

Demanding Justice and Security: Indigenous Women and Legal Pluralities in Latin America

Pages: 310

Publisher: Rutgers University Press; None edition (June 16, 2017)

Format: pdf, epub

Language: English

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Demanding Justice and Security Demanding Justice and Security Indigenous Women and Legal Pluralities in Latin America EDITED BY RACHEL SIEDER RUTGERS UNIVERSITY PRESS NEW BRUNSWICK, CAMDEN, AND NEWARK, NEW JERSEY, AND LONDON 978-0-8135-8793-6 978-0-8135-8792-9 978-0-8135-8795-0 978-0-8135-8794-3 978-0-8135-9069-1 Cataloging-in-Publication data is available from the Library of Congress. A British Cataloging-in-Publication record for this book is available from the British Library. This collection copyright © 2017 by Rutgers, The State University Individual chapters copyright © 2017 in the names of their authors All rights reserved No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, or by any information storage and retrieval system, without written permission from the publisher. Please contact Rutgers University Press, 106 Somerset Street, New Brunswick, NJ 08901. The only exception to this prohibition is 'fair use' as defined by U.S. copyright law. The paper used in this publication meets the requirements of the American National Standard for Information Sciences Permanence of Paper for Printed Library Materials, ANSI Z39.48-1992. www.rutgersuniversitypress.org Manufactured in the United States of America CONTENTS [Preface](#) [Introduction. Demanding Justice and Security: Indigenous Women and Legal Pluralities in Latin America](#) RACHEL SIEDER **PART ONE. Gender and Justice: Mediating State Law and International Norms** [1. Between Community Justice and International Litigation: The Case of In Fernández before the Inter-American Court](#) ROSALVA ACD; DA HERNANDEZ CASTILLO [2. Domestic Violence and Access to Justice: The Political Dilemma of the Cuetzalan Indigenous Women's Home \(CAMI\)](#) ADRIANA TERVEN SALINAS **3. Between Participation and Violence: Gender Justice and Neoliberal Government in Chichicastenango, Guatemala** RACHEL SIEDER **PART TWO. Indigenous Autonomies and Struggles for Gender Justice** [4. Indigenous Autonomies and Gender Justice: Women Dispute Security and Rights in Guerrero, Mexico](#) MARÍA TERESA SIERRA [5. Gender Inequality, Indigenous Justice, and the Intercultural State: The Case of Chimborazo, Ecuador](#) EMMA CERVONE AND CRISTINA CUCURD; [6. 'Let Us Walk Together': Chachawarmi Complementarity and Indigenous Autonomies in Bolivia](#) ANA CECILIA ARTEAGA BHD; HRT [7. Participate, Make Visible, Propose: The Wager of Indigenous Women in the Organizational Process of the Regional Indigenous Council of Cauca \(CRIC\)](#) LEONOR LOZANO SUAREZ **PART THREE. Women's Alternatives in the Face of Racism and Dispossession** [8. Voices within Silences: Indigenous Women, Security, and Rights in the Mountain Region of Guerrero](#) MARIANA MORA [9. Grievances and Crevices of Resistance: Maya Women Defy Goldcorp](#) MORNA MACLEOD [10. Intersectional Violence: Triqui Women Confront Racism, the State, and Male Leadership](#) NATALIA DE MARINIS **PART FOUR. Methodological Perspectives** [11. Methodological Routes: Toward a Critical and Collaborative Legal Anthropology](#) ROSALVA ACD; DA HERNANDEZ CASTILLO AND ADRIANA TERVEN SALINAS [Notes on Contributors](#) [Index](#) [PREFACE](#) This book started life when a group of activist

scholars, colleagues, students, and comadres decided we wanted to work together and learn from the different experiences and places where we conduct our research in Mexico, Guatemala, Colombia, Ecuador, and Bolivia. Our concern was to listen to how indigenous women are framing their demands for justice and security within their different organizational contexts and to understand their engagements with different forms of legality. Our hope was to witness and accompany, and to validate and amplify those claims through our scholarship and the different connections we could make. Building on our shared theoretical and methodological concerns, we devised a joint project, *Women and Law in Latin America: Justice, Security and Legal Pluralism*, as part of a collaboration between the Centro de Investigaciones y Estudios Superiores en Antropología Social (CIESAS) in Mexico City, where many of us are fortunate to be researchers, teachers, and students, and the Chr. Michelsen Institute in Bergen, Norway, where I am an affiliated senior researcher and part of an inspiring research network on law and gender. Great thanks are due to CIESAS and particularly its past and present directors, Virginia Garcés Acosta and Agustín Escobar Latapá, for their unflinching support for the project and commitment to collaborative international research. In Bergen Siri Gloppen, director of Bergen's Centre for Law and Social Transformation, and Liv Tønnessen provided input and steadfast encouragement. Central to our exchanges was the funding the project received from the Norwegian Research Council (project 199745), which enabled us to finance fieldwork, together with a series of workshops and meetings of the research team and representatives from organizations and communities. We are immensely grateful to the Council for their support. In 2011 we met in Cuetzalan, Puebla, at the Hotel Taselotzin, the first eco-tourist venture run by Nahua women from the organization Maseualsiuamej Mosenyolchicuani in the Sierra Norte. The space and care that Doña Rufi and her compañeras provided for us formed the perfect environment to listen, share, and strengthen our work together. In Mexico City, a workshop with Colombian psychologist Clemencia Correa helped us reflect on the challenges of working with histories of violence, and on the ethics of engagement, accompaniment, and mutual care. Earlier versions of the chapters contained here were presented in 2012 at panels at the Latin American Studies Association congress in San Francisco and at a meeting at CIESAS Pacifico Sur in Oaxaca. We are hugely indebted to Pamela Calla, Deborah Poole, and Lynn Stephen, all of whom read work in progress and made invaluable contributions at these different meetings, forcing us to think the extra mile. In Mexico Yacotzin Bravo provided research assistance and steered all of us through the inevitable paperwork with her keen eye and good grace, at the same time as developing her own research. In Guatemala, Lidia Osorio worked tirelessly to make the project a success and to facilitate visas and logistics for visits to Mexico. On a personal level, I am lucky to count on Carlos Y. Flores for accompaniment and support, and grateful to him for initiating the very right decision to move our family to Mexico all those years ago. Our special thanks are due to Kimberly Guinta, our editor at Rutgers University Press, who enthusiastically supported the book project from the very beginning. Thanks also to Alejandro Reyes Arias for his careful translation of the manuscript from Spanish into English. The volume benefited greatly from the careful and detailed suggestions made by two anonymous readers for Rutgers University Press. Academic research can be a lonely pursuit, but the opportunity to work in a wonderful team of scholars, activists, teachers, and friends has been one of the greatest gifts of the past few years. I am constantly inspired by the passion and generosity of my compañeras and our students at CIESAS, their commitment to social justice, and their intellectual acumen and curiosity. Most of all our thanks to the women and men whose stories we tell in these pages, whose truths and struggles we are all privileged to know and accompany. Rachel Sieder August 2016 *Demanding Justice and Security* [Introduction Demanding Justice and Security Indigenous Women and Legal Pluralities in Latin America](#) RACHEL SIEDER Across Latin America, women have been at the forefront of indigenous people's struggles, challenging state violence and racial discrimination and demanding respect for their collective rights to group autonomy, including the right to exercise their own forms of law. At the same time, through different forms of organizing, they have also developed important critiques of gendered violence and discrimination within their communities, in particular of certain aspects of

