

# DEMOCRACY, LAW, AND ORDER

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**The Judicial Response to Police Killings in Latin America: Inequality and the Rule of Law.** By Daniel M. Brinks. Cambridge, MA: Cambridge University Press, 2008. Pp. 289 + xi. \$85.00 cloth.

**Reforming the Administration of Justice in Mexico.** Edited by Wayne A. Cornelius and David A. Shirk. San Diego: Center for U.S.-Mexican Studies, University of California, San Diego; Notre Dame, IN: University of Notre Dame Press, 2007. Pp. 523 + xi. \$37.50 paper.

**Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile.** By Lisa Hilbink. New York: Cambridge University Press, 2007. Pp. 299 + xvi. \$80.00 cloth.

**Enforcing the Rule of Law: Social Accountability in the New Latin American Democracies.** Edited by Enrique Peruzzotti and Catalina Smulovitz. Pittsburgh, PA: University of Pittsburgh Press, 2006. Pp. 362 + xiv. \$29.95 paper.

**The Politics of Organized Crime and the Organized Crime of Politics: A Study in Criminal Power.** By Alfredo Schulte-Bockholt. Lanham, MD: Lexington Books, 2006. Pp. 263 + ix. \$82.00 cloth. \$26.95 paper.

**The Judicialization of Politics in Latin America.** Edited by Rachel Sieder, Line Schjolden, and Alan Angell. New York: Palgrave Macmillan, 2005. Pp. 320. \$64.09 cloth.

The contributions of works on law and order depend to a large degree on how much they question how the two concepts are understood. The amply discussed gap between democratic standards, and contemporary reality in Latin America is so wide on the issue of law and order in part because of rapid alterations in the region's juridical and physical orders. With a relentlessly climbing rate of criminal violence making Latin America the world's deadliest region—with a homicide rate more than three times the global average since 2000, accounting for more than 40 percent of the world's murders each year<sup>1</sup>—crime has been one of the top concerns

1. Latin America's average annual homicide rate is 27.5 per 100,000 people and the world rate 8.8. See: Interpol International Crime Statistics (<http://www.interpol.int/>); Pan-

of Latin Americans since the mid-1990s.<sup>2</sup> Putting great strain on laws and policies, crime starkly exposes the vulnerability of states and the volatility of democracy. The books under review here show that, when order disintegrates, Latin America sees how poorly traditional responses have fared and how well new ones might work. But while these books develop new analytical insights into democracy, the state, and society, they should go further in bringing out two concurrent and interrelated patterns. One is of fundamental fissures within the state, elected bodies, and society that hinder a sustainable public order within a rule of law. The other is how political instability constantly shifts the loci and relationships of power, and thus the channels for pressure by society and for accountability to it. Together, these two patterns undercut attempts to strengthen law and order in Latin America, which range from judicial reforms to overhauls of security infrastructure. They even undermine citizen-oriented approaches—such as community justice forums and preventive strategies centered on social services for vulnerable groups—whose promise these works rightly emphasize.<sup>3</sup> Through the lens of the state and democracy, the books reviewed here revisit the notions of law and order in ways that open up a new set of challenges that scholarship and policy should pursue.

#### THE STATE

The biggest hindrance to shoring up law and order is often the incapacity of the state agencies charged with this task. Literature on the state has tackled its extensive deficiencies in policy implementation; the works reviewed here contribute in three areas with particular import for law and order: (1) decentralization, (2) judicial functioning, and (3) the integrity of the state itself. First, as with many other services, criminal justice has been decentralized to the regional and local levels throughout Latin America, leading to a proliferation of agencies that repeat the poor and abusive practices of their national progenitors. Between 1990 and 2006, for example, Venezuela created 105 new police forces (a 363.64 percent in-

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American Health Organization, *Health in the Americas, Volume I* (Washington, D.C.: Pan-American Health Organization, 2002); United Nations Interregional Crime and Justice Research Institute, *Criminal Victimization in the Developing World* (Rome: United Nations, 2006). Half of the ten most criminally violent countries in the world are Latin American: El Salvador, Venezuela, Colombia, Brazil, and Honduras.

