Indigenous Law and Identity Politics in Mexico:  
Indigenous Men’s and Women’s Struggles for a Multicultural Nation

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In this article I want to approach the debate on multiculturalism in Mexico as these are circulating around debates and discourses of indigenous rights, emphasizing the tensions that exist among gendered perspectives on identity politics within the indigenous movement and also among Mexican intellectuals. This debate became very important in the Mexican political agenda after a proposal for a law on indigenous rights was discussed and passed by Congress in April 2001. As has happened in other geographic contexts, “women’s rights” have been used by feminist and not feminist intellectuals and politicians attempting to disqualify indigenous cultures and traditions and to oppose indigenous peoples’ demands for autonomy. 1 Indigenous women have played a very important role in confronting these uses of a discourse about indigenous women’s rights as arguments against indigenous cultural rights more generally.

Through their participation in a nation-wide organization known as National Congress of Indigenous Women (CNMI), these women are developing a discourse that demands that indigenous rights and women rights are not intrinsically opposed to each other. Their conception of multiculturalism and autonomy emerges from a dynamic perspective on “culture,” a vision that, while it claims the right to self-determination, does so from an understanding of identity as an historical construction which is formulated and reformulated in daily living.

First, I will describe some of the settings in which the concepts of autonomy and cultural rights are being formulated in contemporary Mexico, and show how these demands represent a new political discourse about self-determination that reaches even

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1. The rights of indigenous women were vindicated as an argument against de-colonization movements in Africa and Southeast Asia and are now being used in Afghanistan to justify the bombing and destruction of this country, in the name of democracy. Different feminist positions on multiculturalism can be found in Okin (1999).
remote areas of rural Mexico, and examine how this discourse has culminated in the Indigenous Law recently passed by Congress. Second, I will describe the political context in which the law on indigenous rights is being discussed and analyze the challenges that the recognition of indigenous rights as well as the autonomic demands of indigenous people represent for the Mexican State and mestizo power elites, and for their visions of a multicultural Mexico. These challenges help us understand the strong reactions against Indian autonomy and multiculturalism that emerged around the 2001 Law on Indigenous Rights. Third, I will present some of the discourses of mestizo and indigenous men on multiculturalism, contrasting the ethnocentrism of some liberal intellectuals with the essentialism of some Indian leaders. Finally, I will trace the emergence of a new national indigenous women’s movement and the perspectives on multiculturalism that this sector of the Indian movement is developing in opposition to both the ethnocentrism and essentialism of the male perspectives previously described.

As a feminist activist and as an anthropologist I have been witness to and part of the debates I track here through my research on the Mexican media and my work with indigenous women organizations. The experiences and analysis that I share in this article are a product of long-term ethnographic fieldwork in Chiapas ² and long experience as an activist working in rural México.

**Autonomy in the Margins of the Nation**

*It is eight in the evening. Don Nicolás is sitting before the fire, waiting for the coffee and the beans with tortillas that his granddaughter is preparing for him. The wall of wooden tiles lets in the cold from the mountain, and he throws more wood on the flames to keep the cold from his bones. For several years he has been living with his youngest son,*

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2. The information related to the Mam area was obtained during the last fifteen years of fieldwork in the southern Mexican border in the framework of various research projects (Hernández Castillo et al. 1992, Hernández Castillo 2001). The information about indigenous women was obtained through participation in different political mobilizations, forums, and congresses of the national Indian Movement in the frame of the research project “New and Old Spaces of Resistance: Indigenous Women, Resistance, and Collective Organization” sponsored by CIESAS and CONACYT. I am grateful to the members of the seminar *Gender and Ethnicity* of CIESAS: Patricia Artía, Ixkic Duarte, Margara Millán, Jules Soro, Lina Rosa Palomo, Silvia Soriano, Morna MacLeod y Violeta Zylberberg for the reflections shared in this space, which were fundamental in the development of this article.
since he stopped going down to the coffee plantation and could no longer tend the milpa (small corn field) he had, higher up the mountain on the outskirts of Malé, a little piece of scrub land they gave him back in the thirties so that he could survive until harvest time. That mountain hectare made him into an ejidatario \(^3\) and saved them the trouble of maintaining him at the plantation when there was no crop season.

With his eighty-seven years, the people of Toquían Grande consider him an “ancient” (antiguo)—one of those who lived through the Government Law which forbade their language and burned their clothes. Don Nicolás still remembers the day they poured kerosene on don Julian from Niquivil and set him alight for being “a stubborn Indian” and not wanting to give up his woolen chuj and put on the denim overalls given him by the government’s generous representatives. Years later, in the seventies, when the government policy changed, don Nicolás was named Mam Supreme Counsellor when he was the only one who dared to stand up in a meeting with an official of the National Indigenist Institute (INI) and admit publicly that he spoke the language of the ancients. Afterward came times when the government sent money to “rescue the customs,” to buy native costume in Guatemala and dress up again for the indigenous Encounters and Festivals. But the costumes and the marimbas were never accompanied by the land that the government had been promising them for decades. They let them be Indians, they even supported them with INI projects to help them be Indians, but they had to be poor Indians, without land or credit or hope.…

Now his grandson is arriving, his voice excited, to tell him that there has been a meeting with people from Pavencul, and they have decided to make an autonomous municipality, to take control of the lands, and carry out the Agreements signed between the Zapatista National Liberation Army and the government. Don Nicolás shares his grandson’s enthusiasm, though he doesn’t understand much of the talk of an autonomous municipality. His grandson tries to explain: “To be autonomous is to be

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\(^3\) Ejidatario, is the peasant that owns ejido land. Ejidos are communal lands divided into small lots and given to peasants for their individual use. The lots could not be sold or mortaged. They could be inherited but not subdivided, and if a peasant moved away, his land remained with the communal governing body. Ejido lands were open to privatization by Salinas de Gortari’s Government at the beginning of 1992.
free, without anyone to order us around, and it won’t be the mestizos from Tapachula who make decisions about our lives any more, at last it will be we who control our lands, our woods, our rivers.”

