' justice-making (for the most part, through lynching) to create some semblance of order in their community (though this strategy tends to perpetuate the cycle of violence within which poor communities are already ensnared). Rather than rely on the empty promises of the state and its official justice system, many residents of Cochabamba's marginal barrios recognize the need to be 'flexible', to use 'responsibility, creativity, and adaptability' in pursuing 'justice' by other means. If the state will not provide work, people must create their own employment opportunities; similarly, if the state will not provide justice, punishing criminals becomes an individual responsibility. Taking the law 'into one's own hands' has a very different resonance when understood in light of these larger, official discourses and practices, as the next section explores.

### *'No hay justicia en Bolivia'*

In February of 2001, a US Peace Corps volunteer in Bolivia named Walter Poirier disappeared somewhere in rural La Paz department. His body was never found, and no sightings of him have been reported. Despite urgings from the Peace Corps and the US State Department, the Bolivian police have been unable to produce any evidence related to Poirier's disappearance or whereabouts. This incident has generated much commentary on the Peace Corps' online discussion boards, including a posting from someone named 'Nina', who titled her contribution 'THERE IS NO JUSTICE IN BOLIVIA':

I just read about the missing person Mr. Poirier. I feel sad that he disappeared in Bolivia. However if you want to find information about him, you have to go in person to La Paz. Please take professional people who can do the job from here. Because in Bolivia 'the judicial system' is non-existent. The authorities do

not do their work and have no means to go from one place to another to investigate.

My brother was killed in La Paz, Bolivia on March 8, 2003. I went three times to La Paz to investigate his death. We did a necropsy and found out that he died because somebody hit him on the head causing hematomas. The Bolivian police did not do a reconstruction of the crime scene for five months. So I couldn't get any finger prints or samples. The clothes he was wearing when they found him were thrown on the floor at the police station. The police does not have pictures of the autopsy. And after 2 months we found one sample of the gastric fluids taken from the autopsy. I was more outraged, when the police investigator that was assigned to my brother's death was removed and re-assigned to another case of a rich person. They left my brother's case without investigator for 5 months . . . At the end, they closed the case without solving it. The police does not have any chemicals when they investigate a crime scene, they don't have paper to write reports, they do not have money to buy film to take pictures of the crime scene, and I had to pay transportation for the police workers whenever they needed to go and do something for my brother's case.

This terrible crime is unsolved, now for me the only solution is to complain to the human rights [representatives]. Because in Bolivia there is no justice for middle class or poor people. The police is so corrupt that for doing a simple thing they want money. I spent so much money in lawyers and bribing the police workers to do their job. (<http://PeaceCorpsOnline.org/messages/messages/2629/2013899.html>; sic)

The failure of the state to provide adequate security and an accessible justice system to its people has been one of the key sources of state delegitimation in Bolivia today, and pertains directly to the neoliberal restructuring of the nation so visibly denounced in the Gas War. Even as the national crime rate quadrupled between 1993 and 1999, the overall budget for the Bolivian national police force shrank; most of that budget was allocated toward purchasing equipment rather than hiring or training police officers. In 1999, the police budget was reduced by 25 percent and in each year since has been cut by an equal or greater percentage of the remaining total (Ungar, 2003: 34). The lack of police protection is particularly evident in urban areas, which have expanded rapidly over the last few decades, again in response to neoliberal reforms that closed the nationally owned mining sector and otherwise jeopardized rural livelihoods, propelling people to the cities. In Cochabamba, for example, fewer than 1000 police officers are assigned to protect a population of nearly 800,000 residents;<sup>13</sup> fewer than a dozen police vehicles are deployed in the city, while a fleet of police motorcycles sits idle, the department lacking funds to buy gasoline to run them. The investigative capacity of the Cochabamba branch of the national police force is similarly weak: police lack the training and material resources to collect and preserve evidence, and to follow up leads effectively. The police morgue is a veritable house of horrors, with the cadavers of crime victims left to decompose in the open air for periods of up to three weeks, the authorities lacking refrigeration facilities and medical personnel to perform expedient autopsies. Forensics departments are understaffed,

and lack even the most basic equipment (including rubber gloves and surgical instruments) to go about their work in a manner that guarantees the validity of evidence obtained (Herrera G., 2003).