2. In the Latinobarómetro survey, crime is statistically tied with unemployment as the problem considered by respondents to be most important, more than doubling between 2001 and 2007.

3. Among canonical works on community policing, see Herman Goldstein, *Problem-Oriented Policing* (New York: McGraw-Hill, 1990).

crease) with no measurable impact on crime.<sup>4</sup> Bearing the brunt of decentralization's damages are cities, where about three of every four murders take place and where the most violent neighborhoods are the least able to demand or afford adequate security. While Venezuela's national homicide rate was 48 per 100,000 in 2007, for example, the rate in the capital city of Caracas was between 130 and 166.<sup>5</sup> Decentralization can turn out to be more undemocratic and more inefficient than centralization, as it often breathes new life into local prejudices, abuses, and clientelism that national standards held in check. Amid income inequalities, decentralization can also yield wide differences in the balance, and thus the quality, of state services, legal protection, and the guarantees of law and order. For example, while police are scarce in many of Latin America's rural areas, the greater scarcity of officials such as public defenders can diminish the civil rights component of law and order even more. As Brinks points out, the powers and informational gathering procedures of criminal justice officials help to explain wide differences among regions in the treatment of victims of police violence and why otherwise effective judiciaries underserve the poor. For basic rights and legal protection, decentralization has clearly expanded Latin America's "brown zones," which Guillermo O'Donnell defines as territorial areas where a lack of state services and authority lead to vacuums filled by locally powerful figures, such as *caudillos* and landowners who apply their own orders.<sup>6</sup>

Although much scholarship talks about state weakness, these books go deeper into the nuts and bolts of daily practice to provide important critiques of the internal functioning and politics of state institutions. The state agency with primary responsibility for law and order is, of course, the judiciary, whose two main tasks are to determine the constitutionality of law and to adjudicate specific cases. The essays edited by Sieder, Schjolden, and Angell demonstrate the extent to which Latin American courts have taken up political and social issues as a form of judicial activism, which Javier Couso defines as "the process by which courts and judges come to make or increasingly dominate the making of public policies that had previously been made by other government agencies" (106). Cepeda Espinosa shows the influence of Colombia's courts on social issues, for example, and Wilson demonstrates that of Costa Rica's high court on legislation. "As elected officials are increasingly viewed as narrowly partisan, corrupt or simply incapable of protecting citizen's rights and interests,"

4. Soraya El Achkar, "Police Reform in Venezuela," in *Best Community Policing Practices in Latin America*, ed. Mark Ungar and Desmond Arias (forthcoming).

5. "Deadly Message," *The Economist*, July 19, 2008, p. 47

6. Guillermo O'Donnell, "On the State, Democratization, and Some Conceptual Problems," *World Development* 21 (1993): 1355-1369.

Hilbink sums up, people “are turning to judges as an alternative” (18). As they then rule on cases and laws, judges help bring a “culture of justification” to state acts (21), in the process helping anchor the state to democratic standards by infusing the courts with citizenship and legitimacy.

By demonstrating how Latin America’s criminal justice systems have strayed from such principles, the case studies in the books reviewed bring out three inherent causes of the perpetual shortfall in law and order: (1) institutional chaos, (2) politicized and biased internal processes, and (3) vulnerability to external pressures. On the most basic level, criminal justice systems are chaotic. Among other authors in the collection edited by Sieder, Schjolden, and Angell, Reames discusses how personnel conflicts, poor training, and budget constraints hamstring law enforcement from the start. Examining the final step of criminal justice, Azaola and Bergman show that Mexico’s prison population has almost doubled since the mid-1990s. The resulting conditions of violence, overcrowding, and systemic violations of due process are typical in Latin America, where, on average, 70 percent of those incarcerated at any given time have not been tried. After a regional increase in incarcerations of 79 percent since the mid-1990s,<sup>7</sup> twenty countries have prison occupancy rates of more than 120 percent, and many individual facilities are at more than four times intended capacity. Such conditions foster corruption and organized crime, and prisons erode law and order through direct threats against society and violations of individual rights.

