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Security, Autonomy, and Indigenous Justice: The Alternative Security Model of Cherán,  
Michoacán

A Thesis submitted in partial satisfaction of the requirements for the degree Master of  
Arts

in

Latin American Studies

by

Susana María Aguilera

Committee in charge:

Professor Max Parra, Chair  
Professor Misah Kokotovic  
Professor Nancy Postero

2016



The Thesis of Susana María Aguilera is approved and it is acceptable in quality and form  
for publication on microfilm and electronically:

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Chair

University of California, San Diego

2016

## EPIGRAPH

*La libertad es como la mañana. Hay quienes esperan dormidos a que llegue, pero hay quienes desvelan y caminan la noche para alcanzarla.*

- Subcomandante Marcos

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## LIST OF ABBREVIATIONS

CNDH	Comisión Nacional de Derechos Humanos
DTOs	Drug Trafficking Organizations
IEM	Instituto Electoral de Michoacán
ILO	International Labor Organization
INEGI	Instituto Nacional de Estadística y Geografía
PAN	Partido de Acción Nacional
PRD	Partido de la Revolución Democrática
PRI	Partido Revolucionario Institucional
TEPJF	Tribunal Electoral del Poder Judicial de la Federación
UN	United Nations

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ABSTRACT OF THE THESIS

Security, Autonomy, and Indigenous Justice: The Alternative Security Model of Cherán,  
Michoacán

by

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Master of Arts in Latin American Studies

University of California, San Diego, 2016

Professor Max Parra, Chair

This study focuses on the alternative security model of the municipality of Cherán, Michoacán. Due to violence, insecurity, and weak institutions incapable or unwilling to combat these issues, the community has created alternative practices that are

based on community participation. The creation of an alternative model of security, development of a communal government and establishment of a legal system based on *usos y costumbres* has empowered the community to practice indigenous justice at the margins of the state.

This study is based on ethnographic fieldwork and 18 semi-structured interviews that took place in August and September 2015. I conclude that through the creation of a security system, legal system and government system, the municipality has been able to create a parallel power to the state, while also contesting the state's monopoly on the use of force.

## INTRODUCTION

Navigating the winding roads through the Meseta Purepecha, surrounded by lush mountains and volcanoes, the bus slows down to a halt. Through the bus windows one can see two small cement rooms on either side of the *carretera*. The walls of these cement rooms are painted with the colors green, yellow, blue, and purple, creating the purepecha flag. A banner hangs above one of the cement rooms reading, “*Aquí nos regimos por usos y costumbres*” or “Here we govern ourselves by traditions and customs.” On either side of these rooms, which serves as a barricade, are armed folks. They wear navy blue uniforms with words inscribed on them. The back of their shirt, in bold white letters, reads ‘*Ronda Comunitaria*.’ The front left side of the shirt has a small image with the words below reading, “*Seguridad, Justicia y Resconstitución de Nuestros Bosques*<sup>1</sup>” and the right sleeve has a patch of the purepecha flag. These are not like the municipal police uniforms one is accustomed to seeing in Mexico.

Most cars are stopped and questioned but not the bus, it continues on. About half a mile after passing the barricade the town appears – one is now in San Francisco Cherán, a town in the Meseta Purepecha in the state of Michoacán, México.

Community members gather at 6am in front of the *Casa Comunal* drinking coffee and chatting, huddling together to provide body warmth. They are surrounded by patrol

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<sup>1</sup> Translation: “Security, Justice, and the Restoration of our Forests.” This slogan is on every official uniform and written on the walls throughout the municipality.

cars and armed men in uniforms. The only difference between these armed men and those at the barricade is the uniform. This uniform is camouflage and the back of their shirt reads ‘Guardabosques<sup>2</sup>.’

The community members gathered here are all employees of the municipality; they work at the municipality-owned *vivero* (garden nursery). Their job is to grow pine trees and plant them throughout the territory that belongs to Cherán. The goal is to reforest the entire forest of Cherán, which was pillaged, effectively destroying 70 percent of the territory. The *Guardabosques* accompany them into the forest in order to provide security.

A community member has given Cherán the name ‘*la burbuja*’ (the bubble) because, according to him, crime is non-existent here; violence and crime do not penetrate nor permeate throughout the municipality. In comparison to the rest of Michoacán this is an anomaly. The aforementioned images are characteristic of contemporary Cherán but these are nascent developments; Cherán was not always a *burbuja*.

Scholars contend that one of the most pressing security issues facing Mexican president Enrique Peña Nieto’s administration is the security and violence issue in the state of Michoacán. Crime and violence characterize the state, and while many other states in Mexico have seen a drop in these since 2014, Michoacán continues to face this situation (Heinle, Molzahn, Shirk, 2015). Drug Trafficking Organizations (DTOs) have long operated in the state due to its hospitable climate for production of drugs and possessing important trade routes.

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<sup>2</sup> Translation: Forest Guards. This entity within the *Ronda Comunitaria* patrols the forests.

In early 2007, it was the first state where president Calderon sent military and federal police – 6,700 individuals – after he announced the ‘War on Drugs’<sup>3</sup> because it was one of the regions most affected by drug violence (Maldonado Aranda, 2013). This policy exacerbated violence making it ubiquitous throughout the country. The worst period of cartel violence in Michoacán was between 2008-2011 (Heinle, Molzahn, Shirk, 2015). As of August 2015, the United Nations documented 151, 233 homicides in the country since December 2006 (Comisión Interamericana de Derechos Humanos, 2015). Michoacán’s Human Rights Commission affirmed that cases of torture in the state had increased by 300 percent in one year, 2008 (Maldonado Aranda, 2013).

Furthermore, in 2009, 28 state and local officials from Michoacán – including 11 municipal presidents – were arrested for their connection with the DTO, *La Familia Michoacana* (now *Los Caballeros Templarios*). This was known as the “Michoacanazo,” and although most of these individuals evaded prosecution, it confirmed a link between the government and DTOs. This link transcends elected officials; police and military personnel have been found to work in collusion with DTOs as well (Molzahn, Ríos, Shirk, 2012). A study conducted in 2011 found the police in last place in confidence in institutions in Mexico (Aguirre & Infante 2012).

In Michoacán, as in other areas in Mexico, all of the aforementioned factors have culminated in precarious living conditions for many people, especially those who cannot afford private security. As a response to insecurity, violence, and lack of government attention to problems perpetrated by DTOs, self-defense groups (*autodefensas*) in Tierra

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<sup>3</sup> The “War on Drugs” was launched by President Felipe Calderon. From 2006-2011 there were 50,000 organized crime murders. In 2011, there was a drug-related homicide every 30 minutes. (Molzahn, C., Ríos, V., Shirk, D. A., (2012). Drug Violence in Mexico: Data Analysis Through 2011. Trans-Border Institute, USD.

Caliente, Michoacán formed in February 2013. These *autodefensas* claim to have come to fruition due to the persistent presence of organized crime groups. Their primary concerns are extortions and threats for failure to comply with these groups' demands (Heinle, Molzahn, Shirk, 2015).

These *autodefensas* are composed of lime pickers, avocado growers, ranchers, and small business owners who were continually affected by DTO activities. Their primary methods of combating DTOs was patrolling streets, setting up roadblocks and ambushing cartel members. Often, encounters resulted in bloody gun battles. By the end of 2013, there were about 20,000 *autodefensas* spread throughout the Tierra Caliente region (Heinle, Molzahn, Shirk, 2015). Particularly concerning was the *autodefensas* cooperation with members of the DTO *Cartel de Jalisco Nueva Generación*, rivals of *Los Caballeros Templarios* (Boullosa & Wallace, 2015).

Facing the situation of contestation on the monopoly of force by both DTOs and self-defense groups, president Peña Nieto appointed Alfredo Castillo as “Commissioner of Security and Integral Development” of Michoacán, a position that does not exist in any other state and whose legality has been questioned (Boullosa & Wallace, 2015). Regardless of the legitimacy issues of his new position, Castillo offered the *Autodefensas* “...de facto recognition, with the choice of joining one of the revamped municipal police forces – donning uniforms and receiving salaries – or doing temporary service in a ‘rural defense corps’ under control of the army” (Boullosa & Wallace, 2015, p. 166). This became a controversial issue within the *Autodefensas*, resulting in the fragmentation of the group; many leaders accused others of working in collusion with DTOs or engaging in criminal activity (Heinle, Molzahn, Shirk, 2015). Those who agreed to join either the

Rural Defense Corps or the updated municipal police were required to register their names and their weapons.

Just a few months after the agreement between the state and the *Autodefensas*, Castillo ordered the *Autodefensas* to disarm and demobilize. Various *Autodefensa* leaders were arrested and those who refused to give up their weapons faced the same fate. This resulted in an increase in violence and deaths after a short period of what appeared to be successfully combating the *Caballeros Templarios* (Boullosa & Wallace, 2015).

The *Autodefensas* in Tierra Caliente are just one of many self-defense groups that have come to fruition in Mexico amid violence and the absence of the state. The attempt by the government to eliminate or legitimize these groups is a recurring trend. This will be discussed in more detail in Chapter 4. For now I ask: how do Michoacán's general security characteristics parallel those in the municipality of Cherán? As mentioned previously, Cherán is a *burbuja*, but it was not always a peaceful place. Cherán very much experienced many of the same forms of violence and insecurity that the rest of Michoacán and the country faced and continue to face.

In the course of four years, 2008-2011, illegal loggers pillaged 70 percent of Cherán's forest, constituting a total of 20,000 hectares. These illegal loggers were under the protection and command of "El Güero" who worked for the DTO *La Familia Michoacana*, which, in 2011, became *Los Caballeros Templarios*. This DTO controls and operates in Michoacán. As noted by InSight Crime, they not only engage in drug trafficking, they also have "...influence on authorities of local governments, which they achieve through intimidation and bribery." Cherán's municipal president, Roberto Bautista Chapin, and the municipal police allowed the illegal loggers to operate in Cherán

without any objections, and their criminal activities – which ranged from extortions to murder – went unpunished (Mandujano Estrada, 2014).

Insecurity and violence escalated during this time period – there were threats, extortions, kidnappings, murders, and forced disappearances – fueling fear and uncertainty among Cheranenses. This propelled the community members of Cherán to engage in collective justice. This exercise in collective justice became a movement, “*El Movimiento*”, which was initiated on April 15, 2011 by a group of women whose objective it was to put an end to the pillaging of the forests and the insecurity they experienced on a daily basis (Gomez Duran, 2012). Their purpose was “*Seguridad, Justicia, y la Reconstitución de Nuestros Bosques.*” As a result, the community began organizing themselves, drawing inspiration from their ancestral methods of organization.

The Movement had various consequences that inform the way Cherán operates today. The community refused to continue acknowledging the authority of the municipal president and the municipal police due to their complicity with organized crime. These authorities all abandoned Cherán the same day the Movement began, effectively leaving Cherán without a government or a form of security (if they ever really had one). As a result, Cherán had to organize their own security in order to protect themselves from possible revenge attacks from those involved in the illegal logging business. This gave rise to the *Ronda Tradicional* (Traditional Ronda), which eventually became the *Ronda Comunitaria* (Communitarian Ronda). They also formed commissions in order to establish a form of government that would coordinate the community according to their needs.



Furthermore, they began to advocate for their right to govern themselves by *usos y costumbres*. The formal request was submitted to the *Instituto Electoral del Estado de Michoacan* (IEM) but was eventually passed onto the *Tribunal Electoral del Poder Judicial de la Federación* (TEPJF), which ruled in Cherán's favor in November 2011. This is noteworthy because it was the first time the maximum electoral tribunal recognized the right of an indigenous community to elect their own municipal authorities according to their *usos y costumbres*<sup>4</sup> (Arágon, 2016).

*Usos y costumbres* is the right granted to indigenous municipalities that allows them to implement their own form of government according to their traditions. Therefore, it is a form of autonomy (Muro, 2014). This is a right guaranteed by the Mexican Constitution. Article 2 of the Mexican Constitution states:

This Constitution recognizes and guarantees the right of indigenous peoples and communities to self-determination, and, in consequence, autonomy to: I. Decide their internal forms of living and social, economic, political, and cultural organization. II. Apply their own standards in regulation and solution of their internal conflicts... III. Elect, in accord with their traditional standards, procedures, and practices, authorities or representatives for the exercise of their own forms of internal government” (Mexican Constitution).

Additionally, Article 133 assures respecting for international treaties. This brings into the discussion Convention 169 of the International Labor Organization and Articles 3, 7, 26, 33, and 34 of the United Nations Declaration on the Rights of Indigenous Peoples. Convention 169, ratified by the Mexican government, is an international regulation that seeks to protect indigenous and tribal peoples' rights. It states, “Promoting the full realisation of the social, economic and cultural rights of these peoples with respect for

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<sup>4</sup> Various municipalities throughout Mexico are ruled by *usos y costumbres* but these have all been granted that right by their respective states, such as Oaxaca. For more information see Esteva (2001)

their social and cultural identity, their customs and traditions and their institutions” (ILO Website). The UN Declaration on the Rights of Indigenous Peoples addresses similar rights: collective right to freedom; self-determination; the right to lands and resources traditionally owned; and the right to determine structures and select membership to their institutions in accordance with their customs and traditions (UN Declaration).

Thus Articles 2 and 133 of the Mexican Constitution, Convention 169 of the International Labor Organization, and Articles 3, 7, 26, 33, and 34 of the UN Declaration on Indigenous Peoples Rights provide the legal framework under which an indigenous community can seek the right to rule themselves by *usos y costumbres*.

In Mexico, practices of indigenous autonomy commonly rely heavily on the cargo system. The cargo system is a civil-religious hierarchy that represents secular and religious positions practiced within a municipality. Its origin stems from the Spanish conquest but was altered to include indigenous ancestral *cosmovisions* (Portal, 1996). It enforces community, solidarity and cooperation and was often a mechanism used to defend and protect communities from intrusion and outside exploitation. However, some scholars have contested this perspective<sup>5</sup> (Portal, 1996). In his analysis of Oaxacan indigenous communities, Recondo (2007) finds that *usos y costumbres* is largely based on the cargo system.

#### *Demographics of Cherán*

Cherán is a Purépecha community located at an altitude of eight thousand feet between the capital of the state, Morelia, and the major city of Uruapan (Shlossberg,

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<sup>5</sup> Portal (1996) notes that some scholars have found the cargo system to be oppressive for indigenous communities, especially due to the presence of catholic priests.

2015). This Purépecha community still practices many traditional customs. The women wear their traditional clothing; long skirts with an apron, striped *rebozos* they wrap around their shoulders, red stone necklaces, braided hair, and gold hoop earrings, a sign of Purépecha lineage. Mainly the older population speaks the Purépecha language. The Instituto Nacional de Estadística y Geografía (INEGI) indicates that there are 4,310 fluent Purépecha speakers in the municipality of Cherán; this number includes the two *tenecias* which belonged to Cherán: Tanaco and Casimiro Leco (INEGI, 2010). In 2012, Tanaco became an independent municipality. The population is estimated to be about fifteen thousand (excluding the population of Tanaco) (INEGI, 2010). Most people work in agriculture or in the commercial sector. Cherán is a place of commerce with many *tianguis* (outdoors markets).

Cherán is divided into four *barrios* (neighborhoods), which are simply known as *Barrio Uno, Barrio Dos, Barrio Tres, and Barrio Cuatro*. The division of Cherán is important because it is how the government by *usos y costumbres* is divided and structured. For example, each *barrio* is allowed to elect three people for the *Concejo Mayor*, one person for the *Concejo de Honor y Justicia* and so on.

Cherán is also a high-migration town with seven thousand migrants living in the United States (Gómez Durán, 2012). A majority of the population migrates to the United States with some internal migration to Morelia and Mexico City. Those that migrate to the United States are concentrated in North Carolina, Arkansas, and Alabama (Martinez, 2002).

## LITERATURE REVIEW ON COMMUNITY POLICING

Mexico has experienced a crisis of police legitimacy that can be traced back to the late 19<sup>th</sup> century. Daniel Sabet (2012) contends that police forces emerged to protect the state and/or the elites rather than the citizens; especially pronounced in the collective memory is the role and legacy they played in the numerous military dictatorships in Latin America. In Mexico police have often had dual duties: combat crime and repress political opposition. It is a common belief that police officers abuse and violate the law for personal gain (Sabet, 2012).

According to Sabet, citizens' most common accusations of police include: 1) corruption, ineffectiveness, or failure to address crime problems 2) violations of human rights, including arbitrary detention and 3) physical abuse. The most salient aspect of police corruption is their collusion with organized crime. According to an opinion poll conducted in 2007, the police are considered corrupt by 80 percent of the Mexican population. Due to these public perceptions 78% of crimes go unreported (Gereben Schaefer, Bahney & Riley, 2009).

In general, scholars agree that police forces in Latin America lack legitimacy (Sabet, 2012; Ceja Martínez, 2013; Johnson, 2007, Aguirre & Infante, 2012). Aguirre & Infante (2012) argue that the lack of state legitimacy in Mexico transfers onto police forces. This is corroborated by a study conducted in 2011 that found the police in last place in confidence in institutions in Mexico (Aguirre & Infante 2012).

As a response to legitimacy concerns, citizen distrust, and egregious violence, community policing has developed in Mexico, especially in rural areas where the state lacks a strong presence. Scholars agree that community policing is based on the bilateral

relationship between police officers and private citizens working together to solve community problems related to crime, violence, fear, and other such issues (Wilson, 2006). The premise lies in the ability to create relationships and develop mutual trust for the coproduction of safety and order. The hope is that this type of policing will lead to greater effectiveness and greater legitimacy (Muller, 2010).

Skogan and Hartnett (1997) and Kelling and Coles (1996) contend that community policing relies on four common principles: 1) mutual information sharing between the police and the public, 2) police tactic development that considers community issues and their priorities, 3) police commitment in assisting communities to solve problems themselves, and 4) acknowledgement that the police rely on citizens. Through this, Muller finds that the goal is to make governance of security more democratic and participatory and increase confidence in police and insure citizen security. While Muller attempts to pass off the democratization of security as a positive endeavor, Sierra (2005) argues that this democratization of justice and policing relieves the state of some responsibility and economic costs.

Scholars agree that inequality and discrimination can silence sectors most affected by a history of negative policies and inadequate – sometimes abusive and corrupt – policing, further removing them from incorporating themselves into new innovative policing programs. Societal incorporation is fundamental but these types of organizations are weakest in low-income and high crime areas. Along with general mistrust in the state, it leads to suspicion, fatigue and declining support (Arias & Ungar, 2009). In the same vein, Bopp and Schultz (1972) point out in their study of police-community relations in the US that this type of policing is aimed at an entire community, yet certain problems

arise in specific areas characterized by: 1) language barriers, 2) high unemployment, 3) inaccessibility to government and 4) escalating crime rates.

In their study on citizens security and community policing programs in Brazil and Honduras, Arias & Ungar (2009) find that successful programs include: 1) political commitment 2) police cooperation and 3) societal incorporation<sup>6</sup>. In order to achieve these three components there needs to be a focus on society, rather than the state. Moreover, police need to empower citizens, thereby addressing problems before they lead to crime, reorient policing from repression to prevention and pressure for change in judicial procedures. Their findings illustrate that in Honduras, community policing partnered with citizen security committees in the most crime-ridden neighborhoods of big cities resulted in a reduction in crime and insecurity, and an increase in confidence in the police. This is according to community members who participated in the citizen security committees.

Arias and Ungar (2009) also find that when programs are implemented without state support, the results can do more damage than having no program at all. Yet, even those with state support fail when the police resist.

