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Commentary

Staging the crime scene: feminicide and performativity in Ciudad Juárez

Josh Weeks[1,*]

[1] 'Languages of the Future', University College London (UCL), UK
* Correspondence: josh.weeks@ucl.ac.uk

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Abstract

This commentary focuses on what Monárrez Fragoso calls 'systemic sexual feminicide' in Ciudad Juárez and examines the patriarchal-colonial conditions that make the murder of women possible and widespread. Specifically, it draws on the work of Rita Laura Segato to show how the style of the killings – the rape, torture and murder of victims who are then dumped in semi-public spaces – relates to the production of impunity, before turning to individuals and groups that challenge this relation.

Keywords feminicide; femicide; Ciudad Juárez; Mexico; immunity; the Mexico–US border; North American Free Trade Agreement; NAFTA; neoliberalism

Introduction

In her book, *Crime Scene Staging Dynamics in Homicide Cases*, forensic criminologist Laura Gail Pettler writes:

> Murder is a very messy situation and those who commit murder, but who do not want to take responsibility for their behavior, sometimes choose to change things around in the crime scene … to make it look like something else actually happened.
>
> … *this is the essence of crime scene staging.*[1]

While this assertion may appear uncontroversial, and even obvious, it omits modes of crime scene staging that are not motivated by the desire to 'get away with it'. This omission will be glaring to anyone who has read Roberto Bolaño's *2666*. A mega-novel that comprises five loosely connected parts, *2666* revolves around the fictional city of Santa Teresa, a thinly veiled representation of Ciudad Juárez along the Mexico–US border, where countless women and girls have been murdered since at least the early 1990s.[2]

The central section of *2666*, 'The Part about the Crimes', dedicates almost 300 pages to cataloguing the discovery of 112 female corpses between 1993 and 1997. As in real life, most of the victims are young and brown-skinned, many of them sporadically employed by one of the city's *maquiladoras*.[3] Each case follows a similar trajectory: the victim turns up half-buried in the desert, a rubbish dump or a vacant lot, usually exhibiting signs of rape and torture. The police are often slow in getting to the scene and when they do finally arrive, they are quick to dismiss the victims as sex workers who have brought violence upon themselves. Finally, evidence is either missed or conveniently lost, bringing about a variation on the refrain, 'the case was soon closed'.[4]

While writing *2666*, Bolaño was corresponding with the Mexican journalist Sergio González Rodríguez who, in 2002, published his investigation into the Juárez feminicide, *Huesos en el desierto* (Bones in the Desert).[5] Like many of the studies conducted before and since, González Rodríguez focuses not just on the murders, but also the context of corruption, impunity and economic deregulation in which they have been committed. Juárez has become an emblem of the death and devastation wrought by neoliberalism. Among the victims, there is a 'predominance of women … who are students or labourers – all economically marginalised'.[6] There is no greater evidence of this economic dimension of the feminicide than the signing of the North American Free Trade Agreement (NAFTA) in December 1992, which coincided with an escalation of the killings.[7]

In what follows, I draw on the work of Argentine anthropologist Rita Laura Segato to show what can be gained from reading the Juárez murders through the lens of crime scene staging. Specifically, I illustrate how the public nature of the killings relates to a specific performative function: the production of impunity, which, for Segato, is inseparable from the act of murder itself. Impunity, according to this perspective, is the consequence of a continual restaging that sanctions and absolves the perpetrators of feminicide. As Segato writes in *La guerra contra las mujeres* (The War against Women): 'more than a cause, impunity can be understood as a product, the result of these crimes, and the crimes as a mode of production and reproduction of impunity: a blood pact in the blood of the victims.'[8]

