

**Naming and Framing:
Guatemala, Genocide and the Trial of Ríos Montt**

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Abstract

This paper examines the 'corrective' effects of different framings of the same historical event through a controlled experiment using the case of the 2013 domestic trial against former leader of Guatemala General Ríos Montt. The experiment uses video footage, commentary on the trial from international news media and a research design with one control group and two treatment groups across a total of 156 participants. The results of the project show that additional 'civil war' and 'international human rights law' treatments have an impact on how respondents feel about the guilty verdict of the trial, even after controlling for socio-economic attributes and ideological perspectives. These differential results have direct bearing on how human rights events are portrayed and analysed, and by extension, how advocacy efforts from human rights activists can benefit from appropriate framing of events.

Introduction

Throughout the latter half of the 20th Century, more than 100 countries increasingly embraced legal and quasi-legal processes to address ‘past wrongs’ of some kind, which typically have included large-scale human rights violations and crimes against humanity committed during periods of civil war, authoritarian rule, and foreign occupation (see Hayner 2002; Landman 2006; Landman and Carvalho 2009; Olsen, Payne and Reiter 2010, 2012; Sikkink 2011).

Popular examples of these processes include trials, amnesties, truth commissions, commissions of inquiry, reconciliation forums, human rights commissions, and ‘lustration’ processes which seek to provide a public accounting of what has happened, who is responsible, who the main victims of the crimes against humanity are (or were), and what should be done about the truth that is discovered. Between 1970 and 2007 there have been 848 of these different processes, where the most popular have been amnesties (424 or 50% of the total), followed by trials (267 or 32% of the total), truth commissions (68 or 8% of the total), lustration policies (54 or 6% of the total) and reparations (35 or 4% of the total (Olsen, Payne and Reiter 2010: 39). Between 1979 and 2009, there have been more than 425 cumulative years of prosecution for human rights violations (Sikkink 2011: 21). The use of trials has increased dramatically over this period, while the use of truth commissions has declined dramatically since 2000 (Olsen, Payne and Reiter 2010: 100; 2012: 208), although in 2011 Brazil established a long-awaited truth commission (Comissão Nacional de Verdade) to address the problem of alleged human rights abuses that took place during the military regime from 1964 to 1985.¹

Central to all these processes are the accounts provided by individuals that form the corpus of evidence that is used either to acknowledge past wrongs and human rights violations that had been committed and/or use in legal prosecution against perpetrators. Across many of these

¹ See <http://www.bbc.co.uk/news/world-latin-america-18087390>

transitional justice mechanisms, a large number of statements are taken from deponents, which are collected through a variety of means, including structured forms, semi-structured forms, and free text sheets. These statements have then been used for further statistical and content analysis, matching with other data sources, analysis and collation for reports, and the estimation of the number of victims during periods of authoritarian rule, conflict and/or foreign occupation (see Ball, Spierer and Spierer 2000; Landman 2006; Seybolt, Aronson and Fischhoff 2013). There is great variation in the size and quality of these accounts, while the ways in which they are used for judicial and quasi-judicial purposes varies considerably from one country to the next (see Reiter, Payne and Olsen 2010; Landman 2012).

Indeed, it is precisely this variation that has led some to take a more critical view concerning the objectivity that can be achieved through these processes. For example, Richard Wilson (1997) recalls an event in Guatemala in 1988 in which a local official was murdered after a football match. Beyond the fact of the event itself (shots were fired and the official was found dead), Wilson argues that any number of ‘frames’ could be advanced about this event that would lead to great variation in the interpretation and meaning of the event. He outlines five different explanations for why the official was killed, including military repression, party politics, intra-state rivalry, inter-elite rivalry, and moral economy. Each of the explanations is equally plausible, while assessments of what actually happened include a simple crime, an accident, or a human rights violation. Through his example, Wilson casts doubt on our ability to discern human rights violations from other acts of violence, where the framing of an event has a direct impact on the ability to shame the perpetrator.

Such violent events and the ways in which they are represented should be of central concern to human rights scholars and practitioners, where naming and framing is linked directly to counting violations, analysing violations, and using these strategies for advocacy at the national and international level (see Ball, Spierer and Spierer 2000; Seybolt, Araonson and

Fischhoff 2013). Frames have consequences (Poletta and Kai Ho 2006) and in the field of human rights, such consequences include accurate depiction of an event (Wilson 1997), objective counting of violations (Ball, Spierer and Spierer 2000; Landman 2006; Landman and Carvalho 2009; Seybolt, Aronson and Fischhoff 2013), successful advocacy of human rights concerns (Bob 2005, 2010; Hafner-Burton 2008), and the successful prosecution of perpetrators of human rights violations (Sikkink 2012).

