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# **MEXICAN JUSTICE**

## **Codified Law, Patronage, and the Regulation of Social Affairs in Guerrero, Mexico**

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*Social life in Mexico has long been regulated not by codified jural rules and the institutions of the state but by means of hierarchically structured patronage networks. This article illustrates the pervasiveness of patronage relationships by looking at the activities of a human rights advocacy organization operating in Chilapa, Guerrero. Though ostensibly committed to working through the jural rules and the institutions of the state, practical reality commonly intrudes and forces the organization to activate patronage ties in order to assist their clients. The article also explores the implications of patronage relationships for ongoing debates about the presumed irreconcilability of the state's codified law and the customary law of indigenous communities.*

BEHIND THE TWIN PILLARS OF THE MODERN MEXICAN STATE, namely, its neoliberal economic policies and the ongoing democratization of executive and legislative offices, can be found a sad and ineffectual specimen of a judiciary. We take this to be an item of common understanding, not least among millions of Mexican citizens.<sup>1</sup> The word *impunidad* (impunity), for example, is a term in general use that describes a broad range of social relationships in Mexican society. Quite simply, political rights descend to individuals not through the performance of responsibilities associated with citizenship as they are outlined in Mexico's 1917 Constitution but instead in accordance with one's socioeconomic standing in the community. The higher one's standing, the broader the range of political and economic prerogatives, and the more numerous the "rights" one enjoys.

Yet these cardinal facts of life in Mexico are not clearly articulated in recent anthropological discussions of Mexican law and legal institutions. These discussions have instead highlighted a political conflict that pits those who seek to apply the formal law of the state universally against those who would create exceptions that leave some people subject to the customary law of local (ethnically indigenous) communities. It is a research agenda that has grown in response

to claims forwarded by indigenous rights activists, who see the formal law of the state, with its emphasis on Enlightenment notions of individual rights and liberties, as intruding upon the right of indigenous peoples to govern their internal affairs in accordance with long-standing custom (Sierra 2002). In support of these assertions, anthropologists and activists have pointed to contradictions between the individual rights enshrined in codified law and the emphasis on group rights found in indigenous practices (e.g., Stephen 2005). Likewise, state law and customary law are also held to differ in that one is an adversarial and the other a conciliatory system of justice (e.g., J. Collier 1973; Nader 1990). In much of this literature the boundary between analyst and advocate is blurred and cultural rights claims are cast as matters of basic fairness, dignity, human rights, and, above all, cultural preservation (e.g., Chenaut and Sierra 1995; Nader 1990; Stavenhagen 2002).

In our view, casting the issues in these terms might serve useful political ends but it distorts the nature of both customary and codified law and, in so doing, badly misconstrues the nature of social life in contemporary Mexico. In regard to customary law, we follow María Teresa Sierra (1995, 2002, 2004a) and her colleagues (see especially the essays in Sierra 2004b) in questioning the implicit assumption held by many advocates for cultural rights claims that the customary law of indigenous communities involves practices and embodies cultural values that are detached from the balance of Mexican society. Building most particularly on earlier work by Jane Collier (1973), Sierra and others have shown that customary and codified law generally operate in different social arenas, overlapping and therein creating apparent conflict in relatively rare and limited circumstances. Respect for codified law does not inevitably conflict with "indigenous rights" and the application of customary law, at least not to the extent that advocates and many analysts have suggested.

Yet much current research remains predicated on the premise that codified law and customary law are mutually exclusive alternatives. It is an argument that hangs on the notion that customary law reflects cultural practices and values that are distinct and that have survived in the face of profound changes in material conditions and in the broader political economy within which communities are embedded. In this view, indigenous communities are treated as reservoirs of distinct mores and values, referred to as "deep Mexico" by Bonfil (1996). Outside forces periodically provoke "resistance," and perhaps induce changes in certain particulars involving personnel, procedure, or the types of cases handled by means of customary law, but the underlying culture has nevertheless survived as a distinct entity with recognizable precolumbian (or early colonial period) antecedents.

By creating this image of customary law, and then juxtaposing it with an equally idealized notion of codified law (see below), activists and analysts have jointly created a complex narrative built around the idea that in contemporary Mexico there is an ongoing "clash of legal traditions" (Nader 1990:xx). It is a narrative that has proven to be an effective rallying cry for those advancing political agendas that rest on cultural rights claims (e.g., Stavenhagen 2002). It is also a narrative that has stimulated a diametrically contrary position among those opposing cultural rights claims. This opposition, portrayed as hopelessly conservative and "reactionary" by cultural rights advocates, adopts the same cultural

and institutional imagery but tips the balance of virtue toward Enlightenment-based law and away from the customary law of indigenous peoples.<sup>2</sup>

It is not only customary law that is commonly mishandled in discussion of law in contemporary Mexico. The problem extends to the treatment of codified state law as well. Frankly, we doubt that it could be shown that any Mexicans have ever enjoyed, or suffered, depending upon one's perspective, a social order in which the state has consistently defended the rights and liberties guaranteed in Enlightenment-inspired constitutions, declarations, conventions, treaties, and so on. Social, political, and economic life in Mexico has traditionally been, and to a great extent remains, regulated not with reference to constitutional rights and by means of universally applied legal procedures but through participation in hierarchically structured and sharply stratified patronage networks. We see the notion that there exists a functioning judiciary, or any collection of government institutions that dispense justice in an orderly fashion, as a fanciful myth rather than a demonstrated fact. Insofar as anthropologists have examined the Mexican judiciary (e.g., J. Collier 1973, 2004; Hunt and Hunt 1969; Parnell 1988; Sierra 2004b), the studies have documented the uniquely shabby treatment accorded to indigenous peoples. Implicit in the literature is the notion that somewhere there exists a group of Mexicans who can count on the state's judicial institutions to render impartial judgments in accordance with codified rules. Needless to say, nothing of the sort has ever been demonstrated. Even so, and as Aaron Bobrow-Strain (2007:38) recently argued in regard to the role of landed elites in discussions of indigenous farmers in Chiapas, the existence of codified law and formal judicial institutions "haunt[s] the margins of the voluminous literature" on customary law as a shadowy and nefarious force that would swamp and obliterate indigenous practices without delay were the opportunity to arise. It is an image of the Mexican state and judiciary that serves as a foil and that is used for purposes of political mobilization among indigenous peoples.

As an alternative, we begin with the assumption that indigenous communities are embedded as tightly in patronage networks as any other groupings of lower-class Mexicans. From this perspective, what is referred to as "customary law" represents the collection of procedural rules used in local communities (and, let it be said, mestizo as well as indigenous communities) to adjudicate the minor disputes that arise in the social affairs of those at or near the bottom of patronage networks, disputes that have little or no consequence to those at higher levels. In this, customary law is perfectly comparable to the formal and informal rules and procedures used to contain disputes that arise within families, workplaces, urban neighborhoods, and other social groups composed of lower-class Mexicans.<sup>3</sup> What sets customary law apart from these others is simply the argument that it is entitled to exceptional deference because it is rooted in an indigenous cultural tradition (Levy 1997). In any case, in the normal course of social life these groups resolve their internal problems without recourse to outsiders. It is only when a dispute escalates beyond what a group's internal adjudicative mechanisms can handle, when a dispute involves matters that fall within the exclusive competency of a different set of institutions, or when a dispute pits one group against another that outsiders become involved.