Until a few years ago, most of the inhabitants of the Chiapas Sierra Madre in the region called Mariscal defined themselves simply as “peasants.” Perhaps, after their confidence was gained, one or two of them might let on to having ancestors who were *idiomistas*—meaning that they spoke the Mam tongue—and that they themselves still understood a little of the language of their forefathers. The years remembered as the time of the Government Law, when the governor, Vistórico Grajales (1933-1937), “forbade the language and burned the costumes” in his Campaign to Civilize through Dress (*Campaña de Civilizar por Medio del Vestido*), marked for decades Sierra peasant feelings and led them to deny any identity other than that of “Mexicans,” an identity continually vindicated and reinforced by the migration control checkpoints of this border region.4

On March 13, 2001, the children and grandchildren of these forcibly “Mexicanized” peasants announced the creation of the autonomous Mam region of Pavencul, made up of several communities in Motozintla, Cacahoatán, and Tapachula. One of the representatives of the new autonomous region said: “The creation of the independent municipality arises out of the oblivion in which the authorities have kept the Mam people, direct descendents of the Mayan culture.” The representatives also outlined the framework of their demands for autonomy within the “San Andrés Agreements” signed by the Zapatista National Liberation Army (EZLN, *Ejército Zapatista de Liberación Nacional*) and representatives of the federal government on February 16, 1996, and later rejected by the government of Ernesto Zedillo.

The vindication of this minority group of Mayan indigenous, hitherto overlooked by Mesoamerican ethnography, is a sign of a new period beginning in Mexico. Recognition of the nation’s multicultural nature, included only eight years ago in Article

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4. A detailed description of the encounters between the Mam indigenous peoples and the state and a theoretical discussion of how the dialogues of power influence the processes of identity construction can be found in Hernández Castillo 2001.
Four of the Constitution, and still unsupported by regulatory laws, has become the starting point for the national indigenous movement’s demands for autonomy as expressed by the EZLN and the National Indigenous Congress (CNI, Congreso Nacional Indígena).

Along with the demand for a legislative reform which recognizes the right to autonomy, the indigenous movement in Chiapas has promoted the strategy of establishing rebel autonomous regions, which do not recognize the authority of the State, and has set up their own government structures and spaces for conflict resolution.\(^5\) The creation of the autonomous region of Pavencul is thus part of a national struggle for indigenous autonomy that is occurring on several fronts.

The struggle of the EZLN and the struggle of the wider indigenous movement for autonomy are not only struggles against the State but also for the construction of new collective imaginaries affecting the national, ethnic, and gender identities of the movement’s participants and Mexican society as a whole. Their challenges are made not just against a centralized State, but also against regional elites and transnational forces that influence the lives of indigenous peoples. Beyond a political and economic struggle, the new demands for autonomy represent a fight to construct new meanings in the face of the nation’s hegemonic discourse. This discourse has swung from openly promoting the absorption of indigenous cultures into the wider Mexican identity to vindicating the indigenous cultures as “national heritage.”\(^6\) The stake in the present political struggle in Mexico is not just the constitutional recognition of indigenous rights, but the re-creation of the national project and the establishment of a new social pact between indigenous peoples and the Mexican State.

As several analyses of social movements have shown, in the process of organization and struggle new collective identities are forged (see Escobar and Álvarez 1992). Indigenous people from different regions of Mexico have enlarged their perspectives beyond their own communities to encompass a larger indigenous

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\(^5\) For a detailed description of these strategies toward autonomy, see Burgete In press.
movement. As a result, it is not only their discourses of indigenous identity that have been transformed from a discourse of peasants, but at the same time they’ve also come to confront official discourses about nation with alternative discourses about the identity of the nation, citizenship, and what being “Mexican” means.

The creation of the autonomous municipality of Pavencul occurred in the midst of this national debate over indigenous autonomy which came to a head in January 2001 when President Vicente Fox placed before Mexico’s Congress the Concord and Pacification Commission’s (COCOPA, Comisión de Concordia y Pacificación) 1996 legal initiative based on the San Andres Agreements. The “San Andrés Agreements” were made into a proposal for a legal initiative by delegates from the various parties making up the Concord and Pacification Commission (COCOPA, Comisión de Concordia y Pacificación). On December 19 of that year, then-president Ernesto Zedillo rejected the agreements arrived at by his own representatives with the Zapatista command. This arbitrary decision ended the dialogue, cancelled until the time when this article is being finished. In spite of the wide political mobilization by both indigenous and nonindigenous Mexicans which took place in support of the COCOPA initiative—including the march of members of the EZLN Command across twelve states in the country, the gathering of 3,383 indigenous delegates from 41 ethnic groups in Nurío, Michoacán (March 1-4, 2001), and the historic presentation of the Zapatista command in Congress—the most important autonomic demands in this initiative were rejected by most members of both chambers of Congress, who proposed and passed a very limited version of the law, a version considered by the EZLN and by the national indigenous movement to be a mockery of their demands and a betrayal of the San Andres Agreements. The COCOPA initiative was sent to Congress for discussion by President Vicente Fox in January. On March 28, 2001, in a historic event for Mexico, the representatives of the command of the EZLN entered Congress to defend the COCOPA initiative. On April 25 the whole Senate (including members of the “left wing” Party of the Democratic Revolution PRD) passed an Indigenous Law which significantly modifies the form and the content of the COCOPA initiative. One week later the house of

6. An analysis of the different official discourses on the nation, and their impacts on the lives of indigenous peoples, may be found in Hernández Castillo and Ortiz Elizondo 1996.
representatives ratified by majority (this time with the opposition of the PRD) the Senate’s decision.