In light of this central importance of human rights narrative accounts and frames, we use the 2013 trial of General Efraín Ríos Montt for genocide committed while in power in Guatemala as the basis for an experiment that tests the impact of different frames about the conflict in Guatemala on the willingness of respondents to find perpetrators culpable for gross violations of human rights, crimes against humanity and/or genocide. In the run up to the trial, a short PBS documentary² was prepared on the kinds of forensic, narrative, and statistical evidence that would be used to support the charge of genocide against Ríos Montt. This documentary formed the basis of our experiment and provided the initial exposure of our respondent pool to the case. The control group was shown the documentary and asked a series of questions about the court's verdict in the trial. The first treatment group was shown the documentary and then given an additional narrative about the insurgents in the Guatemalan conflict and the need for Ríos Montt to protect the state, and then asked the same series of questions about the verdict. The second treatment group was shown the documentary and then presented with legal definitions of genocide drawn from the Geneva Conventions, and then asked the same series of questions about the verdict. Our results, after controlling for a variety of confounding factors, show that framing matters for the ways in which people express a willingness to hold perpetrators accountable for human rights violations.

In order to demonstrate our findings, this paper is divided into five main sections. First, we

² Public Broadcasting Service, a US non-profit public broadcaster founded in Boston, Massachusetts in 1970.

provide a general overview of the conflict in Guatemala between 1960 and 1996, including data on the patterns of violence, which show that the peak in killings occurred during the Ríos Montt years. Second, we provide a brief chronology of the trial of Ríos Montt, from the early advocacy attempts for the trial to its guilty verdict and final annulment. Third, we outline the research design of the experiment conducted in October and November 2013 at the EssexLab at the University of Essex.³ Fourth, we present our analysis and findings, which proceed through basic descriptive statistics, bivariate analysis, and then a series of multivariate models that control for demographic, ideological and issue position variables. Finally, we summarise our findings and discuss the implications of framing for human rights analysis and advocacy.

Conflict in Guatemala

The conflict in Guatemala covers a long period between 1960 and 1996, where the heaviest period of violence occurred between 1980 and 1983. The main agents in the conflict were the government of Guatemala (variously led by military generals including General Ríos Montt) and various leftist rebel groups, which enjoyed support largely from indigenous groups. The conflict evolved through a series of phases that involved US counter insurgency assistance to the government, which was accelerated during the Reagan Administration in the 1980s, and which coincided with a contested and unstable period of democratic transition under President Vinicio Cerezo. New elections in 1990 brought in President Antonio Serrano who attempted an ‘autogolpe’ in 1993, which led to his removal from office and a transitional government led by human rights ombudsman Ramiro de Leon, followed by a cessation of violence and a peace process that effectively ended the conflict in 1996 (Brockett 2005; Winn 2006: 277-283; Weld 2014).

³ See: <http://www.essex.ac.uk/essexlab/>

The conflict was particularly violent, with estimates of the total number of people killed ranging from 125,606 to 138,742 (Ball 2000), where the largest number of killings occurred during the time Ríos Montt was leader (1982-1983). Figure 1 shows patterns in reported killings from 1960 to 1996, while Figure 2 shows the number of estimated killings by region during the conflict.⁴ Subsequent statistical analysis of the patterns of killings showed that indigenous people were six times more likely to be killed than non-indigenous people; a ratio of killing that supported the argument that the military regime had engaged in genocide (Ball 2000; Landman 2006). As would become clear during the trial, the Ríos Montt period not only saw the highest levels of killings, but also in the regions with high concentrations of Ixil people (Chajul, Cotzal, and Nebaj), the kill rate of indigenous people was consistent with this national level estimation. Between April 1982 and July 1983, out of a total population of 38,902 indigenous people, the army was responsible for 2,147 deaths (a risk of killing of 5.5%), while out of a total population of 5,882 non-indigenous people, the army was responsible for 41 deaths (a risk of killing of 0.7%). The ratio of risks of being killed was 7.9 for indigenous people (i.e. 5.5%/0.7%). In other words, for this region and this period, indigenous people were nearly eight times more likely to have been killed by the Guatemalan army. While statistics cannot prove intentionality, the patterns in killing do suggest that deaths in the region for these people during this period were caused by something other than random chance, and that the pattern of violence was consistent with other evidence of genocide presented by the prosecution.⁵

⁴ Reported killings are those killings that were actually reported and counted. Estimated killings are the number of killings that are thought to have occurred based on advanced statistical analysis of different sources of data using a technique called Multiple Systems Estimation (MSE). See Ball, Spierer and Spierer 2000; Landman 2006; Landman and Carvalho 2009; Landman and Gohdes 2013; Seybolt, Aronson, and Fischhoff 2013.

⁵ Dr Patrick Ball from the Human Rights Data Analysis Group makes this statistical point in the PBS documentary and in a later presentation about his organisation's work on estimating the number of killings in Guatemala as part of its contribution of evidence for the prosecution in the Ríos Montt trial. See http://media.ccc.de/browse/congress/2013/30C3_-_5405_-_en_-_saal_g_-_201312291730_-_data_mining_for_good_-_patrick.html

