

## Social organization of suffering and justice-seeking in a tragic day care fire disaster

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### Abstract:

In 2009 a fire destroyed a day care center in Mexico, killing 49 children and leaving 100 others with serious injuries. This chapter explores how suffering and the search for justice and closure have produced a social movement of interconnected subgroups of parents and caretakers. These new social groups collaborate and at times compete due to their myriad definitions and concepts of justice. In various combinations, parents and caretakers in four self-defined groups seek justice through legal consequences for day care owners plus regulators and politicians: seeing that it never happens again; demanding compensation; assuring that their surviving children are healthy and taken care of; and expressing their loss or anger. How their suffering translates into these objectives must be understood in a context in which the new Mexican multi-party system is figuring out how to handle major problems like this so that citizens feel closure. The single party system always had answers for such problems—send the perpetrators to another state or off to an ambassadorial post. While it appears that the social movement approach has seen some success in the case of the 2009 fire and in other applications, it also holds limitations in that it reminds individuals of their suffering and grief and may limit progress in constructing a new well-being.

**Keywords:** Well-being | Grief | Disaster | Fire | Children | Parents | Caretakers | Justice | Social movement | Social networks | Suffering

### Article:

#### Introduction

On June 5, 2009, a fire in the ABC Day Care Center killed 49 of the approximately 162 children and left at least 40 others hospitalized for burns and smoke inhalation in Hermosillo, state of Sonora, Mexico. The tragic news swept the country like a shock wave. Within hours, people were demanding answers to questions including the cause of the fire, who was responsible, and how the disaster could have been avoided. The tragedy lingers in the minds of Hermosillo residents the way 9/11 does in the minds of New Yorkers. Losing a young child is an extraordinarily difficult experience for a parent (Murphy et al. 1999, 2002); losing many children

in one community is devastating for many. The loss is made all the more intense when the deaths seem to have been human-caused (Wortman et al. 1997).

ABC Day Care was licensed by the Mexican Social Insurance System (*Instituto Mexicano de Seguro Social*, known in Mexico by its acronym “IMSS”) but owned by family members of high-ranking political officials (common in many industries in Mexico). The tragedy and its links to ranking officials in the city, state, and nation resulted in calls for justice that continue to this day.

In the 5 years since the fire, marches, candlelight vigils, memorials, lawsuits, judicial inquiries, and arrests of minor officials have become more frequent. The ABC Day Care was located in the south eastern quadrant of Hermosillo, but drew clients from the entire city. Consequently, most parents and caretakers from the ABC Day Care did not know each other before the fire. However, in the months and years since the event, an elaborate web of personal, political, commemorative, work, and even social media relationships has developed among parents and caretakers of the children who attended the day care. This is now a network connecting nearly three-quarters of the several hundred parents and caretakers together. Members are divided into four distinct, named groups or sub-networks, are aware of one another, like and dislike one another, rely on one another, fashion meaning out of their suffering, and seek justice in myriad ways.

The quest for meaning and justice in the context of bereavement and related suffering is a complex process (Neimeyer 2015). The concept of *justice* (justice) in Hermosillo is conceived and leveraged differently by members of each of several ABC community subgroups, the people who interact but are not members, and non-connected parents and caretakers. Our interviews with individuals in named subgroups indicate that each group uses the principle of *justicia* to organize their efforts, find meaning in the event, and redefine their relationships to family, other parents and caretakers, and the larger society. While there is some discussion in the disaster and environmental justice literature of how groups seek justice in the wake of disaster (sometimes referred to as reparative justice) there is little work on how these groups emerge, stay together, and transform one another in the grieving and justice-seeking process.

## **Methodology**

With funding from the United States National Institute of Mental Health, our team carried out structured psychological and social network interviews with 226 parents and caretakers from 95 of the 134 families affected by the fire (related to 106 of the 162 children). We studied how grief varies among people involved (males/females, mothers/fathers, parents/caretakers, parents of deceased/ injured), and how individuals differed in their responses to intense grief that lasts longer than 6 months—referred to as complicated or prolonged grief (Prigerson et al. 2009). The full interviews were conducted from January to April 2010, and then January to April 2011 (8 and 20 months after the fire). This allowed us to capture changes in psychological symptoms as well as changes in social relationships between parents and caretakers. Among other measures, the interview instrument used standard scales to test for symptoms of Post-Traumatic Stress Disorder (WHO 1997) and Prolonged Grief Disorder (Prigerson et al. 2009). Following our analysis of network and wellbeing data, we conducted several semi-structured interviews with

parents and caretakers. We reviewed government reports, the Mexico Supreme Court ruling, and other judicial reports, news items and academic reports on the fire, as cited in this chapter.