In displacing customary law from the privileged analytical vantage point it holds in academic and political discourse, it is not our intent to question the notion that two legal models are vying for supremacy in contemporary Mexico. We do not see significant competition that pits a legal order based on the universal application of codified jural rules against the uncoded customary law of rural communities; instead we see a social order dominated by adherence to codified rules of any sort in conflict with a pervasive patronage system of which both customary law and *impunidad* form integral parts.

To illustrate our arguments we draw upon the experiences of a human rights advocacy organization, the Centro Regional de Defensa de los Derechos Humanos José María Morelos y Pavón, A.C. (Regional Center for the Defense of Human Rights, José María Morelos y Pavón; hereafter, the Centro Morelos) based in the small urban settlement of Chilapa, Guerrero (Figure 1). Practically all parties to ongoing debates about law in Mexico wrap their various positions in the rhetoric of "human rights," a notion that has come to encompass practically all asserted rights claims, no matter what their philosophical and jurisprudential origins.<sup>4</sup> It is thus necessary for us to note at the outset that the Centro Morelos takes a relatively broad view of "human rights," essentially equating the notion with adherence to and enforcement of universally applied jural rules created through orderly constitutional procedures. To caseworkers of the Centro Morelos, alternative systems of regulating social affairs, including *impunidad*, the heterogeneous customary law of rural communities, and other manifestations of the pervasive patronage system that has traditionally supplied order and structure to social life in Mexico, are seen, at least in theory, as potential impediments or outright obstacles to the creation of a just social order. That said, the realities of social life in the Chilapa region are far more complex than this simple construction would have it. The patronage networks that regulate social relations in the Chilapa region are so pervasive, and alternative organizational forms so weakly developed, that caseworkers of the Centro Morelos regularly find it necessary to activate patronage ties in order to intervene effectively on behalf of those who solicit the group's assistance.

### THE POLITICAL AND ECONOMIC SETTING

Patronage networks ultimately rest on economic relationships; thus we begin our discussion with a brief overview of the political economy of the region in which the Centro Morelos operates. The essential features of the region's contemporary economy can be traced to the mid-twentieth-century collapse of an urban textile industry in Chilapa. Until the late 1940s, cotton *rebozo* (shawl) production had served as a reliable export industry and the underpinning of a small but stable urban economy. Villagers in the city's hinterland directed their productive efforts at a combination of subsistence agriculture and the small-scale production of commodities consumed within the region itself, especially by Chilapa's working class. Perhaps the most notable aspect of the regional economy was the limited opportunities it provided for significant wealth accumulation. The urban working class was primarily composed of independent weavers who drew most labor from

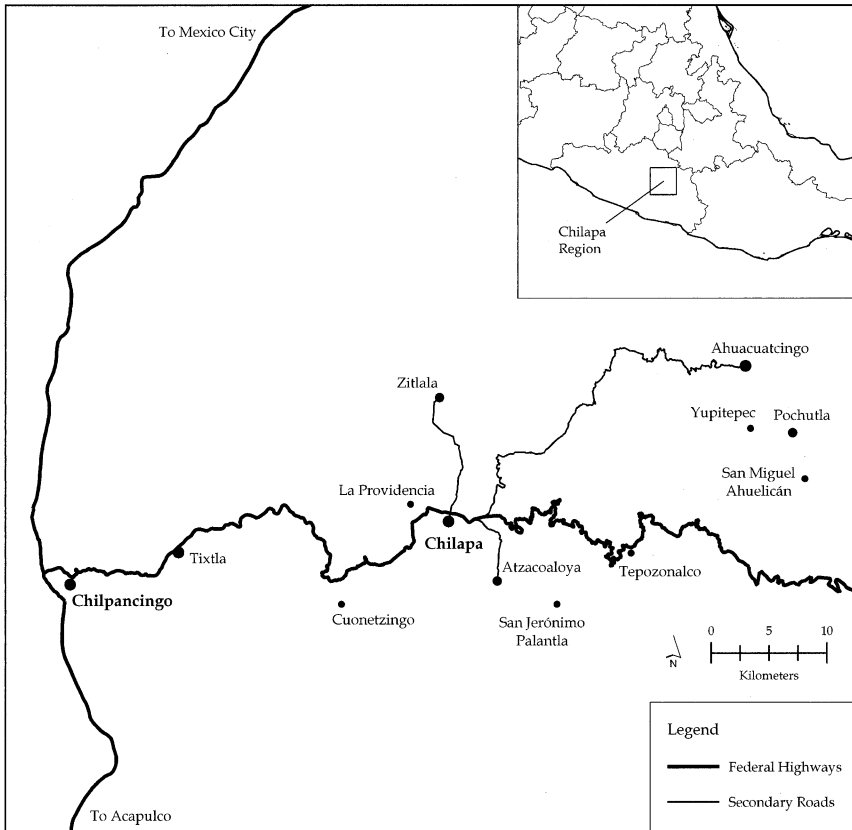


Figure 1. Location of Chilapa, Guerrero, Mexico, and surrounding communities.

their households. Likewise, land in the countryside was controlled almost entirely by smallholders and corporate towns and villages. The distance, rugged terrain, and lack of modern transport linkages between Chilapa and other urban centers greatly limited the prospects of would-be elites. Local elites were few in number and their economic underpinnings were confined mostly to long-distance trade and incumbency to office in Chilapa's civil and ecclesiastical bureaucracies.

The late 1940s collapse of the rebozo industry initiated a chain reaction of economic events that threatened to completely unravel the regional economy. As the urban working class lost purchasing power and left the region entirely, rural producers found shrinking demand in the urban center. This economic dynamic stimulated a dramatic expansion in the production of woven palm goods, an export product that offered a partial, though incomplete, replacement of the earnings lost by the collapse of the rebozo industry. The regional economy was dealt a further blow in the early 1970s with the sudden influx in the Chilapa market of industrially produced consumer goods brought by motor vehicles over a newly constructed paved road linking Chilapa to Chilpancingo, the state capital. The additional competitive pressure in the Chilapa market further reduced earnings

of rural producers, who were forced to rely still more heavily on the marginally productive palm industry (Kyle 2008).