Officially, crime rates in Bolivia increased 140 percent per year between 1995 and 2002 (Conte, 2003b), though most crimes go unreported due to citizens' complete lack of faith in the police institution's ability to investigate and arrest criminal suspects. People of all social classes in Cochabamba attribute this failure to the deep and extensive corruption that permeates the Bolivian police and legal professions, a result of the poor salaries paid to justice professionals (a street officer earns under \$1300 a year) and the ever-present temptation to profit from one's contacts with criminal networks (Ungar, 2003). Human rights activists argue that corruption actually serves to maintain the police force as an institution: in the absence of adequate public funding, the force relies on the money its officers skim or extort from the criminals they apprehend to allow them to purchase such mundane necessities as gasoline. The recent, highly publicized Blas Valencia scandal – which revealed the existence of a corrupt 'mafia' of high-level officers based mostly in La Paz but extending to other cities as well – seemed to confirm the credibility of accusations claiming that corruption is pervasive throughout the police establishment.<sup>14</sup>

This perception comes through clearly in interviews I have conducted with groups of residents from different social classes, genders, and occupations in marginal neighborhoods of Cochabamba city. Many people echo Nina's testimony, above, asserting that the police are inept and corrupt, and that the administration of justice favors the rich over the poor and the middle class. 'The police are terrible,' reported one woman, a coordinator of an artisan's group in the city.<sup>15</sup> 'There is no justice in Bolivia. At least for the poor there isn't. You have to have money to get justice.' Many people contend (like Nina) that the police will not investigate unless the complainant pays them to. People report that the police demand money to pay for the costs of routine investigations:

The first thing they ask for in the PTJ [*Policía Técnica Judicial*] is money. My niece was murdered and when we went to the police so that they would investigate, the first thing they asked us for was \$100 to begin the investigation. Imagine how much they would want to complete the investigation! Because we didn't have money, we had to leave it at that. She was killed, she was buried, but nothing.

Another artisan recounted her own experience of being robbed, and going to report the crime to the police:

I go into the PTJ, which at that time was operating out of the main plaza, I go in and, 'Yes, I recognize him, there he is.' They have photos of those offenders (*malhechores*) all over the place in there, and I go, 'That's him,' I say. . . . 'Ahh! Of course that's him, *señora*, tomorrow we'll go and recover [the money]. But only half.' 'Okay,' I said, 'half.' I accepted, no? Such blackmail! But I accepted, half. And to this day I haven't gotten my half.

The sense of powerlessness that people derive from their encounters with police colors their view of official justice more generally, and shapes their understanding of their own subordination within the broader sociopolitical arena. In the words of another artisan:

It seems to me that our hands are tied, that we can't do anything, we don't have the power. Those that are in power, yes, they can do and undo things . . . but society can't do anything because we don't have the power, we don't have the political power, we don't have the economic power, so if we protest it is all in vain . . .

Many people confronting this situation of vulnerability and powerlessness see a direct link between police corruption and neglect and the impulse to take the law into their own hands. In Villa Sebastián Pagador, on Cochabamba's far southeastern fringe, a group of women described what happened after a crime was committed in the barrio in 1995. Here, lynching is described as the direct result of police inaction and corruption:

Señora 1: There is a denunciation, the police come, they take notes, notes, that's it, then the thing is forgotten. If you don't put down any money, there is no investigation.

Señora 2: That's why we make justice with our own hands, too, sometimes we tie him up, like that time when the residents here . . .

Señora 1: They burned him.

The logic behind this self-help administration of justice becomes even more evident when considered in light of two other kinds of privatization of security – police corruption and the rise of private policing – that have also intensified in the neoliberal era.