“tradition” or “culture” reflecting gender ideologies prejudicial to their life chances. Framing their claims within contexts of legal pluralism, indigenous women and their allies have deployed different discourses and strategies within a range of legal mechanisms, including community justice systems (*derecho propio*), national laws, constitutions and international human rights instruments, and domestic and international courts. This resort to law has involved examples of both judicialization (taking demands to legal tribunals) and juridification, when forms of social and political organization come to mirror or appropriate dominant legal discourses and forms.¹ Through their collective framings of grievances and what they consider to be appropriate forms of redress, indigenous women combine strategic recourse to discourses of human rights and international, national, and community legal forums with alternative constructions of “(in)justice” and “(in)security,” theorizing on the basis of their lived experiences and in turn demanding we rethink accepted understandings of these terms. This introductory essay frames a collection of ethnographic studies, products of a three-year project based at the Center for Anthropological Research and Graduate Study (CIESAS) in Mexico, involving eleven researchers engaged with different processes of indigenous women’s organizing to secure greater gender justice within their communities, organizations, and societies. Five of the ten studies are from Mexico, where most of the team members live and work; the remaining five analyze experiences from Guatemala, Ecuador, Bolivia, and Colombia, countries where the researchers either live or have long-standing activist research connections. All the case studies built on collaborations both between individual researchers and different organizations and between the researchers themselves, forged in a range of joint research endeavors prior to this project. Taken together, the chapters presented here examine how indigenous women collectively engage with different forms of legality in order to pursue their justice and security claims. In the following sections of this introduction and throughout the book, we highlight the ways in which our collaborative approaches to legal anthropology and ethnography can contribute new insights about indigenous women’s engagements with legal pluralities. In particular, we explore the ways in which the intersectionalities of violence against indigenous women are expressed, reinforced, and resisted through resort to multiple justice forums and discourses, deploying different framings that, as we argue below, are both situated and relational. In the next section I briefly present the different cases analyzed in the following chapters. I then outline some of the key theoretical, conceptual, and methodological issues for analyzing indigenous women’s mobilization for justice and security in Latin America. The experiences described in the following chapters vary greatly. In Bolivia and Ecuador, processes of constitutional and legislative reform in the second half of the 2000s provided new opportunities for women to mobilize and lobby nationally for guarantees of gender equality and protection from violence to be included as part of the recognition of indigenous autonomy rights within the new constitutions and secondary laws (Rousseau 2011). In their coauthored contribution, anthropologist Emma Cervone and Kichwa rights activist Cristina Cucurí explore the nature and effects of the mobilization by Kichwa women in the province of Chimborazo, Ecuador, to secure the inclusion of women’s rights to protection from violence within the provisions for indigenous autonomy set out in the 2008 Constitution. Their analysis documents the ways in which women’s mobilization for gender justice in the constitutional reform in turn affected perceptions of justice and practices on the ground. Within their communities, women in Ecuador and Bolivia have also organized to ensure that local autonomy statutes reflect their specific concerns: in her contribution, Ana Cecilia Arteaga Böhrt considers the relationship between the 2009 Bolivian Constitution and the 2010 law of coordination between state law and indigenous law (*ley de deslinde*), and the elaboration of a local autonomy statute in the Marka of San Pedro de Totora, Oruro, documenting the discourses, practices, and strategies pursued by Aymara women to further culturally rooted forms of gender justice. In Mexico, Guatemala, and Colombia, the other countries examined in this volume, women within indigenous social movements and organizations have engaged with issues of gender inequality as part of their struggles for culturally appropriate forms of justice and security within increasingly complex contexts of violence marked by militarization, paramilitarism, the spread of

