

DEMANDING JUSTICE *and* SECURITY

*Indigenous Women and
Legal Pluralities in Latin America*



EDITED BY RACHEL SIEDER

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Toward a Critical and Collaborative Legal Anthropology

ROSALVA AÍDA HERNÁNDEZ CASTILLO AND
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In this final chapter we reflect on the challenges of coproduction of knowledge and the methodological routes we adopted to reach the results shared in this volume.¹ As a research team we were confronted with the epistemological and political tension of always maintaining a critical stance toward positive law, as a practice and a discourse, and toward human rights as universalizing and globalizing discourses, while at the same time supporting national and international political struggles for recognition of indigenous people's rights. Some authors have argued that these are conflicting options: either undertake a critical analysis of the law and the judicialization of political struggles, or support legal activism thereby consolidating hegemonic perspectives on law and rights (Brown and Halley 2002). Such a binary would seem to suggest that struggles for the recognition of cultural rights tend to reify hegemonic definitions of culture and indigenous people, and end up limiting political imaginaries on justice. In the current era, "so saturated by legalism is contemporary political life, that it is often difficult to imagine alternative ways of deliberating about and pursuing justice" (Brown and Halley 2002: 19).

Disagreeing with such perspectives, we believe that it is possible to maintain a sustained and critical reflection on law and rights and simultaneously to support struggles for justice by indigenous peoples and organizations, which in turn appropriate and resignify national and international legislation and norms. Stances that disqualify legal activism end up once again silencing subaltern groups by failing to recognize the counterhegemonic legal discourses and practices they have been developing in the "Global South." In this volume we have tried to account for what Cesar Rodríguez Garavito and Boaventura de Sousa Santos (2007) term "subaltern cosmopolitan legalities," in other words, the counterhegemonic uses of law by marginalized populations to confront various forms of domination in the new global world order. As a research team we were inspired by at least two theoretical and methodological traditions:

on one hand, critical legal anthropology, which in Latin America has a long tradition of ethnographic analysis of interlegal spaces and power relations in the legal arena; on the other, action research or collaborative research, which since the 1960s has been committed to developing research in dialogue with the social actors with whom we work.² Several of the team members also resorted to the contributions of feminist anthropology in an effort to develop a culturally situated gender perspective in our studies of spaces of justice (see Hernández Castillo 2002, 2003, 2016; Hernández Castillo and Sierra 2005; Mora 2008; Sieder and McNeish 2012b; Sieder 2012; Macleod 2011; Arteaga 2013; De Marinis 2011, 2013).

In the past decade, so-called *activist anthropology* in the United States (see Naples 2003; Hale 2008; Speed 2008) and the modernity/coloniality group (Castro-Gómez 1998, 2000; Castro-Gómez and Mendieta 1998) have called for the decolonization of the social sciences, questioning extractivist methodologies and confronting positivist outlooks that end up reifying the status quo in the name of “scientific neutrality.” Along the same lines, androcentric science has been questioned by feminist scholars in various parts of the world. For feminist anthropology, the link between knowledge production and political commitment to social transformation has been a central axis for its theoretical and methodological proposals (see Moore 1996). Feminists have made important contributions to the critique of power networks that legitimize and reproduce scientific positivism—contributions that have not always been recognized by contemporary critical anthropology or postmodern theoreticians.³

For our research team, collaboration with indigenous organizations took place through various forms of exchange based on different dialogues and political alliances. The possibilities for greater or lesser collaboration were determined by several factors, including our own political genealogies, our prior relations with indigenous organizations, the political context, and the conditions of security or insecurity in the various regions where the studies were carried out.

Reflections on the Coproduction of Knowledge

One of the goals of our collective project was the creation of networks for the coproduction of knowledge. This implied a number of challenges, discussed in this section. As a starting point, we decided to undertake a joint methodological reflection in an international workshop organized by the project on November 29 and 30, 2012, where we reflected on the challenges of writing from a collaborative perspective and maintaining a critical stance toward local authorities and state violence. We thus hoped to respond to what Boaventura de Sousa Santos (2010) calls the phantasmagoric relationship between theory and practice, approaching it from the tension between power and knowledge

(Foucault 1980) in regard to the academy versus activism. This perspective conceives the construction of knowledge as inseparable from social relations of power and structural inequalities present in specific contexts, and asserts that social groups can either be approached as objects of study or recognized as coproducers of knowledge (Hernández Castillo 2016). Knowledge can therefore be seen in its capacity to (re)produce and reinforce inequalities, but also in its emancipatory potential. How can we render intelligible the context-specific tensions between power and knowledge that develop during research? María Teresa Sierra pointed to a constant disqualification of the work of female promoters by the Community Police and CRAC commissioners; Natalia De Marinis spoke of how Triqui women’s participation was discredited through gossip and rumors; Aída Hernández mentioned the death threats against the women in OPIM and against Inés Fernández by paramilitaries, hindering the creation of a rights center for Me’phaa men and women; Ana Cecilia Arteaga referred to the narrow-mindedness of some male authorities and community members when incorporating the women’s proposals in the autonomy statute (Exercise of Reflection, workshop, November 29–30, 2012, CIESAS, Mexico). All these examples reveal how women’s organizational work is undervalued by the authorities and how contexts of violence limit their actions, hindering the development of initiatives and proposals or the creation of epistemic communities—in other words, anything related to the production of knowledge by indigenous women. Recognizing the position of the academy, but also of other power structures such as local authorities and state violence, posed several challenges for theory and practice: How do we establish collaborative work relations from different realities and expressions of power? To what extent does the coproduction of knowledge contribute to defend the rights of indigenous peoples and, more specifically, the rights of women?