Scholars agree that committees are essential to the integration of communities into this policing model in order to be successful (Muller, 2010; Arias & Ungar, 2009).

The literature on community policing tends to focus on urban areas in developed countries, where community cohesion is less intact than say, small rural communities. In

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<sup>6</sup> <sup>1</sup> Political Commitment means providing resources and incentives for agencies to cooperate and coordinate with police. Police Cooperation means the support of mid and low-level bureaucrats and law enforcement in developing and implementing programs. Long-term success depends on refocusing policing and reorienting training. Societal incorporation means that active participation of civil society along with civic organizations serving as a mediator between police and citizens. (Arias & Ungar, 2009, p. 411).

their study of community policing in developing countries, Brogden & Nijhar (2005) find that at best, community policing is still an unproven practice, at worst, it's a practice that reinforces inequalities.

Based on participants' observations in this study, personally knowing the police officer and his or her family is fundamental to establishing trust. They also find comfort in knowing that the community has the power to remove any police officer they do not trust or who has acted improperly in the role of police officer and/or private citizen.

That which the literature discusses is limited and has not taken into account small, rural communities who have experienced egregious violations of human rights. How can they trust police officers when they have proof that the police have been working in tandem with organized crime? Moreover, the literature on community policing does not include autonomous and indigenous forms of policing, albeit, based on the definition provided, Cherán's *Ronda Comunitaria* would fall under this category.

What happens when community policing is coupled with a legal system and government structure that is communitarian and autonomous, where the community has a direct voice and is considered the maximum authority? This is something that scholars of community policing have not addressed, although Sousa Santos and Sierra, for example, have addressed this but through the lens of indigenous justice. I seek to expand that which is considered community policing. Just as was previously mentioned, I underscore the need to fully incorporate society into police activities.

## THEORETICAL FRAMEWORK

This study seeks to lay out the methods employed by the rural community of Cherán to exercise justice when the police and municipal president were working in collusion with organized crime. An alternative form of justice was carried out by community members in response to the violence and injustices they experienced from 2008-2011. I ask the following questions that will guide the development of this thesis: What were the elements that characterized insecurity and violence in Cherán from 2008-2011? How and why did the community respond in the way that it did? How does the community justify its actions? How has autonomy affected policing in Cherán? What are the methods utilized by the community to exercise indigenous justice? How do insecurity and the community's response to this insecurity compare with other civilian police forces in Mexico? In the period of post-conflict, is Cherán challenging the state or is it merely seeking to maintain its identity as an indigenous purépecha community? In order to address these questions, I will discuss what scholars have said on these topics to develop a framework for the analysis of this study.

### **Indigenous Justice and the Reinvention of Customs**

One tendency within indigenous autonomy is the creation and implementation of indigenous justice. When taking into account the definitions of scholars Sousa Santos (2012), Sierra (2005; 2013), Albó (2012), Esteva (1998; 2001), Exeni Rodriguez (2012) and Sieder (2013) we find there are commonalities on the understanding of indigenous justice. The most important for this study is indigenous justice as a valid source of national law, allowing for legal pluralism. This form of justice is practiced in municipalities that are majority indigenous, based on indigenous laws, and with



indigenous authorities. Alternative systems of justice stem from forms of self-government that are based on ancestral communal practices. Jose Luis Exenia Rodriguez (2012) affirms that indigenous justice is not founded on the existence of experts; rather, it is the community members who, through their knowledge and community practices, construct their own norms and processes in the administration of justice.

María Teresa Sierra's analysis of indigenous justice is the most fitting and the one that will be highlighted in the course of this study. She argues that the failures of the state in addressing indigenous rights has resulted in the indigenous communities creating new forms of government that go beyond their legal rights, thus operating at the margins of the state (Sierra, 2013). These practices that exist outside of the law has forced Latin American governments to legalize some traditional laws that foment multiethnic and multicultural justice because the state does not want to be seen as weak and incapable of providing security. Furthermore, she argues that the government allowing indigenous communities to carry out justice and policing allows the state to relieve itself of responsibility and economic costs; she calls this a method of supposedly "democratizing the justice system" (2005, p. 55). While being granted some indigenous rights, these still remain within the limits imposed by the state but it does allow indigenous communities to reinvent indigenous laws within this framework. Moreover, these autonomous bodies of justice and policing bring into question the effectiveness and justness of state institutions.

Cherán's policing, governance and legal system closely parallel the form of indigenous justice detailed by Sierra. While it intends on drawing from and re-taking their ancestral forms of governance and security, this cannot be implemented exactly as it was decades before. The circumstances and context have changed, which requires a

reinvention of these ancestral methods. Furthermore, even though Cherán was granted the right to implement their *usos y costumbres*, there are certain stipulations and limitations imposed by the state that hinder its ability to fully carry out their project. For this study I will analyze the narratives of Cherán's community members, focusing on their notions of justice and injustice within the framework of indigenous justice. Furthermore, based on the interviewees' own accounts and my observations of its government, security, and justice systems, it is evident that Cheranenses have consciously and strategically adapted some ancestral methods and altered others. I highlight the ways Cheranenses have reinvented their traditions when deemed necessary and useful to their current context. It is this reinvention that underlines their willingness to put security and justice at the forefront, while simultaneously using their unchanged traditions as a mechanism to leverage their political and ethnic rights.

### **Legal Plurality**

Legal pluralism, in general terms, is defined as two or more legal systems that coexist within any society. Such a broad definition has led scholars to contend that all societies are in fact legally plural, even those that have not experienced colonization (Merry, 1988). This is due to the fluidity of influence across nation-states and societies. Thus, indigenous traditions and customs that fall within the legal realm are no exception; in Mexico, they are influenced by Spanish colonization, creating a syncretisation of these two systems of law within indigenous communities. The conclusion then is that customary law is a product of colonial encounter, signifying that customs are not static but ever changing.

The semiautonomous social field within the debate of legal plurality is defined by Moore (1973) as one that can "...generate rules and customs and symbols internally, but that...is also vulnerable to rules and decisions and other forces emanating from the larger world by which it is surrounded. The semi-autonomous social field has rule-marking capacities, and the means to induce or coerce compliance; but it is simultaneously set in a larger social matrix which can, and does, affect and invade it, sometimes at the invitation of persons inside it, sometimes at its own instance" (p. 720). This is generally applied to small communities within a sovereign state.

As such, I believe this is the best definition of the type of legal system being established in Cherán. It is not perfect by any means, but the influence that it receives allows for the development of flexibility in its application of law and justice. It is also one that has a bottom-up approach. As Moore (1973) recognizes, law and the social context need to be examined together. As such, I contend that Cherán's law, which is not entirely written nor equally applied to everyone, is one that takes into account society and each individual's personal context in order to apply a humane punishment for those who have committed offenses. I argue that this influence and flexibility with law and justice is one that begins at the bottom, with the entire community.

Furthermore, the legal systems being established by indigenous communities has challenged and forced the Mexican state to acknowledge its multicultural makeup and adhere to it in the legal arena (Sierra, 2005).

### **Weber's Theory on the State**

Max Weber's theory on the state is "...a humane community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. The

state is considered the sole source of the ‘right’ to use violence” (1919, p. 1). The state has the sole right to use violence and thus decides who is allowed and is not allowed to own weapons and exercise violence, under particular contexts with specific stipulations. Thus, if a state loses its monopoly on force, by definition, it is a failed state. Failed states are of international concern because they not only pose a threat to the state but also to international security (Sotelo Valencia, 2015).

While the question of whether Mexico is a failed state has garnered much attention and contemplation by scholars, Sotelo Valencia’s analysis of this question has lead to the conclusion that Mexico is not a failed state. Yet, he does add that Mexico is suffering a profound political and institutional crisis, which has debilitated it (Sotelo Valencia, 2015). In this matter I agree that Mexico is not a failed state but its power has been contested. Given this, I highlight the way in which the Mexican state’s claim on the monopoly on violence has been contested, not just by Cheranenses but also by other civilian police forces.

## METHODS

This research is based on ethnographic fieldwork that was conducted in Cherán, Michoacán, Mexico over the course of five weeks in August and September of 2015. My research had to be approved by Cherán's *Concejo Mayor* (Council of Elders) and the *Concejo de Honor y Justicia* (Council of Honor and Justice).

I engaged in participant observation for two weeks; I went on “*recorridos a las fogatas*” (dialog with a small group of people), spent time at the barricades, went on *operativos* held by the Ronda and other such events; this afforded me insight into the everyday lived experience of Ronda members, government authorities, and other residents of Cherán.

I utilized a qualitative approach in the field and began conducting interviews after being in Cherán for two weeks. I conducted eighteen in-depth, semi-structured interviews with open-ended questions. This allowed the interviewee to expand on ideas, thoughts, and stories. I was interested in compiling personal narratives about insecurity, their personal perceptions of the municipal police, their involvement in the Movement, and their perceptions and thoughts on their current security model and their *usos y costumbres* government. All interviewees have been given pseudonyms.

Of the eighteen interviewees, only five were women. Due to the Ronda's limited amount of women, it was difficult to find women who had been or were currently in the Ronda. Additionally, none of the three women in the Ronda granted me an interview. I was able to interview one former *Guardabosque* who is a woman.

It is important to underscore that the perceptions presented throughout this study are from people who are all in agreement with the *usos y costumbres* government. There

are some people in Cherán who are not in agreement with this form of government but, according to community members, they are less than one percent of the population. I did not interview anyone who was involved in the illegal logging nor former municipal police members; therefore, the information regarding them is one-sided. The interviews will be limited in this regard.

I will be discussing events that took place between 2008 until 2015, from the beginning of the exacerbated violence until the time when the fieldwork was conducted. Many of these events are not documented, thus my knowledge of them comes from the people who lived through these experiences. This provides a biased understanding of the events that transpired. Furthermore, when the Movement happened, reporters were not allowed into Cherán immediately afterward; again, the same problem arises.

The people of Cherán are a reserved community. They do not trust outsiders and so the information they gave me is limited. The community members themselves reiterated this on many occasions. There are many silences in the interviews given the sensitivity of the topics in discussion. The deaths, rapes, and other such violent acts are hardly mentioned even though I and everyone else know that they occurred. I do not want to misinterpret nor make assumptions. I will point out the silences in my interviews if I believe it is necessary and relevant.

Aside from the aforementioned and more importantly, this study has limitations because Cherán is a process. Cherán's project is nascent and therefore continues to develop, adjust, and reconstruct itself. This study will be heavily based on the time period before September 2015 with some events that happened shortly afterward that, I believe, merit attention.

The concepts of citizen security, autonomy, legal plurality, and indigenous justice will be used as the framework in order to understand Cherán's policing and government amid the current security crisis in Mexico. Cherán's contestation of the monopoly of force will provide a larger picture of the processes occurring in Cherán and its relevance in the current indigenous-autonomy discourse. Placing Cherán's Ronda Comunitaria within these frameworks allows an understanding of the mechanisms employed by the community to legitimize themselves amid violent chaos. This study will take into account these concepts in order to attempt to deconstruct autonomous-indigenous community policing and security. Furthermore, the theoretical framework will be analyzed along with the use of other scholarly works, secondary sources, as well as ethnographic fieldwork and qualitative interviews conducted by myself. I will draw parallels between the similarities and differences that exist today from the ancestral methods mentioned previously in order to analyze how the current structure has been reinvented.

## ORGANIZATION OF THESIS

This thesis is organized into five chapters. The first chapter of this thesis will discuss the insecurity issues Cherán faced from 2008-2011. It will draw heavily from the fieldwork interviews in order to understand Cheranenses' perception and experiences of insecurity and their lack of confidence in the municipal police. This will provide a background to the events discussed in the subsequent chapters. Chapter 2 will discuss the Movement as a method of asserting Cheranenses' "right to security." I argue that this was achieved through the use of community justice. In chapter 3 I discuss Cherán's autonomy, *usos y costumbres* and their practices of indigenous justice, focusing on their form of policing, with a strong emphasis on their reinvention of customs. Chapter 4 provides a critical assessment of other self-defense police and community police forces in Mexico. I will provide a comparison between these and Cherán's community police in order to assess the similarities and differences and form an understanding of why some of these groups succeed and some fail at obtaining security and justice. The final chapter will focus on Cherán's relationship with the state as well as its contribution to the creation of a legally plural society. I argue that this form of security, and its judicial system has effectively challenged the state, creating a parallel power.



## CHAPTER 1: INSECURITY IN CHERAN, 2008-2011

### 1.1 Introduction

Uuuu, the municipal police, *ni se diga*, it was corrupt. It was a police that give it some money and they wouldn't say anything. It was an accomplice of the municipal government and organized crime...and everyone knew but no one did anything because they would kidnap you. An adolescent, Mariano, because he saw bad thing from the authorities they killed him. Why? Because he saw them doing bad things and it was a crime to talk. -Jorge

In this anecdote, Jorge provides insight into various components that are integral for understanding Cherán during 2008-2011. He explains his views on the municipal police, indicating that it was corrupt and complicit with the municipal government and organized crime. He also notes that Cheranenses knew about the corruption and the links between these three entities but people were afraid of speaking out because they faced probable reprisal. Finally, he mentions Mariano, a teenager who died while in the custody of the municipal police. Jorge believes that Mariano was killed because he saw the municipal police engaging in illicit activities. These components give insight into Cheranenses lived reality during this time period.

Cherán experienced a wave of violence that had begun in 2000<sup>7</sup> but became exacerbated in 2008. This coincides with the election of Roberto Bautisa Chapin as municipal president of Cherán. Bautista Chapin is a member of the *Partido Revolucionario Institucional* (PRI) and is said to have come to power because he made a deal with the leaders of the illegal logging business – the trade was Cherán's municipal president seat in exchange for Cherán's forest. The illegal loggers effectively destroyed 20,000 hectares of Cherán – that constitutes 70 percent of the town's forest. Furthermore

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<sup>7</sup> Illegal logging began in 2000 but it was clandestine (at night) and minimal.

the illegal loggers were physically violent – they were involved in disappearances, murders, and kidnappings.

This chapter will discuss the insecurity experienced by residents of Cherán and the violent tactics used to quell resistance against the illegal loggers. It seeks to answer the following questions: What were the elements that characterized insecurity in Cherán from 2008-2011? How did these elements push the community to exercise collective self-defense? This will enter into a discussion of the municipal police and their complicity with an organized crime group<sup>8</sup>. I draw heavily from the fieldwork interviews in order to analyze the perceptions of insecurity from Cheranenses and form a more holistic understanding of the victimization phenomenon in this municipality.

## 1.2 Brief Background

The town of Cherán is located in the highlands of Michoacán, surrounded by mountains, greenery, trees, natural water springs and forests. Particularly important are the pine trees that grow in this mountainous area. These trees are essential to purépecha people's beliefs but also to those involved in illegal activities. The illegal logging of pine trees was controlled by those who also controlled the cultivation, production, and sale of drugs in the region (Gómez Durán, 2012). Cheranenses believe Bautista Chapin sold the forests to the people involved in organized crime in exchange for the municipal president position, although there is no proof that this was in fact the case. Regardless of the lack of

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<sup>8</sup> For the specific case of Cherán I will refer to *El Guero* and his group as an “organized crime group.” Albeit he did work for a DTO, the illicit activities in Cherán were not centered around drugs. I believe the term organized crime group is more fitting. Furthermore, Cheranenses do not refer to El Guero as a member of La Familia Michoacana or Los Caballeros Templarios. They always say “organized crime” or “the bad people.”

concrete proof, shortly after Bautista Chapin took power the illegal logging of trees became exacerbated, increasing insecurity in the small Purépecha municipality.

Drug cartels play a vital role in the state of Michoacán and also in the illegal logging of pine trees in Cherán. Historically, Michoacan has been a drug transit and producing state, resulting in many DTOs working in the state (Astorga, 2007). Due to this, Michoacan became the first state where President Calderon sent in the army in order to begin the “War on Drugs” (Maldonado, 2013). Currently, the state is controlled by the DTO *Los Caballeros Templarios*. Due to drug trafficking organizations’ capitalist endeavors, they have expanded into other markets; the illegal logging of trees is one of them. In Cherán, members of *Los Caballeros Templarios*, the municipal police, and the municipal government all colluded with each other. This resulted in the pillaging of the forests and contributed to the insecurity and victimization experienced by Cheranenses.

El Güero, who worked for *Los Caballeros Templarios*, was the person in charge of the illegal loggers (Gómez Durán, 2012); protection for the illegal loggers was in the hands of this DTO (Fault Lines, 2014).

### 1.3 Perceptions of Insecurity

Violence creates insecurity, which in turn produces fear. This fear causes people to maneuver their lives around evading violence. Linda Green’s study on Guatemalan Mayan widows after the civil war focuses on fear as a collective experience. In her book she explains how fear permeates society and disrupts social relations by “...driving a wedge of distrust between members of families, between neighbors, among friends” (Green, 1999, p. 55). This state of fear described by Green characterizes the collective experience Cheránenses faced during 2008-2011. This results in severe community

disintegration; no one trusted anyone. There was fear of being murdered, disappeared, raped, and extorted. Furthermore, it created a self-imposed curfew. A woman who had a food-stand in the central area of Cherán told me that as soon as it became dark she would pack-up her food and go home because there was no one out in the streets, there were no potential customers. This self-imposed curfew is just one of many tactics Cheranenses learned to employ in order to attempt to guarantee their survival.

During the four-year period of 2008-2011 there were fifteen assassinations and five disappearances (Gómez Dúran, 2012). There was physical violence that threatened the lives of people, along with verbal threats extended to anyone and everyone. In addition to this, El Güero charged quotas for “protection” and threatened anyone who refused to pay it. This form of extortion is commonly employed by criminal organizations as a method of control and also as a form of revenue. It is commonly referred to as *cobro de piso*, a sort of tax imposed on businesses.

These tactics were used to establish fear in the community. This resulted in people feeling insecure on a daily basis. Goldstein (2012) states, “In a place of insecurity, a variety of personal dispositions and social phenomena can arise. The insecure place is dangerous, both for those who live there and those who visit. The insecure place is highly unstable, characterized more by fragmentation and unpredictability than by order and routine. People living insecure lives cannot rely on traditional norms or cultural patterns, much less on state laws or government institutions to regulate their lives and behavior” (p. 5). This perfectly characterizes the lived reality of Cheranenses. For a moment, let's ponder Goldstein's last sentence; is it not the duty of the state to guarantee security? Yet, state laws and government are unreliable sources of escape.

When I asked residents of Cherán what their primary concern was during this time period, from 2008-2011, all eighteen interviewees said the insecurity issue was their fundamental concern. There was a severe lack of security, which resulted in a lack of community cohesion. When interviewing people I would ask: How was your daily life from 2008-2011? Did you feel safe in Cherán before the Movement? Almost all answered with stories of fear and all said they did not feel safe in their own town, which often resulted in self-imposed curfews.

The first person to be blatantly murdered for his opposition to the municipal president and to the illegal loggers was Leopoldo Juárez Urbina. He was a teacher, a former municipal president, and the leader of the Partido de la Revolución Democrática (PRD) party in Cherán. As stated by the Mexican newspaper, *La Jornada*, Juárez was fervently opposed to the Bautista Chapin government and frequently accused him of being in collusion with those illegally logging trees (Martínez Elorriaga, 2008). He tried to form guards to police the forests but this never came to fruition. One person describes what he thought was the reason for his murder: “...they say *que a alguien le estorbaba* and they paid to have him killed. Within that government, whoever presented an opposition was killed or disappeared. It was at that moment that we knew that organized crime was in Cherán. *Ya se levantaba a gente...*” (Marco, personal communication 9/15/15). There are various points here. First, Marco states a rumor, that which involved paying off someone to murder a person that is being a bother. Who paid and who committed the murder? No one knows with certainty but all insist that the Bautista Chapin and illegal loggers are to blame (Lemus, 2015). Another component of Marco’s remarks is his accusation of the municipal government’s tactics for dealing with

opponents. This sent a message to people: the municipal government, which is the representative of the people, effectively allied itself with the illegal loggers, leaving Cheranenses with no one to protect them. Juárez Urbina's death marked the beginning of the deaths and disappearances of those who were anti-Bautista Chapin or those who tried to put a stop to the illegal loggers.