extractive industries, and new forms of territorial control exercised by organized crime. In her chapter, [Rosalva Aída Hernández Castillo](#) analyzes the legal and political struggles of the Organización del Pueblo Indígena Me’phaa (OPIM), in Guerrero, Mexico, focusing particularly on her own role as special anthropological witness in a case heard before the Inter-American Court of Human Rights in 2010. The court found the Mexican government guilty of violating the individual rights of Inés Fernández, a Me’phaa woman and OPIM activist raped by army soldiers in the context of the growing militarization of the region. In addition the court’s landmark judgment condemned the rape as a violation of the collective rights of the Me’phaa people, revealing the possibilities that international judicialization offered for redefining harm and forms of restitution. Mariana Mora’s ethnography focuses on her work with Mocipol, an initiative of human rights defenders working in Guerrero to monitor human rights violations by the police and armed forces. Mora analyzes the ways in which human rights NGOs produce legal knowledge in cases where the rights of indigenous people have been violated by government security policies, and considers the gendered effects of such processes. Also in Mexico, in the state of Oaxaca, Natalia De Marinis recounts her accompaniment of indigenous Triqui women from San Juan Copala in their struggle to achieve a measure of security following their forced displacement in 2010, when a short-lived experiment in municipal autonomy was terminated by sustained paramilitary violence. De Marinis’s chapter documents the gendered dimensions of violence and political control in the Triqui region, and grassroots responses. And in Guatemala, Morna Macleod’s analysis of the work of Maya-Mam women activists in San Miguel Ixtahuacán, San Marcos, to resist one of the largest open-pit gold mines in Latin America, reveals their situated perceptions of (in)security and (in)justice in the context of large-scale extractive industry projects, and the gendered environmental and social impacts of such forms of structural violence. The languages and concepts that indigenous women use to analyze their situations, frame their claims, and present their demands vary depending on their own cultural specificities and broader hegemonic discourses; as [María Teresa Sierra](#) reminds us in her chapter, “cultural constructions of violence and gender affect the definition of grievances and understandings of security and justice for women.” In addition, as we demonstrate in this volume, local organizational processes are also a central element in shaping women’s claims. Sierra’s work with Me’phaa and Na savi women who are part of the supracommunal autonomous regional coordination of community authorities (Coordinadora Regional de Autoridades Comunitarias, CRAC), or *policía comunitaria*, in the Costa-Montaña region of Guerrero, documents women’s organizing as “justice promoters” trying to encourage forms of supracommunal justice more attentive to women’s situations and needs. Through her mapping of the justice practices of the *comunitaria*, Sierra analyzes the changing gender ideologies that they reveal. Adriana Terven Salinas’s work in Cuetzalan, in the Mexican state of Puebla, with Nahuatl women of the Centro de la Mujer Indígena (CAMI), an organization that has played a key role in promoting indigenous women’s rights, analyzes the different constructions of justice and security at play within the CAMI and the dense network of organizations working to promote indigenous women’s rights in Cuetzalan. Terven reveals how the CAMI’s focus on “violence against women” has tended to mirror dominant policy definitions of gendered harm, privileging interfamilial violence over and above more structural forms of discrimination. In Guatemala, Rachel Sieder’s ethnography focuses on organizational processes in Chichicastenango, Quiché, where grassroots organizers and civil society organizations developed an innovative “gender agenda” for municipal governance. Sieder analyzes the efforts by community leaders of the municipal women’s council to strengthen Maya-K’iche’ women’s access to justice and protection from violence; her chapter points to the ways in which neoliberal agendas for decentralized governance shape the prospects for women’s organizational autonomy and definitions of gender discrimination and harm. And in Colombia, Leonor Lozano Suárez’s long-standing activist-research collaboration with the Indigenous

Intercultural University, UAIIN, and the Regional Indigenous Council in Cauca, CRIC, forms part of one of the most established experiences of indigenous autonomy in Latin America; even within a context of ongoing armed conflict. Lozano's contribution to this volume analyzes the new forms of knowledge generated by processes of systematization and reflection about gender relations, indigenous identity, and justice within the UAIIN's diploma on family, participation, and gender equity. The different contributions show that languages of claiming deployed by indigenous women vary across time and space, pointing in turn to the situated ways in which they experience different forms of injustice and violence, reflect on and theorize their multiple realities, and elaborate different visions for the future. As a number of the chapters suggest, reflection on specific histories of indigenous women's agency provides a vital resource for contemporary organizing for greater gender justice, pointing to women's roles in the historic struggles of their communities and peoples. For example, in her chapter Lozano highlights the extraordinary document drawn up in 1927 by women members of the Quintin Lam's movement on the 'Rights of Indigenous Women,' which bears witness to women's militancy alongside men in the struggle for land. Other examples of indigenous women's historical agency invoked by contemporary indigenous women's movements include Dolores Caguango in Ecuador and Mama Maqu' in Guatemala. In Bolivia and Ecuador, contested debates around Andean notions of complementarity have provided a means for some women to develop intracultural critiques and press their claims for greater equity. In different specific contexts, Kichwa and Aymara women have used these to question gendered forms of oppression and representations of indigenous community law that emphasize its inherently harmonious characteristics. Debates about the 'complementarity' between men and women that is often defended as an inherent characteristic of indigenous cultures have provided opportunities for some women to highlight the distances between such ideals and everyday practices. Importantly, they constitute alternative political idioms to the hegemonic language of 'gender equality,' which tends to dominate national and international development discourses. In her chapter, Ana Cecilia Arteaga B'rt shows how Aymara women in Oruro have developed critical stances and theorized on the basis of their own culture, experiences, and practice, strategically mobilizing notions of complementarity in debates on regional autonomy in order to press for a less patriarchal local politics. This has involved a localized resignification of Aymara concepts of complementarity; *chachawarmi*; to develop reformulations (*warmichacha*) that include women's demands. Similarly, in Guatemala Mayan women intellectuals have resignified Mayan concepts of complementarity and duality to question gendered exclusions within indigenous communities and organizations (Chirix and Kaqla 2003; Macleod 2011). Framing their claims for justice in terms of appropriate ways of 'good living together,' or *lo debido y lo indebido*, indigenous women have challenged different forms of inequality and male violence against women when such ideas are debated at the national level, within their political movements, or in their communities. While maintaining their demands for guarantees of indigenous people's collective rights, they have consistently pointed to the obstacles they face as women. These include lack of access to land, lack of experience, training, or education, feelings of shame or fear, being subjected to gossip and slander, economic dependence on men, physical and sexual violence, abandonment, and systematic denial of women's participation and voice. Debates are simultaneously transnational and intensely local: for example, ideas of gender justice developed in Chiapas, Mexico, in the shape of the Zapatista women's revolutionary law, proved an important inspiration for Kichwa women organizing against domestic violence and racism in Cotacachi, Ecuador, indicating how gender-specific ideas of justice in indigenous communities have traveled across time and space (Barrera 2016). The continental indigenous women's movement; in particular through the Enlace Continental de Mujeres Ind'genas (ECMIA) and the Foro Internacional de Mujeres Ind'genas (FIMI); has mobilized these alternative understandings of women's justice claims, invoking indigenous cosmivision as a site of resistance across multiple scales (Blackwell 2006). Although the resignification of indigenous epistemologies and