## **The Fire**

At approximately 2:15 in the afternoon on June 5, 2009, sirens began to wail through the capital city of the state of Sonora, Mexico. Before long, word spread of a fire in a day care center in the southern part of Hermosillo. Ambulances, fire equipment, police vehicles, and parents converged on the ABC Day Care, where black smoke billowed from the building. Teachers, first responders, parents, and bystanders attempted to rescue children from the flames. Hector Ramirez drove his truck into the side of the building, opening large holes to aid in the effort (Ramirez became a hero in Hermosillo, and the local Chevrolet dealership replaced his truck with a new one). Parents ran from ambulance to ambulance looking for their children. The more fortunate found their children among the unhurt in what became known as the “green” house—a home a block from the fire where children released by the paramedics were taken to be claimed by family members.

Others began an agonizing search through the hospitals and clinics where the children were being treated. Emergency rooms were overwhelmed by the number of patients as doctors and nurses struggled to save as many as they could. One parent described walking into the emergency room: “I looked in and saw two doctors working on a child. They were both praying as they tried to save him. I did not know doctors prayed” (in Murphy 2009).

In an effort to organize the process, parents wore tags with the name of their child so staff could notify them easily if their child was identified. For many, it would be late on the morning of June 6 before they knew the fate of their children. In the end, 49 children died from their injuries and close to 100 had suffered minor burns, smoke inhalation, or severe burns over 85 % of their body. The most severely injured were taken for treatment to Shriners’ Hospitals in Sacramento, California, and Cincinnati, Ohio.

Early reports suggested the fire began in a tire store next to the ABC Day Care Center, but attention soon focused on a government warehouse attached to the day care. Suspicion also arose as to the ownership of the center and its safety. If, as Seguro Social claimed, ABC had recently passed a safety inspection, some argued, how could such a tragedy have occurred? Why were the emergency exits locked? Why was a flammable false ceiling permitted in the building? More liberal members of the political elite in Hermosillo and nationally asked how Seguro Social—which had previously run these day care centers as a public service—could turn the care of children over to a capitalistic enterprise. As people sought answers and justice, focus shifted to the owners of the center and to the privatization of the public day care center system.

Nearly 5 years later, the impact of this fire is still evident throughout the community. There are three formal memorials to the children, one at the site of the fire and two in major public plazas. At each, 49 crosses include a child’s name, often accompanied by a poster-sized photo of the child’s face. In the plaza in front of the cathedral, 49 white crosses memorialize the “angelitos”—little angels in heaven. Many of the children were buried side by side in elaborate

graves in the municipal cemetery. Even more striking are the billboards around the city with a deceased child's photo and a call for justice. Marches and demonstrations are commonplace.

The event has caused Mexico to reconsider its policy of franchising federally funded day care centers. On the day of our departure from a visit to Hermosillo in September 2010, a group of mothers holding placards of children's faces and the word "justice" blocked the entrance to the airport. Each year on the June 5th anniversary of the fire, several thousand community members march from the site to the downtown Plaza de Emiliana de Zubeldia. Seguro Social has stated that they have cancelled the contracts of 111 their 1,451 licensed day cares across Mexico (Latin America Herald Tribune 2011), and a comprehensive national law on child development was passed in mid-2011 because of the demands of, and issues highlighted by, parents and caretakers.

### **Structural Adjustment and the Privatization of Day Care in Mexico**

In 1973, the law governing Seguro Social (Mexican Institute for Social Insurance) established day care up to age four as a right for all mothers working in the formal sector. Unlike many countries with similar social guarantees, Mexico undertook the route of direct provision through centers run by Seguro Social. By the mid-1990s, Seguro Social operated 497 day care centers through the country, caring for fewer than 60,000 children, about 5 % of those eligible (Knaul and Parker 1996; Staab and Gerhard 2010).

In 1997, as part of the reforms of the Zedillo administration (1994–2000), Seguro Social undertook a process of expanding its services through agreements with government-subsidized private day care providers (*guarderías subrogadas*) that would be funded and regulated by IMSS. By 2007, around 1,500 IMSS-regulated private day care centers served over 200,000 children in Mexico. This figure represents almost 20 % of the target population of children between age 43 days and 4 years whose mothers work in the formal sector (Staab and Gerhard 2010: 8). This rapid expansion took place without a concomitant rise in the ability of Seguro Social to carry out inspections, thus raising questions as to the standards set by Seguro Social and its ability to monitor and enforce regulations (Leal 2009). These issues were brought to full national attention by Hermosillo fire, 1 month ahead of gubernatorial elections in the state of Sonora.