Behind such statistics are individuals, of course, and these books show how the state’s limits are clearest when experienced by citizens requiring its assistance. Highlighting the complex interplay of social conditions, institutional capacities, and unstated biases, for instance, Brinks explains how status alone shapes the ability of victims of police violence to provide information, and the efforts made by officials to obtain it, thus tilting the judicial playing field before court action ever begins. The points made about attitudes, caseloads, and pressures by Brinks and in the volume by Cornelius and Shirk are also evident in Latin America’s codes of criminal procedure. With fewer than 5 percent of homicides leading to conviction in Latin America, fourteen countries have adopted new codes since the early 1990s to speed up trials, to clarify each criminal justice agency’s role, and to strengthen due process by replacing glacial written procedures with oral trials, by transferring investigative authority from the police to prosecutors, by creating new courts at the investigative and sentencing phases, and by expanding alternative sentencing. These codes have altered the very ways in which Latin America carries out criminal law, from detention to trials, and represent one of the most important areas

7. *World Prison Population List* (London: International Centre for Prison Studies, 2005), <http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/>.

of legal reform in the current democratic period.<sup>8</sup> But the promise and significance of these codes have been downgraded by poor institutional functioning marked by inadequate training in new procedures, confusion over new roles, and distrust among officials. Because the “various stages are closely interconnected,” as Zepeda Lecuona points out in *Reforming the Administration of Justice in Mexico*, “the performance of each has repercussions for the others” (137). And so new codes often unravel as prosecutors struggle to balance their dual roles of conducting investigations and prosecuting crimes; as judges are buried under new structures and procedural requirements; and as police officials, chafing against limits on their authority, withhold evidence or beat detainees as a way to counter fortified due-process protections. As codes then become a convenient target of blame for continuing crime and judicial ineffectiveness, achieving stable law and order becomes even less likely.

The books under review show that internal politics and traditions also determine internal processes. On one level, the positivism of Latin America’s Napoleonic legal roots has steeped the region’s judges in a self-perception as apolitical and even mechanical applicators of the law. Indeed, despite new codes and the authority that they acquired in the late 1800s, Latin American courts did little to challenge state action against budding opposition groups in the early 1900s. On another level, as Hilbink discusses in detail, controls by top judges over discipline and promotion within the judiciary forced new appointees to “curry favor” with their superiors (34) and helped the long-standing tradition of restrained jurisprudence and defense of the status quo to survive even major constitutional change. So, even amid the blatant and massive violations of rights by Chile’s dictatorship from 1973 to 1990, the “institutional structure and ideology of the Chilean judiciary rendered it highly unlikely that judges” would defend “democratic principles” (33). As Couso adds in *The Judicialization of Politics in Latin America*, the judiciary “defended its trajectory during the military regime by declaring that the mission of the courts was just to obey the existing law, not judge the justice or injustice of it” (111).

In addition to internal pressures, external pressures also may continue unabated through regime change, as Pérez Perdomo’s study of the Venezuelan Supreme Court shows in *Judicialization of Politics*. The 1998 election of President Hugo Chávez broke the stranglehold of the country’s two dominant parties, which appointed judges on a partisan basis and kept them subservient through liberal use of temporary appointments. But even more direct intrusion came in 1999 from a judicial emergency

8. As many scholars discuss, the law comprises rules as well as rules about rules (e.g., penal process codes). See Philippe Nonet and Philip Selznick, *Law and Society in Transition* (New Brunswick, NJ: Transaction Publishers, 1978); and Austin Sarat and Thomas Kearns, eds., *Law’s Violence* (Ann Arbor: University of Michigan Press, 1995).