concepts is a marked feature of contemporary indigenous women's organizing, rights also continue to be a powerful idea for naming gender injustices and seeking change; in the cases we examine from Mexico and Colombia, the idioms of claiming tend to be those of individual and collective rights, together with forms of development, justice, and security framed as being specifically indigenous. For example, in her chapter on women's organizing in the Cauca, Colombia, Lozano explores women's efforts to situate their claims within the indigenous development plans (*planes de vida*) and intercultural university curricula developed by the Consejo Regional Indígena del Cauca (CRIC). And in her analysis of the work of grassroots women justice promoters (*promotoras de justicia*) in the *policía comunitaria* in the Mexican state of Guerrero, Sierra identifies gendered claims within indigenous and mestizo people's alternative framings of justice and security. The following sections turn to some of the key conceptual and methodological issues underpinning this collective volume.

Gender Violence and Intersectionality Violence against indigenous women is a complex and multidimensional phenomenon that cannot be reduced merely to physical or interpersonal violence; it is also structural, symbolic, and political (Bourgois 2001). Indeed, as Cecilia Menjívar has persuasively argued, rather than being some kind of episodic incident or measurable event, 'violence constitutes a *process*, one that is embedded in the everyday lives of those who experience it' (Menjívar 2011: 29).² It is well established that women from different indigenous groups face multiple forms of physical, psychological, and structural violence because of their race/ethnicity, poverty, and gender. This includes violence either directly exercised by agents of the state or permitted because of governments' failures to protect citizens and uphold their rights. It also occurs within families and communities. Like their male kin, indigenous women are discriminated against and oppressed as part of racial and class hierarchies and suffer some of the highest levels of illiteracy and poor health, including extremely high levels of maternal mortality (CEPAL 2013; FIMI 2006; Sieder and Sierra 2010). Either their collective rights as indigenous peoples are not legally recognized, or where they are enshrined in state law they are seldom respected and defended in practice. In many parts of Latin America the policies of limited multicultural recognition of the 1990s and 2000s have given way to the hardening of positions by governments and the private sector, and the increasing militarization of indigenous regions by state and nonstate armed actors, often in covert support of extractive industries, both legal and illegal (Sierra, Hernández, and Sieder 2013). Even in the supposedly 'post-neoliberal' states of Ecuador and Bolivia where constitutional and legislative recognitions of indigenous autonomies have been significantly expanded (Goodale and Postero 2013), indigenous territories and the natural resources they hold continue to be the focus of extractive industries and other large-scale infrastructural projects (Erazo 2013; Sawyer 2004). Protests by indigenous peoples against such incursions are demonized by governments as an impediment to 'development' or a threat to national security, and the use of physical and legal violence to repress manifestations of dissent has become commonplace. The death of thirty-three people in June 2009 in confrontations at the town of Bagua between Peruvian security forces and Amazonian indigenous peoples protesting concessions granted to transnational energy and mining companies on their historical lands was a significant watershed, but by no means an isolated case. The criminalization of protests against megaprojects involving the indictment and imprisonment of movement and community leaders is being documented in countries across the region (Bastos and de Leon 2014). In conflicts over territories and natural resources, indigenous women are often targeted in particularly insidious, gendered ways, especially if they are at the forefront of resistance (Belausteguigoitia Rius and Saldaña-Portillo 2015). The use of sexual violence by military and paramilitary forces to displace indigenous people from their land or halt their mobilization, for example, has been particularly common in Guatemala, Colombia, and Mexico (see, e.g., ECAP-UNAMG 2009; Hernández Castillo, 2010; Jaramillo 2014; Stephen 2011). Supposedly 'nonstate' repression carried out by private actors is in fact intrinsic to new state forms and political economies linked to intensified exploitation of oil, mineral, forest, and water resources. At the same time, women can face systematic discrimination and violence within their