Further contraction and the potential of an even more thorough economic collapse was only averted in the early 1970s by the intervention of the federal government. One can see the beginnings of federal intervention in the local economy in electrification and public school construction projects of the 1960s. These projects were significant not merely because of their intended purposes but also because they created much-needed employment opportunities. By the 1970s, a plethora of newly introduced government services, not least involving public health, had created a large host of salaried employees living in Chilapa. In the countryside, subsidies were provided to support the production of palm goods (in the 1970s) and maize (after 1981). Life in the Chilapa region has depended more or less completely on the salaries, subsidies, and other forms of government transfer payments ever since (Kyle 2008). This is the case despite the recent implementation of “neoliberal” economic programs and policies. In the early 1990s the Chilapa region, identified by the federal government as having extremely high poverty indices, was made eligible for substantial and steadily expanding levels of government support (Yaworsky 2002, 2005). Though many government programs were in fact dismantled as neoliberalism took root in the 1990s, most were replaced by practically identical programs managed by local *ayuntamientos* (roughly, municipalities or townships) and by proxy nongovernmental organizations (NGOs) funded by government agencies, especially the powerful Secretaría de Desarrollo Social (Ministry of Social Development, or SEDESOL). As will be seen below, the Centro Morelos was among the beneficiaries of this newly supplied government largess.

For almost everyone, since the 1970s the most important power brokers in the region within which the Centro Morelos operates have been the gatekeepers of government funds. This includes a diverse cast of characters who occupy positions all along the pathways through which these resources flow. Certainly program administrators of the SEDESOL wield enormous influence over the lives and livelihood of thousands of the region's inhabitants. Likewise, politicians, civil servants, and others who might lack formal positions with SEDESOL or other government service agencies are nevertheless often able to affect the flow of government funds. Lower-level administrators working in branch offices of federal and state agencies; federal, state, and ayuntamiento officials; local party bosses; union leaders; and the heads of local NGOs are all commonly in a position to activate social connections in ways that channel the flow of government resources. For everyone else in the Chilapa region, political power hinges on the patronage ties individuals and groups are able to develop with the incumbents to these offices.

To return to the specific issues of law and formal legal institution, the simple fact is that those at the upper levels of these networks rarely find it necessary or convenient to defer to codified jural rules if they are found to conflict with their interests. These interests are, of course, diverse, and they include personal aggrandizement as well as the ability to attract, retain, and reward clients. Aside from occasional instances in which those at upper levels in patronage networks

might find it expedient to see codified rules applied among their lessers (e.g., Hunt and Hunt 1969), there is no force within society that can compel deference to formal state law. Accordingly, violations of due process rights, including those lumped under the rubric of "human rights," have long been a characteristic element in the fabric of local society.

The social relationships that do the actual work of ordering social life in the Chilapa region are built on foundations of kinship, fictive kinship, community membership, employment, and membership in voluntary or pseudo-voluntary associations (including unions, political parties, producer cooperatives, neighborhood associations, etc.). Each of these types of groupings has distinct recruitment methods, internal structural features, and uncoded rules governing the behaviors and relationships of their members. Economic and political ties cross-cut all of these groupings, tethering the lot into a coherent society. These cross-cutting linkages are ties of patronage through which a degree of economic and political security flows downward through the ranks of the social order while far greater economic rewards and political clout flow upward.<sup>5</sup> Individuals, families, communities, unions, neighborhood associations, producer cooperatives, government agencies, and other groups all jockey for position within patronage networks, and it is the position they achieve that dictates the rights and prerogatives that they and their members enjoy.<sup>6</sup>

### THE CENTRO MORELOS

The tension within Mexico that results from the contradiction between an abstract ideal of impartial justice and the reality of Mexico's social and political institutions could hardly be better illustrated than by looking at the founding of the Centro Morelos.<sup>7</sup> In the summer of 1996 a militant leftist group known as the Ejercito Popular Revolucionario (Popular Revolutionary Army, or EPR) had issued a series of pronouncements against the Mexican government and followed them with a string of attacks on military and police units in the states of Guerrero and Oaxaca. EPR actions in the vicinity of Chilapa occurred shortly after the group's initial appearance and included its first lethal attack on the Mexican military (an ambush of a military convoy on July 16, 1996) as well as propaganda actions in Chilapa and in surrounding villages (García 1996a, 1996b). By Mexican standards, the Chilapa region had no particular history of political activism, nor of exceptional political violence, but it is adjacent to the Montaña region of Guerrero, where poverty is nearly universal, poppy cultivation common, and where local factional conflicts among villagers frequently involved alliances with outside political operatives who traditionally exhibited only modest restraint in the use of violence. Whether the appearance of the EPR and the attendant influx of military and police (state and federal) into the region were accompanied by a further relaxation in this restraint is an open question. There was, however, a clear shift in the patterning of violence. Whereas violence had previously taken the form of the occasional assassination of an outspoken political leader, or skirmishes between rival factions of one sort or another (oftentimes involving three-way competition among units of state and federal police and military units seeking to control the region's drug



trade), beginning in the summer of 1996 there was a notable rise in the incidence of extrajudicial detention, torture, and rape. The number and frequency of reported abuses in the Chilapa region increased substantially in the spring and summer of 1997 when military and police personnel conducted frequent patrols through rural communities from temporary encampments established in their midst.

It was against the backdrop of the rapid militarization of the region that the Centro Morelos was created. It was conceived in the summer of 1996 by a Catholic priest who was concerned about the upswing in apparently illegal and abusive acts perpetrated by military and police units against residents of rural communities. He began by forming an *Asociación Civil* (Civil Association), which received official recognition in January of 1997. At about the same time the new organization solicited and received SEDESOL funding. The Mexican government in this way supported the creation of an organization whose stated goals included educational outreach and advocacy aimed at ensuring that agents of the government perform their constitutional duties in accordance with the law. Throughout the decade of its existence the Centro Morelos has had an office staffed by a secretary and three or four caseworkers with backgrounds in bilingual education, nursing, and law. The priest and founder has remained the group's titular president, but he takes no part in its daily operations. In addition to being responsible for managing the paperwork, the secretary maintains a daily presence in the office and is generally the first to meet with would-be clients. Those with qualifying cases are referred to a caseworker. Since its beginning, the Centro Morelos has relied almost completely on SEDESOL funding to cover office, staffing, travel, and incidental expenses.

In looking at the organization's activities, two broad types stand out. Either alone or in conjunction with other civic organizations, the Centro Morelos sponsors, organizes, and conducts workshops on a range of legal topics. A second class of activities involves more conventional legal consultative or advocacy efforts on behalf of specific individuals or groups who solicit the organization's assistance. In performing advocacy services, the Centro Morelos tries to investigate allegations of human rights violations or other malfeasance by agents of the Mexican state by interviewing witnesses and collecting other forms of evidence. If the evidence is sufficiently compelling, they transmit summary statements to press outlets or to other national and international human rights organizations in the hope of attracting outside attention and support (see Waslin 2001). The Centro Morelos also engages in more traditional legal advocacy on behalf of individual clients before the formal legal institutions of the state. Finally, in several instances the Centro Morelos has been asked to mediate disputes that might involve intravillage or intervillage conflicts or that involve government agencies who either are parties to a dispute or might be in a position to help resolve one (Yaworsky 2002:143–91).