He was disappeared for a couple days and his whereabouts were unknown to anyone. Days later, on May 9, 2008 his body was found just outside of Cherán. The marks of torture were blatant, "...they took out his eyeballs, they cut the soles of his feet..." (Fernando, personal communication, 9/3/15). No one was ever found guilty for his murder.

As mentioned by Marco, this incident fortified the insecurity issue in Cherán. People became terrified of speaking out against the municipal president and the illegal loggers. Anyone who tried to limit or put a stop to the illegal logging was murdered or disappeared. People would stay indoors during the dark hours of the morning and night. Fear marked the everyday lived experience due to the insecurity plaguing the municipality.

### 1.3.1 Illegal Loggers' Actions

The illegal loggers were not just cutting down the trees; they were careless and openly violent in the town, which increased fear in people the more time they spent in Cherán. They openly carried their weapons with them – expensive weapons that not even the police had. If they were cutting down trees, why did they need guns? Julie Murphy Efani (2014) argues that U.S. arms transfers of military-grade weapons enable DTOs to act as "...warlords militarily capable of carving out territorial 'zones of impunity' where

narcoforces wield greater firepower than local police” (p. 99). Cherán can be characterized as one of these ‘zones of impunity.’ This subsection seeks to understand how this impunity affected the everyday lives of Cheranenses by examining their most common complaints of illicit activities perpetrated by the illegal loggers and organized crime.

One of the least violent actions the illegal loggers engaged in was their fast driving around the town without regard for pedestrians. Julian mentions “...sometimes they passed by with the wood, they passed by fast and sometimes the children were there playing. I do not know if you have seen how the children play in the street and all of that. The cars passed and they did not care because they were not from here. *Si daba miedo pues.*” (Personal communication, 8/28/15). Julian signals two things: first, that the speed was dangerous to people walking and second, that the reason they did not care about putting people in danger with their careless driving was because they were not from Cherán. This second point is something that was repeated in the interviews.

Another concern that was repeated often in the interviews was their pillaging of stores: A woman who owned a store told me about her only encounter with El Güero and his workers:

He and his *talamonero* workers arrived to my store. He asked for a soda for everyone. I did not even know [recognize] who he was. He gave me a 500 peso bill and I said to him ‘I’ll bring you the change.’ he responded that it was fine as it was. And well, they were not there for a long time and they left. After they left, a lady who was also in the store with me asked if I knew who he was. I told her that I did not and she told me it was El Güero. I did not even realize it (Teresa, personal communication, 9/12/15).

She followed this by saying that after the lady told her who he was she was terrified. She knew the men who arrived in her store had to be those illegally logging trees because of

the cars they drove but she did not think she would ever come in contact with the man in charge of all of them; the one responsible for terrorizing the entire town. She says she was lucky to not have been a victim of their popular store pillaging actions.

The most common complaint, aside from the disappearances and murders, were their threats to women: “When we finish with your forests, we’re going after your women.” This is something the illegal loggers would often say to Cheranenses. Community members repeat this line in order to explain the malevolence of the illegal loggers; in fact, almost every interviewee quoted this same line. Linda mentions how she experienced insecurity as a woman: “...they behaved very badly. There was no respect...they passed by with the wood and if one, as a woman, passed they would say disgusting things” (Personal communication, 9/5/15). Here, Linda is signaling how the illegal loggers would cat call her. Of the five women I interviewed, she is the only one that mentioned a personal experience like this one.

There were some insinuations of the illegal loggers actually raping women but no one talked about it openly and explicitly. Marco tells me: “There were rapes, sure, but no one will admit it or mention it because that would embarrass the women it happened to” (Personal communications, 9/15/15). They had already “come” for the women and so the social cohesion of society was disintegrating even more. One interviewee alluded to this when I asked how Cherán had changed in terms of security: “When there still existed a municipal police (2008-2011), there were high indices of kidnappings, extortions, break-ins to homes, high indices of drug addiction, alcoholism, rapes...all of that” (Oscar, personal communication 9/3/15). He indicates that there were rapes but he never expanded on it.



These interviews cited all explain insecurity in a more abstract manner – of threats they heard that were aimed at everyone or nonthreatening encounters that they experienced personally. The following will discuss those who experienced threats or violence explicitly. These threats or acts of violence often occurred in the mountains where the illegal loggers were cutting down trees.

Julian discusses an encounter with the illegal loggers in the mountains while he was with his grandfather:

You had to almost be taking care of yourself, I mean from the people who came [into the town]...because you didn't know them. There was more insecurity. Well it was very different from today...they had them [weapons]. As a matter of fact, I got to live that because one time we had gone with my grandfather to the resin<sup>9</sup> and they were there cutting down in a part that belonged to my grandfather. Well, we were scared because we saw them with their weapons so we did not say anything. We just went to do our job and they did not care. Sometimes they even wanted to throw the pine trees on top of us. No well, it wasn't safe to be around because many did not return (Personal communication, 8/22/15).

The illegal loggers cut down trees in areas that were privately owned and the owners of these properties could not say anything to them, as mentioned by Julian. If they did, they would risk getting shot given that the illegal loggers had their weapons with them at all times. Interactions with illegal loggers, like Julian's, occurred to many people in Cherán.

Another individual told me about his encounters with the illegal loggers. Fernando asked them, "Do me a favor and don't cut down those two pine trees because they have eagle nests. Please, just those two" (Personal communication 9/3/15). Of course, they cut them down and did not even take the pine trees with them; they left them

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<sup>9</sup> Resin is a gum excreted by pine trees.

there in his territory. He says they did that to show him a lesson and as a way of telling him to never tell them to do or not do something again.

Linda discusses with me her brother's daily routine that was marked by fear when he had to go into the mountains, "...the poor *ganaderos* had animals in the field and they were not free to go give them water because they were afraid of being kidnapped...I saw how my brother, he is a *ganadero*, had cows and he would say, 'I have to go at four in the morning and I have to go by myself.' And he had to find someone to accompany him because they would spend all day and night over there – the illegal loggers – collecting wood" (Personal communication 9/5/15). This showcases the fear instilled in people. Linda's brother had to resort to finding a companion in order to go into the mountains. This fear was collective and if anyone made demands of the illegal loggers, such as Fernando, they were threatened.

Furthermore, El Güero began to expand his business outside of the confines of drugs and forest pillaging. He began to charge stores, restaurants, and other businesses quotas for protection. A community member told me of an incident he witnessed between those charging quotas and a woman that sold *atole*<sup>10</sup> in the street, "There was a woman in the *plaza* selling *atole* to earn some ten, twenty, thirty pesos and the bad men came and told her, 'Now you are going to pay us twenty pesos for the quota.' And well really, that is when you realize that things aren't going well. It's a thing...that is too much." (Fernando, personal communication 9/3/15). Many business owners opted to close their businesses rather than pay the quota. This type of extortion was new to Cherán; no one had experienced it previous to 2008.

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<sup>10</sup> Atole is a warm drink that is commonly sold in the center of Cherán

Drug use and small gangs were also an issue, while these had been an issue previous to 2008, drug use and gang activities increased afterward. Drug use was limited here though because hard drugs had not been introduced to Cherán during this time. The drug they said was most frequently used was marijuana, along with alcohol abuse. Alcohol abuse was rampant and permeated society. According to a K'eri<sup>11</sup>, drug use was almost entirely a contemporary issue (Alberto, personal communication 8/28/15).

The gangs in Cherán were small and composed of teenagers and young adults. Luis discussed the small gangs and their transnational aspect:

“...here in the community...it was customary to have gangs...there would be many gang members. And that culture comes from the United States, from the migrants, because Cherán is a migrant town. So that culture that they brought over here formed gangs...So at first, maybe it was like a game, a form of popularity for bringing those new cultural norms. But later, it really became a defense for them of a certain territory and Cherán began to become divided. And there were many fights for any little things. For example, like I tell you, I had many friends and maybe I would not do anything but ‘Look at that asshole, he’s friends with that other person. Yes, lets hit him because he’s from the other gangs.’ I did not feel safe walking around here in Cherán (Personal communication 8/27/15)

There is an important point mentioned here by Luis. He talks about the gang culture in Cherán as a result of the influence of return migrants from the United States. Although these gangs were not working in collusion with the illegal loggers, their presence and actions increased insecurity, especially for young men.

All these factors played into the insecurity Cheranenses were experiencing during this time period. Illegal logging, drug use, alcohol abuse, gangs, extortions, quotas, murders and forced disappearances all collided in this period of time causing a frenzy of

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<sup>11</sup> A “K’eri” is a member of the *Concejo Mayor*, which is composed of 12 people. It is purepecha for ‘elder.’

uncertainty. People felt impotent and unable to do anything to reverse these effects. Furthermore, the municipal police was merely a presence of authority that did not carry out its functions. As mentioned previously, they were tolerant of the crimes being committed by the illegal loggers. They were not helping them cut down trees but they allowed them to cut down trees illegally, charge quotas, kill and disappear people.

### 1.3.2 Cherán's Municipal Police

Police forces in Mexico have been under attack and investigation by international organizations. This is due to their ties with organized crime, complicity in crimes, corruption, and violence (Sabet, 2012). In general, people do not have confidence in the police in Mexico. According to an opinion poll conducted in 2007, the police are considered corrupt by 80 percent of the Mexican population (Gereben Schaefer, Bahney & Riley, 2009). Daniel Sabet (2012) explains that the most common accusations against the police include: corruption, ineffectiveness or failure to address crime problems and violations of human rights, including arbitrary detention and physical abuse. He argues that the most pronounced aspect of police corruption is collusion with organized crime. This has been proven because they have acquired information of police officers on organized criminal groups' payrolls (Sabet, 2012). Johnson (2007) states that there is already a fundamental distrust of authorities in Mexico, which is fueled by a new form of criminality: the victimization of ordinary individuals by organized crime, which is sustained by the military and police. Similarly, Ceja Martínez (2013) notes that corruption and impunity are the links between state violence and criminal violence, which, in Mexico, has been the reason for the exacerbated violence and impunity it currently faces.

The aforementioned parallels the municipal police in Cherán and with residents' perceptions of the police that was meant to protect them. It is indispensable to examine the municipal police in Cherán because they played a vital role – even if that role was complete absence – in the everyday lived experience of Cheranenses. Being a small municipality, Cherán had fifty police officers during 2008-2011 (Marco, personal communication, 9//15/15). Although the police were not carrying out crimes for the illegal loggers, they tolerated their illicit activities. As one person states, "...the authorities did nothing. They would cover their ears and they would close their eyes as well" (Fernando, personal communication, 9/3/15). Goldstein's (2007) analysis of the relationship between the police and the community in Bolivia perfectly illustrates the tensions between Cherán residents and the municipal police during these times of high insecurity, "Adding to this pervasive sense of insecurity is the absence of a reliable authority, operating according to a rule of law, to which people can turn to report crimes, resolve conflicts, or seek redress of grievances" (p. 56). This is something that was mentioned by the community members of Cherán.

There were many complaints about excessive force, extortion, and protection of those involved in illicit activities in the town. In addition, they often mentioned that the police in Cherán was almost entirely composed of people who were not from Cherán; they were from other nearby towns. Because Cheranenses did not personally know the police officers, they did not trust them and because the police officers did not personally know the population of Cherán, the people felt like they did not care for them or for Cherán. The following will consist of interviewees' perceptions and encounters with the municipal police of Cherán.

My questions to interviewees about the municipal police were: Did you have confidence in the police? If something happened, did you call the police? Did you have any personal encounters with the municipal police? All my interviewees said they did not have confidence in the police and that they never called the police if something happened to them. Some did have personal encounters with the police; all who mentioned this had negative experiences. These narratives are vital because they showcase the deep mistrust in the municipal police that was meant to protect them.

One interviewee discusses why he did not trust the police: "...all the people [police officers] were from other places. They were from nearby towns or other places that the government contracted to be police officers. They all come and they come to not do their job. I think that sometimes they sell themselves (*se venden*). Confidence in the police does not exist" (Fernando, personal communication 9/3/15). Here Fernando is noting two different aspects that contribute to insecurity and lack of trust. The first is the mistrust in the police because they were not from Cherán. Many people reiterated this reason for their distrust in the police. Some mentioned that because they did not know the police officers' families or what kind of person they were, thus being unable to trust them. Additionally, because they were not from Cherán, people felt as if the police did not care to protect them. They stated that there was no bond that had been previously established that warranted the obligation of Cheranenses to trust the police. They also believed that the police officers did not feel obligated to protect them.

Another individual paralleled Fernando's remarks, "...before when the police that came from the President [municipal police] was here, well sometimes you did not even

know who they were. I mean, people came from Nahuatzen, from Paracho<sup>12</sup>, from the other little towns and they worked here as police officers. But you did not know them” (Julian, personal communication 8/22/15).

Oscar, describes his perceptions of the police, he asserts that there was a link between the municipal police and organized crime:

Well I think that type of police model is very common. There’s supposed to be confidence in them because...those people are in charge of security, the well-being of the community...I never had an encounter with them. And to say that I had confidence in them? Well honestly no because it was notorious that they were participants and they had a nexus with [organized] crime. How was I to trust my well-being, my person, or even my home, my family, to people who have those nexuses? So well, there was no confidence. And the model was common...all the *comisionados*, the municipal police, who acted or were supposed to act pro security but instead acted pro their personal benefit or their very particular interests (Personal communication, 9/3/15).

He portrays deep mistrust and his belief of corruption occurring within the municipal police, municipal government and organized crime.

Aside from lack of confidence in the police and Cheranenses’ belief in the police’s complicity with organized crime, there were complaints about the use of excessive force. Julian tells me about a personal encounter with Cherán’s municipal police who used excessive and unnecessary force against him and his friends:

One time I had to go with the police officers [Municipal Police]. They had arrested me at a party, a *fiestas patronales*. And they had taken us and thrown us in the trucks. They had turned us faced-down and they took us. I lifted my head. They had taken us, I don’t know if it was for...I mean, I think they wanted to disorient us. I did not know where they had taken us and they had hit us. And from there they took us to the jail. We had told them [the police officer in charge] that they had hit us but they did not listen to us. They said that we had gotten into a fight, and that is why they had arrested us. But that was not the case. It is because we were four

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<sup>12</sup> Nahuatzen and Paracho are Cherán’s neighboring municipalities.

[people] and one had yelled at the police officers, and they, I think, got upset. And so they arrested all four of us and they took us and they beat us (Personal communication, 8/22/15).

This was not an uncommon story about the municipal police. Fifteen of the eighteen interviewees spoke about the municipal police's abuse of power.

A particularly disturbing abuse of power occurred in April 2008:

We lost confidence in the police a long time ago because...The situation came about when one day they arrested him. His name was Mariano, may he rest in peace. So it was known that they had arrested him. And so the next day he was dead. So everyone: 'Well what happened?' He was around 18 years old. And well, since that moment, since a couple years ago, we lost confidence in the police. Some said he fell, others said that they saw them [municipal police] push him, others that they hit him. Well they say many things. And that's how it stayed. That's why I lost my faith in the police a long time ago (Luis, personal communication, 8/23/15).

No further investigation went into finding the cause of death. The young man simply did not wake up the next morning. The town was indignant but there was very little they could do to find out the truth (Martínez Elorriaga, 2008). Impunity was rampant whether it was a small crime or a death. As was previously discussed, Mariano's death was not the only suspicious death during this time period.

In addition, there have been many accusations of the municipal police working in tandem with the illegal loggers. There are accusations of inefficiency and inadequacy of the police. For example, one individual claims, "Before, the police did not do anything. You did not feel safe even in your own home, they [organized crime] would arrive and they would take you out of your house" (Fernando, personal communication, 9/3/15). The claims of police ineffectiveness in combating the individuals involved in illicit



activities are rampant. Another individual states, "...the municipal police defended the talamonteros. They [municipal police] defended them and never defended the community. They never defended it" (Alberto, 8/28/15). There is such strong indignation and resentment in Alberto's words. Yet, these are not the most horrible accusations. When I asked one community member about how he felt knowing that there were illegal activities happening in Cherán he responds with a detailed description of his thoughts on the illegal loggers and the police:

Well I think that there was a feeling of impotence. Moreover because there was not that backing, there was no confidence in the previous authorities because at a certain moment they had a nexus, like they already had an agreement [with the illegal loggers]. And it was more than that, this feeling of impotence, of not being able to do anything about it...raising ones voice, putting oneself against them, was practically putting a noose around ones neck. Because if you raised your voice, if you said something, you could become a victim of a kidnapping or of an assassination. Or even the same internal authorities, if they saw that you were a person – they gave it the term of "unruly" or "rebellious" – they immediately found the way to tell you "Shut up" with a beating or sometimes even prison time. They [authorities] did not want anyone to say anything. Probably because there was certain complicity, a certain nexus...well there had to be, there was something. One was not worthy of being able to raise ones voice because immediately there were repercussions against one. And well, those were the feelings more than anything, impotence (Oscar, personal communication, 9/3/15).

These sentiments of impotence and defeat were felt strongly in Cherán because there was a general understanding that the municipal president and the municipal police were protecting the illegal loggers, the organized crime groups, and anyone involved in illicit activities.

In this subsection I showcased, through the personal narratives, perceptions of insecurity and of the incapability of the municipal police. This sets the stage for the following chapter.

### 1.3 The Effects of the Illegal Logging

As previously mentioned, illegal logging of trees began in 2000 but increased exponentially in 2008 with the coming to power of Bautista Chapin. El Güero controlled the illegal logging business in Cherán. His workers, the *talamonteros*, as they are referred to in Cherán, were people from the nearby towns: Capacuaro, Nahuatzen, Paracho, Arantepacua. It is important to note that some of the people working for El Güero were from Cherán as well. Surely not all the illegal loggers were doing it out of malice. Many simply saw it as a job that paid. This is a sentiment that has been repeated by the *talamonteros* that still live in Cherán who often have to defend their past actions (Alberto, personal communication, 8/28/15).

Regardless of the intent of anyone, the fact remains that the land was devastated. One of the current K'eri's<sup>13</sup> (2015-2018) says to me, "They always brought down wood! They brought down wood in cars with the capacity for three tons, completely full. They always brought down some one hundred, one hundred fifty, it got to the point where they were bringing down two hundred cars [in one day]<sup>14</sup>." He also adds "They [illegal loggers] finished off a mountain with the name of San Miguel. That mountain, they finished it off, those depraved men. And they finished off 22 thousand hectares of pine

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<sup>13</sup> K'eri is P'urhépecha for 'los grandes' or 'the elders' - Under the usos y costumbres government a K'eri is a member of the Concejo Mayor, the Higher Council which is composed of twelve people. They are equivalent to a municipal president.

<sup>14</sup> This number has fluctuated in various reports and by the people themselves. The number of trucks bringing down wood ranges from 100-300 (Fault Lines Digital Team, 2014).

trees. The pine trees...they took them but with the help of organized crime. And at the same time they also infiltrated the state government and the bad municipal government” (Alberto, personal communication, 8/28/15).