own communities and families, reflecting historical gender biases in society. Custom is often mobilized as a justification for localized, intimate, and patriarchal forms of exclusion and control. Such norms and practices reflect specific gender ideologies and are reproduced by men and women in order to enforce particular forms of female conduct, or to deny women equal access to land, education, or participation in community affairs. Yet despite these complex intersections between interpersonal, intracommunal, structural, and historical forms of violence, criminal law and courts tend to conceptualize violence against women as isolated, interpersonal incidents of aggression carried out by individual perpetrators against individual victims. Resort to dominant legal framings and mechanisms can risk decontextualizing and oversimplifying, focusing on direct manifestations of physical violence rather than addressing complex multiple causality and giving due weight to the perceptions and experiences of women themselves. The paradigm of intersectionality was elaborated through the contributions of black feminism, feminism of women of color, and decolonizing feminisms in Latin America and the Caribbean (hooks 2004; Crenshaw 1991; Collins 1990, 1998; Davis 2004; Lugones 2008). As an analytical perspective, it questions the utility of essentialist social categories, such as indigenous; Afro-Latin American; or women; as a guide for understanding people's concrete life circumstances. Instead intersectionality focuses attention on the specific ways in which these abstract social categories intersect in particular historical contexts to produce different hierarchies or what Patricia Hill Collins calls a matrix of domination; (Hill Collins 1998). In other words, it points to the ways in which different forms of power and oppression intertwine to naturalize hierarchies and forms of violence including race, class, gender, and sexuality, and how these interact to shape the lives of men and women whose locations within these multiply-constructed categories affect their ascribed social roles, experiences, and life prospects. Intersectionality theory thus provides a key starting point for exploring the connections between structural violence and interpersonal forms of violence and oppression as experienced by indigenous women, forms of violence which as Sally Merry and others have observed are always intimately connected (Merry 2006; Lugones 2008). Indigenous activists and theorists in Latin America have made important contributions to intersectionality theory, underlining the centrality of colonial categories and legacies for understanding intersectional forms of exclusion and domination across the continent.³ For example, studies by Marisol de la Cadena and others point to the ways in which social dynamics in the Andes are imbued not only with colonial binaries and hierarchies of Indians; and mestizos; (despite actors' fluid, ambiguous, and contextual performances of these identities), but also with internalized gender hierarchies within indigenous families and communities that can often place indigenous women at the very bottom of racialized systems of subordination (de la Cadena 1991; Seligmann 1993; Weismantel 1989; Radcliffe 2015). Analyzing the intersecting axes of inequalities faced by Bolivian highland women who migrate from rural areas to (semi)urban neighborhoods to secure their subsistence through commerce or domestic service, Silvia Rivera Cusicanqui observed that to be a woman, indigenous (or *chola*, or *birlocha*) and on top of that poor, constitutes a triple stigma which prevents a growing number of people from enjoying the dignified status of human being; (1996: 22). Much more than is the case for men, Indian-ness is inscribed and reproduced through the bodies, language, clothing, and daily practices of women. The International Federation of Indigenous Women (FIMI) has argued for a focus on different interrelated forms of violence against indigenous women, shaped not only by gender discrimination within Indigenous and non-Indigenous arenas, but by a context of ongoing colonization and militarism; racism and social exclusion; and poverty-inducing economic and development policies; (FIMI 2006: 6; see also ECMIA/Chirapaq 2012). The different situations and contexts described in the following chapters are ones where everyday practices of gendered violence intersect with racial and ethnic discrimination, social exclusion, particular forms of economic development, criminal exactions, and state security policies imposed in the fight against so-called organized crime. Although our

research focuses on different cases from Latin America, it contributes to debates about how to ground the concept of intersectionality methodologically in order to explore gendered forms of violence, (in)security, and (in)justice. We also underline the ways in which indigenous women are theorizing intersectionality by reflecting on their lived experiences and proposing alternatives, even though they do not specifically use the term itself. We ask the following questions: How are different forms of gender violence perceived, experienced, and understood by women within specific contexts of socioeconomic, political, and racial violence? What actions do they take to try to confront these forms of oppression? And what effects do these actions generate? In order to answer these questions, we propose three starting points for research. First, it is vital to historicize understandings of gender violence, particularly locating different forms of gender oppression within specific national and local histories of racialization and colonialism. Distinct colonial legacies place indigenous people, and specifically women, within certain economic, racial, and gender hierarchies in the present, shaping their possibilities for enunciation, organization, and resistance. For example, in her work on domestic servitude in Guatemala, Aura Cumes has argued that the debt slavery endured by Mayan populations on coffee plantations throughout the nineteenth and early twentieth centuries has contributed to a contemporary 'culture of servitude' that makes all indigenous women synonymous with domestic servants, thereby fixing their place within colonial, racialized hierarchies (Cumes 2014).⁴ In this volume, Emma Cervone and Cristina Cucur also look to the histories of *pongeaje* or debt servitude on the haciendas in Chimborazo in order to explain the gendered, racialized orders of the present, which are characterized by extremely high levels of intrafamilial violence. They argue that the legacies of verbal and physical racialized violence against indigenous men within the hacienda system, with all the humiliation and shame that this implied, have in turn generated dynamics where violence is subsequently exercised by men within many families over the bodies of women and children. As all the contributors to this volume underline, we need to analyze the connections between interpersonal and intrafamilial violence in the present alongside the historical constitution of different forms of structural, racialized violence that makes these both possible and normal. And as Cervone and Cucur explain in their analysis of the workshops that formed a central part of their research in Chimborazo, critical reflection by men on the colonial legacies and power dynamics that shape their behavior can provide a vital element in working toward greater gender justice. Second, research should analyze how women in different contexts understand the distinct forms of structural and interpersonal violence that affect their lives: the categories and terms they use to describe them, the linkages they make between them, and the actions they take in response. In this respect the approach advocated in this volume adheres to a fundamental principle of anthropological research, namely to try to understand the emic perspectives and framings of the subjects themselves, the ways in which they make sense of their worlds, and how such understandings shape their actions. The methodological challenge is to understand the complexity of relations between different elements that are always intertwined in practice, such as racial and gender discrimination, or economic exclusion and poverty, without assuming a priori that one form of violence is more salient for subjects than another, as many top-down policy interventions on 'violence against women' often do. Third, we propose that analyses of gender inequalities and violence; and of the responses to these; should be relational and situational: in other words, they should pay due attention to women's everyday relationships with other people; their families, partners, employers, and so forth, and also to their specific political, economic, social, and cultural contexts. Dominant classifications of indigenous women in gendered and racial hierarchies vary significantly across time and space, and women's individual circumstances also differ. In her study of women from the Asian diaspora in postwar Britain, Avtar Brah argues that her interviewees' discourses and narratives about such issues as patriarchy and women's rights to participate in the workplace did not necessarily correspond with their own individual life circumstances. Rather these were shaped by such factors as the nature of their obligations of care toward others, the economic circumstances of their households, the opportunity structure of labor markets, the attitudes of those around them, racism in society, and