As Toledo (2011) signals, these challenges demand that we clearly identify the dynamics between the various social actors generated during our research as well as the specific focus for the research encounter: in our case indigenous women’s concepts of security and justice.⁴ This requires close attention to social relations and dynamics, and to the tensions related to power differentials between state actors, local authorities, and scholars in different scenarios of struggle and study. María Teresa Sierra observed that it was necessary to earn legitimacy in the eyes of the CRAC and the *comisionados* in the different communities in order to carry out the workshops; at certain moments, the indigenous women that participate in the workshops were questioned, “Who appointed you as justice promoters?,” which made it difficult for them to do research in the CRAC’s archives. Leonor Lozano commented that many CRIC leaders did not believe it was important to address violence against women as a topic separate from family issues; Rachel Sieder spoke of deep-rooted male ideologies of domination that are reflected in scant willingness on the part of community

authorities to address the issue of domestic violence; Morna Macleod observed how women were often rendered invisible by men in the localities she worked in (Exercise of Reflection, workshop, November 29–30, 2012, CIESAS, Mexico).

Regarding the implications of state violence, Aída Hernández observed that militarization hindered mobility in the Costa-Mountain region both for the members of the OPIM with whom she worked and for herself. Leonor Lozano noted that “the context of the armed conflict often forces activities to be delayed or shifts the focus of the communities’ attention to more urgent matters.” Natalia De Marinis said that “many of them [Triqui women] commented that if they become involved in certain ‘political’ issues they are later obliged to assume positions of authority in the community that pose a risk to their lives” (Exercise of Reflection, workshop, November 29–30, 2012, CIESAS, Mexico).

Regarding the position of the academy, Adriana Terven commented on the difficulty of carrying out joint research with the same person whose work and life history are being analyzed; Oligaria often felt it was she who was being evaluated and therefore often preferred to keep a distance. Mariana Mora observed that

In the case of human rights work in contexts of police violence, the data with the greatest weight is quantitative; numbers that allow an understanding of the phenomenon and translate reality into a type of scientific knowledge that actors related to the government can recognize as legitimate. This gave a greater emphasis to the work of examining case records in databases, analyzing these data together with other variables, and searching for information through requests to the Federal Institute for Access to Public Information. It was only towards the end of the project that priorities changed, making room for a more qualitative and anthropological analysis, specifically the perceptions and experiences of violence and insecurity lived by indigenous women and men in the region. (Exercise of Reflection, workshop, November 29–30, 2012, CIESAS, Mexico)

These comments point to how dialogues in contexts of high levels of marginality and insecurity, expressed in gender, ethnic, and class inequalities, often begin with mistrust, imposition, or resistance. We believe that no one has an “objective” or neutral position, and rather that the production of knowledge is political and ethically situated (Haraway 1988). Our research was therefore designed according to the specific context, where social relations of power between the various sectors defined to a large extent the type of participation that was possible. Although it might at first seem that these situations limit the scope of collaborative work, analyzing these tensions was in fact fundamental to understanding how power struggles are reconfigured in processes to defend indigenous people’s rights and, in particular, indigenous women’s rights.

The recording and analyzing of this type of situation was usually combined with actions of intervention, through discussion in workshops, procedures with authorities, or accompaniment in various scenarios. It was here that the border between academic work and activism became more diffuse in our networks of collaboration, which themselves had an effect on social dynamics in our research locations. The research processes therefore contributed in various ways to the defense of indigenous women’s rights and to the transformation of cultural and gender identities.

Methodological Routes

Workshops as Spaces for Intercultural Dialogue

One of the methodologies used in the different case studies were workshops for collective reflection. This methodology, together with the systematization of collective discussions, is an inheritance from popular education and the pedagogical and political proposal of Paulo Freire. Since the 1960s, Freire’s theoretical and methodological proposals have inspired a whole generation of social scientists who developed a series of research strategies to generate knowledge with low-income sectors, promote processes of political awareness, and, through these, achieve social transformation. Many people consider action research or coparticipatory research one of Latin America’s main contributions to social sciences around the world. The Participatory Research Network was created by Orlando Fals Borda, Francisco Vio Grossi, and Carlos Rodrigues Brandão as an academic and political space to promote activist research in alliance with social movements. Although, as mentioned above, “raising political awareness” was not one of our project’s objectives, we did resort to the methodologies of popular education and the systematization methods used by the Participatory Research Network in order to create spaces for collective reflection on the topics addressed in the research and to elaborate the participatory evaluations (*diagnósticos participativos*) requested by the organizations with which we worked.

We approach systematization from a dialogic and critical perspective, understanding it as a way to reclaim specific experiences and reflect on them as sources of knowledge of the social for the purpose of achieving transformations. The term “systematization” was popularized in the 1950s and 1960s in the field of social work as a way to “reclaim, order, specify, and classify knowledge on social service in order to give the profession a scientific/technical character and raise its status vis-a-vis other specialities” (Ayllón 2002: 21). In contrast to this rather clinical definition, the concept of systematization was resignified in dialogues and praxes with the indigenous and human rights organizations we worked with, as they requested our accompaniment in processes that also responded to their own logics and objectives. This accompaniment took place

through three types of workshops: participatory evaluations (*diagnósticos participativos*), collective reflection on specific topics, and healing (*talleres de sanación*).

Although in most cases these workshops responded to the specific concerns of the organizations, they were an invaluable source of information for our research regarding women's experiences in the various spaces of justice and their appropriations and resignifications of discourses on rights. Simultaneously, the cultural and power dynamics that developed in the workshops were a source of ethnographic information for all of us. The great challenge has been to reflect on our own positionality in those organizational rituals of which we were a part.