commission appointed by the Chávez-dominated National Constituent Assembly to evaluate the Supreme Court, purge judges, and develop new rules. A divided court recognized the commission's legitimacy, prompting the resignation of its president, Cecilia Sosa Gómez, who declared that the court "has effectively committed suicide to preempt its own assassination" (137). Since her selection as president, Sosa in fact had led the court's challenge to long-established practices of law and order. Particularly significant was her 1997 petition of unconstitutionality against the Law of Vagabonds and Crooks, which long was a primary source of abuse by allowing uncontrolled discretion in arrests based on noncriminal behavior.<sup>9</sup> The decision of the court, which rejected two previous measures against the law, was due in part to a rare opportunity to take on a political question amid the crumbling legitimacy of the two main parties and the president. This also opened the way for legislative "mavericks" to adopt Venezuela's progressive code of criminal procedures.<sup>10</sup> Sosa's tenure was thus bookmarked by strong examples of how much the outside political context determines court freedoms and restrictions. It also demonstrated the court's limited ability to have its rulings enforced—a perennial weakness that these books point out. The 1997 ruling against the Law of Vagabonds triggered a strong backlash particularly with concerted political efforts to resurrect it and greater use of alternative forms of questionable and abusive forms of detention by police.

Beyond abuse, the acts of criminal justice officials affect all of society. Even increasingly strong laws and oversight agencies—often formed in response to specific abuses—cannot seem to slow a growing public estimation of policing as not simply discriminatory or deprivational but also illegitimate and unpredictable. In most places, it is anybody's guess whether police will try to resolve a violent incident, whether good public defenders will be available, and whether corrupt officials will be exposed, as Robert Kossick and Rubén Minutti well describe in the case of Mexico in *Reforming the Administration of Justice in Mexico*. Alliances among security agents, organized crime, private security, and local elites make citizen relations even more uncertain. As a result, even victims and witnesses do what they can to avoid being trapped in the state's criminal justice system. As David Shirk and Alejandra Ríos Cázares point out in the same volume, reporting crime "may even lead to further victimization by authorities" (12). In Costa Rica, for example, rape victims must describe their attacks at seven different steps. As a result, 80 percent of cases do not get to trial, and

9. The court ruled that the law violated prohibition of punishment for acts not defined as crimes and that its implementation by executive officials violated the right to a natural judge.

10. Personal interview with Luis Enrique Oberto, legislative commission president, June 29, 1998.

only half of those that do result in conviction.<sup>11</sup> Such abuse can become systemic and enduring, as Kathleen Staudt and Irasema Coronado describe in Cornelius and Shirk's volume with respect to the killings of hundreds of women and girls in the Mexican city of Ciudad Juárez. Even efforts to provide justice for women, as Fiona Macaulay points out in *Judicialization of Politics in Latin America* for the case of the Brazilian Special Criminal Courts, may create parallel systems that "effectively decriminaliz[e]" offenses and naturalize the violence of domestic relations (221).

Together, such conditions call into question the integrity of the state. In discussing how organized crime's "web of affiliations" extends to "government, state, political parties, law enforcement agencies, business, [and] labor," in particular, Alfredo Schulte-Bockholt, in *The Politics of Organized Crime and the Organized Crime of Politics*, asserts the need to analyze "the degree to which these groups are indeed involved in political decision-making behind the scenes" (7, 11). States riddled with such interference and illegal activities tend to be considered "weak,"<sup>12</sup> or to suffer "a crisis of hegemony" (26). But, in fact, the more corrupt realms of state functioning may be the most stable. Just as judiciaries under authoritarianism may attain more independence on certain issues than those in a transitional democracy maneuvering among competing elites, so, too, can a narco-dominated *fiscalía* (prosecutorial agency) be more independent on low-level cases. "The line between state and society," Timothy Mitchell writes, is "drawn internally, within the network of institutional mechanisms through which a certain social and political order is maintained."<sup>13</sup> When outside actors determine that order, they turn the state into a host for viral practices that undermine democratic standards. When organized crime penetrates a police agency, for example, who is actually providing security? When agencies are more respectful of certain legal standards to avoid drawing attention to their corrupt activities, what happens to the rule of law? Penetration by organized crime into criminal justice bodies—belatedly addressed by programs such as the United Nations' International Commission against Impunity in Guatemala—thus overturns assumptions about the complementarity of democracy, state strength, and the rule of law. So, although these books extensively cover problems such as corruption, they need to embed them more fully into theoretical distinctions between institutional practice and institutions themselves.