With regard to outreach activities, in the months immediately following the group's founding most educational workshops were held in rural villages and were aimed at introducing villagers to the Centro itself and to general legal concepts involving human rights, civil rights, and criminal law. The emphasis shifted after 1998, when workshops were designed to address issues of current national concern. General principles of democracy and election law, for example, were addressed in workshops leading up to the 2000 election. In subsequent years

workshops were held on “corruption” and “transparency” in government, again mirroring national and international political discourse (e.g., see Transparency International 2001; Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos 2003). Most recently, in the summers of 2006 and 2007, the Centro Morelos has held de facto grant-writing seminars, aimed at educating villagers on the procedural rules associated with accessing block grant programs funded by SEDESOL and administered by municipalities, and workshops on domestic violence and women’s rights.

In contrast to the pattern evident in the Centro Morelos’s educational outreach activities, the organization’s advocacy efforts have always closely reflected local, as opposed to sometimes national and international, political processes and concerns. They have consistently granted priority to cases that involve an immediate and grave threat to individuals or communities, clear violations of law, and equally clear victims and perpetrators. These elements were all present in a number of cases of illegal detention, torture, and rape perpetrated by military and police units in the summer and fall of 1997, shortly after the organization’s founding. Perhaps the most important such incident involved the village of San Miguel Ahuelicán, discussed in the following section. This was among the Centro Morelos’s earliest cases and one of only a handful that hinged on the sorts of classic human rights issues that attract national and international attention. Even here, however, though flagrant violations of due process guarantees formed the basis of the intervention by Centro Morelos, the violations were in all likelihood a simple escalation of a notably bitter but otherwise unremarkable dispute over land.

Far more of the organization’s time and effort has been directed at less remarkable but altogether routine problems and conflicts, few of which have elements that fit the classic mold of a “human rights” issue. The people who solicit assistance from the Centro Morelos are drawn from the lower ranks of the social order. The problems they present, which may or may not involve constitutionally protected rights, reflect the limited social, economic, and political opportunities afforded to those of comparatively low social standing. They are individuals who have been shortchanged by the normal operation of the patronage system. This leaves them in need of support and assistance in resolving even simple social problems and for this they look to the Centro Morelos, among others. Following the discussion of the intervention by the Centro Morelos on behalf of the people of San Miguel Ahuelicán, we turn to a sampling of these more common but mundane cases in which one sees most clearly both the pervasiveness of patronage relationships and the weak role of codified rules in structuring social relations in the region.

### SAN MIGUEL AHUELICÁN

During the first four months of 1997 the military situation in the Chilapa region was uneventful, and Centro Morelos personnel spent most of their time planning and conducting workshops that were intended to introduce villagers to the organization. Cases of alleged abuse predating 1997 had either been resolved or were being handled by other human rights advocacy organizations.

This changed on April 3, 1997, when several hundred uniformed personnel descended on the small community of San Miguel Ahuelicán in the municipality of nearby Ahuacutzingo.<sup>8</sup> Over the course of the next four days every house in the community was ransacked, ostensibly in a search for weapons that military officers claimed had been taken in a suspected EPR attack on three soldiers two days earlier. Seven or eight residents of San Miguel were detained and taken to a prison in Chilpancingo, the state capital. All but three of the detainees were released by the end of the month, all reportedly victims of physical and psychological torture while in detention. The three who were held for longer periods included the *comisario* (an elected village representative), his son, and a seventy-year-old man who had served as *comisario* the previous year. These three were charged in criminal courts for offenses that shifted as the prosecutors' initial cases were dismissed.<sup>9</sup>

Although much remains unknown about the circumstances leading up to the events of early April, it is clear that they involved something other than leftist guerrillas mounting hit-and-run attacks on military units and a military busily engaged in conducting heavy-handed counterinsurgency sweeps in villages. In fact, there is reason to suspect that the assault said to have occurred on April 1, 1997, cited by the military in justifying its actions in San Miguel, never occurred. Through the spring and summer of 1997 there was only one documented EPR attack in the region. On May 24, 1997, a military convoy traveling on the Chilapa-Tlapa highway (Mexican Highway 93) was ambushed near Tepozonalco, some twenty kilometers east of Chilapa. An intense firefight ensued and several combatants died. This followed the pattern of earlier EPR attacks, complete with an ambush of a traveling military convoy followed shortly by a public claim of responsibility.<sup>10</sup> Neither of these elements characterized the alleged assault of April 1. Curiously, the attack of May 24 had no noticeable impact on military operations, at least not if the temporal patterning of disappearance, detention, torture, and rape allegations is any guide. In looking closely at those villages that were singled out for particular attention, the pattern that emerges is one of a military that swiftly became ensnared in local factional struggles that were unrelated to guerrilla, drug, or any other activity that might reasonably be of concern to outside authorities or interests.

Certainly this was the case in San Miguel, where the actions of the military occurred against a backdrop not of guerrilla activity or drug cultivation but of a festering land dispute. San Miguel Ahuelicán is one of three named settlements situated on a tract of common land, the *ejido* of Pochutla. A group within the dominant settlement, also known as Pochutla, had long sought to gain control over and to graze cattle on the land cultivated by San Miguel's farmers. Conflicts between farmers and ranchers often create fissures both within and between communities in this region, and in later years the Centro Morelos would be asked to help mediate several such cases. In these types of conflicts one or both of the rival factions often find it useful to affiliate with national political parties or other outside institutions in the hope that these agents might somehow lend support for their cause. In the San Miguel dispute no such alliances with outside parties are evident prior to the arrival of the military. But whatever their tactics, the Pochutla

ranchers had come close to achieving their goal by simply eliminating San Miguel itself. When the dispute finally did come to the attention of outsiders, Pochutla's ranchers argued that San Miguel's residents were intruders on land properly titled to and historically associated with Pochutla. They pointed to an ethnic divide as evidence of the historic division; alone among the three named settlements, San Miguel was populated by indigenous Nahuatl speakers.

We know of no evidence that these arguments were ever brought before a competent agrarian tribunal, where such claims would normally be adjudicated, nor have we any other information on the nature of the pressure the ranchers brought to bear on San Miguel prior to 1997. The one thing we do know is that this pressure was both acute and, all things considered, effective. The evidence of its effectiveness is demographic. As at Pochutla and Yupiterpec, the third settlement situated on the ejido of Pochutla, the population of San Miguel grew steadily, if slowly, from its initial appearance in the 1930 census to a high of 244 persons in 1990. While both Pochutla and Yupiterpec continued to grow between 1990 and 2000, San Miguel shrank sharply, from 244 to 83 persons. Most of this population decline occurred well before the events of 1997, with the population standing at 89 persons in 1995.<sup>11</sup> Presumably those who remained in San Miguel, and who were present in the community in April of 1997, were those most determined to preserve what they perceived as their territorial rights.