- 1. Participatory Evaluations (*diagnósticos participativos*). In the cases of the justice promoters of the CRAC in Guerrero, the women from Titora Marka in Bolivia, the diploma on "The Indigenous Family, Participation, and Gender Equity" in Colombia, the Municipal Women's Council in Chichicastenango, and the Provincial Network of Rural Kichwa Women's Organizations of Chimborazo (REDMUJCH), the purpose of the *diagnósticos* was to identify the main problems experienced by the women in the various regions, and the strategies they developed to confront them. The researchers' participation facilitating or systematizing these inquiries was requested or allowed by the organizations' members, often as an explicit requirement prior to carrying out any other research activity, as a means to propose topics for research or educational development (in the case of the diploma in Colombia).

Although the methodology of participatory evaluations has been appropriated by many international cooperation organizations and by state bureaucracy as a quick form of "community consultation" before implementing development projects, the *diagnósticos* undertaken in the context of this project were based on the need to jointly seek alternative solutions to the organizations' most urgent problems. The objective was therefore not only to "systematize information," but rather to contribute to critical reflection through intercultural dialogue.

This does not mean that the researchers did not occupy a place in the social hierarchies of class, gender, and generation that was reproduced in those spaces. In the case of those of us who are university professors, the expectation that we had useful knowledge to share with the organization often placed us in a privileged position in the exchange of experiences. But gender and generation had an influence on the way the relations with the authorities were established. Ana Cecilia Arteaga observes,

My relations were more with the male authorities, both traditional authorities and *estatuyentes*, who were continuously present during the

year and a half of my fieldwork. I believe that this had an influence on the place I occupied during the process of consultation on the statute and on my relationship with the organization, which was more influenced by gender than by generation. One example was how the authorities distributed the collaborators' functions; during most of the process I was assigned to systematizing the deliberative forums, while male collaborators were assigned to facilitating the meetings. When I asked the reason for this distribution, the *jacha mallku* (the territory's highest authority) told me that I was chosen for the task of systematization because women are the men's assistants (Electronic communication, April 5, 2013)

Although our intention was to make systematization a more dialogic process, conditions did not always allow for this, and the dynamics and time frames established by the organizations often determined the degree of participation in the systematization.

The level of organizational strength had a significant influence on the role of the researchers in elaborating the *diagnósticos*, since in the Colombian and Bolivian cases discussed in this volume, the organizations had already advanced in developing the methodologies they wanted to use, which meant that the researchers' participation was mainly limited to systematizing processes that were already under way. These processes involved joint analyses of collective experiences, cotheorizations that in several studies formed a central part of our academic work.

In other cases, like those of María Teresa Sierra in Guerrero and Rachel Sieder in Chichicastenango, the researchers sought support from professionals with a long experience in participatory evaluations, while they, together with the specialists, coordinated the workshops and proposed different work methods. In the former case, members of the Jop'tik association from San Cristóbal de Las Casas supported the CRAC's justice promoters and María Teresa Sierra in elaborating their *diagnóstico* on women's problematics related to customs, rights, and access to justice.

Although the specialists' participation was essential to structure the workshops, the justice promoters actively participated in their development and appropriated many of the popular education methodologies used to develop future workshops. At the political level, the *diagnóstico* played a vital role in making the CRAC's authorities aware of problems affecting women, and of the importance of their participation in the organization's structure. These results were also presented in workshops to the communal authorities and in a final workshop to the authorities of the CRAC, regional coordinators, counselors, and men and women from the communities. The document they produced together is now an integral part of the historical memory of the women in the *Comunitaria* and is one of the many informational products that resulted from the research work.

In the case of Rachel Sieder, the *diagnóstico* centered on the issue of domestic violence, an issue of explicit concern for the women from the Municipal Women's Council. K'iche' social worker Lidia Osorio and the women leaders together defined the structure and methodology to follow. The process allowed for the identification of women within their villages who shared their testimony about their experiences of aggression, prompting the leaders of the Municipal Women's Council to suggest a second phase of collaborative work centered on the organization of workshops to help the victims heal the psychological and spiritual wounds left by the violence they had suffered.

- 2. Workshops for Collective Reflection on Specific Topics. In many instances the purpose of the participatory evaluations was to identify specific issues identified by the participants as central problems that affected their lives so that these could be addressed in subsequent workshops. Some of the workshops, such as those organized by Rachel Sieder, Ana Cecilia Arteaga, Emma Cervone, Cristina Cucurí, and Aída Hernández, addressed legal and legislative issues, with the purpose of contributing to processes of legal or legislative struggle or to provide elements for processes of denunciation in state or international justice systems.

In the case of the workshops organized in Chichicastenango, the initial *diagnóstico* allowed the women to identify the challenge that presenting a complaint represents for women in their communities. The leaders from the Municipal Women's Council determined that an appropriate response was to organize a workshop on the steps involved in filing a complaint (*la ruta de denuncia*) for cases of domestic violence and civil claims for child support and so forth. This was organized together with the Office of the Human Rights Ombudsman in Quiché, whose representative was an important ally of the women's council. In such contexts, the researcher's role was to support and facilitate dialogue between the different bodies and actors that accompany women victims of violence who want to present a formal complaint.