It has actually been estimated to be more around 20,00 hectares out of 27,000 hectares of land that have been completely devastated (Gómez Durán 2012). That amounts to about seventy percent of the forest land of Cherán completely pillaged in about four years. One community member says “...it was a disaster what they were doing...it caused sadness to see how much wood they were bringing down” (Julian, personal communication 8/22/15). Many mention the “disaster” the illegal loggers were causing by pillaging the forest. Fernando adds a more personal story to this devastation:

My dad, was...has always been a *campesino*. He had some animals in the field; he had some territory there in the forest. The truth is that it does hurt to see the place where your grandparents, your grandparent’s grandparents, you father grew up...and then they leave that territory to you...For example...my dad passed away before the Movement, so it did hurt, as a person, to see that my world was being destroyed. I mean, to see that, aside from dignity, to see that they were taking away my life, one could say, because as you know, *lo verde es vida*. Because you know that you need it to breathe, for everything. It’s not just the pillaging of the forests but rather that they took what they wanted. *Un caos pues total* (Personal communication, 9/3/15).

Everyone mentions his or her feelings of impotence. They felt helpless amid their world being turned upside down by those involved in organized crime.

While the exacerbated logging of trees was a major concern for the people of Cherán, it became an imminent threat to their way of life when the devastation reached an area known as *La Cofradía*; it is a natural water spring. This incident was described by K’eri Alberto:

So after that instance, well they finished off so many hectares but where the water spills is called *La Cofradía*. And those *talamonteros*, and those depraved men arrived there and they cut down the pine trees and there were some *pilas de agua*. So it was those bad people that arrived to pillage our forest. So from then the people began to see that they were going to hurt us because the waterhole was going to dry up. And then the people were upset because they were bringing down a lot of wood...(Alberto, personal communication, 8/28/15).

Water is sacred, especially in Cherán. A woman, an elder in the community, explained to a group of children and I that Cherán was settled by their ancestors because there were numerous natural water sources<sup>15</sup>. Water was essential in choosing where to settle and so Cherán was settled and expanded and the water sources remained intact. The illegal logging threatened the survival of those natural water sources. If the trees surrounding *La Cofradía* were torn down, the water would dry out and become obliterated. This was not something the community was going to allow. The community responded in collective self-defense on April 15, 2011.

#### 1.4 Chapter Conclusions

In this chapter I laid out the components that characterized the insecurity experienced in Cherán from 2008-2011. The illegal loggers, with the protection of organized crime, were devastating the forests, which angered people. They could not speak out against the municipal president or the illegal loggers because those who did were murdered or disappeared, instilling fear in the entire town. Insecurity and violence was the *modus operandi*. While the municipal police was not carrying out crimes for them, there was certain complicity because they allowed the illegal loggers to engage in

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<sup>15</sup> This occurred during a government activity run by Bienes Comunales which consisted of a tour of all the sacred purepecha places in Cherán. The purpose of the tour was to inform the children the reason for these sacred places and why they needed to take care of them.

illicit activities. In the following chapter I will discuss the Movement. I will argue that the Movement was an exercise in imposing the “right to security.”

## CHAPTER 2: THE MOVEMENT AND THE RIGHT TO SECURITY

*“Y se alborotó la gente de a de veras, que ya nos cansamos de estar a merced de tan mala autoridad.”  
- Edmundo Valades, La muerte tiene permiso*

What happens when those obliged to protect the community instead protect the ones harming the community? In the previous chapter I discussed the components that fueled insecurity in Cherán from 2008-2011. This chapter will discuss the Movement in Cherán that began on April 15, 2011 as a response to the illegal activities occurring in the forests and the insecurity issues Cheranenses faced. It will begin with the context on the Movement. Then I will discuss what scholars have said on the concept of the “right to security.” I argue that the Movement was Cherán’s method of enforcing their “right to security” by utilizing community justice. This chapter will draw from the fieldwork interviews as I will analyze their rationale behind the Movement and how this parallels the belief in the “right to security.”

### 2.1 The Movement in Context

The Movement, *El Movimiento*, as Cheranenses refer to it, began on the morning of April 15, 2011. As was detailed in the previous chapter, aside from pillaging the forests, there was deep insecurity and violence perpetrated by the illegal loggers and organized crime. From 2008-2011, the residents of Cherán often sought the help of the state and federal governments, asking them to put an end to the illegal logging and to the violence (Mandujano Estrada, 2014). The governments never did anything. As mentioned by Luis, “Since the beginning we asked for help, ‘help, help, they’re stealing from us, they’re taking from us.’ They said that they sent help but it never arrived. After that they

didn't do anything to them. We decided to do what occurred. Again, we asked that justice be made, that an investigation take place and all that but nothing was done. Nothing was ever done. Everything stayed as it was, everything was lost” (Personal communication, 8/22/15)

As was mentioned in the previous chapter, the municipal government and the municipal police were tolerant of the illicit activities the illegal loggers were involved in. Cherán essentially had no form of security, no one to protect them from violence, extortions, threats, and all the other forms of insecurity that permeated the town.

Left with no other options, a group of about five to twenty women<sup>16</sup> decided to put an end to the illegal logging by preventing the illegal loggers from using the roads. I will recount the official story<sup>17</sup>. The night before, on April 14, 2011, a group of about 10 women decided they were going to block the road used by the illegal loggers to transport the wood. Since the men who had tried to put a stop to the illegal loggers all ended up murdered or disappeared, they figured it was now in their hands because maybe, since they were women, the illegal loggers would not hurt them. That night they distributed flyers that asked the community to join them.

The morning of April 15, between 4-5am, the women blocked the road by the church, *El Calvario*. The first truck came down and the women did not let the driver pass. After arguing with him they eventually took his gun and pulled him out of the car. As this occurred, the church bells began ringing and fireworks were exploded – these are signal

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<sup>16</sup> The number of women is uncertain. Some sources say 20, others say 10, people who participated all gave me different numbers.

<sup>17</sup> By official I am by no means declaring that it is the truth; rather, it is the story Cheranenses have chosen to describe the events.

to the community something bad has happened. Many community members came out and joined the women. Eventually, the community detained four other men.

Linda, one of the women who was there from the beginning recounts how she lived that morning:

They had already given us the flyer because...we had to do something because the *ganaderos* had already tried and everything but they had not been able to halt organized crime. They told us to listen to the church bells and that right away we should join in order to detain the trucks...So the church bells rang and right away I got up because we were already aware that this was going to happen. I got up and went to *El Calvario*. I got there and there were only five *señoras* and the trucks were about to come down with the wood. We were five women. We stopped them with rocks...with rocks we stopped the trucks and they wanted to reverse to run us over. But we did what we could in order to compile rocks. Well, we detained them and more people arrived, more people joined...Us, the women, grabbed them by the arms and we pulled them out [of the trucks]. And they got mad but they never wanted to hit us...I was there from four in the morning to seven in the morning. Afterward, we detained them, we pulled them out [of the trucks], and afterward many people began to show up (Personal communication, 9/5/15).

Most people have similar stories, though she was the only person I interviewed who was there the moment they began detaining the illegal loggers.

The municipal police arrived after the five men had been detained. They arrived along with people involved with the illegal loggers in the hopes of rescuing the five men (Fault Lines Digital Team, 2014). Shots and fireworks were fired between these two groups. Marco recounts his version of the municipal police engagement with members of the organized crime group: “I see that organized crime and the police are coming together wanting to rescue those we had detained. So at that moment is when we hear the gunshots. I saw how the police passed on information to those in organized crime” (Personal communication, 9/15/15). Eventually, the municipal police and those working



with the illegal loggers left Cherán. The community now had tangible evidence that the municipal police was in fact working in tandem with the organized crime groups. It was at this point when the community refused to recognize the authority of the police and the municipal president.

After the rest of the community arrived, they began creating roadblocks on every corner and barricaded all the entrances to the town. The people armed themselves with the illegal loggers' and municipal police's weapons or utilized guns they already owned. This marked the beginning of their collective self-defense policing. For six months no one left and no one entered Cherán. They still operate the barricades today.

## 2.2 Brief Literature Review on the Citizen Security & the “Right to Security”

The concept of citizen security – which acknowledges security to be a right guaranteed by the state to its citizens (Sieder 2013; Goldstein 2007) – has surfaced amid the transition to neoliberalism in Latin America. Scholars agree that neoliberal states in Latin America have effectively freed themselves of responsibilities to its citizens, thereby passing on these responsibilities to its citizens (Goldstein, 2004; Sierra, 2005; Johnson, 2007). As examined by Goldstein (2004), in Bolivia this transition intensified levels of violence. Even though the state has passed onto its citizens these responsibilities, which it was previously responsible for, the state still claims the exclusive right and responsibility to define and impose security (Goldstein, 2012). There is a gap here: the state has relinquished the responsibility of providing security but still wants ultimate authority in defining its parameters.

The neoliberal Bolivian state, according to Goldstein (2007), lacks the resources and desire to provide police protection and judicial services and has thus lost all

credibility for poor-urban barrio residents. The state assumes for itself a “supportive” role in administering security, while “...making each of us ‘accountable’ for and accountants of our own security, calculating the many forms of risk and exposure’ in which citizens find themselves regularly subjected to” (James Hay and Mark Andrejevic cited in Goldstein 2012, p.14). This poses the question: Can proper state-sanctioned security exist in the neoliberal context?

Insecurity and violence are intrinsically tied together. Violence is exacerbated in contexts of high inequities; economic insecurity is compounded by physical insecurity (Goldstein 2007, 2012). Authors contend that in Guatemala, Mexico, and Bolivia, reliable authorities are almost non-existent; police forces are overwhelmed with corruption and the court system is beyond the reach of poor residents, which contributes to this insecurity (Goldstein 2004, 2007, 2012; Rowland, 2006; Johnson, 2007; Sieder, 2013). Furthermore, Johnson (2007) states that the victimization of ordinary individuals has become a modern concern that has affected much of Mexico. This victimization is allowed or sustained by the police and military. Similarly, Goldstein’s (2007) analysis parallels Johnson’s remarks on the military and police. With the transition to democracy in the 1990s in Latin America,

...the role of the military in civilian life was significantly curtailed, but state and police violence against citizens continued and in some cases intensified, while the general climate of suspicion, impending danger, and police impunity persisted....its target remaining the ‘enemy within,’ only shifting now from communists to criminals: The focus of security campaigns remains on members of the ‘dangerous classes’ who threaten social order and who must be controlled, by violence if necessary, permitting the abrogation of human rights in the name of state security and protection from crime.” (Goldstein, 2007, p. 56).

Scholars agree that communities living under pervasive insecurity take justice into their own hands due to the states' inability or unwillingness to provide justice. It is a symptom of the failure and a response to neoliberalism and globalized capitalism in Bolivia and Mexico (Goldstein, 2004; Rowland 2006; Ceja Martínez 2013). In Bolivia, this violence against criminals has come in the form of lynchings in order to curb future crime and to demonstrate to the state that they are willing and able to provide their own security; community members see this as community justice (Goldstein 2004). Thus, community justice is an attempt in imposing the community's right to security.

Johnson (2007) argues that community justice is a response fueled by the desire to protect local citizens from common criminals and a method to compensate for the state's incapacity to bring offenders to justice. She further states, "...vigilantism can be construed as an act of radical protest that mocks the state's inefficacy even as it asserts a powerful if perverse form of communal agency. Indeed, taking the law into one's own hands collectively and violently can be considered an insurgent form of privatization that permits the poor to exert agency over and against the emasculating forces of neoliberalism" (Johnson, 2007, p. 170). Goldstein (2007) claims that community members use the narrative of the 'right to security' to justify extra-legal violence; thus the 'right to security' becomes the ultimate right. Goldstein (2012) has termed these individuals outlawed because they lived outside the protection of state law but are subjected to its constraint; they do not receive benefits from the law but are criminalized as perpetrators of mob justice, thus placing them in a precarious position.

This insecurity lived daily has resulted in citizens demanding citizen security, which is the struggle for greater personal and social security guaranteed by a democratic

rule of law. It is “the protection of the normal functioning of democratic institutions, the defense of the citizenry from criminality in all of its facets and typologies, [and] the defense of citizens against corruption and other social acts that impede or problematize the normal development and enjoyment of the fundamental rights of persons” (Delgado Aguado and Guardia Maduell cited in Goldstein 2012, p. 20).

As a response to the lack of citizen security, *justicia comunitaria* (community justice) is the form that is taken place when the state is unable to guarantee security to its citizens, thereby forcing communities to provide their own justice. If citizen security is a right, then community members make sure that right is respected by doing the policing themselves.

### 2.3 Cherán’s ‘right to security’

In this section I will discuss how Cherán claimed their right to security. Furthermore, I will argue that Cherán asserted this right through the use of community justice.

The Movement can be characterized as a community asserting for themselves the ‘right to security’ since the state was unwilling to provide it. The municipal police tolerated the illicit activities that permeated Cherán and the state and federal governments ignored the requests for help made by Cheranenses.

Violent spectacles are intended to call attention to the predicament of insecurity in which the actors currently find themselves, as well as to criticize the failures of the democratic state and its claim to a rule of law. Through such violent practices, the politically marginalized find an avenue for the expression of grievances against the inadequacies of the state’s official legal order, while at the same time deploying the rhetoric of justice and law to police their communities against crime (Goldstein, 2004, p. 182).

Goldstein's analysis of lynchings in urban Bolivia parallel with Cheranenses actions during the Movement, even though they did not employ violence in the spectacular way that Bolivians did. Cheranenses fought for their right to security by employing the concept of "community justice," thereby justifying their use of force. The day the Movement began, the objective was to eradicate the illegal logging of pine trees and end the insecurity in Cherán by forcibly removing the illegal loggers. "It was something incredible...seeing adults, women, children, whose words were nothing other than: 'justice', '*alto*', '*basta*'. I mean what is this, a war, or what? I think the term adapts well, it was a war in defense of our forests, in defense of stopping that evil, in defense of stopping that *mal gobierno* and in defense of stopping organized crime" (Oscar, personal communication, 9/3/15). Oscar adds, "We are a united community and we have rights and we also have obligations."

Oscar shares his views on the Movement, noting that it was a community decision and that they have rights. The local government was not guaranteeing these rights so they had to guarantee them for themselves. He continues, "I believe that the first day was something historic. Mainly because it is the day that the community decided to put an end to this *maltrato*, this system, this robbery, this *saqueo*, a halt to crime, a halt to extortions, to kidnappings, and all of that" (Personal communication, 9/3/15). Fernando parallels Oscar's remarks: "We practically ran to fight for our dignity, for freedom, and for justice because we really did not have any of that. Some people were killed and nothing was done. [We fought for our]...dignity because they were destroying *la naturaleza*. And justice because, well, we wanted justice" (Personal communication, 9/3/15). As

mentioned by Fernando, Cheránenses wanted justice, and according to Oscar, the community collectively decided to put an end to the injustices.

Cheranenses provided security for themselves through the use of community justice. In Cherán, community justice resulted in the creation of an alternative community-policing model. This policing model was created and approved by the entire community. Their form of community justice also entailed the dismissal of the municipal president and the municipal police.

I asked my interviewees why they chose to participate in the Movement on that first day in order to understand their rationale for participation in such a dangerous event; after all, they knew what the illegal loggers were capable of. Luis discusses how he felt during his participation in the Movement: “Well, there is a bit of...fear. But it is like a great emotion being there knowing *que estas luchando por una causa justa*. You are not doing anything wrong...you are fighting for your *pueblo*, for your family, for the security of your family.” He adds, “...we all went because we all wanted to go, in order to protect our *pueblo*” (Personal communication, 8/23/15). These interviews showcase the rationale and the justification Cheranenses gave for the uprising, asserting, like Luis, that it was their security they were fighting for and that it was a just cause.

#### 2.4 Community Justice

Jennifer Johnson (2007) examines the community policing exercised in rural Guerrero. In her book chapter “When the Poor Police Themselves: Public Insecurity and Extralegal Criminal Justice Administration in Mexico” she examines various components of the insecurity gap that exists in Mexico between the rich and the poor. She notes that the wealthy populations can use their economic capital to buy protection for themselves

through the hiring of private security, purchasing high-tech alarm systems and gated residences (Johnson, 2007). They acquire security due to the states incapacity to supply it. Johnson poses the question: what happens with the sectors of the population who cannot afford these private forms of security?

Johnson examines this in rural Guerrero where a form of community justice has taken place. She terms it “collective self-help policing” which also includes a penal justice initiative in order to “...protect local citizens from common criminals and to compensate for the state’s incapacity to bring offenders to justice through legal channels” (Johnson, 2007, p. 167). What other recourse do poor rural communities have if they do not have the same buying power as wealthy individuals? These forms of collective self-help policing resemble radical protest and a form of communal agency.

Community policing is a form of community justice. While the model that Johnson examines in rural Guerrero is the model that Cherán currently follows, initially, they were not concerned with creating their own judicial system; rather, they merely desired security which they created by first engaging in self-defense policing.

This distinction between community policing and self-defense policing needs to be made in order to completely understand the precarious situation Cherán was facing at the beginning of the Movement and to examine how that has changed today (although they are still in a precarious situation, though for different reasons). Rogelio Hernandez notes the distinction in function: “With the title of ‘police’ one is automatically applying law, authority. The self-defense means a way of self-protection against violence in general...the use of names or labels has a sense at the local level and indicates what they are representing, a specific authority or a reaction to it” (cited in Muro, 2014, p. 59).

Cheranenses' reaction to insecurity and violence was collective self-defense. As a community, they decided to *retomar*, adopt, the security model their ancestors<sup>18</sup> followed. Teresa describes the security model that they adopted:

We adopted that of the *Ronda Tradicional* because we needed self-protection, security...because the municipal police had left with the President. And there were many volunteers in each barrio. Each barrio took care of itself and from there derive [people] that were trained...taught to use a weapon. Nobody knew how to use a weapon. It was done over a long period. They did not wear uniforms because it was traditional – they used *gabanes*, they used *pañuelos* and they did the rounds at night, just as they did during the day. Almost a year passed before the *Ronda Comunitaria* was formed, but not as it is now. It started slowly until it became what it is now. It was a slow process” (Personal communication, 9/15/15).

This was self-protection and it was done collectively, with the entire community's consent. Much like in the case analyzed by Johnson, the communities decide collectively if they should continue working with the municipal government or not, and those decisions are respected by the named authorities. Alberto describes how the decision making is done within their *fogatas* “...the *fogatas* (bonfires) were made so we could be there, taking care of each other...We were there to talk, discuss what we were going to do with this bad government that did not help us in anything. That's why we made the *fogatas*, so that the people would be aware, [so they] would be with the expectation to wait for the enemy. And that enemy was the municipal police, the state police, even the federal police” (Personal communication, 8/28/15). The *fogatas* were their point of reunion, located in every corner of the town. There they decided on the steps they wanted to take in order to address security, ineffective government and the injustices they face. It was a communal way of addressing their concerns.

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<sup>18</sup> The ancestral methods will be discussed in the Chapter 3



Cheranenses also created a General Assembly where every individual 18 years of age and older can and is expected to participate. The general assembly is an expanded version of the *fogatas*, where matters that involve the entire community are discussed and approved by the entire community. As Sierra (2013) notes of assemblies in the Costa Chica-Montaña of Guerrero, “The Assemblies crystalize their own knowledge, product of a large organizational tradition of the communities, together with the models of external formalization that have been incorporated and adjusted to local dynamics. It is also in these spaces where it is created, discussed and redefined their own law and where authority is established” (p. 180). While they allow for the development for their own authority, it also is important to note that this is the example of participatory democracy done collectively. These assemblies are but a small fraction of community justice, because here is where important subjects are dealt with, in a collective manner, which gives legitimacy to their system of governance.