### **Finding Meaning in the Call for Justice**

The results from our two waves of network and wellbeing questionnaires and our subsequent qualitative ethnographic interviews indicate there is a need to understand the pathways these parents and caretakers of dead and injured children are taking to finding meaning and *justicia* after the event. The results suggest the primary paths parents used to find meaning after the event are: political activity seeking culpability; demanding compensation; interacting with other parents; dwelling on the event and generally languishing—in some cases allowing social relationships to deteriorate; and ignoring the event without engaging other parents and caretakers any more or less than before. Many attempted to reach out to others despite the depression and grief, not unlike Buffalo Creek, Love Canal, Exxon Valdez, 9/11, and the BP Gulf blow out (see for example, Erikson 1972; Schneider and McCumber 2004; Everest 1986;

Brown and Mikkelsen 1990). Raphael (1986: 172) discusses similar states from a psychological perspective for victims of disasters.

In *Man's Search for Meaning*, Viktor Frankl (1992 [1946]) claimed that people can create meaning from trauma through work, love, and struggle. They can work to imagine a better future and struggle to build new meaning socially through storytelling, music, dance, religious ritual, funerary ritual, gathering of kin, cooking, serving others, and forgiveness (Touissant et al. 2010; Kalayjian et al. 2010). Indeed, grief involves attempting to discover new meaning and subsequent closure from suffering of a loss (Neimeyer 2015). The new meaning comes only after a long social process of acknowledgement, validation, reparation, facing negative perceptions, facing denial, gaining acceptance, and forgiveness (Kalayjian et al. 2010). Johnston (2015) notes, following Comas-Diaz (2012), that a next step in supporting mental health is to build on current recognition of individual, familial, and social and include societal aspects of wellbeing in the form of social justice.

There are relatively few examples in academic literature on groups forming after a disaster. In Argentina, mothers met regularly in the Plaza de Mayo seeking resolution for the disappearance of their loved ones at the hands of the dictatorships of the 1970s. They regularly held marches to denounce limited political freedoms, highlight their losses, and demand the punishment of those responsible for the disappearances (Kordon et al. 1988). The Bhopal chemical disaster also produced groups that mourned loved ones and sought accountability (Lapierre and Moro 2002; Fortun 2001; Mukherjee 2010). There is work on oil spills (e.g., Picou et al. 2004) that has generated insights into the negative aspects (i.e., secondary trauma) of getting involved with justice seeking. Indeed, Picou and colleagues point to the ways this justice seeking can create corrosive communities.

Danieli (2009) compared the search for reparative justice among Holocaust survivors' to many other cases of genocide and justice seeking by survivors. Danieli did not address the negative aspects of justice seeking, but noted its importance as a collective process in which there is sharing of grief, mourning, and. The larger community's consciousness is transformed; it will not forget the trauma.

Similar to other tragedies, the victims' individual responses in Hermosillo ranged from wanting to be left alone to go on with their lives, to making any variety of the following demands: retribution for responsible parties (e.g., lose license, lose job, fines, incarceration, public shame), medical support for living children, monetary compensation, political reform to eliminate corruption, regulatory reform, and safety improvements (see also Erikson 1972; Wagner 2008; Oliver-Smith 2002). For many, the fact that Seguro Social subsidized the day care center and was the governing authority over its safety meant the Mexican Government was responsible for taking care of the injured children and for indemnifying parents. In a process not unlike that described by Scheper-Hughes and Bourgois (2004) when discussing responses to political violence, some victims returned to a mindset that existed when Partido Revolucionario Institucional (PRI) was hegemonic, calling for the removal of those responsible from office. These calls were amplified as state elections would take place within a month of the fire. The main opposition party in Hermosillo, Partido Acción Nacional (PAN), seized on the issues to

discredit PRI, which had held power in Sonora since 1929. The backlash from the fire effectively placed PAN in control of State Government.

### **Social Organization of Suffering and Political Action**

In this study, we use social network analysis to capture the interdependence of survivors in their suffering. Two pieces of background information are important. First, parents had few if any substantive relationships with one another before the fire. They largely dropped children off and picked them up at this large day care center, chosen mainly because of its convenience to factories and other places of work. Second, child outcomes were virtually random. Whether a child lived or died in the fire was a consequence of chance, wholly undetermined by parental factors. In our interviews with 203 parents and caretakers, we asked them to name up to seven other people who had children in the day care at the time of the fire. We accepted answers like “Delfina’s mom,” since we were able to discern the identity of each individual was. Some interviewees could not name other parents at all. The network analyses yielded interesting findings relevant to understanding the emergence of community after mass trauma.