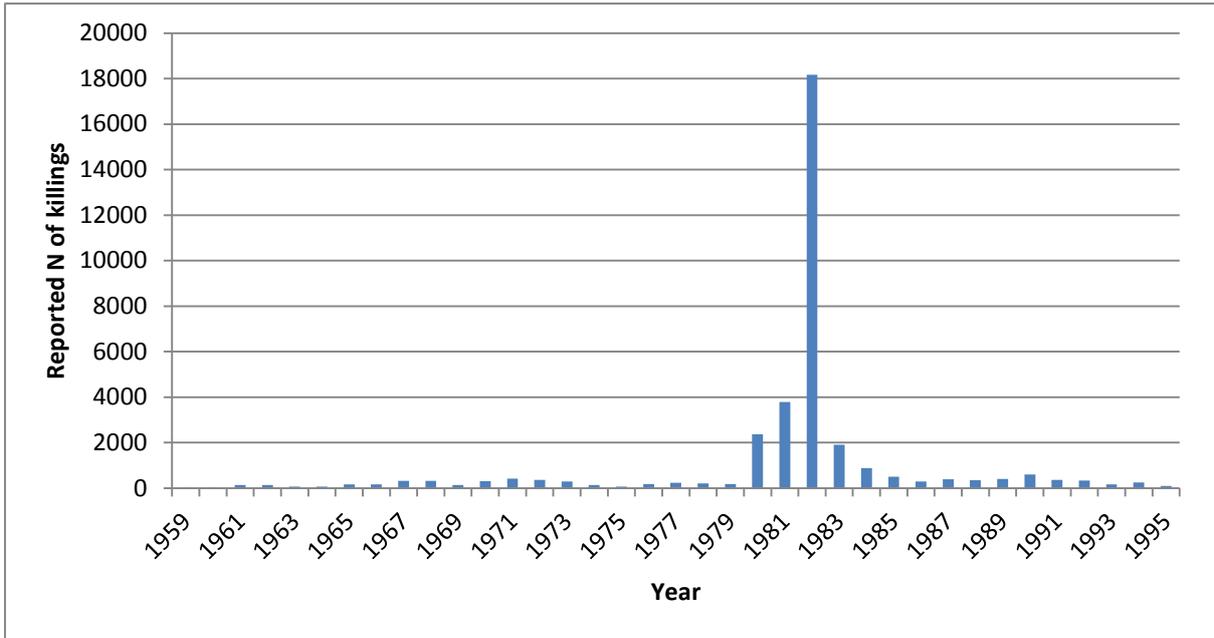


Figure 1. Reported killings in Guatemala, 1960-1996

Data source: Ball, Patrick, Kobrak, Paul and Spierer, Herbert (1999) *State Violence in Guatemala 1960-1996: A Quantitative Reflection*, American Association for the Advancement of Science, 119.

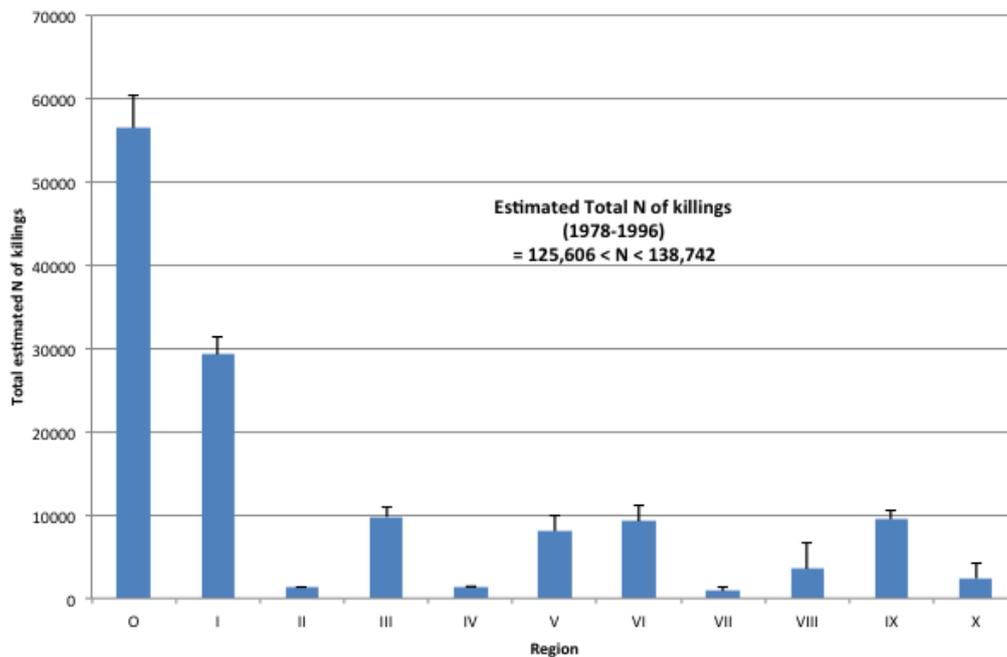


Figure 2. Estimated number of killings in Guatemala by region, 1978-1996

Data source: Ball, Patrick (2000) 'The Guatemalan Commission for Historical Clarification: Generating Analytic Reports,' in Ball, Patrick, Spierer, Herbert and Spierer, Louise (eds) *Making the Case: Investigating Large Scale Human Rights Violations Using Information Systems and Data Analysis*, American Association for the Advancement of Science, 270.