The Indigenous Law that was passed by Congress last year put in place a series of locks on the autonomy recognized in the COCOPA initiative. It is important to bear in mind that when the San Andres Agreements were signed in February 1996, the Zapatistas had already negotiated many of their initial demands in order to reach peace with the Federal Government. They again compromised when they accepted the proposal made by the members of the COCOPA, which omitted many of the specifications about indigenous law and the exercise of indigenous autonomy in an effort to mediate between the government of Ernesto Zedillo and the Zapatista command. Now for a third time an attempt is being made to introduce radical changes that diminish the initiative. The passed Indigenous Law gives to state congresses the responsibility for determining how to recognize indigenous autonomy; fails to recognize indigenous people’s collective right to the use of their natural resources, lands, and territories; and denies judicial validity to their normative systems. Taking into account the fact that most state congresses are still under the power of regional cacique (local political bosses) forces, the autonomy granted in the second article of the new law will be no more than a figure of speech, without any judicial content to allow its operation.

Among other changes made to the COCOPA initiative was the addition of the clarification, reiterated in several items, that the “Mexican nation is one and indivisible.” In the anti-multiculturalism rhetoric that fell out under the sign of a “unified Mexico” was played out the ghost of national fragmentation, the fear of land and natural resource collectivization, and the disqualification of usos y costumbres (“indigenous uses and customs,” term used to refer to customary law), which led the senators of all parties to approve a law that does not correspond to the central demands of the national indigenous movement. Indeed this new law seems more a response to the criticisms made by right wing conservatives and ethnocentric liberals than any kind of response to the demands for autonomy made by the national Indian movement.
The 1996 COCOPA initiative was a broad proposal that needed to be given substance either by enacting regulatory laws or by modifying state constitutions (each of these strategies for giving it force has advantages and disadvantages). Nevertheless, despite its flexibility (already omitting many of the specifications contained in the original San Andres Agreements), the initiative was modified on the grounds of the dangers of national disintegration posed by autonomy and the threat to private property and economic investment that the recognition of the rights of indigenous peoples to the collective use of their lands and natural resources represented. Clearly, behind Congress’s response is the fear that the COCOPA initiative would have opened a space to recast the hegemonic national project altogether.

It is also important to remember that the national indigenous movement as well as the zapatista movement considered the COCOPA initiative merely a point of departure: the struggle for autonomy goes well beyond this proposal put together by the various parties’ senators and representatives in their desire to reconcile the federal government and the EZLN and renew the dialogue between them. That approval of the COCOPA initiative was intended to form only the first step of a much longer process was restated by Commander Tacho in his speech before the Congress in 2001 when he reminded those present of the Mesas de Trabajo (discussion forums) which had been left hanging when the dialogue was suspended in 1996. For her part, the Nahua representative of the National Indigenous Congress (CNI), María de Jesús Patricio, proposed: “We would like to suggest that this process does not end here; that it continues, even after the COCOPA initiative is recognized. We believe that this will be the solution to the problem of the indigenous peoples, but it will need more work. This would be the first step that the government yields to the indigenous peoples of Mexico, and from then on begins a new relationship between government and indigenous peoples” (La Jornada, April 3, 2001, p. 9).

These indigenous proposals for autonomy go far beyond the measures of the COCOPA initiative and suggest the reassessment of relations not only with the nation-state, but with the whole of Mexican society. For example, along with demands for the recognition of indigenous languages and cultural forms comes the need for a
restructuring of the health and education system at a national level in order to include the recognition of diversity. To speak of autonomy implies also the necessity to promote sustainable development that reincorporates traditional indigenous agricultural methods as well as other organic techniques. In this sense, members of the autonomic movement are confronting the transnational agrochemical companies, and they will require an economic autonomy that allows them to appropriate the means to market their products without the need for intermediaries. Finally, the vindication of their normative systems and forms of government also calls into question electoral democracy as the only route to wide political participation.\footnote{An introduction to the various autonomic proposals and concrete experiences in indigenous autonomies can be found in Díaz Polanco 1998 and Mattiace 1998.}

It can be said, then, that the struggle for autonomy is a struggle against the racism of Mexican society, against the centralism of the State, against international companies pushing agrochemicals, against the political parties that deny any alternative form of constructing democracy, and against the local intermediaries who appropriate the profits and earnings of the indigenous peoples. It is a war on many fronts, full of complexities and obstacles.

One of the key problems facing the construction of this indigenously-imagined political project is the idealization of the indigenous past, that is in part a reaction to the racism that has caused some sectors of Mexican society to criticize indigenous cultures. The preemptory disqualification of their cultural forms has led indigenous leaders, their helpers, and many intellectuals sympathizing with the indigenous movement to present an idealized vision of the communities which emphasizes the conciliatory nature of their normative systems, the ecological sense of their worldview, and the democratic nature of their forms of government. The racist vision and the idealized vision are equally false, both denying the complexity of all cultural identities. From the vantage point of this debate it would seem there are only two representational possibilities: that of the nineteenth century which sees indigenous culture as primitive, residual, retarded, and hence disposable; and that of the essentialists, who present indigenous cultures as age-old, ecological and democratic.
Male Discourses on Multiculturalism: Disqualification of Indigenous Demands versus Ethnic Essentialism

The rejection of the COCOPA initiative, and, in a wider sense, of the demands for autonomy, has three main arguments: one which represents autonomy as a danger to national unity, another which rejects the collective management of land and natural resources, and lastly one which disqualifies indigenous cultures and forms of organization that the initiative legitimized and recognized. In this section I want to center my attention in this third argument, because it is the one that more openly expresses the racism and ethnocentrism that persist in the Mexican society. To disqualify the cultural demands of the Zapatista movement several intellectuals wrote about the anti-democratic and pre-modern characteristics of the indigenous cultures. Two main perspectives were expressed through the media, one openly racist that represented indigenous cultures as primitives and backward and a liberal one that presented them as “not authentic”, using history to demonstrate the colonial origins of indigenous cultures. As a reaction to both representations indigenous leaders responded with alternative idealized images of their identity. An analysis of these debates, as they appear in the press, will help us to understand the cultural and political context in which the new perspectives of Multicultural Mexico are being constructed.