The testimony collected by human rights workers shows that the ranchers swiftly allied themselves with the security forces when the opportunity to do so arose. When the military arrived in San Miguel on April 3, 1997, they were accompanied by a small group of residents of Pochutla, who identified to military officers the houses of persons whom the military later deemed "assailants." This use of local informants to identify persons who are alleged to possess illegal weapons, to cultivate poppies, or to have been involved in attacks on military units is reported in several cases that came to the attention of the Centro Morelos in 1997 (for a similar circumstance in Chiapas, see Speed 2006:69). And thus in San Miguel among the first whose homes were searched and among the individuals who were detained, tortured, and eventually sentenced on contrived charges were the village comisario and his immediate predecessor, both spokespersons for and leaders of the thirty or so households that remained in the community.

The Centro Morelos's involvement in the San Miguel case dates to April 16, 1997, when relatives of the detained individuals arrived at their office in Chilapa to request assistance. There followed a flurry of activity as Centro Morelos workers made repeated trips to San Miguel to assess the credibility of the initial complaints and to collect additional witness statements. Centro Morelos workers also traveled frequently to Chilpancingo, to assist family members in filing complaints with the state Comisión Estatal de Defensa de los Derechos Humanos (State Commission for the Defense of Human Rights), to lobby for the release of the detained individuals, and to visit those against whom charges were filed and who remained imprisoned. Finally, caseworkers of the Centro Morelos solicited and received assistance from other human rights organizations. They hosted an inspection tour of San Miguel by a visiting group of human rights advocates in late June (see Red Nacional de Organismos Civiles de Derechos Humanos

"Todos los Derechos Para Todos" n.d.), and they met to discuss the case with the Special Rapporteur of the United Nations Commission on Human Rights in August. The Special Rapporteur featured the San Miguel case in his report to the U.N. Commission on Human Rights on human rights abuses in Mexico (United Nations Commission on Human Rights 1998:5).

In this and a few similar cases that came before the Centro Morelos the organization consistently sought to do two things. First, they intervened on behalf of persons whose due process rights had somehow been violated. The urgency with which they acted, and the resources they devoted to particular cases, was a direct reflection of the caseworkers' assessment of the imminence of the threat to the physical and psychological health of the affected individuals. Second, and more generally, they sought to hold to account police, military, prosecutorial, and judicial agents for failing to adhere to the codified rules governing their conduct. While these efforts were generally ignored by the offending parties, the Centro Morelos was successful at enlisting the support and assistance of more influential, external human rights organizations and even the United Nations Commission on Human Rights in seeking remedies for some of the more egregious violations of due process that came before them. At most, the political pressure they helped bring to bear on security forces exerted a restraining influence. However, the incidence of abuse allegations emerging from the region did not diminish significantly until 1998, when the security forces scaled back their operations and shifted their attention elsewhere, particularly to the Costa Chica region of Guerrero.

### **CODIFIED LAW, PATRONAGE, AND THE CENTRO MORELOS**

Before considering a sample of cases handled by the Centro Morelos that have not involved military or police abuses we should note that from its inception personnel of the Centro Morelos met obstacles in properly imparting their understanding of the concept of "human rights" to those they sought to serve (cf. Merry 2006). One problem was that participants in their workshops, most of which were held in rural villages, tended to take an ecumenical view of concepts intended to have narrow legal meaning. A case in point involves the idea of "disappearance." As the incidence of illegal detention and disappearances increased in the mid 1990s, the issue was integrated into the early workshops, with sometimes curious results. In 1998, for example, complainants from the community of Cuonetzingo appeared at the Centro Morelos office to solicit assistance in the first of two cases of "devil abduction" that would beset the region in 1998. Witnesses reported that three men, all drinking at the time, boarded a pick-up truck to travel to a nearby town. The victim was in the back of the truck when the group departed but was no longer there upon their arrival. They suspected that he had been spirited away to a cave the devil was known to frequent near Cuonetzingo. A similar case involved a woman from La Providencia who left her home one afternoon to gather firewood and was never seen again. In both instances Centro Morelos workers organized unsuccessful searches.<sup>12</sup>

Underlying the difficulty the Centro Morelos had in imparting an appreciation of abstract legal doctrines was the fact that the concerns and preoccupations

current among the population they sought to serve were and remain immediate and practical. They are rooted not in abstract ruminations on the rights of man, or even on such seemingly germane issues as promoting democracy or rooting out corruption among public officials. Instead, most villagers in the region and the urban poor in Chilapa seek merely to make a living in a world in which doing so had never been easy but where recent economic changes have greatly compounded the difficulties (Kyle 2008). Their response, as always, has been to cast about for whatever resources they find at their disposal. From the point of view of rural villagers and the urban poor, the Centro Morelos is potentially one of these resources, to be used opportunistically without discernible regard for the way or the extent to which this use squares with the state's codified rules. Just as the military was quickly ensnared in local conflicts and was used, wittingly or not, as a political resource in conflicts unrelated to their original mission, so too has the Centro Morelos found itself used by participants in conflicts that have little to do with human rights. In a way they invite this sort of manipulation through their workshops by having villagers discuss their grievances (Centro Morelos workers attempt to use the resulting discussion for pedagogical purposes), then offering free advocacy services in some of those cases that are brought before them. Villagers don't necessarily want an accurate understanding of when and how those with whom they interact have failed to adhere to codified rules of conduct. They want help. They want to know, quite simply, if the Centro Morelos is willing to intervene in their particular case and, if not, whether they know of any city-folk who might. Thus, the Centro Morelos's expressed qualifier, that the offer of free advocacy services is restricted to instances in which villagers are victims of "human rights" abuses, fails to deter significant numbers of people from soliciting assistance in matters that sometimes veer wide of anything resembling a human rights violation. What unites all of the cases that come before the Centro Morelos is simply that they involve people, in varying degrees of desperation, who are parties to conflicts in which there is (or might be) some strategic value in enlisting the support of educated urban champions. Paradoxically, the Centro Morelos has become an odd sort of node in the region's interconnected patronage networks.

The inadequacy of Mexico's formal legal system to serve as an effective arbiter of social affairs among the urban and rural poor, and the fact that the Centro Morelos would at times have to act as a conventional Mexican patron if its advocacy efforts were to be effective, was apparent almost from the moment of the Centro Morelos's creation. For example, the very first complainant to appear at the office, in February of 1997, was a woman from Chilapa whose eight-year-old son was being harassed at school by classmates. Having had no success in her own efforts to get school authorities to intervene, she enlisted the aid of the Centro Morelos. A caseworker simply contacted school authorities and arranged to have the boy transferred to a different school, a resolution the woman was unable to effect on her own. Their second case, also in February of 1997, did provide an opportunity to apply the state's codified rules. This case involved a request for assistance from the parents of a woman from Cuonetzingo who had inexplicably left home with three young children. The woman was apprehended by state police in Acapulco and was being held in a state mental health facility. The

complainants sought help from the Centro Morelos in filing a petition for custody of the children, apparently agreeing with the authorities that the mother was best left as a ward of the state. It was not exactly a "human rights" issue but at least it offered an opportunity to help enforce constitutional rights following orderly and codified procedures. Their third case blended the two types of instrumental action illustrated in the two earlier cases, following codified procedures on the one hand while activating informal political connections on the other. In early March a complainant sought the help of the Centro Morelos in obtaining the release of her husband, who had been imprisoned on domestic abuse charges. Bail, set at 2,500 pesos (roughly US\$320), was beyond the family's means. The Centro Morelos successfully requested financial assistance on behalf of the man from the Instituto Nacional Indigenista (National Indian Institute).