These totals with respect to killings across the country and within areas that had high concentrations of indigenous people led to increasing calls for some sort of criminal proceeding to hold General Ríos Montt to account. At the international level, international human rights law developed throughout the period of the conflict and in particular, the Rome Statute established the International Criminal Court in 1998, which came into force in 2002. This process of 'internationalization of criminal liability' (Falk 2000) and universal jurisdiction was buttressed by the 1998 detention of former Chilean Dictator Augusto Pinochet in London, the result of which led to a House of Lords ruling that former heads of state could be held accountable for past atrocities (see Landman 2013a). Such a ruling bolstered efforts within Guatemala to explore the possibility of bringing Ríos Montt to

justice. Prior to the Pinochet case, former leaders had lived under the assumption that they could not be held accountable for past wrongs, but now travel abroad could result in detention while domestic efforts at prosecution received a new impetus.

The 2013 Trial of Efraín Ríos Montt⁶

The development of national and international pressure for Guatemala to hold a trial built up over the period from 1999 to 2012, where early petitions and filings in the Spanish courts for universal jurisdiction did not lead to the issue of a warrant on the grounds of insufficient evidence and claims to immunity as an incumbent member of Congress until 2012. Once Ríos Montt ceased being a member of Congress, his immunity ended, his claims to amnesty were rejected, and he was ordered to stand trial in January 2013. The trial began on 19 March 2013, where the main charge was: ‘genocide and other charges related to atrocities committed against members of the country’s Mayan Ixil population.’ The prosecution and the defence presented their cases and testimony, but in April 2013 legal wrangling led to the cessation of the trial. It then resumed in early May and on 10 May 2013, it convicted Ríos Montt and sentenced him to 50 years in prison for genocide and a further 30 years for violating international humanitarian law (International Crisis Group 2013: 9). In her oral summation, Yassmin Barrios, who presided over the special high risk court said ‘[We] are totally convinced ...of the intention to cause the physical destruction of the Ixil group.’ (International Crisis Group 2013: 1). Such a conviction represented the first time a former head of state had been prosecuted in his own country’s domestic courts (International Crisis Group 2013: 1), and the decision was made on the systematic and intentional nature of the killings that had been committed.

The conviction, however, was annulled during a 10-day appeals period on the grounds that

⁶ We are grateful to research assistance of Emily Helms, PhD candidate in the Human Rights Centre at the University of Essex for background research on the chronology of the Rios Montt trial.

certain rights to an attorney and conditions of a fair trial had not been upheld. The trial was then set back to its status as of 19 April 2013, and on 27 October 2013 was put on hold until 2014. Appeals in 2014 have led to the trial being suspended until 2015. While the annulment is disappointing to human rights groups pursuing and following the case, the trial and its initial verdict provided an opportunity for us to test our main interest in the role of framing in significant human rights events. The trial's original result of 10 May 2013 concluded that genocide had been committed and that Ríos Montt was responsible. This decision thus formed the basis of our experiment, which used the verdict of the court along with priming information and additional framing information to test to the degree to which framing has an effect on the judgment of respondents as to the main charges levelled in the trial.

The Experimental Design

In late October and Early November 2013, 156 respondents were invited to the EssexLab and asked to take part in a survey that would last approximately 30 minutes in length.

Respondents were randomly selected from a subject pool consisting of students and community members from the Colchester, UK area, and they were told they were about to take a survey 'to help researchers better understand how citizens think about foreign and domestic issues.'⁷ Embedded within the survey was a video of approximately 14 minutes 30 seconds in length describing events that took place during the Guatemalan Civil War in the early 1980s. As described above, although there are occasional counter frames, the overall tone of the video suggests to the viewer that the deaths of over 1400 Ixil Mayans during the

⁷ Respondents completing the survey were paid a flat fee of £7.50 for their participation in the survey and experiment. When subjects were introduced to the survey, they were forewarned that the video 'contains language and graphics depicting the violence and consequences of a civil war' and told they had the right to discontinue the survey at any time. Three of those who began the survey did not complete the study due to technical difficulties with the audio, but otherwise none of the subjects voluntarily left before completing the survey. The embedded film was programmed so that respondents could not proceed to the remainder of the questions until a time equal to the length of the movie had elapsed. If a respondent had opted out, they would have been paid a 'show up' fee of £2.50. The video can be viewed here:

<https://www.youtube.com/watch?v=dOIJ1-7LDQs>.

1982-1983 rule of Efraín Ríos-Montt constituted an act of genocide.

After screening the video, the subjects were asked the following questions:

1. Do you believe the actions taken by the Guatemalan Army against the indigenous Maya constitutes genocide? (Answer: Definitely yes, Probably yes, Maybe, Probably not, Definitely not, Don't know)

2. Do you think **José Efraín Ríos Montt** is personally responsible for the actions against the Maya and should have been found guilty of genocide by domestic courts? (Answer: Definitely yes, Probably yes, Maybe, Probably not, Definitely not, Don't know)

3. Which comes closer to your opinion?
 - a. Whether or not General Montt committed genocide is an issue for Guatemalans to decide, and the international community should not be involved.
 - b. The international community must get involved when there are accusations of genocide.
 - c. Don't Know

The respondents were differentiated by being randomly placed into one of three groups:

1. A *Control Group* (N=55) who received the questions immediately following the video;

2. A *Counter Frame Group* (N=47) who before receiving the above questions were provided with a written narrative with authoritative sounding information from a university research centre and a frame suggesting that counterinsurgency measures against villages populated by indigenous Mayans was a necessity.