11. Carlos Arguedas, "80 por ciento de denuncias por el delito de violación no llegan a juicio," *La Nación* (Costa Rica), July 3, 2005, 16a.

12. Piet Van Reenen, "Policing Extensions in Latin America," in *Armed Actors: Organised Violence and State Failure in Latin America*, ed. Kees Koonings and Dirk Kruijt (London: Zed Books, 2004), 33–51.

13. Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics," *American Political Science Review* 85, no.1 (1991): 90.

## DEMOCRACY

Examination of the state's functioning also raises the need to reassess the extent to which democratic processes and principles are upheld. These books explore this through accountability and other cornerstones of democratic government. But they should go further in considering why such principles are weak in two areas where they should be most strongly upheld: in the process of lawmaking and in the participation of society.

The accountability of state institutions to constitutional standards is a basic foundation in democracy's consolidation after authoritarianism. By describing and analyzing mechanisms that advance and monitor accountability, these books build not just on democratization literature,<sup>14</sup> but on works showing how a "synergy" of strong but flexible and mutually accountable relations between state and civic actors can generate effective policy.<sup>15</sup> Financial, linguistic, and geographic barriers to judicial access have led to some strong forms of interaction, such as alternative mechanisms of conflict resolution through justices of the peace and community justice councils in many urban and mainly indigenous areas, where mediation has proved effective and popular in resolving disputes that would never reach the courts. As Enrique Peruzzotti and Catalina Smulovitz assert, the growing range of "alternative forms of political control that rely on citizens' actions and organizations" can get mechanisms of accountability into gear through social mobilizations, legal claims, and media exposure (309). As the case studies in their volume detail, civil society can trigger both vertical accountability between state and society, and horizontal accountability among state agencies.<sup>16</sup> An early example of the power of "multiple activation" (a term used by Lemos-Nelson and Zaverucha in their study of Brazil) occurred in Argentina when the gay rights group Comunidad Homosexual Argentina appealed after a civil court rejected its petition for legal recognition and President Carlos Menem, startled by protests on a carefully choreographed tour of the first world, pressed the Supreme Court to grant recognition in 1993. A more recent example is the August 2008 acknowledgment by President Felipe Calderón that Mexico's crackdown on crime and planned restructuring of federal security agen-

14. See Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore: Johns Hopkins University Press, 1996); and Frances Hagopian and Scott P. Mainwaring, eds., *The Third Wave of Democratization in Latin America* (New York: Cambridge University Press, 2005).

15. See Peter Evans and Elinor Ostrom, eds., *State-Society Synergy* (Berkeley: University of California Press, 1997); and Merilee S. Grindle, *Despite the Odds: The Contentious Politics of Education Reform* (Princeton, NJ: Princeton University Press, 2004).

16. See, among other works, Guillermo O'Donnell, Jorge Vargas Cullell, and Osvaldo M. Iazzetta, *The Quality of Democracy: Theory and Applications* (Notre Dame, IN: University of Notre Dame Press, 2004).

cies had floundered, leading him to appeal to citizens to start reporting crime more often.