## **Privatization and corruption**

The extortion of crime victims and their families by the national police represents another form of Bolivian privatization, in this case the privatization of public functions by the very personnel charged with their execution. Police corruption converts the public administration of justice into a private resource that maintains both individual police officers and, ironically, the police institution itself. Corrupt officers turn the police investigation into a form of prospecting (what economists call 'rent-seeking behavior'; Kohl, 2004; Krueger, 1974), using their authority to pursue individual profit, while paying kickbacks to officers higher up the ladder who naturally turn a blind eye to such proceedings. The police department further encourages this 'entrepreneurial' behavior, both to cover its institutional costs and to turn a profit for its operatives. Encounters between private citizens and public officials like those described above thus constitute a double victimization for those who report crimes to the police – first

at the hands of criminals, and then at those of the police themselves, all of whom operate according to a code of profit maximization at the expense of the poor. A 1999 study of the Bolivian national police issued by an external review panel (composed of officers and representatives of the Colombian police force) described the police institution as 'a bunker whose operation is concentrated to a large degree, in attending to individual interests related to illicit enrichment, the granting of favors to groups from outside the institution, and the obtaining of a higher social position through the ranks of the police hierarchy' (*Los Tiempos*, 2003). However, official knowledge of the problem has not led to any changes in police procedure or oversight of the daily management of the institution, and no action has been taken on the Colombian report.

For poor Cochabambinos, official denials of corruption stand as another indication that there is no reliable public sector to which they can appeal for redress of grievances. People typically do not report most crimes to the police, realizing that it will not be likely to result in any action being taken, and to the contrary may end up costing them more than the original offense that they have suffered. For some, this state of affairs translates directly into individual responsibility and an impulse to take matters into their own hands. Said Cochabamba resident: 'I also have this attitude of lynching, because I don't see any other way, that the laws, that the judicial organizations offer a real solution to handling delinquents. . . . Especially, there is no solution within the justice [organizations], each person has to make his own justice.'

The police themselves generally concur with the assessment that they are unable to control crime or police the barrios. Privately, individual police officers confess a certain sympathy for the lynchings, which commonly occur in barrios where they themselves reside. My friend Fausto Huanca, for example, a low-ranking street officer in the national police force and a resident of Villa Pagador, is deeply ashamed of the corruption revealed by the Blas Valencia scandal, and considers it a black mark on an otherwise decent profession. At the same time, Don Fausto is a member of a force deeply stratified along class and racial lines. For the most part, members of the officer corps tend to be classified as 'white' in the national racial hierarchy, a distinction that generally correlates with a middle- or upper-class income, background, and lifestyle. Ordinary police officers of the lower ranks like Don Fausto, on the other hand, tend to be categorized as indigenous and poor. Like Don Fausto, they live in the barrios rather than in the city center or the better suburbs, and so are themselves vulnerable to the same kinds of criminal predation as their neighbors. Trained in the service of a police force that is both nationalistic and resolutely masculine, men like Don Fausto espouse a rhetoric of law that places the exercise of control and violence solely in the hands of the 'legally constituted authorities'. But they also recognize that these authorities are themselves corrupt, and as barrio residents they share the critique of the police held by the

majority of their neighbors. The low-level policemen recognize that they are underpaid and typically called upon to do the dirtiest jobs of repression and control, but they also embrace this work as their duty as citizens and as men (compare with Gill's [2000] study of the Bolivian military). They thus regard lynching as a problem and an inevitability. Don Fausto, for example, condemns lynching as a crime, an inappropriate exercise of force that must be prosecuted to the fullest extent of the law. On the other hand, he is highly sympathetic towards the lynch mob and its aims, and is reluctant to criticize the actions of people who are, in matter of fact, his friends, relatives, and neighbors.