3. A *Legal Frame Group* (N=51) who before receiving the above questions were shown an excerpt from the *Convention on the Prevention and Punishment of Genocide*.

The full wording of the narrative received by the 'Counter Frame Group' is as follows:

The events discussed in the video occurred during a long and gruesome civil war. During the 1982-1983 civil war, when Ríos Montt was president of Guatemala, his Army fought a brutal counterinsurgency campaign against groups who fell under the banner of the URNG (Unidad Revolucionaria Nacional Guatemalteca).

The Consortium for the Study of Terrorism and Responses to Terrorism, an academic Research Centre housed at the University of Maryland notes the following: URNG rebels drew support from the country's rural poor and indigenous peoples, as well as from urban intellectuals. The various insurgent groups relied on ambushes and raids

against government security forces and the military, as well as bombings and assassinations. Foreigners, especially diplomats, and foreign businesses were also targeted.

Some might argue that Guatemalan military had no choice but to take the war to the countryside and conduct counter-insurgent sweeps in remote villages.

The full wording of the definitional frame received by the “Legal Frame Group” is as follows:

Please read the following excerpt from the Convention on the Prevention and Punishment of Genocide:

Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;*
- (b) Causing serious bodily or mental harm to members of the group;*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) Imposing measures intended to prevent births within the group;*
- (e) Forcibly transferring children of the group to another group."*

As this was not a representative sample, we wanted to rule out the possibility that the subjects’ beliefs about how their nation should conduct foreign policy would be more potent than the experimental treatments in driving responses to the above questions. Consequently, before coming to the video, respondents were asked a 21-question inventory measuring these beliefs. Question wording and response distributions are available in the online Appendix,⁸ showing considerable variation in answers to the questions. An exploratory factor analysis with a paired down set of the questions (results also available in the online Appendix) yielded three latent dimensions: (1) *Isolationism*: those scoring higher on this dimension believed their nation should not get involved in global conflicts and mind its own business; (2) *Unilateralism/Militarism*: those scoring higher on this dimension believed their nation

⁸ The online appendix is available here: <http://www.todd-landman.com/current-research/>

should be ready and willing to use the military in response to an international crisis and, when necessary, should act alone to safeguard its interests; and (3) *Multilateralism/Humanitarianism*: those scoring higher on this dimension believed that their nation should work to secure ends of foreign policy via international organisations such as the UN and they are also willing to see their country expend resources to help the world's less fortunate. The observed variation in respondents' locations across these three continuous dimensions ensured that our respondents had a diversity of beliefs on foreign policy topics. In the multivariate analyses to follow, we test whether these dimensions motivate responses to the above three question above and beyond the treatments and/or if the treatments had the potential to mediate the effects of these core foreign policy attitudes.

As the subject pool for the ESSEXLab is diverse, we also collected the demographic characteristics of respondents. Those who participated in the experiment were, on average, quite young—the median respondent was just 21 years of age. The respondent pool was two-thirds female and 44% were non-British. We added a control variable to differentiate citizens from non-citizens and a control for gender in the multivariate analyses. The non-citizen control was used to capture the idea that those who spent their adolescence in different nations might have much different perspectives on world affairs.

With these additional controls on place and with our data collected accordingly, our primary hypotheses tested with this experimental design are as follows:

H₁: Those in the *Counter Frame Group* should be less willing to believe that the actions of the Guatemalan Army constituted genocide.

H₂: Those in the *Counter Frame Group* should be less willing to hold Ríos Montt personally accountable for the actions of the Guatemalan Army.

H₃: Those in the *Counter Frame Group* should be less willing to believe that the international community must get involved in deciding cases of genocide.

H₄: Those in the *Legal Frame Group* will have different opinions than those in the control frame over whether or not the actions of the Guatemalan Army constitute genocide.

H₅: Those in the *Legal Frame Group* will have different opinions than those in the control frame over holding Ríos Montt accountable for his actions.

H₆: Those in the *Legal Frame Group* will be more likely to want the international community to become involved when accusations of genocide are made.

H₁ through H₃ are one-tailed hypotheses. Respondents receiving a short statement contradicting the long video accusing the Guatemalan Army of genocide should be less likely to hold the military or the leader at the time accountable. Subjects in this *Counter Frame Group* also will be more likely to view the conflict as internal, negating the need for the international community's involvement.

H₄ and H₅ are two-tailed hypotheses. On the one hand, those in the *Legal Frame Group* may, upon reading the formal definition of genocide, become more incensed at what took place, blaming the Guatemalan Army and Ríos Montt. On the other hand, those in this group may view the situation more through a strict legal lens, and as the video does raise a minimal level of doubt, these subjects may be less definitive about calling the actions genocide or blaming the former Guatemalan leader. Finally, H₆ is a one-tailed hypothesis, since those receiving the formal definition of genocide as it is set out in a formal international agreement would be more likely to look to an international forum to adjudicate accusations of this nature.

Analysis and Findings

Table 1 lists, by treatment condition, the respondents' judgements as to whether the Guatemalan Army committed genocide. Respondents in each condition were treated as separate samples, and the medians of each were compared via a Kruskal-Wallis test.⁹ Significant results suggest that the differences in responses across treatment groups did not occur by chance. Respondents in the *Counter-Frame* are much less likely (23.4%) than those in the *Control* group (43.1%) to state definitively that genocide was committed. Although

⁹ This is the most appropriate analysis of variance (ANOVA) test for the data collected in this experiment.

numbers are small, we also find more in the former group expressing doubt that genocide had occurred at all. These results thus support the first hypothesis (H₁).