Often missed in these works is the long-term effectiveness of accountability mechanisms. Most definitions of accountability comprise two elements: the first is explanation, transparency, and answerability (the power to know what is happening and why), and the second is judgment and sanction (the ability to punish those who violate laws). Accountability agencies have become increasingly able to attain the first element and, under favorable conditions and cooperative courts, the second as well. In *Enforcing the Rule of Law*, Rosangela Batista Cavalcanti, for example, describes how citizen groups have sued mayors in Brazil for failing to provide sufficient support for “tutelary” councils that bring citizens into policy planning (34–54). In most countries, though, accountability is under threat from the widespread belief that it hinders the decision making necessary to overcome persistent economic and political problems. Unconstitutional activities, from individual corruption to federal intervention, are tolerated if the public views them as necessary to decisive action or as a reasonable price to pay for it. With crime now one of the biggest public concerns, support for crackdowns that may even involve extrajudicial killing is clashing with laws that guarantee the right to constitutional democracy. In Maracaibo, Venezuela’s second-largest city, 91 percent of one poll’s respondents did not “feel secure” with the police, but an astonishing 47 percent favored police killing of delinquents.<sup>17</sup> That is, even mistrust of a state agency does not necessarily mean that citizens want it to be held accountable. The inhumanity of Latin America’s prisons similarly comes not just from financial and administrative limits but also from wide acceptance of them as fit punishment for suspected and convicted criminals alike.

In these books, accounts of social accountability’s power are coupled with cautions about its limits. Consider the following examples from Peruzzotti and Smulovitz’s collection. Examining the potential of the press to galvanize public accountability in Argentina, Silvio Waisbord shows that coverage of substantive scandals not affecting immediate concerns is consumed by “phantom publics” that do not put direct pressure on the officials involved (299). Looking at the Civic Alliance, a national coalition of nongovernmental organizations in Mexico that pushed for more open political processes in the 1990s, Alberto Olvera Rivera shows that “in the absence of laws and institutions” it is difficult for citizen mobilizations to carry their demands beyond targeted aims (205). Nuria Cunill Grau makes a similar point about the difficulty of gaining the state-held information needed to actually use accountability laws. Analyzing the links between vertical and horizontal accountability, O’Donnell points out that

17. Luis Gerardo Gabaldón, *Presencia policial en zonas residenciales urbanas* (Mérida, Venezuela: Universidad de los Andes, 1988).

“the success of a given social accountability action . . . [is] strongly influenced by the disposition to consequently act on the part of some relevant horizontal accountability agencies” (339). As Claudio Fuentes describes in the case of Chile, even pro-reform governments have had to be “on good terms with the institution in charge of providing public safety,” forcing a “trade-off between promoting citizens’ rights and defending the police from allegations of misbehavior” (155–156). His reference to Chile’s conservative predispositions affirms Hilbink’s institutional analysis of its judiciary and, as in democratization literature of how transitional modes can restrain rights accountability, further exhibits the effect of politics on law and order. “Civil association may represent strong ‘factual power,’” Andreas Schedler states, but it “can never match the state’s monopoly of legitimate physical violence or its privileged position as the source of law.”<sup>18</sup> So while accountability agencies around the region have made important advances in knowledge and punishment, they have yet to realize a more substantive uprooting of the sources of unaccountable action. The chaotic administration and political power of security agencies, along with the urgency of immediate results, makes that goal particularly elusive in law and order.

It is the government that often puts the brakes on such accountability, of course, because officials “immobilized by oversight mechanisms” may be “perceived as indecisive, ineffective, or inept.”<sup>19</sup> In addition to incentives in the legislature, there is a lack of coherence. In *Enforcing the Rule of Law*, Adam Pzeworski emphasizes the decline of political parties, which, throughout Latin America, has hindered the development of consistent and feasible security policies. As Staton discusses in Cornelius and Shirk’s volume, judges could not carry out many reforms “without the support of the elected branches of government” (291). In 2004, after the kidnapping and killing in Buenos Aires Province of a twenty-three-year-old, middle-class student led to a protest by two hundred thousand citizens, the congress enacted a series of hastily drawn-up laws and positions, such as lowering the age for criminal liability, which had little impact on crime and clashed with executive policy.