A note on terminology: feminicide

My decision to use the term 'feminicide' rather than 'femicide' is in line with recent Latin American feminist scholarship. Popularised by the Mexican scholar Marcela Lagarde in 1987,[9] feminicide contains subtle but important nuances that differentiate it from its precursor 'femicide', which was popularised by Diana E. H. Russell in 1976.[10] While femicide refers to 'the killing of women by men because they are women',[11] the term 'feminicide' is bound up with an acknowledgement that gender is culturally constructed and that victims of male violence are not just cis women. What is more, the term feminicide looks beyond the specific scene of violence, extending its analysis to the systems and power structures that render women vulnerable to harm. As Rosa-Linda Fregoso and Cynthia Bejarano suggest:

> Feminicide is gender-based violence that is both public and private, implicating both the state (directly or indirectly) and individual perpetrators (private or state actors); it thus encompasses systematic, widespread, and everyday interpersonal violence … feminicide is systemic violence rooted in social, political, economic, and cultural inequalities.[12]

Within this framework – which Lagarde, as President of the Comisión de Feminicidio (Commission on Feminicide) in Mexico, was instrumental in shaping[13]– gender-based violence is treated as a human rights violation, forcing the international community to act against states and institutions that tolerate

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feminicide. Feminicide, then, refers not just to the murder of women, but also to the broader conditions that make such brutality possible.[14]

The conditions in question emerge at the fatal intersection of patriarchy and colonialism. In the words of Julia E. Monárrez Fragoso, who was one of the first people to use the term *feminicidio* in relation to the murder of women in Juárez,[15] 'colonial structures adjust to the economic demands of a new epoch where a state, a product of the neocolonial difference, leaves worker women's bodies and sexuality unprotected in the interest of global capital'.[16] The historical occupation of Mexico by the United States reverberates and is exploited in the present, specifically in the form of outsourced labour that does not just ensure the cheap supply of goods, but also the increased possibility of death – especially for subaltern women. Hence, feminicide is not just patriarchal violence, but also (neo)colonial violence.

Grounding her analysis in this transnational context, Monárrez Fragoso focuses on what she calls *feminicidio sexual serial* ('serial sexual feminicide') or 'systemic sexual feminicide'.[17] This category depends on a number of related factors:

> the place where the victim was found, generally in a deserted area; if the forensic report found that the victim had been raped; where there is no such information, the nudity of the body, the way the corpse was left and the different forms of torture and mutilation to which it was subjected are taken into account.[18]

From 1993 to December 2020, there were 149 cases of systemic sexual feminicide in Juárez.[19] Of the 103 women who have been identified, around a third were labourers and/or students.[20] The majority of victims came from the western part of the city, which has the highest concentration of immigrants, and where basic infrastructure – clean water, electricity, paved roads, a sewage system – is at its worst.[21]

To reiterate, feminicide denotes *all* forms of gender-motivated killing of women by men, and not just those cases in which sexual assault has taken place. The 149 cases mentioned above comprise only a small number of the 2,239 documented cases of feminicide in Juárez (as of 2020).[22] But at the same time, it is important to acknowledge how pervasive systemic sexual feminicide was, and is, in the region. As Monárrez Fragoso reminds us, 'never before had there been seen the continuous murder of women raped and dumped in empty lots in desert areas of the city as in the 90s'.[23] Without discounting the various forms that feminicide can take, the following analysis focuses on systemic sexual feminicide.

Producing impunity

As I have already alluded to, the longevity of the feminicide in Juárez has been enabled by a mixture of institutional incompetence and corruption. There is a long-running pattern of attributing blame to lone-wolf serial killers who should be considered an aberration from the rest of male society.[24] This individualist approach, however, runs counter to the networks of power that have allowed the crimes to go unsolved and unpunished for so long. To put it simply, the material and human resources that are necessary to kidnap someone and later transport their lifeless body to a semi-public space without being arrested suggests a level of collaboration and influence that the lone-wolf theory cannot account for.