As noted above, we were unsure whether the definition of genocide provided to respondents who received the *Legal Frame* treatment would motivate respondents in this sample to be more judgemental of the actions of the Army or would evoke strict legal thinking and reduce respondents' willingness to be absolute in confirming the guilt of the military. There are clear differences between the *Control* and *Legal Frame* samples, and this finding thus supports our fourth hypothesis (H₄). Subjects who received an excerpt from the *Geneva Conventions* were much more sure that genocide had occurred (63.6% vs. 43.1%) and not a single respondent in this group was in the 'no' group.

Table 1: Response Distribution by Treatment: Did Army Commit Genocide?

	Control	Counter Frame	Legal Frame
Definitely yes	43.1%	23.4%	63.6%
Probably yes	52.9	57.4	30.9
Maybe	2.0	10.6	5.5
Probably no	0	4.26	0
Definitely no	2.0	4.3	0
Don't know	0	0	0
Total	100%	100%	100%

Kruskal-Wallis $\chi^2 = 18.5$, $df = 2$, $p\text{-value} < 0.01$

Table 2 presents, again by treatment condition, the subjects' judgements on Ríos Montt's culpability. In sharp contrast to the results reported in Table 1, it does not appear that the treatments motivated the subjects to respond differently to the question. Subjects across all three groups were most likely to state 'probably yes' to the question of whether the former President was guilty of genocide and should have been convicted by the domestic judicial process. In both the *Counter* and *Legal* frames, respondents were slightly more likely to declare the President guilty, but we cannot be confident that the differences in response frequency across the samples are not just due to chance. The Kruskal-Wallis test is insignificant, and thus neither H₂ nor H₅ is supported.

Table 2: Response Distribution by Treatment: Ríos Montt Responsible

	Control	Counter Frame	Legal Frame
Definitely yes	25.5%	31.9%	32.7%
Probably yes	62.7	51.1	52.7
Maybe	9.8	8.5	12.7
Probably no	0	6.4	1.8
Definitely no	2.0	0	0
Don't know	0	2.0	0
Total	100%	100%	100%

Kruskal-Wallis $\chi^2 = 0.2$, $df = 2$, $p\text{-value}=0.90$ (Don't know responses excluded)

Although Ríos-Montt was tried in a domestic court, results presented in Table 3 show that majorities of respondents across all three treatments believe that questions of genocide are best left for the international community to decide. However, response distributions were different across treatments. Respondents who received the *Counter-Frame* were less likely than those in the *Control Group* to want to leave the question of genocide up to domestic courts. More respondents in this group were also conflicted, responding 'don't know' to the question. Those in the *Legal Frame* group who received a definition from an international convention were overwhelmingly (87.3%) of the opinion that the issue of genocide was something for the international community to judge. These results support hypotheses H₃ and H₆.

Table 3: Is Question of Genocide for Guatemalans or International Community to Decide?

	Control	Counter Frame	Legal Frame
Decision an internal matter	35.3%	21.3%	10.9%
Decision for international community	60.8	66	87.3
Don't know	3.92	12.8	1.8
Total	100%	100%	100%

$\chi^2 = 15.69$, $df = 4$, $p\text{-value} < 0.01$

Multivariate Analyses

To test further our hypotheses that the willingness of people to make judgements about genocide is susceptible to minor framing effects, we ran a set of multivariate analyses to determine whether the differences we observed above would hold after controls for the

respondents' gender, national origin and foreign policy predispositions were taken into account. We were also interested in learning whether the treatments moderated a relationship between a person's foreign policy predispositions and their judgements concerning genocide. Table 4 presents a series of probit regressions where responses to the above three questions served as the dependent variables.¹⁰ Results show that those receiving the *Counter Frame* were significantly less likely to answer 'definitely yes' to the question asking whether genocide was committed by the Guatemalan Army. In contrast, those receiving the *Legal Frame* were significantly more likely to provide this answer. The confidence we have in the ability of the frames to alter the level of certainty respondents' have in proclaiming guilt on the army is bolstered by the fact that the probit coefficients for the treatment conditions are consistent after controlling for the background and foreign policy predispositions of our respondents. Utilizing results obtained from Column 4 of Table 4, we estimate that a male respondent in the control group who was not a UK citizen and had average positions on the three foreign policy dimensions had a 40 per cent chance of answering 'definitely yes' to the question of whether or not the Guatemalan Army was guilty. Those in the *Counter Frame* treatment had only a 19 percent chance of doing so, but those in the *Legal Frame* treatment had a 64% chance of offering this response.