With such relentlessly increasing crime rates and equally relentless media sensationalism, people often think that crime continues to rise, even as it is falling. Trying to bring quick results during their limited time in office, officials sacrifice long-term structural change in the name of immediate results, using concerted actions—such as special units and de-

18. Andreas Schedler, “Conceptualizing Accountability,” in *The Self-Restraining State*, ed. Andreas Schedler, Larry Diamond, and Marc Plattner (Boulder, CO: Lynne Rienner, 1999), 25.

19. Scott Mainwaring, “Introduction,” in *Democratic Accountability in Latin America*, ed. Scott Mainwaring and Christopher Welna (Oxford: Oxford University Press, 2003), 4.

centralization (another source of police proliferation and abuse)—that bring down crime rates temporarily but do not address long-term causes, structural deficiencies, or policy weaknesses. Most governments lack the political and institutional support to enact long-term plans in any case. Squeezed between public opinion and institutional limitations, most governments end up with piecemeal and often contradictory approaches. Bills and proposals tarred as soft on crime or that address structural problems head-on, at best face steep uphill struggles. In 2007, for example, Honduras pointedly rejected direct international pleas to moderate its harsh antigang laws. An increasing number of other countries, of course, have adopted zero-tolerance policies. Although zero-tolerance bills fill up courts and prisons even more, while aggravating inefficient and abusive policing, they sail through legislatures and are the best guarantee of quick results. To this end, many governments bring the military into policing, which waters down both individual rights and state accountability, as in *Reforming the Administration of Justice in Mexico* Sigrid Arzt shows for Mexico. In the same volume, Mario Arroyo Juárez and Robert Varenik provide detailed critiques of Mexico City's attempt to adopt New York's vaunted zero-tolerance model, which police chiefs around the region constantly cite as the model to which they strive without understanding that they do not have the data, administration, social services, courts, or oversight to make it work. Instead of adjusting laws to the limits of their states, that is, many governments aggravate them.

Much of society's support for zero tolerance comes from what Susana Rotker calls a "citizenship of fear" that saturates Latin American metropolises.<sup>20</sup> As fear of crime fans out across neighborhoods, times of day, and types of people, it not only bolsters support for harsh responses but also, as John Keane observes, "robs subjects of their capacity to act with or against others," corroding civil society and "the soul of democracy."<sup>21</sup> Many others opt out of the state altogether, turning to private security agencies, whose approximately 1.6 million registered agents (along with unregistered agents) now dwarf the region's public security sector. According to Schulte-Beckholt, in this "fragmented social environment" communities also enforce the law themselves (11). Beyond the community justice forums described previously, or the kinds of community organizations that mediate local problems, as Pablo Piccato describes for Mexico City in Cornelius and Shirk's volume, vigilantes have spread throughout Latin America. Ranging from spontaneous mobs to "social work" groups tied to security officials, they have widened their targets from individu-

20. Susana Rotker, ed., *Citizens of Fear: Urban Violence in Latin America* (New Brunswick, NJ: Rutgers University Press, 2002), 17.

21. John Keane, "Fear and Democracy," in *Violence and Democracy*, ed. Kent Worcester, Sally Bermanzohn, and Mark Ungar (New York: Routledge, 2001), 235.

als suspected of particular crimes to “undesirables” from marginalized societal sectors and police officers or mayors suspected of corruption. Responsible for about six thousand killings each year in Latin America,<sup>22</sup> vigilantism reveals both the weakness of state rules and their destructive synergy with societal violence.

In their presentation of specific problems, cases, and actors—such as judges, societal organizations, and criminal networks—these books demonstrate why the terms and processes identified with law and order must be constantly reviewed. When impunity now refers to the lack of prosecution of criminals and the right to security trumps civil and political rights, it is clear to see the difficulty of getting fractured states and society to stabilize the relations needed to return to democracy’s expected path toward law and order.

22. Scott Johnson, “Vigilante Justice,” *Newsweek*, December 20, 2004, 22–23.