First, though most of the parents did not know each other before the fire, they could name other ABC parents in our interviews 8 months later. They were able to elaborate upon the kinds of relationships that had developed as a result of the fire. Mothers and fathers (mothers, particularly) were more active in relationships with others in the ABC community than were other caregivers (Norris 2012).

Next, almost a year after the event, two distinct groups of parents had emerged. These mapped closely to which parents had lost a child. Our survey and ethnographic research found that meaning in the form of seeking *justicia* varied between these groups. Parents with injured children were mostly concerned with ensuring long-term care and compensation for the injured children; parents who had lost children were more concerned with finding the relevant parties and holding them accountable. Some wanted compensation, while others emphasized awareness and prevention of another tragedy. A year later (20–23 months) after the fire, these two spheres of interaction had clearly split into four. Each of the original two groups split into a more active political subgroup and a less political subgroup.

Additionally, network participation was significantly and positively associated with distress. We measured this by finding the volume of social ties defined by how many people the interviewees could name, how often. The severity of Post-Traumatic Stress Symptoms was a significant predictor of number of ties per individual in the overall sample, as was grief in a separate analysis of just the bereaved parents and caretakers (Norris 2012).

Finally, network participation was unrelated to perceptions of social support or social constraints. Many studies in trauma and social support suggest that social support from family and friends can help alleviate bereavement-related distress, but the research also shows that bereaved persons confront “social constraints” and “social ineptitudes” that can heighten or maintain their distress. Often unintentionally, those who would normally provide emotional support to the parent fail to do so in the case of a child’s death—they are too uncomfortable. Further, the

suffering of aunts, uncles, and grandparents is often underestimated or ignored by both formal and informal supports.

### **The Political Economy of Justice Seeking**

Previous research on the design and building of public memorials indicates they are often the catalyst for fractures and divisions within grieving groups (Dwyer 2010; Wagner 2010; Sturken 2004). In the case of Hermosillo, the process was confounded by informal memorials that sprang up in front of the burned day care building, the cathedral, and the Plaza de Emiliana de Zubeldia in front of the University of Sonora. Each was the result of a constituency that found meaning in the event in a particular fashion and had its own concepts of *justicia* and commemoration. The “official” monument was built by the State Government in the City of Obregon, some 280 km (3.5 h) south of Hermosillo. Also, a memorial mural was painted his year in a community 80 km from Hermosillo. The mural depicted eight of the children being blessed by Jesus in heaven. Many wondered why *all* the children were not depicted.

Among the parents and caregivers, two major issues appear to define the groups that formed after the fire. The first is the question of medical support vs. indemnification. Parents of living injured children feared the short- and long-term impact of the fire on the health of their children; they wanted assurances that those responsible would pay for their care. In the short term, there was the question of immediate care for the critically injured. The Mexican government, through Seguro Social, ensured that severely injured children received the best care available to them either in Hermosillo, Mexico City, or the United States. Through UNICEF, Seguro Social also provided psychological counselling for parents (but not other caretakers) and children for the first year after the fire. In the long term, the greater concerns were over the impact of smoke and other injuries and the necessary care that might result. Seguro Social covers only workers employed in the formal sector of the Mexican economy, but a presidential decree provided all the children enrolled in the ABC day care with lifetime access to Seguro Social medical care, regardless of their employment status. In addition, children were granted care and medicines for injuries specific to the fire until age 18 *at a facility of their choice* (not just Seguro Social facilities). Parents who lost a child were indemnified \$1,500,000 pesos (USD\$150,000+), and women who either lost a child or had an injured child received lifetime disability coverage, paying the equivalent of their profession’s minimum wage for life. Our interviews found that most parents were satisfied with those services and indemnifications.

The second issue defining groups that formed after the fire is the question of justice, which has become a primary concern—largely for parents who lost children in the fire. The meaning of *justice* varies considerably in our interviews, however, only some parents and caregivers focused on finding those responsible and bringing them before the legal system and the court of public opinion. While some parents advocate for jail time for those responsible (there is no death penalty in Mexico), most realize that is unlikely. The best they can hope for is the justice of public opinion directed at powerful and influential families they feel are responsible. As one parent expressed:

We need to know who was responsible. Who paid off an inspector to ignore the problems in the day care? Who ordered the exit doors to be locked? It can’t be the two or three

minor people they have in jail. It had to be higher up. But, as the lawyer tells us they can't find a judge who will take on the case (parent, in Murphy 2011).