The treatment a respondent received was influential in determining their likelihood of declaring the Guatemalan Army guilty, but the treatments had no influence on the subjects' propensities to hold Ríos Montt, responsible. Across all specifications using the second question as the dependent variable, the treatment variables were insignificant. A respondent

¹⁰ For the questions probing beliefs about the guilt whether genocide was committed by the army and Ríos Montt, the dependent variable was dichotomised. Respondents answering 'definitely yes' to the question were coded '1' and those providing another answer were coded '0'. For the question of whether the international community should adjudicate matters of genocide, respondents believing such matters should be taken out of the hands of domestic officials were coded '1' and those who felt it was an internal matter or did not know the answer to the question were coded '0'. Probit regression is the most appropriate method of estimation for variable coded in this way and the substantive results reported in Table 4 are robust to alternative specifications of the dependent variable.

in the control group with the characteristics described in the preceding paragraph had a 25% chance of answering with certainty that he was responsible. Those in the *Counter Frame* treatment group had a 32% chance of providing this answer and 34% in the *Legal Frame* treatment were predicted to do the same. We cannot be confident that the differences observed across treatments are not due to chance alone.

A hypothetical respondent in the control group who was a male non-UK citizen with average foreign policy views had a 61% chance of believing that questions of genocide were best acted upon by the international community. Two-thirds of such hypothetical respondents who received the *Counter Frame* were predicted to do the same, and that the differences we observe between these two groups are not statistically significant. In contrast, a respondent provided with the *Legal Frame* had an 88% chance of believing the international community should act over accusations of genocide. The difference in the probability of a respondent in the control group and a respondent in the *Legal Frame* treatment stating that genocide was a matter for the international community is statistically significant.

What is striking is that the foreign policy predispositions of the respondent as tapped by three factors whose indicators are described in the Appendix do not drive responses to the three questions. A strong isolationist is no less likely than one who supports an interventionist foreign policy to declare him or herself certain that the Army committed genocide or that Ríos Montt was guilty. Those with different perspectives on intervention were also no more or less likely to believe genocide was a matter for the international community to decide. Neither the respondent's willingness to have his or her nation use military force to solve the international problems it faces and/or act alone in doing so ("Militarism") nor his or her propensity to support foreign aid and other humanitarian interventions appears to have any bearing on the answers provided to the three questions.

It is possible, however, that the treatments have different effects on those with dissimilar

foreign policy predispositions. To test whether the three factors tapping respondents' beliefs about whether their nation should (1) engage with the world beyond their borders (i.e. 'isolationism'), (2) have a strong military and be willing to act alone in international crises (i.e. 'militarism'), and (3) co-operate and be willing to aid the less fortunate (i.e. 'humanitarianism') moderate the potency of the treatments, we interacted each of these factors with the treatment dummies for each of the three questions. Moderation effects were minimal: respondents' foreign policy predispositions were prone to altering how some perceived the treatments in only the 4 of the 18 interactions.¹¹

Those receiving the *Counter-Frame* treatment were less prone to 'Strongly Agreeing' to the question of whether or not the Guatemalan Army committed genocide. However, the positive interaction effect between the treatment and humanitarian dimension, which, for some cases is statistically significant, suggests that those endorsing policies such as increasing foreign aid or working to build international consensus were less susceptible to allowing the treatment to reduce their probability of responding 'Strongly Agree' to the first question.

Those receiving the *Legal Frame* who had humanitarian tendencies were even more likely than others in this treatment group to cast firm judgement on the guilt of the Army.

The *Counter Frame* treatment, on its own, did not alter respondents' propensity to believe that questions of genocide were matters for the international community to decide. However the treatment is influential among many of the 'militarists' in the sample. As noted above, those receiving the *Legal Frame* treatment were significantly more likely than those in the control group to support the international community's involvement on questions pertaining to the occurrence of genocide. The treatment was particularly effective at moving the

¹¹ Computing the sign, magnitude, and statistical significance of interaction effects when using the probit estimator is not straightforward as the significance of the interacted variables may vary across different levels of the dependent variable (as predicted by other covariates in the model) and across cases. Questions of statistical significance for the 18 interactions were answered using visual aids presented by the *inteff* package available in Stata 13.1 (see Norton et al. 2004 for a technical discussion) since standard *z*-tests conducted on the interaction terms are not meaningful. Visual graphs mapping the size and significance of each of the interaction terms are available at <http://www.todd-landman.com/current-research/>.

‘militarists,’ who already had a high propensity to endorse the argument that the international community should judge questions of genocide, to take this position with a greater level of certainty. Finally, not a single interaction between the foreign policy predispositions and the treatments were significant when it came to predicting the respondents’ propensity to ‘Strongly Agree’ as to whether Ríos Montt was culpable. The treatments, foreign policy predispositions, and interactions had no effect on the judgements respondents were making about this individual.