Other private forms of policing and law enforcement have also emerged in recent years, which put a prettier face on vigilante justice while participating in the same logic and similar techniques as the lynching. In Cochabamba today, more than 100 private security firms have been created to provide private police services to all those willing to pay.<sup>16</sup> Though originally confined to the wealthier zones of the city, today these security firms can be found in most parts of Cochabamba, filling in for the absent state in poor barrios throughout the city. In Villa Pagador, for example, residents of a barrio sector known as Segundo Grupo contribute one boliviano (approximately 15 US cents) per day to pay for a security patrol on the main avenue running through their zone. Private security firms like this one are often founded and managed by retired military or police officers, entrepreneurs schooled in violence and corruption who take advantage of the need for their services created by deficiencies in the very institutions they formerly served. Firms exploit the general climate of fear and insecurity created by rising crime and state inadequacy to generate business for themselves. On the street where I live in Cochabamba, for example, the local security provider (a firm with the witty English-language name 'Bolivian Pest Control') puts out a monthly newsletter in which they report on various cases of police inadequacy in Cochabamba, citing newspaper articles to that effect; they also offer their clients suggestions on how to improve home security, including such helpful tips as: 'Every time you enter or leave your dwelling, secure the door with two turns of the lock and put on the security chain and if you have another lock use that one, too' and 'Women and young ladies should avoid drying their underwear in visible places and should not wear scanty clothing on balconies or in front of windows, in case a sex maniac is watching.' Fear mongering of this sort represents yet another kind of structural violence, one generated by the neoliberal state and exploited by private firms that have arisen in its absence.

While many people profess a satisfaction with the services provided by the private security firms, others are less sanguine. They point to the fact that the young men these firms employ to patrol the streets are oftentimes themselves former criminals, recently released thieves and others familiar with the ins and outs of the local crime scene and the Bolivian justice system. Many people whose neighborhoods are patrolled by these firms



claim that the private security providers are no better than the police, using their privileged position as uniformed thugs in the barrios to communicate with accomplices and rob the very homes they are supposed to protect. 'In my barrio, near my aunt's house,' said one young woman, 'where these very same private security guards are stationed, they spy out the house and inform others that they can enter, and they have gone into various houses, they have emptied out various houses in the barrio.' Barrio residents who refuse to pay for the services of the neighborhood's private firm may find their homes singled out for repeated burglaries and vandalism. After her home was robbed, apparently with the collusion of local private security officers whom she had been reluctant to pay, another friend who works as an architect for the Cochabamba municipal government confessed to me that, 'Now I know how the lynch mobs feel.' The security firms operate very much like a protection racket, carving the city up into turfs that different groups control, often using violence to punish criminal suspects whom they apprehend, to ward off competing firms encroaching on their territory,<sup>17</sup> or to threaten recalcitrant clients. Though currently forbidden to carry firearms under Bolivian law, the firms are agitating Congress for this right, which they deem necessary to perform their functions; others fear that this will only hasten the evolution of these firms from mafias into full-blown paramilitaries, furthering the devolution of other state functions (i.e. the role of the military) to private enterprises and creating an additional threat to democratic stability in the process.

## Conclusion

Neoliberal violence, including physical violence produced by the military, police personnel, private security guards, and lynch mobs, and the structural violence of poverty and insecurity, are all grounded in the reforms of the neoliberal state and the cultural logic of privatization, flexibility, and self-help that accompanies them. The Bolivian state's response to the lynching phenomenon is further indicative of this relationship. Even as it has formally denounced lynching as a threat to democratic society, the Bolivian state (in keeping with its broad neoliberal stance celebrating individual enterprise as an alternative to state involvement) has acted to encourage private and citizen's groups to further adopt responsibility for justice administration. For example, just a few weeks prior to his forced resignation in 2003, President Sanchez de Lozada responded to increasingly strident calls for improved 'citizen security' in Bolivia by announcing a plan (never implemented) to create 'anticrime gangs' (*pandillas anticrimen*) in various Bolivian cities. These gangs, officially known as 'youth citizen security brigades' (*brigadas juveniles de seguridad ciudadana*), would have consisted of young people who would patrol certain zones of the city, confronting other, criminal youth gangs and somehow preventing them