The purpose of the workshops on autonomy statutes and indigenous rights held in Bolivia and Ecuador was for women to learn about the new constitutional order and laws, and to reflect on the possibilities and limitations these posed for indigenous women's access to justice. In the Bolivian case, the Women's Encounter in Totora Marka, coordinated and systematized by Ana Cecilia Arteaga, aimed to facilitate the inclusion of the women's voices and needs in the autonomy statute (since in the first consultation women's participation had been very limited). The call included all women from Totora Marka, ensuring that women in positions of traditional authority in each *ayllu* participated,⁵ something that gave a greater weight to the accords signed at the end of the workshop. All nine *ayllus* were represented. The facilitators for this

event were Lucila Choque, responsible for gender issues in the Vice Ministry of Indigenous Autonomies, and Ana Cecilia Arteaga. Because of her mastery of the Aymara language, Lucila Choque was in charge of formulating the questions for the event, and Ana Cecilia Arteaga was in charge of presenting the proposals generated by the preceding interviews and also of systematizing all the suggestions made. In response to an explicit request from the participants in the Women's Encounter, the resolutions of the workshops were reworked by the facilitators as proposed articles to be included in the autonomy statute.

The workshops organized by Aída Hernández and the ethnologist Héctor Ortiz with the women from OPIM and Inés Fernández Ortega took place months before Inés's case was presented to the Inter-American Court of Human Rights (IACtHR), and were part of the preliminary research that gave rise to the cultural expert report. After the trial, additional workshops were held to analyze the court's verdict against the Mexican state and the implementation of communal reparations. These initiatives were supported by OPIM's president, Otilia Eugenio, and one of the members of the organization's Women's Commission, Andrea Eugenio; Otilia and Andrea not only participated as translators (from Spanish to Me'phaa), but were also facilitators and coordinators of the collective reflection that took place in that language. The IACtHR's verdict included an explicit recognition of "military institutional violence" exercised by the Mexican army, which led to reflection in the workshops about the historic processes of militarization in indigenous regions of Guerrero.

The workshops carried out in the course of Morna Macleod and Mariana Mora's research addressed the issues affecting the participating organizations and communities: in Guatemala, a single workshop was held on the impact of mining on Mam communities; in Guerrero ten focus groups were held to examine the impact of militarization and police impunity in the communities of the Mountain region of Guerrero and consider the community's proposal. The workshop organized by Morna Macleod with the Women's Pastoral of the San Miguel Ixtahuacán parish, in San Marcos, was facilitated by a member of the Tz'ununija' Indigenous Women's Movement. Thirty-three Mam female peasants participated to consider the impact of the Marlin Mine on women's lives. This workshop was held in Spanish and Mam (later translated by a Mam leader). Morna Macleod reflected on the linguistic barriers faced by those of us who do not speak the indigenous languages of the women we work with and on what is lost by limiting ourselves to their discourses in Spanish. She observed, "I was somewhat disappointed with the workshop and with what the women said in Spanish, because it sounded somewhat like a 'learned discourse.' I was therefore very surprised when I read the translated transcriptions: marvelous! This gives us much to reflect on . . ." (Written communication, April 5, 2013). Evidently, our ethnographies are limited by the fact that most of the researchers do not speak the indigenous languages spoken in the regions where we work

(with the exception of Cristina Cucurí, who is a Kichwa speaker). This is perhaps one of the main barriers to developing truly intercultural dialogues that allow us to recognize and learn from other epistemologies and other ways of understanding life with dignity and justice.

Finally, Natalia De Marinis first collected a series of testimonies on the violence experienced by displaced Triqui women in the city of Oaxaca, which were key for the lawyers who made up the Truth and Justice Committee for San Juan Copala to present the case of forced displacement before the Inter-American Commission on Human Rights. The process of testimonial collection also allowed for the subsequent production of a video in conjunction with the displaced women themselves. Further audiovisual workshops on historical memory were held in the pro-autonomy communities in the region. These reflected on the histories of male communal leadership and the emergence of a type of leadership that fostered greater participation by women during the project of autonomy. "Everything began with the idea of memory and history, translated in the Triqui language as 'cuento'a.' After the project was presented in the community, male and female elders came forward to tell of the region's history. Everything from Triqui myths and legends to reflections on historical processes of militarization and different types of leadership was collected in audiovisual materials, which we worked on in meetings with the women" (Written communication with Natalia De Marinis, April 6, 2013). The first product of these workshops was a video that focused on power imbalances between male leaders, which is part of a Triqui myth that was narrated by a woman from the community and illustrated by children in workshops organized by the women. These possibilities for the recovery of historical memory allowed Natalia De Marinis to contribute to the struggle of displaced Triqui by facilitating a reflection on leadership and the origins of the community.

In all of these workshops, our role as researchers and/or systematizers was not to "raise awareness" among the indigenous men and women with whom we worked, but rather to attempt to establish intercultural dialogues that were as horizontal as possible, without ignoring the structural context of race and class hierarchies. As part of these dialogues, our role was to share our knowledge about legal frameworks on indigenous and gender rights, information on the political and economic contexts of the regions where we worked, or concrete knowledge about specific processes of dispossession and militarization. In some cases, these intercultural dialogues facilitated the coproduction of knowledge, as was the case in Cauca, where the participants elaborated their own concepts and epistemologies to analyze gender problematics, situating them within the family, the community, the organization, and nature.

In many cases, these dialogues were fundamental to destabilizing our own preconceptions. They questioned certain constructions of progress and well-being that have been universalized together with conceptions of liberal rights

that give sustenance to many of today's democratic struggles. The certainty that as "committed intellectuals" or "feminist activists" we can somehow identify and share strategies to confront domination crumbled before the voices that questioned dominant modernist utopias. Behind these voices are other epistemologies based on alternative conceptions of the person, where the individual cannot be separated from the collective, and where nature is not a resource at the service of humans, but rather a part of the totality of which we are only one small part. They are voices full of contradictions that also reproduce discourses of power reflecting gender ideologies or that naturalize racial hierarchies. Our intention is not to idealize these voices, but to signal their different ways of imagining and perceiving the world, and of theorizing its transformation.