The racist representation was evident in the press in first stage of this debate in 1996, with the rejection of the San Andres Agreements by then-president Ernesto Zedillo. An open racism framed the arguments of the “judicial” assessors of the PRI government and the intellectuals of this reactionary regime. Jurist Ignacio Burgoa Orihuela announced to the press the danger that the indigenous peoples might return to “human sacrifice” if autonomy were allowed them (La Jornada, March 4, 1997) and warned that if the COCOPA initiative was approved in Congress, “indigenous sovereignties’ would form, or an ‘indigenous power’ independent of municipal, state, and federal power, offending against the Constitution itself.” He went on to comment sarcastically on the COCOPA Article that recognizes indigenous peoples’ right to their own communication media: “What communication media are we talking about? Donkeys, carts or rickshaws?” (La Jornada, January 10, 1997, p. 13).
In a similar way the well-known anthropologist Roger Bartra pointed out the colonial origin of indigenous cultures and warned against the “seeds of violence and anti-democracy” that the recognition of indigenous “usos y costumbres” (traditions and customs) would bring (La Jornada Semanal, August 31, 1997). On that occasion, as he has done now before Congress, the Mixe lawyer Adelfo Regino Montes argued that demands for autonomy do not have a separatist intention, and that autonomy and sovereignty are different things (see La Jornada January 19, 1997. p. 10 and Perfil La Jornada, March 29, 2001, P.V.).

From the start cattle owners and the extreme right in Chiapas have been alone in openly opposing the recognition of indigenous rights. Their discourse denies that there is anything indigenous about indigenous discourses of autonomy, declaring in a paternalistic racist voice “the COCOPA initiative can be harmful to the indigenous peoples because the ideas of Mao Tse-tung and Karl Marx should not be introduced to Mexico” (La Jornada, March 23, 2001). In the second part of the debate, which began when President Fox took up the COCOPA initiative and placed it again before Congress, the arguments against the initiative have been more subtle. At this second stage of the dominant debates, it is the defenders of liberal discourses of equality who have questioned the COCOPA initiative based on a critique of “usocostumbrismo” (support for the existence and validity of indigenous peoples’ “usos y costumbres”) and communalism. For José Blanco, an influential editorialist and professor from the Autonomous National University of Mexico (UNAM), the recognition of cultural difference “runs the risk of turning into a new mechanism for social marginalization” (2001:17). For the historian Juan Pedro Viqueira, one of the most important specialists on the history of Chiapas, “it can reify cultural differences and deepen the social rift between the two groups on either side of the discrimination and marginalization that indigenous groups suffer” (2001:34).

Blanco openly proposes modernization with its means of individualization—presuming there is no individualization among Mexico’s indigenous societies—as the only way for the democratization of society and asserts that the persistence of the
sense of community among indigenous groups is “the result of the insufficiencies of modernization; that where there were integrationist mechanisms community was dissolved to give way to society” (Ibid). Juan Pedro Viqueira, by contrast, has pointed to the colonial origins of many indigenous institutions and traditions as an argument to dismiss usos y costumbres and to warn about the dangers for indigenous women of these colonial traditions. Based on a detailed historical reconstruction, Viqueira (1999) argues that contemporary indigenous cultures are the product of colonial and post-colonial relations of domination, and on this basis delegitimizes the claim of indigenous cultures to their own normative systems.

So-called historicizing arguments such as Viqueira’s make critiques of indigenous traditions without recognizing that any collective identity—ethnic, gender, or national—will always be marked by relationships of domination and formulated and reformulated in a permanent dialogue within discourses of power, this does not mean that such dialogues cannot be spaces where our lives acquire meaning. Further, liberal intellectuals such as Viqueira elide entirely the fact that positive Mexican law is itself an historical product which has for decades legitimized ethnic and gender relations of inequality. A brief look at the civil and penal code of Chiapas is enough to confirm that many of the accusations made against indigenous customary law, particularly concerning gender relations, can also be applied to the positive law system.

Until 1998, the Civil Code of Chiapas established in Articles 165 and 166 that women were responsible for domestic work and could only work outside of the home if it did not interfere with their domestic responsibilities. The same code established that women needed their husband’s authorization to travel or work outside the home.\(^8\) The idea that a woman may be “kidnapped” against her will and that this constitutes only a misdemeanor, which can be repaired by marriage, is shared by both positive law and customary law in some indigenous regions of Chiapas. A comparative analysis of both normative systems from a gender perspective would yield many other similarities which

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8. These articles were modified in 1998 partly as a response to an initiative presented to state representatives by members of the women’s movement of Chiapas.
trouble the vision of positive law as a universal solution for the problems of indigenous women.\textsuperscript{9}

The discourse on equality that these intellectuals use to oppose some of the demands of the indigenous movement then hides an ethnocentric vision of the nation. History has shown that in the name of equality and the need to build a modern, homogenous, and mestizo nation, indigenous peoples have in the past been denied the right to speak their own language (Spanish being imposed as the national language); they have had laws imposed on them which they did not understand and which did not consider the cultural context of the accused; and they have had their politico-religious authorities delegitimized by the imposition of mestizo municipal authorities who concentrated the political and economical power of entire regions. All these impositions were made in the name of the “right to equality” and the rule of law.

Further, mistaking a right for an obligation, these defenders of liberal discourse on equality present the recognition of the right to cultural diversity as a chain that will tie indigenous individuals to their “culture” and will cancel the possibility of intercultural dialogue. In this discourse the phantom of “usocostumbrismo” is brought out to build the image of a political subject which is fundamentalist, intolerant and blinded by cultural atavisms. Nevertheless, both Roger Bartra and Pedro Viqueira have fallen into the same fallacies they set out to unmask. Their careful archeology of indigenous institutions crumbles when we arrive at contemporary times. While they assume the discourse around “usos y costumbres” is an everyday reality, ironically, the indigenous movement has retaken this colonial discourse from the State and academia itself.

Within the national indigenous movement and in many autonomous regions formed in Chiapas since the Zapatista uprising, “usos y costumbres” is used as a euphemism to represent the claim for the right to self-determination. However, more than returning to the past or wanting to “orient (and sanction) social behaviors based on . . . a past reality, which as any reality can have positive and terribly unjust aspects”

\textsuperscript{9} A comparative analysis of both judicial systems in the specific case of domestic violence can be found in Hernández Castillo, in press.
(Viqueira 2001:31), what these projects are doing in practice is creating new organizing structures and new ways to deliver justice. These new spaces take as much from international law and Labor Agreement 169 of the International Workers Organization as from more “traditional” practices, such as the long discussions through which community assemblies seek to reach consensus.