race discrimination at work (2011: 180). In other words, women's understandings of their life worlds are situated, something Brah terms 'contingent positionality' (2011: 179). As she argues, their narratives perform different modes of subjectivity from a space of positionality that simultaneously reflects social constructions of women's roles and more personal or individual perceptions of themselves (2011: 180). In short, our collective approach aims to historicize violence and discrimination against indigenous women, revealing connections between interpersonal and more structural, collective forms of race, class, and gender violence. It pays careful attention to the ways in which women talk about grievances, redress, and the collective solutions they propose, understanding these as culturally specific constructions rooted in time and place. Last, it considers different women's contingent positionalities and life circumstances as part of these dynamics. Such a perspective, we argue, can lead to more nuanced and grounded appreciations of indigenous women's multiple struggles for justice and security.

Organizing for Justice: Subaltern Cosmopolitan Legalities The research presented in this volume locates the struggle for individual women's rights within the broader struggle for indigenous people's collective rights. The chapters show how women's contingent positionalities interact with their experiences of collective organization and understandings of their own histories as women and as indigenous peoples, generating new subjectivities. By challenging the internalized codes and systems of domination that perpetuate women's subordination and normalize gender violence, and by making explicit the linkages between different forms of interpersonal and structural violence, indigenous women's collective organizing across Latin America has generated new forms of agency, resilience, and resistance (Figueroa Romero 2011; Hernandez Castillo 2009, 2016; Millin 2014; Speed, Hernandez Castillo, and Stephen 2006; Sieder and Sierra 2010; Belausteguigoitia Rius and Saldaña-Portillo 2015). Together these represent a struggle for social relations and forms of governance that are not based on the normalization of racial and gender inequality and violence, mirroring the broader justice claims made by indigenous people's movements as a whole. Such processes invite us to question hegemonic understandings of what 'access to justice' and 'security' might mean for indigenous women. In a recent volume Martin Holbraad and Morten Axel Pedersen suggest that anthropologists should explore security as a matter of the plural forms of reproduction and survival of distinct social collectivities over time. This involves understanding not just threats to the abilities of those collectivities to reproduce themselves and survive, but also their visions of change and hope for the future, the comprehension of which necessarily demands we go beyond what they refer to as 'liberal political cosmologies' (Holbraad and Axel Pedersen 2013: 12-13).

5 Privileging organized, collective responses, we underline the importance of focusing on ontological security, livelihoods, and people's responses to the multiple forms of violence they face. 6 We see this as a necessary corrective to academic framings that often serve to reproduce and reinforce dominant discourses about 'security/insecurity' or lack of 'access to justice' such as the human security paradigm, which, while focused on the security of people's lives, remains grounded within universalist categories of rights (Fukuda-Parr and Messineo 2012).

7 Boaventura de Sousa Santos and César Rodríguez-Garavito similarly point to the important role non-hegemonic or non-Western constructions of rights and human dignity have played in the ways in which marginalized communities and social movements across the world have mobilized to transform and democratize national and transnational legal frameworks. They emphasize the importance of law and legal ideas in counterhegemonic globalization, focusing attention on the 'growing grassroots contestation of the spread of neoliberal institutions and the formulation of alternative legal frameworks by [transnational action networks] and the populations most harmed by hegemonic globalization' (Rodríguez-Garavito and Santos 2005: 2-3). What Rodríguez-Garavito and Santos term 'subaltern cosmopolitan legalities' essentially refer to locally grounded forms of resistance and legal innovation by those most excluded and marginalized within the new global order. They argue that subaltern cosmopolitan legality 'seeks to