- 3. Healing Workshops (*talleres de sanación*). The third type of workshop organized in the context of our collective research was healing workshops aimed at helping to alleviate the effects of experiences of violence on the bodies and minds of the indigenous women. These workshops aimed not to systematize information or facilitate collective reflection, but to provide tools for psychic and spiritual healing for the women who lived through violence and for ourselves as women activists who work in regions affected by militarization and violence, continuously witnessing and listening to testimonies of repression and impunity.

In the first case, Rachel Sieder, upon request of the women from the Municipal Women's Council of Chichicastenango, organized healing workshops for the women who offered their testimonies during the *diagnóstico* on domestic violence. Although the grievances systematized in that process had occurred years earlier, the "fright and sadness" that invaded their bodies continued to affect their everyday lives, something the women leaders from the Council had perceived during the interviews and conversations. The women explained their afflictions and conditions according to local epistemologies concerning health and illness, so it was decided to invite Sebastiana Pol, a K'iche' healer from Chichicastenango and the daughter of a renowned spiritual guide in the region. She worked in the K'iche' language on topics such as self-esteem, healing, and the body-mind connection. The techniques used included dance, bio-energetic manipulation, medicinal plants, and narration through words, drawings, or play-acting. These workshops were held in private homes in the various villages to ensure their privacy, and the researcher participated only in those dynamics to which she was invited.

These workshops signaled the corporal memory of violence within women's bodies. Although one of our central ethical concerns was to avoid revictimization through the process of collecting testimonies, we were also aware that sometimes verbalization, naming the facts, is part of the process of arranging

and resignifying the pain and trauma of the past; as long, of course, as it occurs at the right time and under adequate conditions. However, the healing workshops showed us that verbalization is not sufficient, since the body also stores memories of pain and manifests knowledge. This *sui generis* experience of feedback or *mano vuelta*, as Morna Macleod calls it, made us think about how the stories of violence we listened to were affecting each of us and about the lack of therapeutic resources available to confront crisis situations that could arise during the interviews or the workshops. With this concern in mind, we invited Clemencia Correa, a specialist in psychological support in contexts of political violence, to give a workshop to the research team. Clemencia had also participated in the elaboration of a psychological expert report in the case of Inés Fernández Ortega, and was familiar with the context of violence and militarization of several of the regions studied in Mexico, Colombia, and Guatemala.

This workshop had the double purpose of identifying tools to help us confront crisis situations and be more sensitive when listening to denunciations and testimonies of violence and human rights violations; but we were also interested in reflecting on the potential effects of fear in contexts of violence, militarization, and impunity on our own physical and mental health. Conceiving ourselves as social actors in the processes we were analyzing implied recognizing not only our privileges as scholars and urban middle-class women, but also our vulnerabilities as activists and women in a context of extreme patriarchal violence. This "healing" workshop allowed us to reflect on our fears, seek resources to confront them, and think collectively about security strategies we could adopt in order to develop the fieldwork and accompaniment in the best conditions possible.

Recognizing our fears and our empathy with the women victims of violence also led us to reflect on the importance of incorporating pain, fear, and sadness in our analyses as fundamental emotions to understand how the women we worked with experienced injustice and impunity. The anthropology of pain of which Veena Das speaks necessarily requires new methodological and textual strategies that allow us to approach the emotions that mediate the experiences of the social actors with whom we collaborate, and also mediate our own representations. These workshops made us reflect on the need to break with "the conceptual structures of our disciplines that lead to a transformation of suffering elaborated by professionals, which takes away the voice of the victim and distances us from the immediacy of her experience" (Das 2008: 15).

Healing processes were also an important part of the workshop to share experiences with the members of the research team and representatives of the organizations we worked with that was held in Cuetzalan, Puebla. The hosts and facilitators of the workshops were the Nahua women from Maseualsiuamej Mosenyolchicauanij ("Indigenous Women Working Together and Supporting Each Other") and rural feminists from the Center for Advising and Development

among Women (CADEM). These workshops allowed us to share the participants' challenges and achievements with regard to indigenous women's access to justice. In parallel, accompanied by spiritual guides and traditional healers from Maseual, we worked on the corporal and emotional impacts of contexts of insecurity and violence. The healing techniques, which included corporal dynamics and a *temazcal* (traditional steam bath), allowed the construction of knowledge to be not only an academic exercise, but also a healing and affective experience.

Life Histories: An Approximation to Indigenous Female Subjectivities

Feminist anthropologists and historians have stressed for decades the importance of life histories and oral testimonies as a way to approach women's experiences and their impact on the history of peoples (see Reinhartz 1992). These perspectives argue that gender hierarchies translate into unequal access to writing, which means that women's perspectives are generally not recorded in written sources and their voices end up being silenced by traditional historiography. Regarding contemporary societies without access to writing or with high levels of illiteracy, anthropologists have reproduced historians' androcentric perspectives, prioritizing the views of men, who end up representing the voice of "their culture" (see Moore 1996). Reproducing functionalist perspectives of "harmonious communities" without taking gender, class, and generation differences into account, many classical ethnographies reflected hegemonic representations of cultures, failing to recognize dissident voices within those collectivities, which often included women's voices critical of "exclusionary traditions" (see Hernández Castillo 2009).