There is, however, a certain ethnic essentialism permeating the discourse of some members of the National Indigenous Congress (CNI) and several indigenous leaders and their advisers, which gives critics of the COCOPA initiative the raw material to build up their “usocostumbrismo” phantom. Although it is understandable that at certain stages social movements develop essentialist discourses that idealize and stereotype their own “cultures” and exclude the alien—as have African American and feminist movements in earlier stages of segregationist radicalism)—history has shown that these strategies serve to isolate the movements and to cancel the possibility of political alliances. Similarly, in response to racism and de-legitimization, indigenous movements in Mexico have tended to emphasize the positive aspects of indigenous cultures as things that have survived for thousands of years, based on non-historical descriptions of them.

Such an assertion of “authenticity” based on an age-old culture is present in the discourse of the Purépecha leader Juan Chávez in a recent interview and was echoed in the conclusions of the most recent the National Indigenous Congress meeting that took place in March, 2001 in Nurío, Michoacán:

We declare: that in its name and with its word, word of truth, sown long ago in the depths of our dark-skinned hearts, with dignity and respect, that we are a People. That when we say we are a People, it is because we have in blood, flesh, and skin all of our history, all of our hope, all the knowledge, the language and the identity; all the roots, sap, branch, and flower, and the seed given to us to keep by our mothers and fathers, to be planted in our hearts and nevermore forgotten or lost (La Jornada de Morelos, March 12, 2001).
This speech, poetic as it may be, is full of biological metaphors linking culture to blood, flesh, and offspring, thus denying the possibility of multiple identities or of recognizing a cultural hybrid that enriches any processes of identity construction.

Among the dangers of this political strategy is that the movement itself will swallow the diverse discourses at work in indigenous communities and fail to face the real problems of anti-democracy, depredation, or violence which are daily bred in many indigenous communities. If the existence of internal problems is denied, there is no need to confront them or find political solutions for them. Moreover, these representations do not hold up to historical scrutiny, giving critics of indigenous normative systems the opportunity to discard all the political claims on the basis of an essentialist discourse.

However, the most dynamic and productive critiques of both indigenous and mestizo essentialisms come not from without but within indigenous communities. Indigenous organizations—and within them, the voice of indigenous women in particular—are beginning to recognize in the utopian impulse that characterizes these primordial representations the limitations that they impose on the construction of an alternative national project.

Admittedly, in the current political context in Mexico—where the deconstruction of indigenous cultures has been used to dismiss their “authenticity” and de-legitimize their demands for autonomy—the attempt to rescue historical constructivism is made rather difficult. In opposition to those who point to the internal contradictions of daily life in indigenous communities as an argument against the feasibility of autonomic projects, I suggest that recognizing the ways in which power relations mark our subjectivities does not negate the possibility of building new collective imaginaries based on contradictory consciousness.

The question underlying this debate is whether it is possible to recognize the historical, contextual, and changing character of identities, while still supporting claims in favor of the right to cultural difference. I believe that it is. Indigenous women are taking up this double fight, claiming before the State the indigenous right to cultural
difference, and struggling within their own communities to change traditions they consider contrary to their rights as individuals. It is a fight not for the recognition of an essential culture, but for the right to rebuild, confront, or reproduce that culture,) not on the terms defined by the State, but on the terms of indigenous communities, within the framework of their own internal plurality.

**Indigenous Women. New Voices in the Political Scene**

The new indigenous women’s movement that emerged under the influence of the Zapatista uprising has taken on the task of reframing the demands for recognition of a multicultural nation based on a wider definition of culture that includes not only the voice and hegemonic representation of itself, but the diversity of voices and contradictory processes which give meaning to the life of all human communities.

After the public appearance of the EZLN in 1994, indigenous women in different parts of the country began to raise their voices not only in support of the demands of their partners, or to represent the interests of their communities, but also to claim their specific rights as women. Parallel to indigenous women’s participation in the struggle for land and democracy is a growing demand that the construction of more democratic relationships happen also within indigenous families, communities, and organizations in general. The emergence of this new movement is the expression of a long process of reflection and organization, in which both Zapatista and non-Zapatista women have been involved. Indigenous and peasant organizations, the liberation theology, NGO and even government projects have provided spaces for learning, in which this simultaneous movement for both ethnic and gender claims has gradually developed.

Although the Zapatista movement played the role of catalyst in the creation of such spaces for reflection and organization among indigenous women, (making their demands more visible), it is not possible to understand indigenous women’s movements without considering their experiences as part of the indigenous and peasant struggles of the past two decades. Beginning in the 1970s, there emerged in Mexico an important indigenous movement that questioned the official portrait of a homogenous mestizo nation. Hand in hand with demands for land came cultural and political demands that
would later evolve into the struggle for autonomy of indigenous peoples. During this time there were important changes in the domestic economy, and new spaces emerged for collective reflection, of which indigenous women were a part.

In the case of Chiapas, the so-called Indigenous Congress (Congreso Indígena) of 1974 is considered a watershed in the history of indigenous peoples. Dating from this encounter, in which Tzotzil, Tzeltal, Chol, and Tojolabal people took part, peasant demands for a fairer distribution of land began to be accompanied by cultural demands. Although academic studies of the period make no mention of the participation of women, we know from the accounts of participants that women took charge of the logistics of many of the marches, sit-downs, and meetings that these studies document. Yet, in this role as “accompaniment” indigenous women were excluded from decision-making and active participation in indigenous organizations. These events did, however, permit them to gather together and share experiences with other indigenous women from different regions of the state.