expand the legal canon beyond individual rights and focuses on the importance of political mobilization for the success of rights-centered strategies (Rodríguez-Garavito and Santos 2005: 15). Indigenous social movements in the Americas have been at the forefront of counterhegemonic uses of law and legal discourses in processes of resistance and mobilization against the effects of contemporary global capitalism. Indeed Rodríguez-Garavito and Santos ground their critiques of universalist conceptions of law and rights in an analysis of colonialism, racism, and historical violence against indigenous peoples, emphasizing the extent to which racism structures the forms of poverty and exclusion that exist today. As indigenous women's organizations have repeatedly emphasized, their justice claims cannot be realized independently of guarantees for the rights of indigenous peoples. Abstract philosophical debates often tend to assume that group autonomy rights are bad for women and will deepen gender discrimination (Okin 1999), and, conversely, that universal human rights are always beneficial for gender equality. Yet by ignoring or underplaying the concrete circumstances of indigenous women's struggles, they risk portraying complex issues in absolute or ahistorical terms. By contrast, ethnographic research reveals the 'contingent positionalities,' possibilities, and compromises involved in everyday lived experience and the pursuit of a better life through collective organization. It also underlines how history and context shape individual perceptions, epistemological frames, and possibilities. Building on the trajectories of each researcher, our project prioritized engaged, collaborative forms of research and focused on the understandings of law, justice, and security of ordinary women (and in some cases men) and the translocal processes of which they are a part. Our concern was not only with statutory law, but also with the alternative legal orders generated by subaltern actors, particularly the constructions and practices of what is generically referred to in Latin America as 'indigenous law,' or *derecho propio*. Indigenous people in many parts of the continent have organized to demand higher degrees of legal and territorial autonomy as a means to defend their territories and specific ways of life. This involves ongoing efforts to strengthen their own forms of law and security and communal and supracommunal forms of governance. In recent decades the rights of indigenous peoples to exercise their *derecho propio* have been recognized in international law and at least partially in national constitutions. Yet the hierarchies and legacies of colonialism are invariably reflected in indigenous legal practices; this may mean that some groups, such as women or young people, are systematically discriminated against within subaltern constructions of law, as they are within hegemonic legal orders (Cumes 2009; Sieder and Sierra 2010; Barrera 2016). The contributors to this volume analyze the shifting gender relations and ideologies reflected within these alternative legal norms and practices, seeking to identify motors and processes of change. Subaltern legal orders are shaped by transnational human rights but also by other normative orders (such as religion and spiritual belief systems) and reflect the moral and legal imaginations of different groups and individuals within communities, organizations, and networks as well as the power dynamics that structure them. Our ethnographic engagements explore subaltern cosmopolitan legalities with a particular emphasis on gender dynamics. How do culturally and historically situated understandings of violence, (in) security, and (in)justice change over time? What role do material factors play in these changing perceptions? How are they affected by different discourses, understandings, and imaginaries of 'rights' and the mobilizations that demand their guarantee? What social, political, and legal strategies do women pursue to try to secure their visions of justice and security? And how are women's and men's social relationships, identities, and political subjectivities affected by their engagement with different justice systems? By emphasizing constructivist, intersubjective, and historically situated understandings of rights, justice, and security, we follow anthropological theorizing about human rights, which began in the 1990s and sought to explore how certain global discourses are understood, taken up, appropriated, rejected, and refashioned in local contexts, and mobilized for specific ends (Wilson 1997; Merry 2006; Cowan, Dembour, and Wilson 2001; Goodale and Merry 2007), together with recent anthropological studies that emphasize how understandings of justice and security are constituted through contextually specific social processes (Arias 2006; Goldstein 2004, 2012; Penglase 2014;

Holbraad and Axel Pedersen 2013). We aim to contribute to these debates in legal and political anthropology, underlining how intersectional analyses of social movements and organizational processes can increase our understanding of struggles for gender justice in contexts of complex legal pluralities. **(Il)legal Pluralities, (In)justice, and (In)security: Shifting Terrains** Latin America's legal landscape at the start of the twenty-first century is one of overlapping and hybrid jurisdictions, including indigenous autonomies and *derecho propio*, national law, and international human rights, trade, and commercial law, all of which coexist in practice with other informal and often highly coercive regulatory orders. For example, in her chapter in this volume, [Rosalva Aída Hernández Castillo](#) shows how Me’phaa activist Inés Fernández appealed for redress for her rape at the hands of government soldiers to a range of forums and jurisdictions, including her community's justice authorities, state courts, and ultimately the Inter-American Commission and Inter-American Court of Human Rights. At the same time Inés, her family, and her organization (the Organización del Pueblo Indígena Me’phaa, OPIM) were constantly subjected to the fear and insecurity produced by the militarized forms of governance and control in Guerrero state that are part of the transnational “war on drugs.” As Boaventura de Sousa Santos has observed, the articulation between different scales of law has become more complex, with increasingly porous boundaries between local, national, and global law giving rise to “legal hybrids” and new forms of legal meaning and action. The different scales of law are not bounded and can be understood only as part of complex, transglobal constellations that are also characterized in practice by constantly shifting and blurred lines between the legal and the illegal (Santos 2002; 2006; Comaroff and Comaroff 2009). This opaqueness and ambiguity of law in practice is particularly acute in the racialized regions and populations that have historically constituted what Das and Poole famously referred to as “the margins of the state,” making any analysis of contemporary legal pluralities and their gendered effects complex and challenging (Das and Poole 2004). While there has been a wealth of new research on legal pluralities in Latin America—and particularly on the challenges of coordination between state law and nonstate legal orders—surprisingly little has focused on the gendered dimensions of law and women’s access to justice and security.⁹ During the 1990s and 2000s multicultural agendas prioritized reform of the state justice sector, combining with broader neoliberal, neo-institutionalist policy agendas to “strengthen the rule of law” by pluralizing and decentralizing parts of the judicial system. Indigenous women were the target of numerous initiatives (some of which are described in this volume) aimed at improving their “access to justice” and specifically at providing redress for interpersonal, intrafamilial violence. Measures included the creation of specialized state institutions, the promotion of alternative dispute resolution mechanisms and so-called “indigenous courts,” specialized municipal and national programs to increase women’s participation, and a host of public-private partnerships with domestic and international NGOs. At the same time the growing official recognition of indigenous people’s rights to exercise their *derecho propio* meant that efforts to increase indigenous women’s voice and participation also extended to nonstate, community-based justice systems (Barrera 2016; Faundez 2011). Emerging evidence suggests that these new channels and institutions expanded possibilities for women to make claims and state their grievances, and in specific cases opened spaces for them to organize and advance their own proposals for justice (Terven 2009; Barrera 2016). However, as Adriana Terven indicates in her analysis of the work of the Casa de la Mujer Indígena in Cuetzalan, Puebla, engaging in such legal or quasi-legal spaces generates ambiguous effects. This is because hegemonic analytical and policy framings of indigenous women’s lack of access to justice and security have tended to focus on intrafamilial or domestic violence to the exclusion of other structural forms of violence that underpin and enable it. In addition and connected to this, policy-oriented prescriptions to tackle “violence against women” frequently fail to take into account the experiences of women themselves, their perceptions of their lifeworlds, and their understandings of the nature and causes of the insecurities, suffering, and injustices they face on a daily basis. As Cecilia