Rita Laura Segato challenges another feature of official discourse: the idea that the murders are sexually motivated. Rather, in her view, the sexual violence inflicted upon victims is a means of bolstering a dominant regional collective (or what she refers to as 'a Second State').[25] Let me unpack Segato's argument further: she claims that the Juárez killings are examples of 'expressive violence', which she defines as 'violence whose objective is the expression of absolute control of one will over another'.[26] While this expression of absolute control would appear to be directed towards the victim, Segato believes that it is part of a dialogue between perpetrators, a means of pledging one's commitment to a patriarchal brotherhood:

> I am convinced that the victim is the waste product of the process, a disposable piece, and that conditioning and extreme demands to cross the threshold of belonging to some sort of peer group can be found behind the enigma of Ciudad Juárez. Those that dominate the scene are the other men and not the victim, whose role is to be consumed to satisfy the demand of the peer group … These demands and forms of exhibitionism are characteristic of the patriarchal regime in a mafia order.[27]

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I find this framing of the victim as 'the waste product' problematic. It risks drawing attention away from the victim, as well as overlooking how sexual motivation and a hunger for power can coexist as part of the same violent operation. Monárrez Fragoso highlights this coexistence when she describes the 'intimate relationship between manliness and pleasure' that characterises systemic sexual feminicide.[28] What I think is critical, though, is the 'exhibitionism' of the killings, which challenges the perception of crime scene staging as deliberate misdirection. In other words, Segato's understanding of the killings as a series of communicative '*acting outs*'[29] forces a reappraisal of the how, why and for whom the crime scene is staged in a border context where evading culpability is clearly not the motive.

Indeed, most crimes harbour an expressive element insofar as they leave a mark on the perceptual field. This mark may form the basis of incriminating evidence, which in turn may lead to the crime being solved. What differentiates such crimes from the Juárez murders, however, is that their expressiveness is an unwanted side effect; a problem rather than a goal. The expressiveness of the Juárez killings lies in the fact that they are explicitly designed to be seen by others, and to thus send a message. But what exactly is being communicated through the killings? How and why does this feminicidal conversation contribute to the tightening of patriarchal bonds? Segato's answer to this conundrum forces us to rethink how we conceive of the concept of impunity. Specifically, she claims that impunity is not just a condition of the killings, but also the focus of their expressive content:

> On the one hand, it is about verifying an already existing power; on the other, about exhibiting the capacity to dominate that must be reissued with some regularity and can be associated with the ritual gestures of renewing the vows of virility. Power is, here, conditional upon a public exhibition often dramatised in a predatory act against the female body.[30]

Impunity, according to this perspective, is a performative mode of power that becomes more entrenched through repetition. Via an iterative restaging of female sacrifice – which expresses the ability to harm and kill without consequence – the perpetrators strengthen the circle of impunity within which they operate; this in turn strengthens their sense of connection and indebtedness to others in that circle. Far from fearing the prospect of being caught, the killers enact a staging of the crime scene whose flagrancy is a mark of legal exemption. The neoliberal drive towards accumulation at all costs is interwoven with a parallel economy: the marketplace of impunity, where value is contingent on the accumulation of female bodies.

In thinking about the performative effects of crime scene staging, we might consider the work of Judith Butler. Although Butler is most famous for their writings on gender, their understanding of social norms being reinforced through repetition strongly resonates with both the frequency and the expressiveness of the Ciudad Juárez killings. In fact, in their 2009 book *Frames of War: When is life grievable?* Butler extends their theory of performativity to the documentation of international conflict, posing the question 'does regulating the limits of what is visible or audible serve as a precondition of war waging, one facilitated by cameras and other technologies of communication?'[31] The central premise of *Frames of War* is that the layers of mediation through which we perceive an international conflict shape our personal and collective orientation towards that conflict. Crucially, however, the normative orientations that war produces and demands – the perception of enemies as ungrievable, for example – depends on a process of reproducibility that can have unexpected, sometimes radical, consequences:

> frames are subject to an iterable structure – they can only circulate by virtue of their reproducibility, and that very reproducibility introduces a structural risk for the identity of the frame itself. The frame breaks with itself in order to reproduce itself, and its reproduction becomes the site where a politically consequential break is possible. Thus, the frame functions normatively, but it can, depending on the specific mode of circulation, call certain fields of normativity into question.[32]