The community justice component is used to justify their actions. Cheranenses mentioned that they had no other option but to engage in these actions and they were in fact justified in doing so. Maria Teresa Sierra (2005), whose study, like Johnsons’, also focuses on rural Guerrero, notes that these forms of community justice “...reveal the creativity and vitality of indigenous peoples and their decisions to defend their project” (p. 52). Cheranenses defense of their forests and of their “freedom,” as they term it, resulted in this Movement that eventually became a municipality governed by *usos y costumbres*.

## 2.5 Chapter Conclusions

In this chapter I analyzed Cherán's Movement as a method of asserting their 'right to security' because neither the local government nor the state or federal governments were willing or capable of guaranteeing it. I argued that Cheranenses right to security was achieved utilizing community justice. Cheranenses justify their actions by affirming that "it was just" "it was for our security" "it was in self-defense" Their form of community justice involved the adopting of the policing model their ancestors employed. The following chapter will enter into a thorough analysis of the Ronda Comunitaria and the *usos y costumbres* government. I will use Maria Teresa Sierra's "reinvention" concept to analyze how Cheranense have adopted their ancestral practices and adjusted them to fit their current context.

### CHAPTER 3: INDIGENOUS JUSTICE AND COMMUNITY POLICING

*“No nos rebelamos por valientes,  
sino por miedo.”*  
- Keri Enedino Santaclara Madrigal

As mentioned in the introduction, Cherán is currently governed by its own *usos y costumbres*, a form of autonomy granted to indigenous communities that allows them to carry out their own form of government based on ancestral practices. *Usos y costumbres* is practiced differently throughout the country, each unique to the community's specific beliefs, needs, and capabilities. Within this autonomy lies the right to exercise indigenous justice, a form of indigenous law, again, based on ancestral practices that are fitting to each specific community.

Sousa Santos (2012) asserts, there are many forms of indigenous justice, just like the Zapatistas proclaim there are many methods of practicing autonomy – theirs is not the only one, and they do not claim it is the best one either (Esteva, 2001). Cherán's method of carrying out their autonomy and indigenous justice is specific to their ancestral beliefs and their context of insecurity. The purpose of this chapter is to examine just one form of indigenous justice: that of Cherán. It seeks to answer the following questions posed in the Introduction: How has autonomy affected policing practices in Cherán? What are the methods utilized by the community to exercise indigenous justice? How are indigenous justice and community policing linked? I argue that autonomy has paved the way for successful security practices, namely because it involves the entire community through a bottom-up form of government. Similarly, I argue that community policing, done by the community, and partnering it with a legal system create an effective form of security.

This chapter will begin with a brief explanation of the components of autonomy that are most applicable and pertinent to Cherán. It will then transition into indigenous justice with a focus on what Sierra terms the “reinvention of indigenous law.” In order to provide an analysis of this ‘reinvention’, an explanation of Cherán’s ancestral government and the *ancestral ronda tradicional* – as examined by Beals (1946) – is in order. This will be compared and contrasted with the *Ronda Comunitaria* – I make a distinction of this entity, the *informal Ronda Comunitaria* and the *formal Ronda Comunitaria* because it went through various stages that need to be acknowledged. Furthermore, there will be an analysis of the *Concejo de Honor y Justicia* – the entity that adjudicated criminal cases. These various components of Cherán’s autonomy will allow for an analysis of the traditions Cheranenses chose to adopt, which to ignore and, that which they have reinvented. A focus on community policing and community involvement in these processes will be included throughout the chapter. Although autonomy in Cherán encompasses a wide range of other aspects, they are beyond the scope of this study, being that the focus is on security and justice.

### 3.1 Autonomy & its Connection to Indigenous Justice

The *usos y costumbres* government is a form of autonomy exercised by Cheranenses. Gustavo Esteva (2001) notes that autonomy implies the recognition of and respect for what the indigenous peoples already possess. Moreover, it requires incorporation of these into the juridical-political design of the society. He explains further, adding that autonomy must include an authentic system of government exercised by communities, regions and indigenous people and the implementation of an alternative juridical system for the administration of justice (Esteva, 2001). These alternative judicial

and government systems are expressions of self-determination. As expressed by Díaz-Polanco & Sánchez (1999), Stavenhagen (1999), and Esteva (1998), autonomy is invariably linked to the right of self-determination. This self-determination can encompass indigenous justice – there needs to be some form of autonomy for the execution of indigenous justice given that sovereignty is defined as the state having the monopoly on the production and application of law (Sousa Santos, 2012)

For the purposes of this study, these components will be taken into account in order to understand the autonomous processes occurring in Cherán. As previously mentioned, Esteva poses that there must include an authentic system of government in order for a successful system of autonomy within a community. This is the case in Cherán; they have a government structure composed of a *Concejo Mayor* (equivalent to a municipal president) and eight operative *concejos*. Some of these are derived from ancestral practices while others were created to address the community's needs in the current context. Esteva also adds that autonomy requires an alternative judicial system. Again, Cherán has developed this through the *Concejo de Honor y Justicia*, which adjudicates civil and criminal cases and focuses on reeducation instead of incarceration. These are examples of Cherán's self-determination, an autonomy that is based on their ancestral practices but that has developed other components that address the current context and that relies on community consensus in order to adhere to their needs and concerns in a manner that they find appropriate.

As noted by Sousa Santos (2012), when discussing indigenous justice one must speak in plural because there are many forms of indigenous justice, it is not a monolith. In practice, it varies globally, and even within Mexico these practices are very specific to

its locality and the people who employ it. Sierra (2005), Sousa Santos (2012), and Albó (2012) all contend that practices of indigenous justice have led to governments acknowledging this form of law, thus creating a legal pluralism. In Mexico, these alternative models were being practiced at the margins of the state but resulted in acknowledgement and legalization of indigenous justice due to the challenge it posed to the legitimacy of the state.

María Teresa Sierra, whose study focuses on the community police in rural Guerrero finds that there are three issues<sup>19</sup> raised by the creation of indigenous justice, this will focus on one: the reinvention of indigenous law. For the purposes of this subsection, the focus will be on Cherán's reinvention of indigenous law. In the case of the community police in Guerrero, Sierra notes that this community has constructed an alternative system of law with the employment of 'community law', which draws on the basic principles of traditional indigenous law, but that they do not aim at recovering traditional indigenous government; rather, it is about innovating local forms of surveillance and justice. This has allowed them to exercise regional autonomy. These new innovations are issues in so far as they "surpass the legal limits defined by the Mexican state" (Sierra, 2005, p. 60).

How has Cherán reinvented indigenous law and what have been the repercussions? Sierra notes in her study that traditional indigenous law – respect, participation as service, and the importance of collectivity – has coalesced with innovative local forms of surveillance and justice. I argue that in Cherán these same

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<sup>19</sup> These three issues are: 1) reinvention of indigenous law and government 2) the role of human rights and women's rights 3) tensions that mark indigenous peoples' relation with the state. (Sierra, M. T. (May 2005). *The Revival of Indigenous Justice in Mexico: Challenges for Human Rights and the State*. *Political and Legal Anthropology Review*, 28:1, pp. 60-64.)

processes have take place: traditional institutions and practices have been adopted and altered to fit the current context and in addition, new forms of justice and security have been created to supplement that which the ancestral system lacked.

### 3.2 Reinvention of Indigenous Law

#### 3.2.1 The Ancestral Ronda

Ralph Beals<sup>20</sup> ethnographic study (1940-1941) on Cherán will provide the historical analysis necessary to unearth life in Cherán in 1940. Though his study encompasses a wide variety of Cherán's makeup, I will only focus on very specific details that are pertinent to this study of contemporary Cherán. I will also cite some interviewees' in order to supplement that which is lacking in Beals' ethnographic work. This subsection will serve as the background necessary for the subsequent subsections.

Cherán was one of the most isolated purépecha towns until about 1937 when construction of the carretera, Mexico-Guadalajara, began. By isolated Beals means that the state did not have a strong presence in the area and that it was physically difficult for people to access. This allowed Cherán to develop and maintain many of its traditions without interference by the state. Of relevance to this study is their government structure and security model.

Beals' examination of Cherán's government proves indispensable for the analysis of its current organization. "The government system of Cherán on the surface is not

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<sup>20</sup> As a follow-up to Beals' study, George Pierre Castile (1970) conducted an ethnographic study of Cherán in order to assess to changes and continuities the town had undergone after thirty years. His purpose was to analyze whether Cherán is a closed-corporate community (see Wolfe, 1967). He argues that it was not entirely the case during Beals' study and is even less-so the case in his study. He attributes this to the carretera because it connected Cherán to people and places, effectively removing it from isolation. He does not mention the Ronda or the various authority positions that Beals discusses; therefore, we can assume that these changed shortly after Beals' study. (Castile, G. P. (1974). *Cherán: La adaptación de una comunidad tradicional de Michoacán*. D.F.: Instituto Nacional Indigenista).

obviously different from that of any other Michoacán *municipio*. In its functioning, however, it possesses many unconventional features” (Beals, 1941, p.104). Divided into four *barrios*, Cherán elected their *ayuntamiento* officials according to these divisions. Odd numbered *barrios* would elect one year, and even numbered *barrios* would elect the following year. If the odd numbered *barrios* elected, and the municipal president was from *Barrio I*, then the *sindico* would have to be a resident of *Barrio III*. The same applied to the even-numbered *barrios* (Beals, 1946).

There were many kinds of *comisionados*, but of particular relevance to this study are the Barrio Chiefs (4) and Block Chiefs. The Barrio Chief served as an intermediary between the *ayuntamiento* and his respective *barrio*. The Barrio Chief passed on information to the Block Chiefs and the Block Chiefs would pass on that information to residents who lived in the respective blocks – each *barrio* was divided into small blocks. The most common information that needed to be disseminated was regarding the need for communal voluntary labor, *la faena*, which usually comprised of repairs to the water system and roadwork. The Barrio Chiefs not only oversaw the Block Chiefs but also the Ronda (Beals, 1946).

The Ronda was a voluntary night watch of 8 to 12 men that patrolled the town every night. The Barrio Chief was responsible for notifying individuals when they had to serve. Each *barrio* provided the Ronda for a week, and each individual served a week every time he was called. Every capable male was expected to perform this duty. Jose, a K’eri who is about 70 years old, discusses his knowledge of the ancestral Ronda: “The Ronda consisted of about twenty people. They were the government during the night. But they did not carry weapons, they armed themselves with solely sticks and stones”



(Personal communication, 9/7/15). He adds, “I did not get to partake in the original [ancestral] Ronda, but I did get to hear my father say ‘It is my turn to do *la ronda*.’ And yes, they did the rounds from 10pm to about 7 am” (Personal communication, 9/7/15). From Jose’s anecdote, we can assume that the original Ronda was still active at least until the 1950s.

Marco adds to Jose’s anecdote, but Marco did not witness or live through the practice of the original ancestral Ronda, rather, he learned about it from his grandparents: “Before, when a community was formed...what our ancestors did was say ‘If we don’t have police, if we don’t have anything, let’s form a *ronda tradicional*.’ It was made-up by neighbors in order to do *la ronda* – to have the security within the same neighbors. That is something our ancestors left us” (Personal communication, 9/15/15). As mentioned previously by Teresa, the ancestral Ronda never had a uniform; they simply wore *gabanes* to keep to themselves warm. Today, Cheranenses refer to the original ancestral Ronda as *la Ronda Tradicional*. I will use this term to differentiate between the ancestral Ronda and the current *Ronda Comunitaria*.

Another component integral to the discussion is the position of the forester. Beals (1946) notes that a forester was employed to patrol the woods in order to prevent unauthorized exploitation of the forests<sup>21</sup>. When Beals performed his ethnographic study, a permit from the forestry service was required in order to cut wood.

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<sup>21</sup> At the end of the nineteenth century transnational companies in compliance with the federal and state governments began exploiting the forests in the meseta Purépecha. This pillaging went on for about thirty years. During this time, community members of the towns where the pillaging was taking place were not allowed to cultivate the lands that had pine trees. In exchange, the community members received an annual payment but this almost never reached these individuals. Those who opposed the logging of trees and the contract with the federal and state government or the lack of payment, or both, were often killed. The transnational companies were forced to leave when Casimiro Leco organized an autonomous-indigenous

There was also a police force that consisted of three police officers, all of which were incapacitated in some way for heavy work. Their duties were not actual police functions; rather, they dedicated their work hours to running errands for the municipal president, *sindico* and judge. Therefore, the Ronda was the one carrying out any form of policing work (Beals, 1946).

These are the positions of government and security detailed in Beals' study that are germane to contemporary Cherán's adoption of ancestral practices. The following section will provide a description of the informal *Ronda Comunitaria* that emerged during the Movement and the formal *Ronda Comunitaria* under *usos y costumbres*. The purpose is to develop an understanding of those practices that have remained the same and those that have been reinvented.

### 3.2.2 Continuities and Changes: Informal Ronda Comunitaria & Formal Ronda Comunitaria

#### *Informal Ronda Comunitaria*

When the Movement began, the community decided to provide their own security for self-protection through, what I term, an informal *Ronda Comunitaria*. I term it 'informal' because it was based on voluntary participation, its organization was not fixed, and they were not legally allowed to operate. This Ronda is, in many ways, different from the formal *Ronda Comunitaria*. As mentioned by Marco & Teresa, the development of the *Ronda Comunitaria* was a process. In this subsection I will provide a description of the organization, development and methods employed by the informal *Ronda Comunitaria*.

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self-defense force. Thus, the prohibition on the logging of trees during this time stems from the transnational exploitation of the forests. (Uliánov Guzmán, 2014).

The security model Cheranenses chose was decided on during meetings at the *fogatas* on that historic April 15th, “After that day, we made *fogatas* simply because it was cold and we wanted to stay warm. Somehow, that became the point of reunion for every block. That first day, Cherán was lit with about 200 *fogatas*” (Daniel, personal communication, 9/8/15). The fogata is the smallest organ of participation, because of this, the position of “Coordinador/a de Fogata” (Coordinator of Fogata) was created; this position is similar to the Block Chief described by Beals.

Luis, who was about 17 years old when the Movement took place, describes his participation in the fogatas: “In my case, I participated in the fogata that was in my block...I participated every night with my family. We met, we talked about what we could do about security, because it was up to us – during those days, those weeks, those months that transpired –it was up to us to take care of ourselves, by ourselves. So we needed to organize ourselves in order to decide who would go out that night and at what time. And well, we began participating with the security at that moment” (Personal communication, 8/27/15). As explained to me, at the beginning of the Movement everyone who wanted to join – men, women, and teenagers – the security apparatus could do so. It was later decided that only males over the age of 16 would be required/expected to patrol the town, guard the barricades, and guard the fogatas at night. These decisions were made at the *fogatas*, involving the entire community. The Coordinador de Fogata’s duty was to make sure there were enough volunteers for the Ronda each night. This duty is similar to the one ascribed to the Barrio Chief in 1940’s Cherán, even though the Coordinador de Fogata is more similar in function to the Block Chief. This is probably

because Cherán is about three times bigger now than it was when Beals conducted his study.

Julian, who joined the security apparatus on the first day of the Movement comments on how the informal *Ronda Comunitaria* functioned and the role of the *Coordinador de Fogata*: “The [informal] *Ronda Comunitaria* was composed of volunteers...they [Coordinador de Fogata] would knock on the door of your house and they would say ‘You know, it’s your turn to provide security, to join the Ronda.’ And they went like that, house by house, and you would go. You would join but we would walk. In the four *barrios*, each group would do the rounds in their *barrio* at night but walking, no one in a car...” (Personal communication, 8/23/15). They walked instead of using vehicles because they thought it was more effective than patrolling the town by car.

The voluntary aspect of the informal *Ronda Comunitaria* is a bit ambiguous; it was voluntary but expected for males to participate. Luis notes the voluntary aspect of the Ronda, “[It was]... Almost, almost, obligated, even though it isn’t said like that because we went because we wanted to...in order to protect our *pueblo*. But I say ‘obligated’ because at the moment that the entire community participates, while one does not participate, it looks bad, or that same person feels excluded or they feel obligated to participate” (Personal communication, 8/27/15). This indicates two things: 1) Participation in the Movement was so salient that not supporting it was frowned upon and 2) that maybe the Ronda was not entirely voluntary after all, it was an expectation to participate and provide a service to the community. This is a similarity with the ancestral Ronda because it was voluntary but every adult male was expected to provide his service.

Another continuity with the ancestral Ronda was the type of clothing they wore. It is emblematic of their traditional customs. Those patrolling the streets wore *gabanes*, like their ancestors did when they went on *la ronda*. There are two reasons the informal *Ronda Comunitaria* wore *gabanes*: 1) it was cold and the *gabanes* provide necessary warmth and 2) the *gaban* was functional because they could hide their weapons beneath it; they were, after all, not legally allowed to carry weapons. This also helped community members distinguish who was on security patrol duties. As a member of the security apparatus, Oscar explains the reasoning behind this, “...we were a body of security, maybe not established, but we did have a foundation to be able to provide security...well we started with our revolutionary ideas of utilizing what we already had: a military uniform for natives that we saw as more practical and it helped identify us better” (Personal communication, 9/3/15). Furthermore, almost all Cheránenses, especially when on *la ronda*, covered their faces with *pañuelos*. This was done in order to prevent backlash if identified outside of Cherán. The *gaban* is a continuity with the ancestral Ronda but the *pañuelos* are exclusively a contemporary aspect that needed to be adopted in order to protect themselves.

As part of their security, the community built barricades at the three entrances of the town. Every person in a car that transits these barricades is questioned: “Where are you going?” “Where are you coming from?” “Who are you visiting?” etc. If someone seems suspicious they are asked to pull over and questioned further; often, the cars are searched. When the Movement started the barricades were closed from 10pm-6am, thus no cars could transit through the town. During this time there were many *asambleas generales* (general assemblies) that were mandatory for every person over 17 years of

age. Therefore, those under 18 had to guard the barricades during the meetings. Mariana and Ricardo, who were 15 and 16 at the time, discuss this with me: “The adolescents had to guard the barricades because all the adults had to attend the general assemblies. The Ronda gave us their weapons and well we really didn’t know how to use them. Now, in retrospect, I think that was absurd...a bunch of kids with weapons. But at the time you didn’t care. You had to do your duty, you had to defend your *pueblo*” (Ricardo, personal communication, 9/6/15). These barricades are one of the contemporary components of the Ronda. They helped them evade surprise attacks from organized crime. It also helped them monitor who was entering the community. This is one of the changes that has been established under *usos y costumbres* that was not necessary before.

After some time Ronda members became more fixed. When this occurred, people would provide a donation and those donations were divided among Ronda members. No one had a salary during this time – it was exclusively voluntary labor in that sense. Fernando provides a small glimpse into this:

Yes well practically, if you thinking about it, not everything is devotion. For an idea to maintain itself, there also needs to be a way for it to subsist. Here, you can’t survive just by fighting. At first, everyone who wanted to join [the security apparatus] could join. And there were a lot of people. But then within the *fogatas* they decided to each provide some people who would be more consistent. And more people than required joined. It was then that the people decided to donate some money that was then divided and given to us. I mean it wasn’t a lot of money. Sometimes we got 20 pesos sometimes we got 100. It varied (Personal communication, 9/5/15).

Alejandro, a *Jefe de Grupo*, discusses what this monetary cooperation meant to him: “Well the people donated 10 pesos per family or whatever they could...and it was divided. Sometimes we would get 100 pesos but one did not care about the money. What

one cared about was being within the Ronda and providing security more than anything” (Alejandro, personal communication, 9/9/15). This monetary compensation is also another aspect that did not exist in the ancestral Ronda. People believed this was necessary because no one was working during the Movement and since members of the informal Ronda were risking their lives it seemed adequate for the community to provide this compensation.