from committing crimes. Decried by critics and human rights defenders as unleashing 'a new war against society' (Conte, 2003a), the president's proposal was steeped in the logic of the liberal citizen, in which 'good' people would act independently and without state supervision to deter 'bad' people from committing antisocial acts. This same logic provides the foundation for the lynch mob, whose members view themselves as filling in for the absent state, pursuing '*delincuentes*' and '*malhechores*' who prey on the good people of society. Lost in this good/bad distinction is the fact that *delincuentes* and *linchadores* (lynch-mob participants) alike are poor people of indigenous origin, engaged in an escalating cycle of violence whose end is not currently in sight. The state's embrace of this logic amounts to an endorsement of lynching as a mode of securing justice, which likewise requires no state supervision or state financing to execute.

Neoliberalism, like the classical liberalism from which it is descended, has at its base a claim to promote individual freedom, a promise to liberate the individual from the inherently oppressive power of government (Anderson, 1992). The authors of 20th-century liberal capitalism, economists like F.A. Hayek (1944) and Milton Friedman (Friedman and Friedman, 1962), believed that only by restricting the state's involvement in economic planning and management could the state's coercive power be effectively limited. Economic regulation, in this view, imposes constraints on the basic liberty of the individual (said to be the cornerstone of Western civilization), thus requiring the separation of the economic from the political to create a freer and more democratic society. At the same time as it mandates the state's withdrawal from the national economy, however, liberalism assumes that the state will provide the broader social and civic institutions within which capitalism can function unfettered and individual liberty can be attained. This includes the establishment and maintenance of a democratic rule of law, to create a safe and stable society within which capital markets can flourish and individual potential can be achieved. Key to the entire system is a respect for individual rights and freedoms. According to liberalism's proponents, by granting rights to individuals, and by respecting popular sovereignty and maintaining a rule of law to guarantee these rights, the state recognizes human dignity and promotes individual liberty (Fukuyama, 1992). In the name of such noble ideals, neoliberalism has become the dominant paradigm of 21st-century global political economy.

But the contradiction between liberalism's promise and its reality in Bolivia is manifest in the lives of people living under its dominion. Like police officers who at once condemn and sympathize with lynching violence in the barrios of Cochabamba, ordinary citizens demonstrate a contradictory consciousness when facing the insecurity of daily life in a neoliberal democracy. As the protests by members of the so-called 'popular classes' in both the Water War and the Gas War clearly indicate, people in Bolivia recognize that their poverty has its roots in transnational capitalism, and that the forces of privatization and the open market have had negative

impacts on their employment opportunities, standard of living, and access to basic services. Protesters who reject the privatization and expropriation of natural resources are articulating a critique of global political economy that accurately perceives the role of transnational forces in restructuring Bolivian social life, and which ultimately are responsible for their diminishing economic and personal security.

As I have suggested in this article, however, at the same time as they stridently and publicly reject neoliberalism, in their communities ordinary Bolivians have adopted practices that clearly express and enact neoliberal rationality. The same cultural logic of individual responsibility, flexibility, and self-help that informs both Bolivian labor policy and the state's approach to justice administration has pervaded civil society and its base communities, whose members privatize justice when the state refuses to treat it as a public good. This is the double-sided nature of what I have identified as neoliberal violence. Not merely an expression of the state's commitment to protecting and defending the interests of capital, neoliberal violence is also structural violence, an inherent component of the neoliberal project and its associated cultural values, which underlie the general condition of insecurity that is both cause and result of popular violence. The ongoing Gas War has nakedly revealed the Bolivian state's fundamental disregard for the rights of individuals when they challenge the state's neoliberal schemes; the insecurity of daily life is a less visible, though equally destructive, form of violence, and as a source of social disarticulation it precipitates other forms of violence in their turn.

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## Notes

- 1 Additionally, people were protesting the *Nuevo Código Tributario*, which restructured national income taxes in such a way as to extract more wealth from the poor and middle classes, so as to generate money for foreign debt repayment; and the *Ley de Seguridad Ciudadana*, which prescribed long prison sentences for

social protestors employing road blockades in their demonstrations. The security law also removed government funding for public illumination projects, a program that had benefited the marginal barrios of the nation's cities whose streets are typically dangerous after dark.