Women's life histories aim not only at countering the silencing effected by official histories, but at allowing us to approach other dimensions of social life, such as everyday dynamics that are often ignored by androcentric representations of the public and the political. Feminist anthropology has demonstrated that these exclusions prevent us from deeply understanding political, economic, or cultural processes that emerge from domestic or family spaces. Concern over these "incomplete representations of social life," to put it mildly, has led many female anthropologists to vindicate life histories as a feminist methodology par excellence (see Bataille and Mullen Sands 1984).

These critical voices have been present since the origins of anthropology, as is the case with Ruth Underhill, who as early as the 1930s broke with the androcentric tradition of US anthropology by writing the life history of María Chona, a Papago woman from Arizona (Underhill 1936). Since then, life histories of indigenous women have provided new perspectives on the different impacts of colonialism on women's lives. For example, Nancy Lurie's work on a Winnebago woman from the state of Wisconsin denounces the role of Christian internships in the destruction of native cultures (Oestreich Lurie 1961); the

work by indigenous intellectuals Anna Moore Shaw (1974) (Pima), Helen Sekaquaptewa (1969) (Hopi), and Maria Campbell (1973) (Métis from Canada) narrates their experiences as women under the neocolonial governments of the United States and Canada. In Latin America, testimonies by Domitila Barrios de Chungara, a Bolivian labor leader, and Rigoberta Menchú, a Maya-K'iche' leader from Guatemala, compiled by the anthropologists Moema Viezzer (Barrios de Chungara and Viezzer 1978) and Elizabeth Burgos-Debray (1985) became key references on the leadership of indigenous women and the racist violence of nation-states.

Although several of these life histories were the product of intercultural dialogues with anthropologists or other social scientists, rarely are the terms of these dialogues made explicit, and there are few critical reflections on the social hierarchies that mark the relations between researchers and the social actors with whom we work. Marie France Labrecque observes,

In the introductory chapters of life histories, the authors insist on the personal nature of their relations with the informants. Very few face the delicate issue of what each represents for the other at a structural level, failing to acknowledge that these relations are as important as personal relations. Furthermore, I would suggest that, structurally speaking, anthropologists are a part of the life histories of their informants. A life history is a part of a larger conversation, not only between two individuals, but also between two categories of individuals. It is therefore as important to focus on analyzing the hierarchical relations that the life history immediately reveals as the power relations that connect researchers and informants. (1998: 35)

Taking these questions into account, we acknowledge that, despite our position as political allies of the women we worked with, our dialogues with them were always marked by our ethnic and class differences. It was more than evident that the researchers had the time and privilege to analyze and write about political processes on which the women often bet their lives. However, maintaining a permanent dialogue on the “what for” of the life histories and testimonies allowed us to at least minimally compensate these structural inequalities between “two categories of individuals,” by transforming these textual strategies into collective forms of knowledge construction, inscribed in broader contexts of struggle for self-representation.

In the context of the collective project, two types of life histories were elaborated: those that were part of the systematization of women's memories of their struggles and resistances in certain organizations—as was the case with the women in the CRAC in Guerrero, the young Triqui women displaced in Oaxaca, and the women threatened by armed groups in Cauca—and those that took the form of testimonies of human rights violations presented before local,

national, international, or ethical tribunals—such as the testimony by Inés Fernández Ortega before the IACTHR, the Mam women organized against the Canadian mining company Goldcorp before the Peoples International Health Tribunal, the relatives of Bonfilio Rubio preparing the case that was presented to Mexico's Supreme Court, and the testimonies of domestic violence systematized by the Municipal Women's Council of Chichicastenango.

In the case of indigenous women's memories of resistance, we prioritized accompaniment in the processes of writing and self-representation, as was the case with the books *Mujeres contracorriente* (Women against the Grain) (1998); *La doble mirada: Voces e historias de mujeres indígenas latinoamericanas* (The Double Gaze: Voices and Histories of Latin American Indigenous Women) (2005); *Historias a dos voces: testimonios de luchas y resistencias de mujeres indígenas* (Histories in Duet: Testimonies of Struggles and Resistances by Indigenous Women) (2006); *Bajo la sombra del guamúchil: historias de vida de mujeres indígenas y campesinas en prisión* (Under the Shadow of the Guamúchil: Life Histories of Indigenous and Peasant Women in Prison) (2010); *Género, complementariedades y exclusiones en Mesoamérica y los Andes* (Gender, Complementarities, and Exclusions in Mesoamerica and the Andes) (2012); and *Transgredir para transformar: La disputa como agente de cambio social y cultural* (Transgressing to Transform: Dispute as an Agent for Social and Cultural Change) (2012). All of these books are of collective authorship, in which the indigenous women wrote parts of their lives and decided how to represent themselves and which parts of their collective reflections to share. Giving continuity to these processes of accompaniment, in parallel to this academic book, the justice promoters of the CRAC are working in collaboration with María Teresa Sierra to elaborate a book on women's participation in the Community Police; Morna Macleod wrote the prologue of a book elaborated by the Tz'ununija' Indigenous Women's Movement that systematized the life histories of eight women facing arrest warrants in San Miguel Ixtahuacán (and their accompaniment); and, together with Doña Crisanta (2013), she wrote about the latter's struggle against Goldcorp. Transforming the old role of anthropologists as “narrators of other women's life histories” into one of accompanying processes of systematization of their own histories, and even the creation of own publishing projects such as the Colectiva Editorial de Mujeres en Prisión Hermanas en la Sombra (Sisters in the Shadow Publishing Collective of Women in Prison), in Atlacholaya, Morelos, whose establishment has been accompanied by Aída Hernández, was part of our efforts to transform the “extractivist” nature of our discipline.