Mexico's justice system is Napoleonic: judges can take on cases and appoint investigators to dig into those like the ABC Day Care fire. This system works well in countries such as France, Spain, and Italy, where an independent judiciary has a tradition of bringing cases before the bench. In Mexico, with the opening of the formal political process and the nation's romance with multi-party democracy, Gutmann (2002) explains that the justice system does not yet seem to have the space, power, or technical capacity to exercise its rightful legal jurisdiction.

The Supreme Court investigated the incident at the ABC Day Care and found infractions had gone unheeded, inspectors had not enforced regulations, and there was a culture of collusion that included functionaries in state government. The Court found 19 local, state, and national functionaries responsible through negligence or unfulfilled duties.

Were the children's human rights violated? This question, addressed by the Supreme Court, confounded the meaning of justice. The court found in a split vote that human rights had not been violated because the fire was an accident; therefore, the Court had no jurisdiction over the case.

Subsequent to the Court's decision, in which a United States consulting firm suggested the fire was an accident started by a malfunctioning air conditioner, another U.S. expert found the fire to have been started by intentional burning of boxes of paper using an accelerant. This finding was confirmed again in mid-2013 through investigator interviews with warehouse workers (it is not uncommon to burn documents between political administrations, because a new administration might bring mid- and lower-level administrators from the previous administration before the Court in order to demonstrate its dedication to reform). In August 2013, a judge ordered the Attorney General to review all of the data in the case again. But the legal culture has not changed: it does not yet make sense to both elites and commoners nor can produce it results (cf. Jones and Murphy 2009). The people still search for varying but distinct forms of *justicia* and meaning, and the repeated litigation and justice-seeking may be viewed as a secondary trauma.

## **Conclusions**

Everyday violence is usually "invisible or misrecognized" (see Scheper-Hughes 2004). Corrupt justice and political conditions around the world often result in violence and human rights violations, perpetuating the exclusion of the poor from justice (Haugen and Boutros 2014). When this is the case even the non-poor find themselves excluded from justice and a meaningful resolution after an extreme event. The layers of diffused responsibility created by neo-liberal reforms, particularly in the face of lax or absent regulation, create the political and economic equivalents to the conditions that place the poor in harm's way when natural phenomenon such as hurricanes, floods, and earthquakes strike.

In Mexico, this complex context means that those who lost loved ones in the ABC Day Care fire have difficulty identifying a focus for their rage and grief (Rosaldo 1989). Some direct their ire at owners, some at Seguro Social (and, by association, the state and federal governments), some



at all three. It becomes difficult to assign the blame clearly enough so that any of these parties are held accountable. Many suffering caretakers and parents actually blame themselves for not noting the code violations or safety issues at the day care, for having had to use a day care at all, or for not picking up their child early that day. Their grief is compounded by the difficulty in finding meaning and *justicia*; for its flaws, the one-party system took care of problems politically, not legally. The new multi-party system is perhaps ill-prepared to mete out the justice many seek in this case.

As Grugel and Riggiozzi (2012: 15) point out, much of Latin America is entering a post-neoliberal period in which citizens are working to reclaim the state as a player in the protection of the welfare of its citizens. This is not a return to state capitalism or single-party rule as in the past, but a movement to develop a state that is “better able to defend the public interest” (Grugel and Riggiozzi 2012: 15). The difficulties in prosecuting this case occurred because political institutions such as the courts may not have developed sufficiently to provide the “horizontal forms of accountability, identity politics and voice within a democratic system” (Peruzzotti and Smulovitz 2006). A more established political context might have enabled groups such as these parents and caretakers to express their grief, achieve *justicia*, and find meaning in their suffering.

The reopening of the case by the Attorney General may indicate a turning point in the Mexican justice system. Yet, a drawn-out case keeps the victims in legal proximity to the perpetrators, something that often maintains rather than heals suffering, as we have seen in the cases protracted U.S. cases regarding the Exxon Valdez tanker spill, Hurricane Katrina’s federal response, and the BP Gulf Oil Spill (Jones and Murphy 2009; Dyer 2009; Kalayjian et al. 2010). These cases demonstrate that even a well-developed legal structure in the context of entrenched political or economic interests is often unable to deliver “justice,” let alone closure.

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