Menjívar has argued, 'close attention to the words of women, to their stories, and to how they talk about their lives can lead to a rethinking of how we theorize and study violence' (2011: 238). Indigenous women's collective organizing has contributed 'concepts such as structural violence, spiritual violence, violence against mother earth and processes of healing (*sanación*)'. [all of which] should be a constitutive part of diagnoses and the definition of effective strategies' (CEPAL 2013: 132). In this volume, our theorizing about justice and security derives from our fieldwork observations and collaborations, rather than responding to preconceived categories. Indeed our original research questions focused on situated constructions of 'justice'; building on our earlier work on gender and legal pluralism, and indigenous women's rights organization (Sierra 2004; Hernández Castillo 2009; Sieder and McNeish 2012; Terven 2009; Cervone 2012; Arteaga Barrantes 2013; Macleod 2011). Yet as we analyzed and interpreted our field data we came to incorporate a greater emphasis on 'security'; and to understand the two concepts as intimately linked. Together the chapters in this book offer a gendered, emic perspective on what 'security'; and 'justice'; mean for indigenous women in different places and processes in Latin America. This is particularly urgent, given the top-down, state-centric, and institutionally focused nature of much academic research and policy debate on these issues. State security policies that emphasize the use of military force and deploy ideological justifications to criminalize 'others'; have a long history in the region. As Rosanna Reguillo has observed, a state-produced rhetoric of security 'aim(s) to produce emotive responses through tropes'. anchored in a principle of generalized insecurity'; (Reguillo Cruz 2013: 203). Today hegemonic security discourses focus on institutional responses to so-called 'organized crime'; or 'terrorism'. Feldman, Menon, and Geisler have attempted to theorize the relationship between the global fixation on security and the militarization of civilian life that this increasingly entails, and the dramatic rise in day-to-day insecurity associated particularly with the effects of contemporary global capital's forms of accumulation through dispossession (Feldman, Menon, and Geisler 2011). Some researchers working on violence in Latin America have argued that such accumulation through dispossession affects not only territories but also bodies, and particularly those of poor and racialized women and men (Belausteguigoitia Rius and Saldaña-Portillo 2012). Others have noted growing tendencies in Europe and the global South toward 'securitized'; forms of governance, where development is increasingly tied to assessments of risk and targeted forms of intervention aimed at ameliorating poverty and providing security (Amar 2013; Maguire, Frois, and Zurawski 2014; McNeish and Sande Lie 2010).¹⁰ The growing hegemony of such security/securitized frameworks has facilitated new forms of transnational accumulation at the expense of indigenous people's livelihoods. As dissent is increasingly rendered illegal by the state, indigenous people become a problem of security rather than, as in previous decades, a problem of '(under)development'; (Mella 2014; Bastos and de Leon 2014). Such security framings invisibilize other structural, racial, and gendered forms of violence, yet at the same time they are in fact inextricably shaped by them; for example, criminalizing the poor or ethnic and racial minorities. By contrast, different forms of indigenous people's organizing constitute important counternarratives to dominant conceptualizations of security/insecurity, pointing instead to the structural forms of racism, discrimination, and dispossession that these serve to facilitate. Within these counternarratives, indigenous women's understandings of security often differ significantly from those of indigenous men. It is these gendered constructions, and their implications, that we seek to explore. **Methodological Routes** The contributors to this volume self-identify as activist scholars based in Latin America who are engaged in solidarity and collaborative dialogue with indigenous women's struggles for greater justice and security for themselves, their communities, and their organizations. Such a position, variously defined as public or activist scholarship (Hale 2008; Stephen 2007; Sanford and Angel-Ajani 2006; Hale and Stephen 2013), aims to provide insights into the ways in which the workings of power, history, and transnational forces affect indigenous people's lives and shape different processes of

resistance and adaptation. It also privileges support of their collective aims and objectives, dialogue, and the coproduction of knowledge (FIMI 2013; Hernández Castillo 2016).¹¹ As now generally accepted at least within the discipline of anthropology, there is no objective or neutral position that is somehow 'outside': all knowledge production is politically and ethically situated (Haraway 1988; Hale 2008), as well as being an intersubjective construction between different individuals and collectives. We understand indigenous women and men to be 'simultaneously knowledge producers and political actors'; and their organizational processes as sites where 'theory-in-action' is produced (Perry and Rappaport 2013: 30-31). In recent years indigenous organizations and communities have increasingly demanded that researchers clearly position themselves and work in particular ways to defend their rights and advance their political struggles and agendas. The authors of this volume endorse the proposition enunciated by Charles Hale, that 'research that is predicated on alignment with a group of people organized in struggle, and on collaborative relations of knowledge production with members of that group, has the potential to yield privileged insight, analysis, and theoretical innovation that otherwise would be impossible to achieve'; (Hale 2008: 20). We believe that socially engaged knowledge production can generate new theoretical contributions as well as directly contributing to challenging situations of injustice and oppression in different ways. As Charles Hale and Lynn Stephen observe, 'Theoretical innovation emerges from collaborative research methods because of the special proximity between political struggle and data gathering, or more broadly the production of knowledge'; (2013: 22).

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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Featuring chapters on Bolivia, Colombia, Ecuador, Guatemala, and Mexico, the contributors to *Demanding Justice and Security* include both leading researchers and community activists. From Kichwa women in Ecuador lobbying for the inclusion of specific clauses in the national constitution that guarantee their rights to equality and protection within indigenous community law, to Me'phaa women from Guerrero, Mexico, battling to secure justice within the Inter-American Court of Human Rights for violations committed in the context of militarizing their home state, this book is a must-have for anyone who wants to understand the struggle of indigenous women in Latin America.

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