Whatever their differences, these three cases are united by the fact that the complainants were comparatively powerless people who lacked sufficient knowledge or standing to successfully exercise rights or defend interests in even simple situations involving parties of asymmetrical social standing. Two of the cases were ultimately resolved not through a strict adherence to codified rules but instead by activating informal political connections that linked Centro Morelos caseworkers to local bureaucrats. In this way the Centro Morelos played the role of a conventional Mexican patron, a performance that offers a degree of support for the suggestion that the organization has been co-opted and converted into exactly the type of institution that it was created to combat. An alternative interpretation is possible, however. The organization's caseworkers activated informal social connections in defense of what they believed to be constitutionally protected rights only after the complainants had tried and failed to use the formal institutions of the state to achieve a similar result. Activating patronage relationships was a fall-back position, in other words, used to achieve "justice" when the state's institutions proved incapable of doing so.

### THE WITCH OF SAN JERÓNIMO PALANTLA

The failure by the Centro Morelos to differentiate between procedural inadequacies or due process violations visited upon individuals by the state from those springing from other quarters, in this case from the application of customary law in indigenous communities, can be seen in a case involving an accused witch from San Jerónimo Palantla. On August 17, 1998, a woman from San Jerónimo appeared at the office of the Centro Morelos requesting help in obtaining the release of her mother, who had been jailed by community authorities on charges of causing a neighbor's death by means of witchcraft. Witchcraft accusations, well known in the anthropological literature (e.g., M. Nash 1960) and to Centro Morelos workers, carry a high probability that serious harm will befall the accused. In consequence, Centro Morelos workers acted with the same degree of dispatch that they did the year before in the case of San Miguel Ahuelicán. They immediately accompanied the complainant to the home of the *síndico* (the head law officer of a municipality), who with equal urgency contacted the comisario of San Jerónimo and ordered him to appear and to produce the accused woman in

his office the following morning. At this meeting the comisario claimed that the síndico's intervention was unnecessary as the matter had already been resolved. The accused woman had confessed her guilt and, as punishment, had agreed to burn down the house of her son-in-law (the husband of the original complainant), where the witchcraft was alleged to have taken place, and to pay 5,000 pesos (about US\$635) to the family of the deceased woman. The síndico was unimpressed by the community officials' handling of the case, however, perhaps in part because the confession was extracted from the woman while she was being tortured by electric shock (an innovation introduced to the region by security forces the year before) and after she had been threatened with hanging. In any case, the síndico summarily vacated the verdict and arrived at what is described as a "compromise" in which the comisario would be responsible for the accused woman's safety and well-being while the Centro Morelos would monitor his performance.

We unfortunately have no information about the internal conflicts within San Jerónimo that gave rise to the original witchcraft accusation, only evidence that the dispute placed the accused witch, her daughter and son-in-law, and at least a few other members of the community against a larger group that had the backing of the comisario and other community authorities. The Centro Morelos had given several workshops in and around San Jerónimo in the months leading up to the episode and were thus known to protagonists on both sides. The initial intervention of the Centro Morelos on behalf of the weaker of the parties led members of this group to test the limits of their newfound ally's willingness to commit to their cause. About a week after the resolution of the witchcraft accusation, the son-in-law appeared at the Centro Morelos office claiming that his mother-in-law was still being threatened, that a neighbor had made an attempt on her life the night before, and that the family feared the attacker would return and kill her. Something about the testimony aroused suspicion, however, and a bit of probing by a Centro Morelos caseworker in the days that followed revealed that the accusation (against a named individual) was false. When the son-in-law later returned to the Centro Morelos office to give a formal statement he was told that if he offered false testimony again he would be turned over to the public prosecutor (*ministerio público*). This was not quite the end of the Centro Morelos's dealings with this family. Two months later the daughter of the accused witch appeared at the office and sought assistance in dealing with her husband, claiming he had repeatedly insulted and beaten her.<sup>13</sup> Centro Morelos workers promptly escorted her to the office of the public prosecutor and helped her file assault charges. Two days later a caseworker attended a meeting of the prosecutor, the daughter, and the son-in-law in which both the husband and wife were given a stern lecture on the proper duties of spouses before being sent on their way.

This effort to enlist political allies outside the community was not limited to supporters of the accused witch. At about the time one party appeared at the office of the Centro Morelos, representatives of the opposing side solicited assistance from the director of the Union de Comuneros Nahuatl de Atzacaloya, Guerrero, A.C (Union of Nahuatl Community Members of Atzacaloya, Guerrero, or UCNAG), an NGO that sponsored economic development programs in indigenous communities, including San Jerónimo.<sup>14</sup> In a letter dated August 18, 1998, the



same day the *síndico* vacated the comisario's verdict on the witchcraft charge, the director of the UCNAG (belatedly) wrote to the Centro Morelos asking that they refrain from bringing the witchcraft case to the attention of state or municipal authorities. In the letter he expressed concern that involving outside (mestizo) authorities in the case would result in someone's incarceration in a matter "*sin importancia*" (of no importance). He further argued that removing the case from the jurisdiction of community would represent a violation of indigenous custom and a threat to indigenous autonomy.

While the Centro Morelos did not refer the witchcraft case past the *síndico* (a constitutional officer and a mestizo), they would not have hesitated to turn to the public prosecutor had the *síndico* not resolved the matter in a way that prevented further harm from befalling anyone in the community. The Centro Morelos's descriptive account of the witchcraft incident uses the term "arbitrary detention" to refer to the imprisonment of the woman and includes graphic descriptions of the torture (their word) to which she was subjected. The urgency of their intervention and tone of indignation used in describing the events matches their treatment of abuses perpetrated by security forces. Moreover, when the son-in-law sought to draw the Centro Morelos deeper into the case, presumably to gain the upper hand in the underlying conflict that gave rise to the original witchcraft accusation, they did not hesitate to threaten to refer the matter to the public prosecutor. Finally, when the daughter-in-law appeared and reported that her husband was beating her they escorted her directly to the prosecutor's office and helped her file a complaint. Although Centro Morelos caseworkers did not press for formal charges in the matters of arbitrary detention and torture, there clearly were limits to their willingness to indulge indigenous customary law.