It seems apt to replace Butler's use of the term 'frame' with 'stage' when thinking about the Juárez killings – at least at the level of the staged crime scene. This is because the stage suggests a mode of mediation that does not rely on communication technologies, but which is no less effective or worthy of analysis because of that fact. It is not a coincidence that Monárrez Fragoso describes the spaces where victims are often found as 'sexually transgressive *stages* that are outside urbanising logic and publicly show the wounds of brutality and the erotics of terror'.[33] Nevertheless, the staged crime scene is subsequently framed and reproduced through the circulation of media coverage, which grants the

killings wider visibility. Visibility alone, however, is not enough to secure a critical orientation towards the killings. Questions about who is doing the framing, to what effect and in the name of which interests will remain unanswered if visibility remains our only focus. Rather, the task is to (re)frame the staged crime scene in such a way that the production of impunity is halted and emphasis is placed on mourning and justice for the victims and demands for social change.

Subjects of mourning

To conclude, I focus on two modes of framing that, in my view, achieve this resistive task. The first is the novel with which I began this commentary: Roberto Bolaño's *2666*. As I mentioned earlier, in the novel's most famous section, 'The Part about the Crimes', Bolaño painstakingly catalogues the murders of women in Juárez (which he renames 'Santa Teresa'). There are some who find this representation problematic. Alice Driver, for instance, suggests that 'Bolaño's work explores … the metaphysics of horror and evil without articulating any stated goals'.[34] 'The details are cold, methodological terms meant to turn women into the ultimate representation of horror,' she explains, 'an anonymous pile of dismembered bodies.'[35] While I understand why *2666* might elicit this kind of reading, I am not convinced that the novel's forensic register indicates a lack of concern about the material realities of feminicide. Rather, in my view, this forensic register allows Bolaño to foreground the systemic nature of the killings while also acknowledging their brutal singularity. Instead of accepting the production of impunity as an undifferentiated process of female sacrifice, Bolaño commits to narrating every instance in the sacrificial chain. He thus refuses to allow the expressive function of the killings to erase the identity of the victims. As the Mexican novelist and filmmaker Mario Bellatin has commented, 'Bolaño's novel is very important because he takes the victims, and he writes an epitaph for each one. As a writer, I know that is almost impossible to do.'[36]

Through its commemorative *and* systemic depiction of the Juárez killings, *2666* demonstrates how, in the words of Fregoso and Bejarano, feminicide 'extends beyond the private–public divide'.[37] The novel traces the impossibility of understanding the killings through the lens of an isolated case, but without losing sight of the fact that even the most egregious and long-running of murder sprees comprises individual victims and perpetrators. Connection and specificity are held in permanent tension.

This tension also relates to the second mode of framing I want to consider: the work of local non-governmental organisations (NGOs) that have been created as a response to the killings, which, both in isolation and together, contribute to stopping and calling for accountability for the feminicide. By the late 1990s, such NGOs included Voices without an Echo, comprising a group of family members of victims; Friends of the Women of Ciudad Juárez; Women for Juárez; May Our Daughters Return Home; and Women in Black, who are named after the mourning attire they wear to public events.[38] This in turn led to the creation of the Coalition Against Violence Toward Women and Families in 2001, a binational alliance that 'brings together disparate groups that share the common goal of ending the violence and locating the killers'.[39] As Kathleen Staudt and Irasema Coronado note, one of the coalition's key challenges to policy-makers is, 'You cooperate over auto theft; why not over the murders of girls and women?'[40] Over time, it has become clear that NAFTA does not apply to the free trade of information and human rights strategies that might protect vulnerable women from harm.