Table 4: Dichotomous Probit Estimations

	Genocide Committed?	Genocide Committed?	Genocide Committed?	Ríos Montt Responsible?	Ríos Montt Responsible?	Ríos Montt Responsible?	Internat. Matter?	Internat. Matter?	Internat. Matter?
Counter Frame (CF)	-0.553* (0.27)	-0.614* (0.27)	-0.627* (0.29)	0.189 (0.27)	0.203 (0.27)	0.186 (0.28)	0.138 (0.26)	0.108 (0.27)	0.126 (0.28)
Legal Frame (LF)	0.522* (0.25)	0.519* (0.25)	0.597* (0.26)	0.212 (0.26)	0.232 (0.26)	0.241 (0.27)	0.866** (0.28)	0.881** (0.29)	0.874** (0.29)
Isolationism		0.115 (0.13)	-0.122 (0.22)		-0.113 (0.14)	-0.138 (0.23)		-0.127 (0.14)	0.002 (0.22)
Militarism		0.150 (0.14)	0.231 (0.23)		-0.063 (0.14)	0.052 (0.23)		-0.117 (0.15)	-0.445 (0.23)
Humanitarianism		0.073 (0.13)	-0.370 (0.24)		0.018 (0.13)	-0.141 (0.25)		0.228 (0.14)	0.276 (0.24)
UK Citizen		0.185 (0.22)	0.150 (0.23)		0.042 (0.22)	0.061 (0.23)		-0.030 (0.23)	-0.058 (0.25)
Female		-0.099 (0.23)	-0.115 (0.24)		-0.214 (0.23)	-0.172 (0.24)		0.189 (0.25)	0.129 (0.26)
Isolationism * CF			0.458 (0.38)			0.265 (0.36)		-0.313 (0.37)	
Isolationism * LF			0.347 (0.32)			-0.142 (0.33)		-0.079 (0.36)	
Militarism * CF			-0.190 (0.37)			-0.360 (0.36)		0.964** (0.37)	
Militarism * LF			-0.134 (0.32)			-0.053 (0.33)		0.199 (0.38)	
Humanitarianism * CF			0.742 (0.38)			0.302 (0.36)		0.013 (0.37)	
Humanitarianism * LF			0.654* (0.32)			0.286 (0.32)		-0.203 (0.34)	
Constant	-0.173 (0.18)	-0.221 (0.23)	-0.246 (0.23)	-0.659*** (0.19)	-0.626*** (0.24)	-0.662*** (0.24)	0.274 (0.18)	0.247 (0.23)	0.291 (0.24)
Likelihood Ratio χ^2	17.223	20.782	28.463	0.78	2.96	5.93	11.22	17.18	25.11
<i>p-value</i>	0.0002	0.004	0.008	0.676	0.889	0.949	0.004	0.002	0.022

N=153; Standard Errors in Parentheses * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Summary and Implications

This paper set out to use experimental design to test a series of hypotheses about how particular types of framing might affect the way in which people understand human rights violations. The experiment was motivated by the burgeoning use of transitional justice mechanisms that has developed since the early truth commissions in Latin America in the 1980s (see Hayner 1992; 2004; Landman 2006; Landman and Carvalho 2009; Olsen, Reiter and Payne 2010). These mechanisms have relied significantly on the narrative accounts provided by ordinary citizens who have either suffered human rights abuses themselves or have family, friends and associates who have suffered (see Landman 2012). Such accounts, however, can be subject to framing effects, where the context in which they are reported and the additional information available to those making judgements about what has happened under certain circumstance may have an impact on the conclusions that are reached. Using the 2013 domestic trial of General Ríos Montt in Guatemala, we designed a classic experiment with a control group and two treatment groups to examine whether and under what conditions framing effects may be present.

The results of our analysis show that framing really does matter, but not equally and not across all groups of respondents. We showed that a Counter Frame that appealed to reasons of state and the need for defence against insurgency lowered respondents' willingness to find the Guatemalan army guilty of genocide. We showed that a Legal Frame that made direct reference to the Geneva Conventions and the definition of genocide increased respondents' willingness to find the Guatemalan army guilty of genocide. Such a set of results suggests that not only do frame matter, but also legal frames can have a strong impact on the willingness of people to pass a judgment of genocide. The impact of the legal frame demonstrated here is encouraging to those human rights groups and organisations that use international human rights law and international humanitarian law as tools for human rights

advocacy. These sets of international laws provide important standards and significant reference points in the continued struggle for the advance of human rights.

When the question turned to individual responsibility, the framing effects dropped away. The personification of guilt and its embodiment in the ‘principal’ of Ríos Montt as opposed to his ‘agents’ the military (see Mitchell 2004) suggest that once people have decided someone is responsible for genocide, additional framing has no effect. Here the use of legal framing may be useful for advocacy efforts to hold some form of legal proceeding in the first place, but that testimony, evidence and judgment itself is enough for people to reach a judgement. The contrast in results between the strong framing effects for holding the military to account and holding Ríos Montt to account require further research on whether naming and framing is different for individuals than for groups. It may be easier to make argument about past wrongs when an individual perpetrator has been identified who is then the main subject of a transitional justice mechanism, such as the domestic trial that took place in Guatemala.

Additional support for the power of legal framing is evident in our results for the degree to which respondents felt the crime of genocide is a subject of international concern. Across the board, more respondents felt that genocide is a subject of international concern and is best if it is not left as a wholly internal matter. Such a position on the role of the international community was much stronger among the group exposed to the Legal Frame, even after controlling for gender, nationality and foreign policy predispositions. As above, the positive and significant estimates for the Legal Frame in the probit regressions are encouraging for those human rights groups that engage in legal framing and legal advocacy to advance human rights. The power of legal framing for boosting respondent commitment to finding the army guilty for genocide and for believing that such a crime is a matter for the international community provides a valuable set of insights for our understanding of how naming and framing can work in the contemporary period.

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