In the case of the testimonies of violence presented before various judicial bodies, the great challenge we faced was to avoid revictimization in the name of denunciation. This has been a permanent concern for those who work in processes of psychosocial accompaniment of victims of sexual violence (see Aranguren Romero 2010). Although the decision to denounce was consciously

made by the women victims of violence, in our role collecting and systematizing these testimonies we are concerned about the effects that renarrating the horror of violence experienced can have on the minds and bodies of the victims, as well as the lack of therapeutic resources to accompany those processes in the case of testimonies collected by anthropologists or human rights activists with no training to face situations of emotional crisis. It was in part in response to this concern that the research team requested the support of the psychologist Clemencia Correa during the healing workshop described above, and of the psychologist Alejandra González Marín, then a member of the Tlachinollan team, in the case of Inés Fernández Ortega, to work directly with her in the process of psychosocial accompaniment. In the case of the women from Chichicastenango, the healing workshop was in part a response to the emotions unsettled by the testimonies gathered in the initial *diagnóstico*.

Another part of the problem is the academic use that can be made of these testimonies presented as denunciations in legal spheres; in other words, what to use or leave out of the experiences of women victims of violence. How do we present experiences of pain without trivializing them by theorizing about them? What do we include and exclude from these testimonies? The Colombian psychologist and social researcher Juan Pablo Aranguren Romero describes the contradictory aspects of social research with testimonies of violence, observing that

underpinning the compilation of memories of pain and making them known is the idea that this represents . . . solidarity and respect for the other: giving voice to the voiceless. [But] who authorizes the other to give voice to the victim? Is there not something of epistemic violence and subalternization in this process? . . . What is lost in the process of translating the victims' testimonies into the language of human rights? . . . What is lost in this process is in principle the same as occurs when translating an experience to a written text, and therefore the same road traveled from an interview to a book or from oral history to a research paper. In all cases we can allude to the fact that what is lost in this transit from the encounter with the 'other' to the written text is the body and the presence of that 'other' in the written text. (2010: 25)

Following the methodological proposals of Joselyn Géliga Vargas and Inés Canabal we consider that the use of testimony and its public collective discussion can contribute to "make visible and legitimize the authors of those testimonies, and to their (self-)recognition as knowledge producers and shapers of history" (2013: 158); it is also a way to generate political alliances among those communities and other collective projects in different social contexts.

Returning to the so-called anthropology of pain, Veena Das (2008) has delved deeply into these dilemmas, arguing that the conceptual structures of

our disciplines translate suffering into a different language that deprives the victims of a voice and distances us from the immediacy of their experience. For this author, the testimony is an invitation to share the pain and a form of healing. In the case of the Triqui women, their request to have their testimonies recorded in audiovisual format allowed the women to locate their personal trauma in a collective trauma and their bodies before structural violence, thus mitigating the effects of the individuality of pain, such as shame and silence. It is our intention not to solve all of these conceptual challenges in the book, but rather to recognize the need to seek textual strategies capable of accounting for the experiences of pain and violence without trivializing them through our theoretical interpretations.

Ethnography and Spaces of Justice

Another methodology fundamental to our project was ethnography of the spaces of justice. Ethnography has been one of anthropology's main research methods, and it has contributed to deep understandings of cultural differences. However, our epistemological position demands a reflection on the relationship between ethnography's methodological possibilities and its ethical/political nature. From its inception among those who devoted themselves to the study of so-called primitive societies to the present, ethnography has been a historically situated means of understanding different historic contexts, each with its own, and perhaps radically different, subjects and subjectivities, objects and objectivities (Comaroff and Comaroff 1992: 9–10). In other words, ethnography has described social worlds from a particular viewpoint, the Western, thus standardizing its readings of cultural difference.

This has been a source of criticism both for anthropology itself and for the social groups that have been the subjects of ethnographic representations. Its founding fathers have thus been accused of serving the causes of imperialism, justifying the colonial enterprise, and today it has also been used to deny the legitimacy of indigenous rights. "All ethnographic work has therefore a contained potential and an eventual political use" (Bartolomé 2003: 203). We are interested in considering ethnography beyond its academic dimension, that of exploration and wonder. We are aware of its potential political use as an instrument to regulate difference through authority, but also wish to champion it as a method and window onto different worlds and epistemologies.

While it is true that the authority of the ethnographic method is due in part to its ability to provide broad and detailed depictions of social groups, based on direct and prolonged contact and observation and founded on centralized theoretical precepts, it is important to recognize that this authority is also due to its political nature, and is enacted primarily through power structures. It is precisely because of this that the project made a theoretical/methodological and political turnabout in its ethnographic work.

In our efforts to combine the analysis of power relations in the legal realm with the need to construct research problems in dialogue with the social actors we worked with, we found the theoretical and practical mechanisms to discuss and reformulate our ethnographic work in the contributions of critical legal anthropology, research action, and collaborative research. The focus was hence no longer on impartial observation and description of social groups, but on a dialogue about multiple ways of understanding and confronting political and justice dynamics, in which we recognized structural realities and shared political commitments. An emphasis on the political nature of the ethnographies varied according to the different justice spaces examined: community justice, international justice, ethical tribunals, and state justice. These were understood not as neutral or empty realms but as historic and culturally constructed spaces that needed to be interrogated, and that directly affect the dynamics of research and action. What does it mean to perform an ethnography of juridical spaces in conjunction with an analysis of defense strategies, the role of authorities, and the tensions between the various legal systems? These questions have been central to legal anthropology, whose ethnographies have attempted to examine the social relations involved in disputes, conceiving juridical spaces as spaces for social interaction (Nader 2002). They have also attempted to understand how power and change influence legal processes, where law is conceived in its historic and social context as a product of human agency (Comaroff and Roberts 1981; Starr and Collier 1989; Sierra and Chenaut 2002).