Indeed, one of the main difficulties facing the Coalition Against Violence Toward Women and Families is that its aims run counter to those of 'the chambers of commerce, the downtown merchants, and the *maquila* industries', specifically because calling attention to the killings might put off investors.[41] This prioritising of profit over human life mirrors the attitude of the perpetrators, whose staging of the crime scene communicates an unwillingness to grant the victims grievable status. Instead, victims are cast as disposable objects and so, their condition as human subjects is violently denied. 'Ungrievable lives', Butler explains, 'are those that cannot be lost, and cannot be destroyed, because they already inhabit a lost and destroyed zone.'[42] In the case of the Juárez killings, murder is naturalised through a discursive operation that presupposes its targets as lifeless, devoid of humanity.

The events that the Coalition Against Violence Toward Women and Families have organised or participated in work against this ungrievable staging. In 2002, for instance, hundreds of protesters from both Mexico and the United States came together at the border, many of them following the Women in Black by wearing symbolic clothing.[43] These public displays of mourning reached their peak on Valentine's Day 2004, when an estimated 5,000 to 8,000 protesters marched from El Paso to Juárez,

https://doi.org/10.14324/111.444.ra.2025.v10.1.011

the 'largest march across the border in the region's history'.[44] The continuation of the killings – in 2012 there were 14 victims, the joint second-highest after 1996, when there were 19 victims – has led to further events and initiatives.[45] The 'Disappearances Have to Disappear' campaign launched in 2013 included the setting up of a hotline dedicated to missing women and girls,[46] as well as the distribution of 100,000 posters around the city.[47] More recently, 2015 witnessed the emergence of the #NiUnaMenos movement, which began in Argentina following the murder of 14-year-old Chiara Páez, and has since spread to multiple Latin American countries. The movement's slogan is inspired by the Mexican poet and activist Susana Chávez, who in 1995 declared '*Ni una muerta más*' ('Not one more woman dead') in reference to the Juárez killings and who was herself murdered in 2011 by three male youths claiming to be gang members.[48] These movements reject the violent objectification of women witnessed at the staged crime scene, in which the body is reduced to expressive matter. Instead, they consolidate the victims of feminicide as subjects of mourning: friends, sisters, daughters *who matter*. It is only by acknowledging and reproducing these frames that the killings might be prised from the stage of the perpetrators, turning attention to the voices of resistance.

Notes

1 Pettler, *Crime Scene Staging Dynamics*, 3.

2 This horrifying phenomenon was first observed in 1993 by the women's rights activist Esther Chávez Cano, who went on to found the first rape crisis centre in Juárez: Monárrez Fragoso, cited in Fregoso and Bejarano, 'Introduction', 6. As Bolaño writes in *2666*, (353), however, 'it's likely there had been other deaths before ... Other girls and women who didn't make it onto the list or were never found, who were buried in unmarked graves in the desert or whose ashes were scattered in the middle of the night, when not even the person scattering them knew where he was, what place he had come to'.

3 *Maquiladora* is the Spanish term for a factory that assembles products for export operating under a favourable tariff or duty exemptions.

4 Bolaño, *2666*, 390.

5 González Rodríguez, *Huesos en el desierto*.

6 Monárrez Fragoso, 'Systemic sexual feminicide', 323. Monárrez Fragoso's analysis of the similarities between victims builds on the work of Jane Caputi.

7 See also Monárrez Fragoso, cited in Fregoso and Bejarano, 'Introduction', 12–13: 'The pervasive specter of civil wars and Latin America's Dirty Wars must also be factored into the architecture of feminicide, for the sexual degradation and dehumanization of feminicidal violence echo the repressed history of regimes of punishment designed for women under military regimes.'