Alongside women’s active participation in peasant movements, changes in the domestic economy began which resulted in larger numbers of women being involved in the informal commerce of agricultural or hand-crafted products in local markets. It is not possible to understand the wider political movements without first considering these local changes that indigenous families were undergoing. The “oil boom” of the seventies together with the scarcity of cultivable lands caused many men from the states of Chiapas, Oaxaca, Tabasco, and Veracruz, to migrate to the oil fields, leaving their wives in charge of the family economy. These processes of monetarization of the indigenous economy have been seen as factors that take power away from women within the family, as their domestic work becomes increasingly dispensable for the reproduction of the work-force (see Collier 1994; Flood 1994). However, for many women the process has been exactly the opposite. As their position within the domestic unit is restructured,

10. Although at a journalistic level some feminists have tried to note the participation of women in these movements, academic works published to date silence the voices of indigenous women. For example, on the peasant and indigenous movement at the national level, see Mejía and Sarmiento 1987. On the indigenous movement in Chiapas in the seventies, see Morales Bermúdez 1992.

11. For an analysis of the impact of these changes in peasant economy, see Collier 1994, Rus 1990.
their involvement with informal commerce has led to increased contact with other indigenous and mestizo women, and initiated processes of organization through cooperatives which later become spaces for collective reflection (see Nash 1993).

The Catholic Church, through nuns and priests linked to liberation theology, also played a very important part in the promotion of these spaces of reflection, above all in its areas of influence of the San Cristóbal, Oaxaca, Tehuantepec and Tlapa dioceses. Although liberation theology, which guides the pastoral work of these dioceses, does not promote reflection on gender issues, the analysis in its courses and workshops on social inequality and racism in mestizo society has led indigenous women to question the gender inequalities they experienced in their own communities.

In Chiapas at the end of the 1980s a group of religious activist women began to support this line of questioning, pointing to the need to open a Women’s Area within the diocese of San Cristóbal. Elsewhere I have analyzed in detail this meeting between religious and indigenous women, which resulted in the creation of the Diocesan Coordinator of Women (Coordinadora Diocesana de Mujeres, CODIMUJ), one of the principal organizational spaces of Chiapanecan indigenous women (see Hernández Castillo 1998a). These women, with their reflections on gender and their organizational experience, have played an important role in the wider women’s movement.

At the same time, feminist Non-Governmental Organizations began to develop their work in rural areas, combining their support for women’s productive projects with the larger project of promoting gender consciousness among indigenous women. Pioneers in this field were the feminists of the organization Comaletzin A.C., founded in 1987, who worked for the development of gender perspectives with peasants and indigenous women of Morelos, Puebla, Sonora, and Chiapas; the members of the Center for Investigation and Action for Women (Centro de Investigación y Acción para la Mujer, CIAM) and the Women’s Group of San Cristóbal (Grupo de Mujeres de San

12. Comaletzin was officially constituted in 1987. Its principal lines of action are “training, organization, education, and investigation, with gender as an axis of analysis” (Comaletzin manifesto, 1999). This organization played an important role in the formation in 1987 of the Red Nacional de Asesoras y Promotoras Rurales (National Network of Rural Advocates and Advisors), by organizations concerned with gender and development in diverse rural areas of Mexico.
Cristóbal las Casas A.C.), who began working against violence and in support of indigenous women’s organizational processes in Chiapas’ Los Altos region and with women refugees from Guatemala; members of Women for Dialog (Mujeres por el Diálogo) working in Veracruz and Oaxaca; and counselors from the Team of Women in Solidarity (Equipo de Mujeres en Acción Solidaria, EMAS) working with Puréchepa women in Michoacán. Through these feminist organizations discourses centering on women’s “dignity” promoted by the Catholic Church began to be substituted by a discourse centering on women’s rights, and by new views on gender. Indigenous women appropriated and reinterpreted these ideas from their dialogues with feminists.

In sum, migration, organizational experience, religious groups, feminist Non-Governmental Organizations, and even official programs of development have all influenced how indigenous men and women have restructured their relations within the domestic unit and have reworked their strategies in the struggle. But it was with the public appearance in 1994 of the Zapatista National Liberation Army (Ejército Zapatista...)

13. CIAM was founded in 1989 by Gloria Sierra, Begoña de Agustín (lawyer), Pilar Jaime (feminist), and Mercedes Olivera (anthropologist), with membership in Nicaragua, Mexico, and Guatemala. The initial objective was to work with women dislocated by armed conflict (refugees, the displaced and the returned) in Central America and Mexico and through a participative investigation to help them develop a gender identity and consciousness, stand up for their rights as refugee women, and defend themselves before the ACNUR (au: spell out name), before their own refugee organizations, and before countries of refuge. They worked principally with organized women in popular movements, exiles in Mexico, Nicaragua, Costa Rica, Honduras, Belize and Panama, and displaced women in El Salvador, Nicaragua y Guatemala. (Thanks to Mercedes Olivera for this information). The Grupo de Mujeres de San Cristóbal las Casas A.C. (Women’s Group of San Cristóbal las Casas), renamed COLEM since 1994, to which I belonged until 1999, emerged as a broad organization of women against sexual and domestic violence after a series of rapes of women members of NGOs occurred in 1988 and 1989. With time, the work diversified into education, health, and law, and included workshops to promote gender consciousness. For an account of this organization, see Freyermuth and Fernández 1995. These experiences in turn were preceded by various efforts to promote reflection on women’s rights within peasant organizations such as the Independent Center for Peasants and Agricultural Workers (Central Independiente de Obreros Agrícolas y Campesinos, CIOAC) or the Emiliano Zapata Organization of Peasants (Organización Campesina Emiliano Zapata, OCEZ-CNPA). For an account of these initial efforts in the early eighties, see Garza and Toledo (unpublished ms.).