This effort by the parties to the witchcraft case to enlist outside support demonstrates both the underlying interconnectedness of customary law with the adjudicative processes occurring outside the community as well as the ultimate embedment of the community's residents and its social institutions in the region's patronage networks. Empirically, the case began as a factional dispute within a community that escalated beyond the level of contentiousness that could be contained by the community's internal mechanisms of social regulation and control. The parties to the dispute were thus driven to seek the support of more powerful outsiders. Both turned first to people or groups who were among the only outsiders ever to bring resources and offers of assistance to their community. This was the point at which the episode took on the shadings of a face-off involving the imposition of Enlightenment-inspired human rights law set against the customary law of an indigenous community. These were not arguments that emerged among residents of San Jerónimo itself. They were instead the rhetorical weapons of the patrons to whom the parties turned.<sup>15</sup>

## DISCUSSION AND CONCLUSION

On any given day at the office of the Centro Morelos one can find a number of the region's rural and urban poor waiting to present their problems or grievances to one of the organization's staff members. It is the same scene one sees at Chilapa's

*palacio municipal*, at the local offices of state and federal legislators, at the public prosecutor's office, the regional center for SEDESOL, and a number of other places where supplicants may find a politically connected backer to take up their cause. The causes themselves are diverse since even routine matters of everyday life can be bound up in patronage relationships. To get a job, to access a government program, or to exercise many of the rights to which one is theoretically entitled as a perquisite of citizenship commonly requires a ritual display of obeisance to a public official or other patron; not uncommonly, it takes a cash consideration or vow of future political support as well. Patrons treat the access they grant, including entitlements ostensibly open to all, as a personal *merced* (roughly, a favor).

The causes heard by the Centro Morelos typically involve social conflict. Conflicts that emerge in the Chilapa region are generally handled through the informal adjudicative procedures that exist within families, neighborhoods, workplaces, villages, and the other social groups of which the local society is composed. When a conflict pits one group against another, or where an internal dispute escalates beyond what a group's informal adjudicative mechanisms can handle, the parties look to outside social actors for assistance. In theory, numerous administrative, regulatory, and judicial functionaries are assigned the role of handling these sorts of problems. The functionaries are charged with dispassionately applying codified rules that are designed to produce fair and equitable resolutions in the matters brought before them. In practice, few if any of these offices function in the intended manner. Instead of equitable treatment and dispassionate justice, government functionaries dispense *mercedes* in accordance with rules that rarely have much relationship to codifications and that instead accord a decided advantage to those of higher social standing. For those at the bottom of the social order, the trick is to enlist the support of a patron whose social standing is sufficient to trump the cumulative standing of the forces arrayed against them. Whereas the winners to such interactions see "justice" done, the losers experience the sting of *impunidad*.

This is the world in which caseworkers of the Centro Morelos work to see codified rules consistently applied. It is an uphill battle. Though we suspect few would admit it openly, the Centro Morelos seems to stand practically alone in the region in seeking to create a world characterized by the consistent and universal enforcement of codified rules (the protestations of opposition political figures and others victimized by *impunidad* notwithstanding). Those who have responded to the Centro Morelos's offers of legal assistance have rarely understood nuances of legal philosophy, and even more rarely have they cared. They have instead looked to codified rules, and to the Centro Morelos, with an eye toward using them to their advantage. In this they differ very little from those who hail from the more privileged precincts of society, for whom invoking codified rules is strictly optional and likely only when it is found to be a matter of strategic convenience. Whereas the privileged obtain economic and political satisfaction and security by exploiting social contacts scattered among the middle and upper levels of patronage networks, those at the bottom of the social order have far fewer options. Subscribing to the agenda of would-be patrons in an effort to secure support is one possibility. The Centro Morelos commands few resources and thus has little

ability to develop a broad network of clients committed to their cause. As a result, their position in the middle ranks of the region's patronage networks is fairly precarious. The group has the most success in small matters, where caseworkers can contact friends, relatives, or acquaintances to obtain small mercedes for their clients. Issues that pit their clients against well-connected opponents are more problematic. In such cases, only by activating their most important political asset—namely, their social connections to larger and more influential human rights organizations and agencies—do they have a chance of success. Only in the rarest of circumstances can the Centro Morelos, or most Mexicans generally, look to codified rules, and to the formal institutions of the state, for assistance.

In writing this article we presume that experts in the field of legal anthropology, or, for that matter, anyone with substantial experience in Mexico, will not object to our assertion that the Mexican state is inconsistent in showing deference to and in the enforcement of codified rules and procedures. Furthermore, we readily acknowledge that our arguments on this point, and on the operation of patronage systems generally, could as easily be applied to broad swaths of the world, including many social arenas within industrialized countries. That said, we do feel that if viewed in terms of the depth to which patronage networks penetrate society, something that is not fully captured either in quantitative measures (e.g., in Transparency International's annual "corruption" index [2006]) or in the narrowly political studies of sociologists and political scientists, Mexico is special. Patronage is a system of social organization that extends throughout Mexican society, and it has very deep historical roots.

In any case, our impetus in writing this article has been to draw attention to the discrepancy between the pervasiveness of patronage networks, and the embedment of all Mexicans within them, and imagery of Mexican law and politics invoked in the rhetoric on "indigenous autonomy" that has become such a dominant theme in both public and intellectual discourse in recent years (e.g., Aubry 2003). Anthropologists bear some culpability here in failing to respond or comment as activists crafted political agendas rooted on the assumption that indigenous communities are separate and distinct and that they have legal traditions that are perhaps morally superior (or at least not clearly inferior) to alternatives with Western antecedents. It is an agenda that echoed arguments found in early ethnographic studies. Whether the authors of these early studies intended their portrayals of indigenous communities as separate, detached, and morally upright to be interpreted literally, or whether this imagery was created merely for heuristic purposes, is a question we leave to intellectual historians. Either way, the characterization offered to indigenous rights activists a basis for suggesting that indigenous communities have separate legal customs, that these customs deserve respect, and that the communities where they are practiced should have the right to be left alone. These arguments have run headlong against equally impassioned voices that reject the notion that political rights should hang on what amounts to accidents of birth, to be contingent on the ethnic character of the communities into which individuals are born (see Zechenter 1997). These are fighting words, on both sides.

Were the two of us forced to decide between these competing positions, we would have to give the matter more thought before making up our minds; there is no certainty that we would come to a common position. Through the din, in other words, we see room for reasonable people to disagree if the debate centers strictly on the merits of the arguments taken at face value. Yet what we find more troubling than the general intractability of the alternate political agendas is the nagging sense that both positions, however eloquently and passionately articulated, seem strangely detached from reality. Creating a legal regime characterized by a universal application of codified rules and procedures is an unlikely prospect, at least in the foreseeable future, as this would cut squarely against the underlying organizational principles not merely of Mexico's existing legal regime but of Mexican society generally. Partisans on both sides of the debate surely know this. And yet the rhetorical positions have not merely persisted, they have gained traction and spread. They have become entrenched ideological constructs more notable for their power to mobilize support than for their relation to the social realities of contemporary Mexico. However much we may sympathize with one side or the other, it seems to us that as social scientists our primary responsibility is to expose discrepancies between the rhetorical weapons deployed by competing factions as they jockey for position within patronage networks and social reality, which in this case proves much more complex than either side apparently has an interest in acknowledging.

## NOTES

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1. See González (2005) for a thoughtful analysis of institutional weaknesses of the judiciary by a Mexican legal scholar.