About a year after the Movement began a specialized team was created, called the *Guardabosques*, in order to police the forest. At the beginning of the Movement fear permeated their lives, and going into the forest only exacerbated that fear. One year later they finally felt confident enough to navigate the forest and confront those that continued to illegally cut down trees. This specialized team consisted of 12 people, only one of whom was a woman, Alicia. She discusses her experience with me:

They told me about their plan and I volunteered without even thinking about it. Look, I didn't even know how to use a weapon. [The person in charge] knew this so a day before he taught me the basics. Then the following day all 12 of us met for a team training. Well I was not treated very kindly. They tried to discourage me by telling me, 'We are going to hike for 6 hours.' I didn't let that bother me, I would always say 'I can do it, let's go.' Finally, after a couple weeks of training when they handed out the weapons, I was not given one. Some *compañeros* armed me with their equipment. The point is, I was fully equipped even though [a particular person] did not want me to be part of the group (Personal communication, 9/2/15).

Her experience as a woman among a group of men exemplifies the patriarchal problems she dealt with. Eventually she was fully accepted by them. A community member found out about her venture with the *Guardabosques* and told her time and again, “Love yourself, *mujer!*” The negativity Alicia experienced did not deter her from providing her service to the community. She adds, “It took us 6 months to clean the forest. All those

illegal loggers hated us because we were particularly brutal” (Alicia, personal communication, 9/2/15). I did not ask what she meant by ‘brutal’ but assumptions can be made. This body of security is similar to the forester described by Beals, albeit the forester was just one person, not a team of armed individuals. This is yet another continuity but one that has been altered and elaborated.

Marco elucidates on the transition from the ancestral *Ronda Tradicional* to the *Ronda Comunitaria*:

We are retaking that communitarian [ancestral] *Ronda Tradicional* that was practiced when the communities had to provide their own self-protection. The [ancestral] *Ronda Tradicional* is the one with the older folks at night, without weapons. The *Ronda Comunitaria* is the one that counts on weapons, schedules, and all of that. But before, legally there was only the traditional one. We retook that name because it was given to the community... (Personal communication, 9/15/15).

There are some continuities and some changes in the informal *Ronda Comunitaria* from the original ancestral *Ronda Tradicional*. To summarize, these continuities and changes reflect an acknowledgement of their ancestral practices but also the needed adaptations to the current context. The position and role of the *Coordinador/a de Fogata* was re-adopted from their ancestral practices, serving a function that is fundamental for community coordination, particularly for its role in finding volunteers for the informal *Ronda Comunitaria*. The use of *gabanes*, patrolling the town by foot, and the voluntary but expected aspect are other continuities. The forester and the *Guardabosques* can be seen as equivalent although the latter is much more elaborated. On the other hand, the weapons, monetary compensation, and the barricades are changes that have been necessary given the security issues they faced and continue to face. The implications of these changes will be discussed at the end of this section.



*The Formal Ronda Comunitaria Under Usos y Costumbres*

After Cherán was granted the right to govern themselves by *usos y costumbres* there were some changes made in the government and the *Ronda Comunitaria*. In 2013 the *Ronda Comunitaria* was finally recognized and their armaments were legally registered (Muro, 2014). The bodies of government and security that had already been established in 2011 became “legalized” in the eyes of the state. I term this legalized entity the ‘formal *Ronda Comunitaria*’ because it became entirely fixed and was legally allowed to exist.

The formal *Ronda Comunitaria* is now registered with the state of Michoacán. All members are now registered and have received training. Fernando, who was a member of the informal and formal *Ronda Comunitaria* but is now a member of *Protección Civil* describes this process:

...during that time we had the [municipal] police’s weapons and they said ‘You have the weapons that you took from the previous police, well we can’t give you permission to use those same weapons for your own security. We need you to come and register the weapons you will use to provide security to your own *pueblo*...but now under *usos y costumbres*. So the community selected them...the most competent to go register in Morelia, and to receive training and all that. And yes, well, we all registered but the resources that arrive for one *rondin* is split in two (Personal communication, 9/3/15).

The state only gives Cherán resources for 50 Ronda members, their justification being that Cherán only had and needed 50 municipal police before; therefore, it would only provide the resources necessary for the same amount of Ronda members. The community decided they needed 100 Ronda members so they elected to split each paycheck in half, thus allowing them to monetarily support double the amount of Ronda members. This

was a decision made in the general assembly; it was a community decision made to cement their security.

Because resources began reaching Cherán, they decided to buy uniforms for Ronda members instead of using the *gabanes*. They also have patrol cars they utilize daily. Paychecks, uniforms, and the patrol cars are the major changes that have occurred since its transition into a legalized entity.

Organization of the security apparatus is another aspect that merits mentioning — these were created during different time periods. Within the security apparatus there are four entities: 1) *Ronda Comunitaria* 2) *Guardabosques* 3) *Vialidad* and 4) *Protección Civil*. The *Ronda Comunitaria* is in charge of patrolling the town and guarding the barricades. The *Guardabosques*' duty is to patrol the forest, as mentioned previously. Members of *Vialidad* have to control traffic in the center of town and also monitor those who get off of buses because these are not inspected at the barricades. Lastly, *Protección Civil* is equivalent to paramedics; they attend to accidents but also provide their services to the *Ronda Comunitaria* when necessary. These four entities all support each other when required.

Now that the security apparatus is fully elaborated, there is a fixed hierarchy. Before, in the informal days, there were some 'leaders' but these were not static. The hierarchy is established as follows: the one in charge of all the various entities within the Ronda is the Director. Second in the hierarchy are the *Coordinadores de Barrio* (3) and one *Coordinador de Guardabosques*. Below the *Coordinadores de Barrio* are 12 *Jefes de Grupo* which are in charge of the lowest category within the Ronda, *los rasgos*. Those in

these positions can be removed and altered at any moment by members within the Ronda or by the general assembly.

The structure is also another integral aspect of the Ronda. There are three shifts, each shift is composed of four groups, and each group is headed by a *jefe de grupo*. Three groups guard the three barricades and the fourth group patrols the town. An interesting component is the video surveillance system. Each barricade has a camera, which is controlled by a Ronda member in charge of keeping guard at the jail – the member in charge of the jail changes every day. The person at the jail monitors the three cameras. If a car is pulled over, the person writes down the details, such as, the color, license plate, time etc. Those at the barricades must do the same, as well as provide the reason for pulling over the car. At the end of the shift, the notes are given to the *Coordinador de Barrio* who examines them – these notes must match. This is done in order to prevent any possible form of corruption, such as accepting bribes or unnecessarily using force against those pulled over.

The most important component of the *Ronda Comunitaria*, which both the informal and formal have, is that it is composed solely of Cheranenses. This instills confidence in the community. As mentioned in Chapter 1, community members did not trust the municipal police; one of the reasons frequently cited was because the community did not know them, they were not Cheranenses. Now, the Ronda is composed entirely of Cheranenses, there are no outsiders within the organization. When I asked the interviewees if they trusted the Ronda, their responses were all positive. When probed further, they often gave a similar reason as Julian's: "...since the Movement started you

know everyone in the Ronda. You know who they are, where they live, you know what type of person they are” (Personal communication, 8/23/15).

Furthermore, in order to be in the Ronda, people need to be considered active participants in the community. Marco explains this process:

They are elected in each barrio. There are 100 [members], 25 per barrio. In order to be in the Ronda you have to do merits with the different *concejos*. The most important merit in order to belong to the Ronda is the *faenas*, the service to the community. Afterward, kindness, courteousness, and respect. Also, in order to obtain a higher position within the Ronda, they must maintain these merits and make other merits within the Ronda (Marco, personal communication, 9/15/15).

Being a Ronda member is much more than wanting to join, these individuals are elected by their *barrios*, and just as they are elected, they can be removed by the *barrios*.

To summarize, the formal *Ronda Comunitaria* has undergone some changes that are essential for the development of a secure community. The hierarchy within the Ronda, their ‘legalized’ status, use of weapons, uniforms, and the various entities with the security apparatus are aspects that differentiate the formal *Ronda Comunitaria* from the ancestral *Ronda Tradicional*, albeit, the essence and the beliefs still remain, such as those described by Marco.

### 3.2.2 The *Concejos*: Continuities & Reinventions

As mentioned previously, the various *concejos* – particularly the *Concejo de Barrios* and *Concejo Mayor* – are revivals of Cherán’s ancestral indigenous practices. The *Concejo de Barrios* serves the same function as the Barrio Chief that Beals (1946) describes. The *Concejo Mayor*, on the other hand, is not mentioned by Beals but community members offered their understanding of the origins of this institution.

Alberto, a member of the *Concejo Mayor*, elucidates how the ancestral *Concejo Mayor* functioned, "...when they wanted to pick the leadership, the twelve *K'eris* would lock themselves up. They met and locked themselves up; I think it was for three days. In those three days they had to decide which people to elect. And well, they chose the people they saw as most responsible and respectful and then they decided. Afterward they would go and knock and say 'you know, it's your turn to take this *cargo*'" (Personal communication, 8/28/15). The *Concejo Mayor* is composed of twelve people; these people are given the title '*K'eri*' which is Purépecha for '*grande*' or 'elder.' Similarly, the current *Concejo Mayor* is composed of 12 *K'eris*, 3 from each barrio, albeit now they are elected within their respective barrios at the *Asambleas de Barrio*.

The *concejos* are some of the institutions that have survived in this new *usos y costumbres* government. Other components that have been revived by the community are: 1) participation as service and 2) the importance of collectivity, as mentioned by Sierra (2005). In Cherán, community members are expected to provide community service, *la faena* – this includes every physically capable adult, adolescent, and child. I witnessed this on various occasions in Cherán. The most salient *faena* I witnessed was one that occurred at the *Casa Comunal*. The *Casa Comunal* offers free orchestra classes to primary school children. These children collectively swept and mopped the room and hallways. In this scenario there are two groups offering their services: 1) the orchestra teacher and 2) the children who clean parts of the building. Fitting to this particular discussion is something Fernando noticed about Cheranense children: "You see how these children are growing up with this consciousness? This did not happen before. For example, I would see children playing a version of 'Cops and Robbers' and they would

say ‘Okay, I’ll be the one from Cherán and you can be the one from Capacuaro or Paracho’ and they would pretend to kill each other. But now these kids are growing up knowing what *usos y costumbres* means, learning our language (purépecha), and all of that. It’s a completely different childhood” (Personal communication, 9/3/15). The goal is to inculcate these ideas into the young generations, teaching them that participating in *faenas* is integral to community cohesion.

Furthermore, in order to acquire a position in the government structure, the first component considered is participation in *faenas*. Moreover, people within the government structure view their position as a service to the community rather than a job. Jorge, a member of the *Concejo de Barrios*, explains his views on his position: “We are here offering our services to the community. It is not a job, it is not about the pay...” (Personal communication, 9/8/15). Alejandro, a *Jefe de Grupo* in the Ronda, parallels Jorge’s view on his job, “Right now they are giving us a bi-monthly salary. It’s not a lot. Who wants to earn 1,500 pesos bi-monthly in exchange for putting their life on the line? Regardless, it’s not about the money but rather, about being able to provide security to the community” (Personal communication, 9/9/15). Community members understand the importance of this practice; they believe it is necessary for the maintenance of the *usos y costumbres* government.

*Faenas* are a form of collectively engaging with the community. Collectivity is of utmost importance in maintaining community cohesion. Of the interviewees, 5 mention that the community is in the same *sintonía* and that this is necessary in order for the continuity of the *usos and costumbres* government. Being in the same *sintonía* means engaging with each other collectively, especially at the *asambleas generales*. These

general assemblies are the space where the entire community meets to discuss crucial matters and vote on initiatives. The general assembly is the maximum authority, “Se manda obedeciendo,” as community members often repeat. The various concejos’ duty is to carry out decisions voted on in the general assembly. Thus, the community makes the decisions, and the government authorities find the mechanisms to implement these decisions.

These aforementioned practices are all continuities of Cheranenses indigenous traditional practices in the exercise of indigenous justice. They have been re-adopted because Cheranenses view them as important to their community. However, there have been some innovations that the community sees as necessary for their particular obstacles.

The *Concejo de Honor y Justicia* is a prime example of an institution that has been reinvented in order to adequately confront the dilemmas Cherán faces. The *Concejo de Honor y Justicia* serve the role of judges and is comprised of four individuals (1 representative per *barrio*). This *concejo* began operating shortly after the Movement initiated, offering its services in order to adjudicate cases that merited attention. As mentioned earlier, Esteva (2001) notes that alternative judicial systems are of utmost importance for the development of autonomous practices. After the community detained those original five illegal loggers, they handed them over to authorities in the city of Zamora with the expectation that they would be imprisoned. They were released the following day by Zamora’s municipal authorities on account of ‘lack of evidence.’ The release of the illegal loggers led to the creation of this *concejo*. Alberto, who offered his service to this *concejo* during the Movement, describes how it operates:

...those that the Ronda detained were brought to us and instead of punishing them, what we did was make them do a communitarian *faena*...like sweep the streets. And all the adolescents that we found with drugs, marijuana and cocaine, we also detained them and we talked to their parents: ‘what is happening with your child? Why is he/she selling marijuana joints? Why is he/she selling and why is he/she also drinking?’ (Personal communication, 8/28/15).

He explicates that they do not believe in incarceration for most illicit activities; rather, they focus on reeducation and rehabilitation. Anyone with a drug or alcohol problem is required to attend Alcoholics Anonymous or Narcotics Anonymous.

Another innovation – and a highly contentious one – was the displaying of criminals in the town plaza with signs describing their crime. For example, if someone was caught stealing, the person would be required to return the item or pay the equivalent to the victim, provide community service, and would be displayed in the plaza with a sign that hung from their neck that said “*A mí me gusta robar*” (I like to steal). Javier, a member of the *Concejo de Barrios*, explains how this tactic is different from those employed by the municipal police and also why this was contentious in Cherán:

Well they left them there in the plaza for two or three hours but they put signs on them that said the things they had done. Before [under the municipal police] they didn’t do that, I mean you wouldn’t even know if the person was detained or not. And now you know. Well now they haven’t done it as much because many people were embarrassed about being forced to stand in the plaza...Many said that they shouldn’t do that and many said that they should in order for the community to know who likes to do those things. Many said it wasn’t viable to do that. (Personal communication, 9/8/15).

Due to community division regarding the displaying of these individuals, the *Concejo de Honor y Justicia* decided to put an end to this practice for the time being. This falls in line with one of Albó’s (2012) analysis of tendencies within indigenous law, that



of it having great flexibility. He states that indigenous law is not a fixed norm and it does not require complex processes for modification. Because indigenous law relies on community consensus, making changes is feasible, such as with the case of publicly displaying criminals in the town plaza. The community was divided on the issue. Those individuals concerned decided the issue merited discussing at the general assembly and that discussion lead to a vote, which resulted in the majority voting to cease this practice.

The reinvention of indigenous law in Cherán has many sub-layers, too many to detail them thoroughly. The aforementioned offers a glimpse into this practice of coalescing traditional indigenous law with new forms of justice that are not ancestral; rather they are necessary for confronting the dilemmas they face. Additionally, these are not fixed laws and regulations; they are alterable as long as there is community consensus.

### 3.3 Chapter Conclusions

In this chapter I laid out the components of Cherán's practice of autonomy and indigenous justice that are most relevant to the focus of this study. The comparisons between the ancestral *Ronda Tradicional* and the informal and formal *Ronda Comunitaria* provide a meaningful way to analyze the reinvention of indigenous law in terms of security. The analysis of the creation of the *Concejo de Honor y Justicia* is another reinvention that focuses its efforts on justice, a sort of justice that is based on reeducation and not on punishment. These are all expressions of Cherán's self-determination: the ability to collectively elect and make their own decisions based on their needs and ancestral beliefs and practices from a bottom-up approach. This system of

government and justice has proven to be the most effective mechanism for community cohesion and security.

When asked to estimate by how much crime had decreased since 2011, all the interviewees asserted that crime had decreased between 85-95%. These numbers are not documented statistic, just mere observations. The entire community attributes these triumphs to the adoption of their own methods of government and policing. Oscar provides his point of view on the topic: "...this project of *usos y costumbres* is projected for 30 years. In those 30 years we will know if this system of government functions. And well I think it functions, it functions very well. We have a calm community, we have a community with very low indices of delinquency, crimes, of many things...and this is a reflection that this is working. So, in a very general sense, this is a government, a community of changes..." (Personal communication, 9/3/15).

Community members themselves agree that their form of justice, their form of government, and their form of organization is responsible for the security they now have. All the interviewees agreed that their *usos y costumbres* government is incrementally better and more effective than the one ruled by political parties. While there are some community members who do not agree, they are in the minority, and, they are those who were former leaders of the local political parties.

The case of Cherán has set a legal precedent for *usos y costumbres* which has served as an example for other communities facing similar issues, especially for Cherán's neighboring communities. In November 2015, Nahuatzen, a neighboring municipality, had an uprising, effectively dismissing the municipal president and municipal police. When asked what they wanted they said, "We want to govern ourselves by *usos y*

*costumbres*, like Cherán” (Personal communication, 11/26/15). This underscores the influence a small municipality has had on the autonomy and *usos y costumbres* question, especially in areas of high insecurity.

The following chapter will focus on other civilian police forces in Mexico in an attempt to provide a comparison/contrast between similar groups. As previously mentioned, indigenous justice takes many forms and the creation of civilian police forces is one in which can offer insight as to why and how groups operate in certain ways.

## CHAPTER 4: A CRITICAL ASSESSMENT OF OTHER COMMUNITY POLICE FORCES

The previous three chapters focused on one nascent community police force in a small municipality of Michoacán. Crucial to the analysis of Cherán's Ronda Comunitaria is a comparative look at other civilian police forces in Mexico that have emerged as a result of the state's inability to provide security. This comparative analysis will provide a holistic understanding of the complexities faced by other forces, depending on their specific geographic location and the type of crime prevalent in their respective areas. It is of utmost importance to comprehend the historic disparities these communities face, as well as attempt to establish an understanding as to why other forces have chosen to follow disparate models of policing.

This chapter will undertake a brief overview of three security entities: the Community Police within the *Coordinadora Regional de Autoridades Comunitarias* (CRAC) that exists in the Costa Chica-Montaña region of Guerrero, the self-defense force *Union de Pueblos y Organizaciones* del Estado de Guerrero (UPOEG), and the *Autodefensas* of Tierra Caliente, Michoacán. Two of those examined here are from Guerrero and two from Michoacán (if we include Cherán as well). So this leads to the question: Why these two states? As Vanda Felbab-Brown (2015) notes, these two states are the most prominent locations for the cultivation of poppy and production of heroin; furthermore, historically they both have been subjected to minimal state presence. The conglomeration of these two elements has given way for violence and a non-state sanction response via armed civilian groups. Though the rise of civilian police forces is not new, it has received much international attention given the violence that has resulted

from the ‘War on Drugs’, which has been cause for concern for the Mexican government.

Mexico’s National Commission for Human Rights has released two reports on civilian police forces: one for Guerrero (2013) and one for Michoacán (2016). In Michoacán the *Autodefensas* operate in 33 of the 113 municipalities, while in Guerrero they operate in 46 of the 81 municipalities (CNDH, 2013 & 2016).