14. This is by no means an exhaustive list of the work of feminist organizations in rural areas. Many others have followed these pioneer organizations and have established constructive dialogs with indigenous women. An important example is the work of K’inal Antzetik with the women of the Coordinadora Nacional de Mujeres Indígenas (CNMI) and that of many other feminist organizations belonging to the National Network of Rural Advisors and Advocates (Red Nacional de Asesoras y Promotoras Rurales).
de Liberación Nacional, EZLN) that indigenous women began to raise their voices in public spaces, not only in support of the demands of their male companions and to represent the interests of their communities, but also to demand respect for their specific rights as women.\textsuperscript{15}

Under the influence of the Zapatistas, a movement of national dimensions is emerging for the first time in Mexico—still embryonic and full of contradictions—in which various local forces are arguing for the incorporation of gender demands into the political agenda of the indigenous movement. In 1997, at the National Encounter of Indigenous Women “Building our History” (Encuentro Nacional de Mujeres Indígenas “ Construyendo nuestra Historia”)—attended by more than 700 women from different regions of the country—the National Coordinator of Indigenous Women was founded. This is a space where discourse and reflection are taking place at the national level, bringing together women from close to twenty indigenous peoples, and with presence in the states of Chiapas, Michoacán, Morelos, the Distrito Federal, Guerrero, Hidalgo, Jalisco, the Estado de México, Puebla, Querétaro, San Luis Potosí, Sonora, Veracruz, and Oaxaca. This organizational space has been vital in the promotion of gender perspectives within the indigenous movement. The voices of many of its members have been raised in the National Indigenous Congress (Congreso Nacional Indígena) and in the national debate on the Indigenous Law and Culture Act (Ley de Derecho y Cultura Indígena). These voices are questioning static representations of tradition and recovering the right to “cambiar permaneciendo y permanecer cambiando” (to change while remaining, and to remain changing).

In the forefront of the indigenous movement these new voices have struggled for the recognition and modification of the inequalities that characterize relations between the genders within their communities and organizations. At the same time they have shone a strong light on the dichotomy between tradition and modernity reproduced by the State discourses—and to a certain degree by the independent indigenous

\textsuperscript{15}This participation in public spaces has been answered with repression both from the state and from their own communities and partners. For an analysis of the violence confronting organized women, see R. Aída Hernández 1998. For an analysis of other problems facing the organizational processes of indigenous women, see Magallón 1988.
movement too\textsuperscript{16}—according to which there are only two options: stand by tradition or change through modernity. Indigenous women claim their right to cultural difference while demanding the right to change those traditions which oppress or exclude them. “We must also think about what needs to be made new in our customs. The law should protect and promote only the modes and customs that women, communities, and organizations agree are good to have. The customs we have should not hurt anyone.” \textsuperscript{17}

Indigenous women are also questioning generalizations on “Woman” made by urban feminist discourse. Here their voices echo criticisms made by some women of color against North American radical and liberal feminism in presenting a homogenizing vision of women without recognizing that gender is constructed in different ways in different historical contexts.\textsuperscript{18} By contrast, the assertion of a culturally situated analysis of gender has been central for the CNMI (National Congress of Indigenous Women), which established among its objectives to: “Strengthen the leadership of indigenous women from a gender perspective based in our cultural identity. Establish a network of communication at a national level between indigenous women. Train indigenous women at a national level. Raise the consciousnesses of indigenous peoples and national society on the respect of the human rights of indigenous women, including a vision of gender. With regard to training, methodologies appropriate to identity and gender will be used according to our world view.” \textsuperscript{19} To build a feminist agenda culturally situated and an indigenous movement that includes gender demands as central to their agenda has been the challenge of these organized women.

\textsuperscript{16} The main organizations that are identified as representatives of the independent indigenous movement are the Zapatista National Liberation Army (EZLN) and the National Indigenous Congress (CNI).

\textsuperscript{17} Paraphrased from the workshop encounter “The Rights of Women in our Customs and Traditions,” San Cristóbal de las Casas, May 1994.

\textsuperscript{18} For a critique of western feminism, see the works of Trinh Min-ha (1988), of Norma Alarcón (1990) and Chandra Mohanty (1991).

\textsuperscript{19} Document of introduction of the National Coordination of Indigenous Women (CNMI) (ms).
Women’s Perspective on Multiculturalism: Confronting Racism and Essentialism

“My name is Esther, but that does not matter here. I am a Zapatista, but that does not matter either. I am an Indian and I am a woman, and that is the only thing that matters right now.” Thus, the EZLN representative introduced herself before Congress on March 28, 2001.

The fact that it was a woman who was assigned to give the most politically important message of the EZLN is an example of the spaces that indigenous women have earned within the Zapatista movement and the national indigenous movement. In the speech of commander Esther and the speech of the traditional Nahua healer María de Jesús Patricio, member of the CNI (National Indigenous Congress), the dynamic conception of culture that indigenous women have championed was manifest. Both indigenous representatives claimed the right to a culture of their own, but at the same time they referred to the efforts that women are exerting within the movement to transform those elements they consider oppressive or exclusive. They have demanded from the State their collective rights as indigenous peoples and from the indigenous movement their right to change those cultural forms that adversely affect their human rights.

In their speeches before Congress and in later interviews, representatives of the indigenous movement have had to face the ghost of “usocostumbrismo.” Academics and politicians who had never before written or spoken a word about the gender inequalities which indigenous women suffer were suddenly worried by the way in which recognizing indigenous normative systems (wrongly named “usos y costumbres”) could tread on their human rights. The indigenous representatives and their Mixe lawyer Adelfo Regino confronted the static representations of tradition which have been used to disqualify indigenous customary law by asserting that indigenous normative systems are undergoing a process of revision in which indigenous women have a fundamental role. In this regard María de Jesús Patricio pointed out:
I can say that as indigenous peoples we recognize now that there are some traditions that we need to fight and others which we should promote, and this is evident from the more active participation of women in the decision-making process in our communities. Women now participate more in assembly decisions, women can be elected to hold a post, and in general women take a more active role in communal life. *(La Jornada, April 3, 2001 p. 9)*.

Commander Esther, for her part, reminded those who were worried about the situation of inequality that the COCOPA initiative could “legitimize,” that they should reflect upon the situation of indigenous women under the present law and made a long list of cases of exclusion, discrimination, and subordination, which indigenous women face both inside and outside of their communities. In contrast with the accusations that the COCOPA initiative has faced, thanks to the active participation of women at the dialogue tables in San Andrés Larraínzar, the text of the COCOPA initiative itself supports the struggle of indigenous women to have recognition of their rights included in the legal systems which have been operating *de facto* for decades in indigenous communities.