- 2 The US government backed Sanchez de Lozada, calling on all Bolivians 'to reject confrontation that could lead to violence and injury. The international community understands and supports the legitimate interests of all the Bolivian people, and we urge them to express and promote those only through democratic and peaceful means' (DOS Press Release, 15 October 2003).
- 3 Sanchez de Lozada, in his first (non-consecutive) term as president of Bolivia in the mid-1990s, was the principal architect of an economic and political restructuring scheme (the *Plan de Todos*) that systematized a program of private foreign investment in formerly state-owned enterprises; see Kohl (2003).
- 4 At the time of this writing in 2005, only one death has been officially attributed to the recent round of protests, though the regime of another Bolivian president, Carlos Mesa, has already fallen victim to them.
- 5 In this analysis, I follow Aihwa Ong (1999) in understanding globalization as the flow not only of capital, information, and people across national borders, but of the cultural logics that underpin post-Fordist capitalism and that profoundly impact, and are negotiated by, local populations. This approach aims to integrate, rather than bifurcate, the local and the global, the cultural and the political-economic.

'Only by weaving the analysis of cultural politics and political economy into a single framework,' Ong says, 'can we hope to provide a nuanced delineation of the complex relations between transnational phenomena, national regimes, and cultural practices in late modernity. . . . An understanding of political economy remains central as capitalism . . . has become even more deeply embroiled in the ways different cultural logics give meanings to our dreams, actions, goals, and sense of how we are to conduct ourselves in the world.' (1999: 16)

- 6 A fuller account and analysis of this incident can be found in Goldstein (2003, 2004).
- 7 For considerations of lynching in other Latin American contexts, see Burrell (2002), Castillo Claudett (2000), Fuentes Díaz and Binford (2001), Guerrero (2001) and Vilas (2001).
- 8 Other similar incidents in more rural contexts include the executions of suspected cattle thieves in the Cochabamba valley, and the execution of the mayor of Ayo Ayo, an Aymara community on the Bolivian altiplano. This latter incident, though initially described as a lynching, later proved to be more of a mob-style execution, enacted by rival gangs in this town.
- 9 My thanks to Ben Kohl for his thoughts on these subjects.
- 10 Elsewhere (Goldstein, 2004) I have examined another emerging strain in the media analysis of lynching, which tends to be more sociologically grounded and sympathetic to the actions of lynch mobs. As the problems of the Bolivian economic crisis continue to mount, the media is becoming less openly condemnatory of lynching 'savagery'.
- 11 This problem is also apparent in arguments (offered by some lynch mob participants seeking to justify their actions by an appeal to 'tradition') that theorize lynching to be some sort of holdover from the rural past, a contemporary expression of older forms of traditional law (*derecho consuetudinario*). While

- physical forms of punishment were not unknown in rural Andean contexts, contemporary urban lynchings represent distinct forms of violence that must be understood (I argue) within the current context of neoliberal reform.
- 12 For an explanation of the particulars of Bolivian 'capitalization' and a discussion of neoliberalism's failure to create employment in that country, see Kohl (2002).
  - 13 In contrast, for example, New York City has approximately one police officer for every 200 people (<http://www.nyc.gov/html/nypd/home.html>).
  - 14 Of course, police and other forms of official corruption are not new in Bolivia (or anywhere else, for that matter), but have long been endemic in the political system. Police corruption has taken on a new urgency in the neoliberal era, however, as the next section of this article explores.
  - 15 All translations of interviews and other texts, except where the original English is specified, are my own.
  - 16 One is reminded here of Jane and Peter Schneider's (2003) work on the Sicilian mafia.
  - 17 Friends and interview subjects report the beginnings of turf wars between rival security firms, who use violence to establish and protect certain areas of the city as their own domains.

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