These three policing forces are all unique and different but also encompass some parallels. All three security entities, like that of Cherán, were created to combat crime and violence because the formal, state sanctioned police forces have been unable or unwilling to effectively combat these issues. Community approval is another issue that these entities share; some have evident community approval, whereas others face an ambiguous situation with the communities they serve. These community police forces are all indigenous, like Cherán, except for the *Autodefensas* of Tierra Caliente. These indigenous community police forces thus are entitled to certain rights that the *Autodefensas* of Tierra Caliente are not; yet, Cherán is the only one that has been granted, at the federal level, the right to practice their traditions and customs, which includes approval of their own policing model. Why is this the case? These characteristics will be analyzed in the subsequent sections.

#### 4.1 The CRAC Community Police of the Costa Chica-Montaña region of Guerrero

Human rights violations by the military and police, along with the municipal police’s collusion with organized crime groups compelled the communities of the Costa Chica-Montaña region of Guerrero to create their own community police, the Coordinadora Regional de Autoridades Comunitarias-Policía Comunitaria (CRAC-PC). This is one of the oldest community police forces, having been active for slightly over

twenty years in 62 communities within eleven municipalities and constituting a total of about 750 police officer (Sierra, 2013). Their continued activity throughout their twenty-year trajectory has been contested myriad times by the state of Guerrero; often having its legitimacy questioned (Rea, 2012). Most recently the force has been recognized by the state of Guerrero through Article 37 of Ley 701 (2011); however, the relationship between these two is dependent on each new government that comes into power. The relationship can range from open friendliness and support, to merely acknowledging of their right to exist but not actively involved with each other, to open hostility.

Their existence and the legitimacy they seek stems from the community members of the municipalities where the *Policía Comunitaria* patrols, however, they lack formal recognition from the federal government. They are afro-indigenous communities – mixteco, tlapanecos and nahuas – meaning they have the option of following their *usos y costumbres*. The absence of legal and formal recognition from the federal government has left the force and the community in constant battles with government authorities; this is something they often state as their biggest barrier (Sierra, 2005).

There are many parallels with Cherán's *Ronda Comunitaria*, yet the community police of the Costa Chica-Montaña region of Guerrero lack the right to organize themselves according to their *usos y costumbres*. This subsection on the community police in the Costa Chica-Montaña region of Guerrero will seek to: 1) explain the characteristics of this region that ultimately forced them to look to alternative forms of security 2) how they envision and put into practice their own security model and 3) their constant quarrel with government authorities that do not respect their right to follow their traditions and customs. I will draw comparisons and contrast between Cherán's *Ronda*

and CRAC's community police force and attempt to tease out the disparities in legal and formal recognition and how this affects their everyday survival.

#### 4.1.1 Background

Much like Cherán's own experience, the Costa Chica and Montaña region of Guerrero experience a wave of violence that saw its sharpest increase between 1990-1994. Rural Guerrero experienced heavy militarization due to its historic guerilla fighters nestled in the rural areas of the state. Furthermore, after the Zapatista uprising in 1994 in the nearby state of Chiapas the government sent in the military to areas similar to the Zapatistas in order to discourage and quell any possible social movement. These factors, along with rural Guerrero being a hub for drug cultivation, further incentivized the government into mobilizing troops in this area — who had already been active in the area since the 1980s (CDHMT, 2005).

The amalgamation of these characteristics of this region served as a catalyst for human rights violations by both police and army personnel. According to a report carried out by the Centro de Derechos Humanos de la Montaña, Tlachinollan (2005), the military and police were involved in various human rights violations: illegal detentions, interrogations, torture, rape, and extra-judicial killings. This compelled the communities to expel the judicial police who they claim worked in collusion with organized crime (Rea, 2012). It is important to note that the violence experienced during this time and in this place were much less severe than the current DTO fueled violence experienced in most of contemporary Mexico, yet, the community felt the need to address these violations of human rights through their own system of security.

These human rights violations and government authorities' complicity with

organized crime were faced with impunity. A person cited in the report mentioned previously states, “...we were completely unprotected, neither the federal government, state government, nor the municipal government cared for us because we are poor...” (CDHMT, 2005, p. 115). The insecurity experienced in this area of Guerrero was not unlike the insecurity experienced in Cherán except for the military presence. Similarly, they sought help from various levels of government, but were met with no response.

In 1995, given their precarious situation and lack of response from the various levels of government, forty-two farming communities worked collectively to create volunteer brigades whose purpose it was to prevent and end violence. These brigades were composed of about five hundred armed individuals who patrolled the area by foot and turned over criminal suspects to the state judicial system for prosecution (Johnson, 2007). The report states (2005), “As a result of the escalation of public insecurity in our state and more importantly the inability of the institutions in charge of maintaining and administer justice, civil society decides to organize itself in order to confront these problems” (p. 114). Furthermore, these areas already had many grass-roots organizations that facilitated the development of an alternative policing model due to their close ties with community members (Hernandez Navarro & Horta Cruz, 2016).

Since they did not have the legal means to operate, technically their actions were illegal, although, in theory, the Mexican Constitution and the International Labor Organization protect them. Nonetheless, they carried out these duties because it is what the community wanted and needed. The creation of the Community Police came about after intense dialog that involved every member of the communities where violence was most prevalent. Community consent gives the Community Police legitimacy. As Bazurco



Osorio and Exenia Rodriguez (2012) point out, “...there is no indigenous justice without community and we can add, there is no community without its own communal authorities, and these do not function without the communal values that give them legitimacy and meaning” (p. 132). The community is the cornerstone to these autonomous projects.

This policing model relies entirely on assemblies, composed of all community members, who are the maximum authority and have the right to alter the structure and condone, condemn and remove Community Police members they do not trust – much like Cherán’s own assembly system (Romero Gallardo, 2013). The assembly has the right to appoint police officers and the right to remove them as well.

Far from being condemned for their actions, the governor of Guerrero donated a truck and twenty low-caliber firearms to the group when they first began their policing activities. In addition to this donation, federal troops stationed in the Costa Chica-Montaña trained the police force in the use of weapons. Moreover, during the initial first two years, the Community Police handed over suspected criminals to the state judicial system. There was a sense of collaboration between the community police and state agencies but that did not endure for very long.

Beginning in 1998 the communities created the *Sistema de Seguridad, Justicia, y Reeducación Comunitario* in order to establish a framework and system to adjudicate civil and criminal cases. Their system focuses on the reeducation of those convicted of crimes. Before this, the Community Police had handed over criminal suspects to the state judicial system but decided to end this practice after frustration with the judicial branches handling of the criminal suspects, often failing to prosecute detainees even though there

was enough evidence to convict them (Johnson, 2007).

The tenuous relationship between the state and the community police broke in that instant. Sierra (2005) posits that this came about due the message this sent to the rest of the country and world: that the state government was incapable and justice had to be taken into the own hands of the citizenry. Sierra argues that the system under CRAC, while legal in some regards, still operates at the margins of the state because its practices surpass the boundaries legally allowed (2013).

This development in the practice of security and justice by the CRAC was seen as a challenge to government authority thus instigating reprisal. Federal troops and state police attempted to disarm the group many times and have arrested and killed numerous leaders of the community police in order to thwart their project of self-help policing.

The organization under which the Community Police operates is the *Coordinadora Regional de Autoridades Comunitarias*, although the ultimate authority lies in the general assembly, composed entirely of community members where the Community Police operates – like Cherán’s own system of government. According to the rules established by the community, each male over 16 years of age must volunteer their service to the Community Police for a period of one year – this service is unpaid. There is also a governing body of the police forces consisting of five members chosen by the participating communities. All of this has been discussed and approved by the general assembly.

The Costa Chica-Montaña region decided to create their own policing system because they wanted to assert their right to security through their own security model based on ancestral indigenous practices. Its legality stems from Article 4 of the Mexican

Constitution – which defends autonomy and self-determination of indigenous communities and regions – as well as Convention number 169 of the International Labor Organization (Rowland, 2006). Community leaders often cite these two as legal backing for their actions since they are indigenous communities.

In 2001 the Law on Indigenous Rights and Culture was approved, legalizing existing indigenous administration of justice within communities based on traditional law. Furthermore, it also included the implementation of certain practices in the state legal system: the right to an interpreter, obligation to consider customary law in cases involving indigenous people, and finally, the incorporation of indigenous lawyers and judges at the local and municipal level (Sierra, 2005). In 2011, Guerrero signed into law Ley 701, and as Chris Kyle has noted, “These reforms granted indigenous communities the legal right to administer a significant portion of social life in their communities in accordance with traditional ‘*usos y costumbres*’” (2015).

I chose to incorporate this civilian police force because it closely parallels Cherán’s own system. Both incorporate a security and a justice system based on ancestral indigenous laws that have been reinvented to account for their current context. Their emphasis is on preventive and self-defense policing – they do not seek to openly combat DTOs or other criminal organizations. Finally, the general assembly legitimizes their system; they are considered the maximum authority in the communities. I will refer to CRAC in the following sections in order to compare them with other civilian-police forces.

*4.2 Unión de Pueblo y Organizaciones del Estado de Guerrero- Sistema de Seguridad y Justicia Ciudadana (UPOEG-SSJC)*

Another civilian-police force in Guerrero emerged in January of 2013, coinciding with the uprising of the *Autodefensas* of Tierra Caliente, Michoacán. This group is known as the *Union de Pueblo y Organizaciones del Estado de Guerrero-Sistema de Seguridad y Justicia Ciudadana*, or simply UPOEG. Drawing influence and inspiration from their neighbor CRAC-PC, they have adopted similar tactics but deviate from solely using a self-defense approach and instead actively seek out members of DTOs. In an attempt to execute justice, they also arrest suspects and hold public trials. The polemic lays in its lack of a community system and contestation of their legality derives from various fronts: the community, the government, and CRAC, fueling much uncertainty for the survival of the group. The subsection seeks to display this group as a middle-ground group between CRAC, Cherán's Ronda, and the *Autodefensas* of Tierra Caliente.

#### 4.2.1 Background

The UPOEG operates in four municipalities in Guerrero and until January 2013 they were a grass-roots organization that focused on advocating for regional development and social peace. With the help of CRAC leaders, in 2011 UPOEG established itself as an organization, operating within and outside areas where CRAC performs its duties. It was never intended that they would develop into their own policing group but unexpected events essentially forced them into this new role. Their transformation emerged as a result of one of their community members and leaders being kidnapped. It was an organic development, and one they claim needed to continue in order to prevent similar occurrences. Given the lack of state presence in this area such incidents are prevalent.

Their tactics have many parallels with the CRAC-PC, Cherán's Ronda Comunitaria and the *Autodefensas* of Tierra Caliente. According to VICE News, upon the kidnapping

of their community member, UPOEG members established roadblocks, carried weapons, and actively confronted the kidnappers, effectively saving their *compañero* (Loyola & Woldenberg, 2013). For them, it made sense to continue what they so spontaneously began that night. Following the example of CRAC and knowing the legal framework that gave them legitimacy, they expanded to the municipalities where the grass-roots organization already operated. But, due their rapid and spontaneous transformation, many problems developed.

The most salient problems were their tenuous relationship with CRAC and failure to develop an infrastructure that included community members of the municipalities they decided to police. This is a parallel with the *Autodefensas* of Tierra Caliente who never developed this sort of community organization. UPOEG was unable to develop a structure within the municipalities that included community members who gave their consent for this new policing model, namely because of their spontaneous development. However, they did establish a general assembly some months later in order to follow the legal framework that requires consultation with community members if they are to follow *usos y costumbres*.

CRAC provides many criticisms of the UPOEG and has severed ties with them, mostly because they do not want to be associated as a single entity. CRAC leaders fear that without the community infrastructure they can easily develop into an instrument of the government, DTOs, or other such groups, as has happened elsewhere (Loyola & Woldenberg, 2013).

In an interview conducted by VICE News, the leader of UPOEG said, “It’s a well-intentioned movement. We criticize the government, but we are not against it. We are

against the public policies that the people who govern us enact” (2013). These sentiments parallel those of the *Autodefensas* of Tierra Caliente who claim they are not involved in this type of work to battle the government; rather, they intend on providing security and are against those who rob them of their right to security.

#### 4.2.2 UPOEG-SSJC converted into the *Policía Rural*

Legislators of the state of Guerrero approved a law that authorized the creation of the *Policía Rural* (Rural Police) in order to mitigate with the various civilian police forces that arose throughout the state, seeking to formally incorporate them into the state apparatus under the supervisions of the *Secretaría de Seguridad Pública*. The purpose is to give these groups a legal framework for the work they are entrenched in (Esteban, 2013). As has been done numerous times, the creation of special police forces is a tactic that has been undertaken by the states of Michoacán and Guerrero in order for the government to establish some form of control over these civilian police forces.

In May 2014, it was announced that one municipality under UPOEG-SSJC would incorporate itself into the newly established *Policía Rural*. This new entity is intended to operate where neither the UPOEG nor the CRAC-PC police, but is open for any of these groups to join. The state of Guerrero offers training, uniforms, weapons and a salary to these forces (Villagómez, 2014). In this regard, the similarities between Michoacán and Guerrero are striking; it is essentially the same legislation that was introduced in Michoacán to legalize the *Autodefensas* (this will be discussed further in the next section).

CRAC has always been against being under the control of the government because they believe that opens the pathway for them to become pawns of the government; in

fact, if being under the control of the government were effective, their existence as an alternative security force would not be required. Such sentiments have been repeated throughout their two-decade long existence. UPOEG on the other hand, was divided, but ultimately the decision lay within the general assembly of each municipality.

UPOEG continues to operate, even though they confront obstacles headed by the state of Guerrero, much like with the case of CRAC. One municipality chose to join the *Policía Rural*, effectively removing it from the UPOEG. Their situation is still precarious but they have been able to gain community legitimization, the fundamental component to their continued existence and success.

#### 4.3 *Autodefensas* of Tierra Caliente, Michoacán

As was briefly mentioned in the introduction, self-defense groups rose up in various municipalities in the Tierra Caliente region of the state of Michoacán in February of 2013. As has been stated by their first leader, Manuel Mireles, they do not attempt to fight the government or police; rather, their quarrel is with the criminal organizations and DTOs that have controlled this area – their main opponent was and continues to be the Knights Templar. Dissimilar to the other community police or self-defense forces, the *Autodefensas* of Tierra Caliente actively and directly battle DTOs and criminal organizations, confronting them in open-urban spaces. This has garnered much media attention, effectively situating the federal, state, and multiple municipal governments in an uncomfortable position because it shows how the state, at various levels, has been unable or unwilling to provide security.

The groups of *Autodefensa* operate in urban areas and have spread throughout the region under multiple leaders with different goals and dissimilar methods of achieving

those goals, fueling a tenuous relationship with each other. Often they claim to “liberate” towns from the grips of DTOs, although how they have managed that has been controversial (Horton, 2014). Although they have surged as a response to violence, like many other community police forces, the *Autodefensas* have different objectives, characteristics and demographics; this means they face challenges that do not have simple answers. This subsection will provide 1) an overview of the characteristics that compelled the communities in this region to take up arms, 2) how they are different from the other community police presented in this thesis, and finally, 3) the government’s response to this new form of contestation on the state’s monopoly on force. The purpose is to provide a comparison/contrast with the Ronda Comunitaria and the other community police forces presented in the chapter.

#### 4.3.1 Background

Tierra Caliente has many characteristics that explain the development of self-defense forces. As has been highlighted throughout this thesis, Michoacán is a crucial location for DTO activity given its arable land and relative isolation from government entities. Noted by various scholars of Michoacán, it is an area prominent for illegal cultivation of poppy and production of heroin (Astorga, 2007; Felbab-Brown, 2015). Given these highly favorable attributes, it has been a highly contested territory by myriad DTOs. The most notorious for their violent actions was *La Familia Michoacana*, which dissolved and later became *Los Caballeros Templarios* who have effectively employed similar tactics as its predecessor.

The effect of DTOs in this region has had a profound impact on the average person living amongst these forces. This victimization is probably the most compelling reason



for the rise of the *Autodefensas*. It is clear that this is the case when the demographics of its members and those who fund their activities are taken into account. The *Autodefensas* are largely composed of lime pickers, avocado growers, ranchers and small business owners. Those who fund them are large business owners (Heinle, Molzahn, Shirk, 2015). Generally, these individuals are those who have been charged quotas for protection or as a tax, *cobro de piso*, by DTOs. *La Familia Michoacana* was the first to engage in overtly aggressive extortion tactics targeting mostly avocado growers and logging companies with estimated daily earnings of USD 1.9 million (Felbab-Brown, 2015). *Los Caballeros Templarios* expanded their extortion targets, including those in the illegal markets, and were even more aggressive than their predecessor. Scholars tend to agree that this was the tipping point that finally pushed the population over the edge of tolerance.

The aforementioned elements that characterized Tierra Caliente fueled the creation of *autodefensa* groups. It must be explained that these groups operate in a vast geographic space, under different leaderships, and thus subject to a variety of differences amongst each other. It can only be natural that the disagreements on goals and tactics fluctuate amongst groups. Now, it is of utmost relevance to tease out the activities and beliefs of this group in order to compare and contrast it with other community police and self-defense groups.

Unlike the vast majority of similar groups, the *Autodefensas* of Michoacán have caused an uproar, and the attention given to them has been constant – this is likely due to their initial intended goal of combating *Los Caballeros Templarios* by themselves, since the state has been unable or unwilling to do so. In this regard, they parallel the tactics of UPOEG who also actively seeks to combat members of criminal groups or DTOs; yet,

UPOEG has not received nearly as much media attention as the *Autodefensas*. The possible explanation is the size of each group; UPOEG expands across four municipalities whereas the *Autodefensas* are active in 33 municipalities (CDNH, 2013 & CDNH 2016).

It would be helpful to refer to, once again, the previously mentioned differences in the function of these civilian police groups. Hernandez notes that those with the title of ‘police’ are applying law and authority, whereas those with the title ‘self-defense’ are self-protecting against violence (Muro, 2014). The civilian police forces in Tierra Caliente opted to name themselves self-defense forces, yet they operate as authorities attempting to apply the law by actively combating organized crime groups, instead of just defending themselves when they are attacked. They also took it upon themselves to conduct court trials and gave sentences to those they accused of working with *Los Caballeros Templarios*. Furthermore, they took over police stations, expelled and detained municipal police and soldiers – doing the job the state should be doing (Felbab-Brown, 2015). These characteristics make them more of a policing unit; in this regard they are different from most community police forces, except the UPOEG.

Another characteristic that contrasts the *Autodefensas* from the other forces is the community members that surround it. Myriad community police forces and self-defense groups begin through community dialog and consensus. This point is integral to the success and continued support of these groups. While three the groups outlined in this thesis have this in common, the only that does not is the group of *Autodefensas* of Tierra Caliente. Operating without community consensus poses many barriers for the forces but also shows the distrust associated with armed groups. Their method of policing involves

invading a town they believe to be infested by members of *Los Caballeros Templarios*, proceed to hunt them down and either capture them or force them out of the town. Once this is complete the town is declared “liberated.” Yet, often, the residents of these towns do not seek the help of the *Autodefensas*.

In the case of Parácuaro, Michoacan, the residents fiercely protested the arrival of the *Autodefensas*; appealing to the government for help in the situation they faced as a consequence of their arrival. Community members insisted there were no kidnappings, confrontations, or murders and thus did not need nor want the *Autodefensas* in their municipality (Martinez Elorriga, 2014). Moreover, they complained that their presence fueled violence and that they sought to recruit young community members into their self-defense force, something parents were vehemently against. This particular case demonstrates the lack of legitimacy the *Autodefensas* have with community members and as has been stated before, legitimacy derives from the community and is the cornerstone to their continued support.