2. Open advocacy in support of cultural rights claims are often tempered when the topic shifts to gender. Indeed, opponents of cultural rights claims count the victimization of women in indigenous communities as among their strongest arguments. This tangles cultural rights advocates in strange argumentative knots. In the end, and in recognition of the fact that the sometimes capricious evidentiary rules and other due process guarantees that characterize adjudicative proceedings in indigenous communities (e.g., J. Nash 1967; M. Nash 1960; Sierra 1995; Vilas 2001) commonly leave women exposed to abuse, it is not uncommon for researchers to qualify endorsements of cultural rights claims with a proviso that amounts to an admission that in the matter of women the state should be free to disregard indigenous custom and to apply a hearty dose of intrusive Enlightenment ideals and rights guarantees (e.g., Hernández 2002; J. Nash 2001:148; Sierra 2002, 2005:62–63). Similarly, Stephen (2005) has shown how indigenous activists themselves opportunistically invoke or reject legal principles of diverse jurisprudential origins in response to political expedience.

3. We take this to be the significance of recent research conducted mostly by Mexican scholars (especially Sierra 2004b) on *interlegalidad*, or the interrelations between customary and official state law and legal institutions. As noted above, customary and state law have been shown to deal with generally nonoverlapping spheres of social life. Only in

a fairly narrow sliver of social terrain is there direct competition between legal systems and principles.

4. For example, presidential candidate Andrés Manuel López Obrador was recently quoted as asserting that electoral fraud is a violation of human rights (McKinley 2006). Also, see note 15 below.

5. Most patronage networks eventually converge on the office of the Mexican presidency. Smaller patronage networks with varying degrees of autonomy have at their apex union leaders, corporate executives (Davis 1968), and directors of drug cartels (Andreas 1998). We should perhaps acknowledge attempts to opt out of established networks that have periodically arisen over the course of Mexican history. Often these amount to little more than an effort to form alternate patronage hierarchies with a different rank order of relative power. Some will argue that at least some such efforts envision the creation of social institutions organized on a different basis altogether. Militant groups such as the EPR and the Zapatistas of Chiapas (G. Collier 1994) are well-known examples. Another is the *policía comunitaria* (community police) movement that arose in a handful of municipios in the isolated Montaña region of Guerrero, east of Chilapa and its hinterland (see Martínez 2001; Sierra 2005).

6. Political scientists and sociologists have made significant contributions to our understanding of patronage networks in Mexico, generally referring to the resulting political system as “clientelism” (e.g., Camp 1996, 2002; Cornelius and Craig 1984; Grindle 1977; Hansen 1971; Smith 1979). Despite familiarity with the general principles upon which these systems operate, anthropologists and others have conducted very few fine-grained studies that document the operation of patronage networks in ethnographic settings (see Cross 1998 for an exception). This is probably because much of the work these networks perform is hidden from public view and comes to the attention of researchers in the form of unverifiable rumor and innuendo. That the operation of patronage networks oftentimes involves behaviors that are technically illegal has a stifling effect as well, placing researchers who might otherwise report and analyze them at risk of running afoul of local power brokers, of jeopardizing relationships with or the well-being of informants, and of creating problems between researchers and the Institutional Review Boards of their home institutions. Whatever the reasons, the end result is that patronage networks in Mexico are known to anthropologists mostly through a combination of highly abstract discussions (e.g., Foster 1963; Wolf 1966), historical studies (e.g., Brewster 1999; Chevalier and Buckles 1995), and, especially, the anecdotes of practically everyone who has set foot in the country.

7. Unless otherwise noted, we base our discussion of the Centro Morelos on a combination of informal interviews with caseworkers and an examination of the organization’s unpublished records. These records are of several types, including daily and monthly *informes* written by individual caseworkers; annual reports covering the activities of the organization as a whole; drafts of funding proposals; attendance records for educational workshops; financial statements and receipts; correspondence; copies of court records; witness statements; and handwritten notes. Our work with the organization’s records (done by Yaworsky) has been split over two periods, the first in 1999–2000 and the second in the summers of 2006 and 2007. Unfortunately, the Centro Morelos has no filing system that would enable us to cite individual documents.

8. Our account of the military actions in San Miguel draws on several sources, most particularly on a report written by a group of human rights activists who responded to the appeals for assistance by Centro Morelos by touring the region in June of 1997 (Red Nacional de Organismos Civiles de Derechos Humanos “Todos los Derechos Para Todos” n.d.). Other sources include unpublished records on file with the Centro Morelos and a

United Nations Commission on Human Rights report (1998). We note that all of these sources draw on the same set of witness statements and interviews with area residents. For a view of the incident as seen through the lens of national party politics, see Gutiérrez 1997.

9. The cases against these individuals evolved from charges involving illegal weapons to drug possession, then back to more weapons charges, new charges being filed as courts rejected the earlier ones. In late 1998 one of the three individuals was sentenced to six years of imprisonment on weapons charges and the remaining two individuals were released. All accounts and testimony taken in 1997 indicate that the weapons found in the home of the convicted man included an old .22-caliber rifle and a 20-gauge shotgun. Neither of these weapons is proscribed by Mexican law. It is thus difficult to see how prosecutors managed to find a judge willing to convict the man, especially given the international attention the case received.

10. Official reports placed the death toll at four, two on each side (García 1997). Residents of Chilapa who witnessed the aftermath of the encounter report having seen more than twenty dead soldiers. As was customary, the EPR issued a formal statement claiming responsibility for the attack (see Comandancia General del Ejército Popular Revolucionario 1997). Notably, they issued no claim of responsibility for an attack on April 1, 1997.

11. The demographic information cited here can be found at <http://mapserver.inegi.gob.mx/dsist/ahl2003/>.

12. The two cases described in this paragraph, alone among those discussed in this paper, are not found in the Centro Morelos records. Instead we rely here on personal communications with Centro Morelos workers.

13. In recent years domestic violence has become the most common issue brought by complainants to the Centro Morelos. Most such cases originate in Chilapa itself and only rarely from rural (Indian or mestizo) villages, where they are typically handled by community authorities and kin. In the case involving the daughter of the accused witch from San Jerónimo, the family was at odds with community authorities and the woman accordingly turned to outsiders for assistance.

14. Despite its name, the UCNAG is based in Chilapa, not Atzacoyaloya, a nearby village. It is something of a one-man operation run by a former *regidor* of Atzacoyaloya. Like the Centro Morelos, the UCNAG held standing as an Asociación Civil and tapped SEDESOL funds to support temporary employment programs (see Yaworsky 2002:134–35). Some of these funds reached San Jerónimo, where the UCNAG director developed a small client network.

15. Several scholars have recently noted that agents of the Mexican state have adopted the rhetoric of human rights law as part of an effort to gain advantage in disputes involving Indian communities (Sierra 2002; Speed 2005; Speed and Collier 2000). At least in central Guerrero, we see an exact parallel in regard to “indigenous autonomy” and customary law. Both “human rights” and “indigenous autonomy” are rhetorical devices deployed by parties to disputes in their efforts to gain broader support and strategic advantage (cf. Sierra 1995).

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