In this project, we approach ethnographically the spaces of community justice in the Indigenous Court of Cuetzalan and in the Mountain region of Guerrero, in the area of influence of the CRAC; of state justice and its appropriation by indigenous organizations in the processes unleashed by the Constituent Assemblies of Bolivia and Ecuador; and the “cultural rituals” that develop in the spaces of international justice.

For Aída Hernández, doing ethnography in IACTHR implied learning to “culturally distance herself” from legal practices that were more or less familiar to her and breaking with the premise that so-called indigenous law and community justice are full of “culture,” while international law and its spaces of justice are merely “transparent” expressions of the use of law. In her ethnographic description of the IACTHR, she describes the trial of Inés Fernández against the Mexican state as a space of dispute where cultural referents and power relations between all of the actors who participated in that legal performance came into play. The physical space of the Supreme Court of Lima, Peru, is described as the stage of a performance in which not only the judges and the legal representatives of the parties involved participated, but also a broader audience that included law students, members of human rights organizations, Peruvian indigenous women organized against military violence, and feminist groups struggling against violence. Litigation thus becomes, for ethnographic analysis, a cultural ritual where different conceptions of justice and rights interact.

Final Reflections

One objective in this chapter was to demonstrate the complex connections between forms of thought and practices in the various locations of research, based on specific social relations that not only provide concrete meanings in terms of gender, ethnic group, and class, but also facilitate or hinder access to political spaces and processes of knowledge construction. While this review of the research processes reveals the complexity behind socially committed work, we concluded that writing from a collaborative and critical perspective depends on both encounters and disagreements. In this respect, we identified two key aspects for the development of this type of studies: that knowledge is interknowledge and that it always combines the cognitive with the ethical/political (Santos 2009; Hale 2008).

The methodological routes we chose—workshops, life histories, ethnographies of legal spaces—were conceived as means for intercultural dialogue and interknowledge. Our greatest challenge was to transform these dialogues into written texts that accounted for the various epistemologies, social hierarchies, and representations of the world that came into play during these four years. How do we incorporate the pain, the marks left by violence on bodies and minds, the fear in contexts of militarization and paramilitarization, the sadness before death and displacement? These have been some of the challenges we have faced in our search for textual strategies that go beyond this academic book and that include other narrative and visual forms.

Recognizing the plurality of thought and practices allowed us to address the various case studies from the perspective of their complementarities or contradictions. If we accept that different epistemologies historically interact and intertwine (under unequal power relations), we find ourselves before the possibility of resorting to different epistemic referents. In our case, the points of encounter were the concepts of violence, security, and access to justice, which were in turn closely related to the realm of political action, bringing theory and practice together in the research processes.

We hope that the situated knowledges shared here can contribute to critical reflection on the use of law in emancipatory struggles of indigenous peoples in our continent, and that throughout the research process we were able to contribute, albeit minimally, to the construction of an ecology of knowledge that includes, but is not limited to, cosmopolitan subaltern legalities.

NOTES

1. In addition to the academic essays presented here, the outcomes of our research effort include many other informational products elaborated in collaboration with members of the indigenous organizations we worked with, in addition to the generation of mid- and long-term organizational processes.
2. The “action research” concept was developed by the German-US psychologist Kurt Lewin in 1944 to define a research methodology based on democratic and

participatory processes with the local population. The concept was revisited in the 1960s by Latin American social scientists from different perspectives committed to social justice. In this development, the contributions by Brazilian pedagogue Paulo Freire were essential. For an analysis of the development of action research and collaborative research, see Mora 2008.

3. For an analysis of action research from feminist academia, see Lykes and Couquillon 2007.
4. Toledo proposes a series of premises to go from a dialogue of phantoms to a dialogue of knowledges between the "modern" and the "traditional" in the field of communal sustainability.
5. *Ayllu* is an organizational unit composed of several communities and families, with territorial rights through the *sayañas* (family units).

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"*Demanding Justice and Security* offers a panoramic view of Latin American indigenous women's strategies for combating gendered violence and of creating constructive justice alternatives grounded in indigenous concepts of collective rights and autonomy. Beautifully written ethnography and crisp theory make this a particularly useful classroom book."

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We Are the Face of Oaxaca: Testimony and Social Movements

"*Demanding Justice and Security* constitutes a milestone in the study of indigenous women's organizing, understanding, and engaging legal pluralities in Latin America. Drawing on rich fieldwork from Bolivia, Mexico, Colombia, Ecuador, and Guatemala, the authors of this collaborative research-action experience have crafted an outstanding multi-sited ethnography of gender, violence, injustice, and insecurity in these countries. This remarkable volume allows for a unique opportunity to consider structural violence and its comparative effects on the gendered body politic."

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and Caribbean Studies, New York University

Across Latin America, indigenous women are organizing to challenge racial, gender, and class discrimination through the courts. Collectively, by engaging with various forms of law, they are forging new definitions of what justice and security mean within their own contexts and struggles. They have challenged racism and the exclusion of indigenous people in national reforms, but also have challenged "bad customs" and gender ideologies that exclude women within their own communities.

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RACHEL SIEDER is a senior research professor at the Centre for Research and Advanced Study in Social Anthropology (CIESAS) in Mexico City. She is the coeditor of *Gender Justice and Legal Pluralities: Latin American and African Perspectives*.

Cover art: Public wake in Oaxaca City
for three murdered Triqui, August 2011.
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