Article II of the COCOPA law initiative states that indigenous peoples have the right to: “II. Apply their own normative systems in the regulation and solution of internal problems, respecting individual rights, human rights, and in particular, women’s *dignity and integrity* . . . III. Elect their authorities in accordance to the norms within the autonomy, *securing the participation of women in equal conditions*” (my emphasis). Although several members of the national indigenous movement have pointed out the need to begin working on secondary laws that develop various of the themes included in the COCOPA initiative, this ample proposal already establishes a recognition of the rights of indigenous women which has not previously existed in any of the legal regimes under which they live.

It was not indigenous men, but rather senators and representatives who finally decided to face the “dangers of *usos y costumbres*” by limiting the right to indigenous
spaces of conflict-resolution with a padlock, i.e. by declaring that indigenous authorities’
decisions must be validated through courts and judges.\textsuperscript{20} Indigenous women never asked the State for this “protection,” which limits the autonomy of their communities. On the contrary, they claimed the right to self-determination and to their own culture, while at the same time, as the COCOPA initiative shows, they have begun to achieve success within the indigenous movement in redefining the terms in which tradition and custom are understood and to participate actively in the construction of indigenous discourses of autonomy. \textsuperscript{21}

The voices of indigenous women in the testimonies spoken all along the \textit{Marcha por la Dignidad Indígena}, at the meeting in Nurío, Michoacán, and in Congress, as well as in the many workshops, meetings, encounters and forums which have taken place since the Zapatista uprising, speak of a concept of culture that is dynamic and changing. In contrast to liberal critics of multiculturalism who see in the particularity of cultures a retrenchment to the past that represents a threat to women, indigenous women do not reject their culture in the name of equality; they claim the right to a culture of their own while at the same time struggling to build more equal relations within the family, the community, and organizations.

Their re-conceptualization of community traditions and culture from women’s perspective has influenced not only specific discourses about gender and family relations, but the entire political debate around indigenous autonomy. Organized indigenous women have appropriated the demand for autonomy made by the EZLN and by several indigenous and peasant organizations that propose the establishment of a new political order recognizing the right of indigenous peoples to control their territories and resources. The Asamblea Nacional Indígena Plural por la Autonomía (ANIPA) (National Plural Indigenous Assembly for Autonomy), has, for example, played an important role in the reconceptualization of indigenous autonomy. In 1995 the women members of this

\textsuperscript{20} These changes are contained in Article 2, item (a), paragraph II of the new law. See \textit{Perfil de La Jornada}, April 28, 2001.

\textsuperscript{21} The amendment of Article II that refers to the political participation of women in equal conditions make it into the new law, but was shut down by the amendments that limited indigenous autonomy.
organization came together to reflect on their role in the construction of a new multicultural national project. In “The Final Declaration of the First National Women’s Encounter of ANIPA” in San Cristóbal de Las in which 270 women of different indigenous groups participated, the gender proposal was incorporated into the autonomy proposal. In it the women demanded that their experiences be taken into account in the formation of autonomous, multiethnic regions:

We, the Yaqui, Mixe, Nahuatl, Tojobal, and Tlapaneca women, each and every one of us, come from afar to speak our word in this land of Chiapas. . . . In these two days of work, we have talked about the violence we live in our communities, by our husbands, by the caciques, by the military; of the discrimination we are subject[ed] to as both women and Indians, of how our right to own land is denied us and about how we want women’s opinions to be taken into account. . . . We want an autonomy with a woman’s voice, face, and consciousness, so we may thus reconstruct the forgotten feminine half of our community. 22

While the demands of the women at ANIPA echo the demands of Zapatista women, their efforts have centered on expanding the concept of autonomy to include women’s autonomy within the larger autonomy of the indigenous peoples. This gender perspective was developed in a proposal read to the National Indigenous Congress in October 1996 by women from Chiapas, Oaxaca, Guerrero, Querétaro, Veracruz, San Luis Potosí, Estado de México, Mexico City, and Puebla. In this document the definition of the concept of autonomy was expanded. There indigenous women referred to economic autonomy (defined as the right of indigenous women to have equal access and control over means of production), political autonomy (which would support their basic political rights), physical autonomy (in order to have control over their own bodies and to choose to live without violence), and socio-cultural autonomy (defined as the right to uphold specific identities as indigenous people). 23

Among the most important contributions of indigenous women’s discourses in reconceptualizing and remapping the present scene in Mexico may be the ways they point to the limits of the culture of law altogether as a site for achieving a multicultural Mexico. It is especially women who have articulated a critique that speaks to the lack of conceptualizing the culture and limits of Mexican law as an historical construction among liberal scholars such as Viqueira. And yet, at the present time the struggle to achieve legislative reform has been at the center of the agenda of the national indigenous movement—including indigenous organized women, and the legal recognition of indigenous autonomy is the most important issue in the negotiations between the EZLN and the government. However, the historical experience of indigenous peoples both under the discourses of equality and the right to difference shows that legislative struggles lead to very limited success unless accompanied by other efforts to transform state institutions and the political culture of society at large that justify ethnic and other generic exclusions. Centering all the political energy of a movement on a legislative struggle can result in a wearing and limited process if there is no social basis built to secure the enforcement of the laws intended to transform the relations of subordination.

The women who participate in the national indigenous movement seem to understand this clearly, and while participating directly in the fight to get the Mexican Congress to pass the COCOPA initiative, as stated above they have also focused their energies on an array of activities. In particular the Coordinadora Nacional de Mujeres Indígenas (National Coordinator of Indigenous Women) has set out to reach peasant women, artisans, teachers, and students all over the country and conduct workshops and training courses that teach women about their rights both as women and as indigenous peoples. This grass-roots movement has received little publicity, but it not only forms a framework within which indigenous culture and multiculturalism are being reinvented, it also fosters a social network and base of skills and knowledge whereby indigenous women can engage the legal processes available to them, their families, and communities. It is such a base on which any given national or local indigenous-informed laws have the possibility of becoming something more than just documents.
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