8 Segato, *La Guerra contra las mujeres*, 43; translations here and elsewhere are my own.

9 Monárrez Fragoso, cited in Fregoso and Bejarano, 'Introduction', 5.

10 See Russell, 'Report on the International Tribunal', 2.

11 Russell, cited in Monárrez Fragoso, 'Systemic sexual femincide', 322.

12 Fregoso and Bejarano, 'Introduction', 5.

13 Fregoso and Bejarano, 'Introduction', 16.

14 There is also a decolonial dimension to the preference for the term 'feminicide' over 'femicide'. As I have mentioned, 'feminicide' was popularised by Marcela Lagarde, a Mexican feminist scholar. By centring, developing and disseminating this term, feminist scholars shift the ground of the debates around gender-based violence from the Global North to the Global South. Fregoso and Bejarano, 'Introduction', 4.

15 Fregoso and Bejarano, 'Introduction', 6

16 Monárrez Fragoso, 'Systemic sexual feminicide', 325.

17 Monárrez Fragoso, 'Feminicidio sexual serial'; Monárrez Fragoso, 'Systemic sexual feminicide'.

18 Monárrez Fragoso, 'Feminicidio sexual serial', 297.

19 Monárrez Fragoso, 'Systemic sexual feminicide', 326. See also Alice Driver, who emphasises the difficulty of establishing the exact number of victims: 'to date, no government agency has produced reliable statistics, forcing committed citizens and activists to step in and gather information themselves'. Driver, *More or Less Dead*, 14.

20 Monárrez Fragoso, 'Systemic sexual feminicide', 328.

21 Monárrez Fragoso, cited in Driver, *More or Less Dead*, 7.

22 Monárrez Fragoso, 'Systemic sexual feminicide', 322.

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[23] Monárrez Fragoso, 'Feminicidio sexual serial', 289.

[24] In 1995, for example, an Egyptian chemist called Abdel Latif Sharif was accused of seven of the killings. Writing in *The New Yorker*, Guillermoprieto explains that Latif Sharif Sharif 'was tried in 1999, and in the end convicted only of one [killing], the murder of seventeen-year-old Elizabeth Castro [García]. In the view of human-rights activists and journalists who have examined the Sharif trial record, there is no substantial evidence linking him to Elizabeth Castro's murder – a conclusion that Amnesty International concurs in. Sharif, throughout his years of imprisonment, has insisted that he is innocent.' See Guillermoprieto, 'A hundred women', n.p.

[25] Segato, *La guerra contra las mujeres*, 44.

[26] Segato, *La guerra contra las mujeres*, 39.

[27] Segato, *La guerra contra las mujeres*, 41.

[28] Monárrez Fragoso, 'Feminicidio sexual serial', 284.

[29] Segato, *La guerra contra las mujeres*, 34.

[30] Segato, *La guerra contra las mujeres*, 43.

[31] Butler, *Frames of War*, xi–xiii.

[32] Butler, *Frames of War*, 24.

[33] Monárrez Fragoso, 'Systemic sexual feminicide', 327, my emphasis.

[34] Driver, *More or Less Dead*, 89.

[35] Driver, *More or Less Dead*, 92.

[36] Mario Bellatin, quoted in Driver, *More or Less Dead*, 135.

[37] Fregoso and Bejarano, 'Introduction', 11.

[38] Staudt and Coronado, 'Binational civic action for accountability', 162.

[39] Staudt and Coronado, 'Binational civic action for accountability', 166.

[40] Quoted in Staudt and Coronado, 'Binational civic action for accountability', 167. They cite 'Field Notes (FN), 2002, 2003, Amigos de las Mujeres de Ciudad Juárez meeting with New Mexico legislators, U.S. consul, and Coalition against Violence, New Mexico State University, Las Cruces, 2003'.

[41] Staudt and Coronado, 'Binational civic action for accountability', 166.

[42] Butler, *Frames of War*, xix.

[43] Staudt and Coronado, 'Binational civic action for accountability', 167.

[44] Staudt and Coronado, 'Binational civic action for accountability', 174.

[45] Monárrez Fragoso, 'Systemic sexual feminicide', 326.

[46] Driver, *More or Less Dead*, 4.

[47] Driver, 'The power of mothers', n.p.

[48] 'Youths who murdered Mexican activist', n.p.

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