Another characteristic that further removes them from the likeness of the other civilian police forces examined here is the funding they receive. While all the other forces receive minimal funds or weapon donations from community members and their respective states once legalization has taken place, the *Autodefensas* have received monetary support and weapon donation from business owners throughout the region and from the rival of *Los Caballeros Templarios*, cartel *Jalisco Nueva Generación* (Horton, 2014). This blurs the line between their rhetoric – combating those who engage in illegal acts – and their actions – engaging with those who perpetuate the same exact violence.

This unconventional relationship has paved the way for infiltration into the

*Autodefensas*. It has been found that the organized crime group, *Los Viagra*, operate within the *Autodefensas* (Alzaga, 2015). As the Mexican newspaper Milenio states, Los Viagra are linked to the trafficking of marihuana and synthetic drugs, and work for which ever DTO pays the most. They have been able to hide within the *Autodefensas*, posing as individuals who want to combat DTOs while simultaneously trafficking drugs. If the *Autodefensas* had been under some community control like the other civilian police forces, and merely stayed within certain communities where they were wanted, this infiltration would likely not have been a problem. Community members of Cherán, and those involved with the CRAC and UPOEG all indicate that they feel safer and trust their police officers because they personally know them and their families. This is not something that occurs with the *Autodefensas*.

They were co-opted by organized crime groups and as Felbab-Brown (2015) indicates, “Although the [*Autodefensas*] seemed to alleviate violence in the initial period, they soon became predatory and abusive themselves” (p. 174). There have been serious complaints about the *Autodefensas*, namely that they have engaged in human rights violations (CNDH, 2016). Horton (2015) also indicates that at the point they have reached, it is likely they engage in drug trafficking as method of self-sustainment.

Contrasting the *Autodefensas* with the cases of Cherán, the Costa Chica-Montaña and the UPOEG community police forces, exemplifies the stark differences in the relationship between those involved in the security apparatus and the community it provides security for. The *Autodefensas* fight for individual interests rather than collective interests. If communities do not want them policing in their territories, does that not delegitimize their movement and goals?

Moreover, since they are a mestizo population, they cannot legally exercise collective rights like the other community police forces presented in this thesis (Muro, 2014). Yet, the Mexican government needed to either destroy the groups or somehow find a way of legitimizing them in order to show that they government had control over the situation.

#### 4.3.2 Legality

The Mexican government tends to ignore these types of groups but the *Autodefensas* of Tierra Caliente proved to be an unequivocal force that proliferated throughout the region. Due to their spectacular actions against the DTOs, they received media attention from their inception, effectively putting an international spotlight on the states' inability to enforce its monopoly on force. Furthermore, their behavior – going rogue and engaging in criminal activities – also forced the government to react. Felbab-Brown (2015) argues that the *Autodefensas* actions make them a threat to order and the rule of law, while also becoming a new force of conflict.

The Mexican government responded by attempting to legalize some of these self-defense groups in January 2014. President Peña Nieto appointed Alfredo Castillo as Commissioner of Security and Integral Development of Michoacán in order to foment the disarticulation of the self-defense groups and to combat the DTOs. As was previously mentioned, this position does not exist in any other state and its legality has been questioned (Boullosa & Wallace, 2013). Through him, the Mexican government engaged in negotiations with self-defense groups hoping to end the proliferation of these groups, and disarm, demobilize, and reintegrate those already in existence into the “institutional life” of the nation (Horton, 2015). These negotiations resulted in tolerance and later

support (CNDH, 2016). Castillo, along with the state government, signed an agreement with the leaders of the various groups within the *Autodefensas*, although some of these groups refused to enter into an agreement with the government. This became a contentious issue for the *autodefensa* groups, which resulted in fragmentation (Heinle, Molzahn, Shirk, 2015).

The legalization of these entities resulted in the creation of the Rural Defense Corps, effectively creating a formal relationship between the government and select groups in an attempt to mitigate violence and disorder, albeit it was always a tenuous relationship. This process requires every member to register his or her name and weapons with the government. In return they received uniforms and the states' blessing to operate as police forces. They also had the option of joining the municipal police. It is important to note that this legalization was meant to be temporary, although a timeline was not established.

Horton (2015) notes that the government decided to legalize first and regulate later but this process makes it difficult to establish oversight and accountability. Furthermore, Felbab-Brown argues that when the state responds to these groups, they tend to go rogue, by which she means that they become abusive of the people they first intended to serve. Though their actions alleviated violence initially, they eventually became abusive themselves, demanding quotas and engaging in human rights violations (Felbab-Brown, 2016).

Furthermore, Felbab-Brown argues that the government was unable to dismantle the militias in the first place and was forced to make a deal with them, which she indicates is enough evidence of the weakness of the state in these areas. The special report by CNDH

(2016) lays responsibility for the insecurity and abandonment of the population on the three levels of government.

Shortly after the deal was made, the *Autodefensas* who had not joined the Rural Defense Corps were ordered to disarm by May 2014. Those who did not were subject to imprisonment. Many others who did join the Rural Defense Corps were arrested for their ties to organized crime groups.

What are the implications of the legitimation of these groups? Given the intensity of the problems in Michoacán it seems that the government had no option other than attempt to integrate these groups into the legal framework as a way to quell further violence. It is noteworthy that the *Autodefensas* and intense violence stemmed due to minimal state presence. Moreover, a plethora of police officers and government authorities that were present in this area have been known to have ties with DTOs. It is not just minimal state presence; rather, it is a conglomeration of that and the corruption within government authorities that fueled the creation of such entities.

Given these elements, what other option do civilians have who are victimized by DTO violence and government authority inadequacy? It is not my intention to judge, or attempt to claim that the *Autodefensas* are illegitimate; rather, I seek merely to use them as a point of comparison. The focus of this thesis, after-all, is not on this particular group. It is difficult not to critique, but we are mere outsiders incapable of understanding the predicament they faced. Thus, that is the reason a simple comparison is employed in the analysis of *Autodefensa* groups.

#### 4.4 Chapter Conclusions

A resident of Cherán tells me,

I have a friend from *x* (a municipality in the Meseta Purepecha of Michoacán). When he found out I was from Cherán he told me that in his community they also tried to do what we did, you know, rise up against the bad people. But the army came in and arrested almost everyone involved. He asked me ‘Why did Cherán succeed? Why did we fail?’ I didn’t have an answer. I guess we [Cheranenses] were lucky because the entire community joined forces. I think that is rare” (Personal communication, 9/3/15).

This anecdote about another community in Michoacán that attempted to provide self-defense policing but ultimately were met with government reprisal indicates that the government has now been attempting to disarticulate nascent civilian police forces. As has been pointed out, another method of asserting control over these groups is by offering their integration into a government-authorized police force.

All these civilian police forces have brought into question the capabilities of the state and its claim on the monopoly on force. They indicate that the state has been unable or unwilling to provide security and that maybe some of these communities have established more adequate and just systems. All four civilian police forces have come into existence due to the egregious violent acts perpetrated against them – something the state has not been able to properly combat. Once they were established, the state attempted to incorporate them into state authorized police force units, but some have approached this offer with caution.

Although they all differ in practice and beliefs, the communities that are indigenous attempt to create an infrastructure that places the power in the community – the maximum authority. *The Autodefensas*, who legally do not have a right to exercise such practices, do not have this system, which delegitimizes them. The community members of the indigenous communities have claimed that crime has decreased on average by



90%, whereas they *Autodefensas* cannot make such a claim since they also have begun to engage in violent and illegal acts.

In this chapter I attempted to describe other police forces, their background, beliefs, systems, and practices in order to provide a point of comparison with Cherán's system. The following chapter will incorporate some of these groups into the discussion, especially CRAC. I will discuss how these groups have contested the state's claim on the monopoly on the use of force and how these groups have expanded legal plurality in Mexico.

## CHAPTER 5: SECURITY, LAW AND JUSTICE AT THE MARGINS OF THE STATE

*“Se gobierna desde abajo, desde la fogata.  
La fogata es política.”  
– Cheranense*

Proudly, Eduardo, a member of the *Concejo de Honor y Justicia* who just finished serving his three-year term says, *“Me cambió la vida totalmente. Me quitaron mi trabajo”* (Personal communication, 9/12/15). Formerly, Eduardo was a surgeon who worked in Zamora, but for the past five years he has dedicated his life to serving his community, which is why he says the Movement took away his job. For him, the Movement changed his priorities. When asked what lessons he learned while being a member of the *Concejo de Honor y Justicia* he says, *“I learned to live in community, we learned to listen, listen first. Aprendí a recibir regaños. Con la comunidad todo, sin la comunidad nada”* (Personal communication, 9/12/15).

If we recall previous chapters, the *Concejo de Honor y Justicia* is Cherán’s legal system, responsible for overseeing the Ronda, adjudicating civil and criminal cases, and overseeing their reeducation endeavors. Returning to Eduardo’s remarks on lessons learned, we understand that the community truly has the power. He elucidates this by stating that he learned to listen and to receive reprimands from the community whenever he, and his colleagues did something the community did not agree with. Through these reprimands they learned to adjust in order to attempt to better their system. As community members reiterate myriad times, *“Se gobierna desde abajo, desde la fogata. La fogata es política.”*

The alternative models of security, governance and justice in Cherán stem from ancestral practices that have been re-adopted and reinvented amid deep insecurity and a

state that has been incapable of guaranteeing security for its citizens. The spontaneous movement to protect their land and assert their right to security led to the development and application of their own security model, establishment of law, and exercise of justice. As was detailed in the previous chapter,

Cherán is not the only municipality that has adopted these alternative systems based on indigenous law and customs; the incapability of the state is present elsewhere thereby almost forcing communities to seek justice on their own accord.

These practices by indigenous communities often operate at the margin of the state (Sierra, 2013). They often surpass the official established order, and that, which has been legally granted constitutionally, and thus, in theory, applicable in indigenous communities. When communities adopt these practices that go beyond that which they are legally allowed they pose a challenge to the legitimacy of the state. In Cherán this has presented itself in two ways: through the development of their own security system and through the exercise of their own legal system.

This chapter will outline how Cherán's experience from the margins, in an autonomous manner, has posed a challenge to the state by becoming a parallel power with the state — often this is has taken the form of constant negotiation. It will rely heavily on analysis by scholar Maria Teresa Sierra because her studies on the *Coordinadora Regional de Autoridades Comunitarias (CRAC)* and its *Sistema de Seguridad, Justicia y Reeducación Comunitario (SSJRC)* closely resemble the processes occurring in Cherán.

I seek to answer the following questions: How has Cherán challenged the Mexican state's monopoly on the use of force? How does Cherán's security, policing and judicial

system expand Mexico's legal pluralism and how does it go beyond that which they are legally allowed to do? These are the central questions that guide this final chapter. The purpose is to place Cherán's response to violence and insecurity in a larger scope, seeing how it has affected the political landscape in Mexico.

### 5.1 Legal System

Since the 1990s Mexico has introduced constitutional reforms in an attempt to address gaps in the judicial process, thereby creating a legally pluralistic society. Legal pluralism, generally defined, is the existence of multiple legal systems within a society or state. As Van Cott (2000) describes, in Latin America the measures taken by governments to include in its judicial systems those who have historically been excluded was an attempt at consolidating the fragile legitimacy and legality of democratic institutions. Constitutional reforms attempted to incorporate customary law but this was a challenge because customary law is mostly unwritten and varies across indigenous groups.

One of these reforms was the Law on Indigenous Rights and Culture (2001) that legalized the already existing indigenous justice systems and implemented some measures for state administration of justice: including the right to and interpreter and an obligation to consider customary law in cases involving indigenous people (Sierra, 2005). This attempt at establishing legal pluralism is limited in practice. For example, a 2013 study conducted by the Mexican National Commission for the Development of Indigenous Communities found that 8,502 indigenous people were wrongfully imprisoned in 2012 merely for not speaking Spanish thus being unable to defend themselves in court (Padilla Fajardo, 2013). They were not given an interpreter, which,

by acknowledging the multicultural and multilingual makeup of the country through the passage of the Law on Indigenous Rights and Culture (2001), they have a right to (Sierra, 2005). This is just one of the myriad injustices indigenous peoples face at the hands of the law, even though the state has attempted to correct this.

Sieder (2000) contends that it is impossible to build a democracy if the administration of justice does not fulfill its role and if citizens do not believe in it. In her analysis of legal systems in Latin America, she finds that the current systems do not respond adequately to the needs of the population who view these systems as corrupt and illegitimate. She finds that a majority of the population do not have access to formal systems of justice, the reason for this is fivefold: 1) cost 2) poverty 3) lack of public defense 4) geographic distance and 5) cultural distance (Sieder, 2000). She argues that there are two manners in which the state can reduce the cultural distance and simultaneously improve access to justice. The first is finding alternative methods of resolving conflicts through practices of conflict-resolution that take place outside of the courtroom. The second, and most relevant to this study, is the acknowledgement of customary law. This would address all five barriers that limit access to justice.

Indigenous people know of the frequent injustices they face in the legal arena, thus influencing their desire for autonomous legal systems. Sierra (2013) argues that the quest and implementation of an autonomous and indigenous legal system poses a challenge to the state, namely because indigenous communities often go beyond the boundaries of the officially established judicial framework. The reason being that reforms to the constitution that attempted to address the gaps of its multiethnic makeup do not respond adequately to the jurisdictional demands of indigenous communities.

In other words, what Sierra is proposing is that indigenous, autonomous, judicial systems are counterhegemonic. This alternative model guarantees that which the state has been unable to. Sierra (2013) assures that the development of a judicial system is the final step in *justicia comunitaria*. These new and alternative legal systems that operate at the margin of the state have contributed to the legal pluralism of the country, even if it operates without the states authority; this precisely is why it poses a threat to the legality of the state.

## 5.2 Cherán's Judicial System

The five barriers Sieder (2000) mentions – cost, poverty, lack of public defense, geographic distance and, cultural distance – are addressed with Cherán's legal system. The first four barriers are immediately eliminated because their services are free, at no cost, and are right there in Cherán. Lawyers are not allowed, thus the detainee has to provide their own defense. This prohibition of lawyers was a strategic strategy in order to deter money becoming an influence in the process of justice.

The issue of cultural distance – language barriers, formalities etc. – that occurs in formal court systems is not an issue in the Cherán's legal system. Moreover, because the community does not believe in imprisonment, they have chosen to adopt the reeducation model for those convicted of crimes. The reeducation model includes community service, attending either Alcoholics Anonymous or Narcotics Anonymous, paying for what was stolen and apologizing to those who were wronged. For example, if a person beats someone while intoxicated, the sentence would include: apologizing to the individual who was harmed, a certain amount of community service hours, and attending Alcoholics Anonymous meetings.

While it would be wonderful to say that the judicial system in Cherán works perfectly, the fact of the matter is that it has been unable to fully mature. Its main problem is that it currently does not have the capabilities to develop further because the community still does not feel comfortable adjudicating serious cases – such as homicide – nor does it have the capacity to hold prisoners in its tiny prison. While these problems have not presented themselves just yet, the community wants to be prepared for the possibility of such needs.

Merry (1988) points out that legal pluralism has expanded from a concept that described the relationship between colonizer and colonized to relationships between dominant groups and subordinate groups. This relationship plays out between the state and Cherán's system of justice and security. It would not be able to operate in any capacity had the federal government not deemed Cherán an indigenous community and thus qualify as a municipality that could govern itself by *usos y costumbres*. While the state has the power to negate certain practices, Cherán's justice system can circumvent these limitations because ultimately, the maximum authority they adhere to is the general assembly.

Moore (1973) argues that legal plurality in complex societies can and do create rules and customs internally but are vulnerable to rules and influences from the larger world, that is, that of the state's legal system. While those inside the communities can attempt to reduce that influence, ultimately it is not free from the larger society, which invade it, sometimes even at the invitation of persons inside it. She further adds that those influences do not dominate it, allowing for resistance and autonomy. While this is true, I

will also add that other indigenous communities that exercise their own judicial system based on their ancestral practices also influence these systems.

CRAC's judicial system has had ample time to develop and adjust to their needs and capabilities due to their twenty-year existence. They do adjudicate serious cases and have found ways of including the community members in the legal process. Part of their judicial pact with community members is their inclusion in the reeducation of convicted criminals. Elders speak to those in the reeducation process and attempt to make them understand why and how their acts negatively impact the community (Gómez Durán, 2012). This is something that could influence and be incorporated into Cherán's judicial system. Because Cheranenses favor reeducation/reform of a wrongdoer, this practice implemented by CRAC could potentially be adopted in Cherán.

While both CRAC and Cherán's legal system are legally allowed to operate, their practices go beyond that which they are legally allowed to implement. For example, the focus on reeducation is not something the state practices – they expect prison sentences. Yet, CRAC's reeducation system is based on community service (*la faena*), and constant interaction with the person or family of the victim. Cases that involve the entire community are heard in Community Assemblies, where the community is able to give their opinion on the outcome. Lawyers are not allowed, rather, the detainee and his family are the only ones allowed to provide the defense.

Furthermore, the most salient aspect of indigenous justice systems is that it is not fixed. As has been described by Albó (2012), these practices are flexible and can easily be altered by community consensus. Sierra (2013) points out that within CRAC, their



internal regulations that dictate their legal system is adjustable depending on the needs that emerge.

This flexibility further challenges the capabilities of the state because when the state wants to make changes to its legal system it requires a bureaucratic process.

### 5.3 Cherán's Security System and Their Contestation on the Monopoly on Force

Cherán's development of a legal system has proven to be just one of the ways Cheranenses have challenged the state and succeeded. Another open challenge, and perhaps the one that caused the most contention is the development of its own security. Rejecting and expelling the municipal police and municipal president began that open challenge and direct confrontation with the state. The use of weapons reserved for the use of law enforcement further augmented that challenge. And finally, deciding to take security into their own hands, and dealing with it as a community, based on their beliefs of security and justice cemented the confrontation with the state, posing legality questions.

Refusing to acknowledge the authority of the municipal police and president represents an open challenge to the authority of the state, after all, they are its representatives and are granted the right to legitimately use force. This expulsion produces a question of legitimacy. It was at this point when the community lost any faith they had in the authorities' ability and willingness to protect them. They revealed the farce that the municipal police was there to protect them, something that is likely ubiquitous throughout the country.

The expulsion of the municipal police left Cheranenses without any formal security, consequently, the community took the police's weapons and provided their own

security. This is also another act of defiance against the state. Under federal law, private citizens are only allowed to own specific firearms that must be kept in the home for the defense of the owner and those who live in the home; additionally, those who engage in hunting and target shooting are allowed to possess and carry these. All firearms must be registered and those that carry their weapons require a special license (Article 10, Mexican Constitution). That private citizens not recognized by the state as law enforcement were carrying and using weapons reserved for police officers openly challenged the legitimacy of the state's claims on the monopoly of force.

As Weber defines, the state has the power to determine who is allowed to use force – Cheranenses were not among those predetermined groups of people. Much like DTOs, and other civilian police forces, Cheranenses were contesting the state's monopoly on the use of force, and although this does not mean Mexico is a failed state, it definitely brings its legitimacy into question. Moreover, this contestation exposes the weakness of the state.

This contestation left the federal government with two options: reinstate the municipal police or grant the community legality through their right to practice their *usos y costumbres*. The federal government opted for the latter, effectively granting them the right to legitimately use force.

Although Cherán seems to be challenging the state, oftentimes, it has had engage in negotiations with the state. Cheranenses knew they had to seek legitimacy from the state; otherwise, state forces could have destroyed their project of self-determination and autonomous governance. This negotiation was necessary for their survival. It is a constant game that is being played between Cherán and the state. Sometimes, Cherán can go

beyond that established by the state, and sometimes it has had to negotiate. This is something that will continue to permeate their existence.

#### 5.4 Chapter Conclusions

Sierra's analysis of judicial and security systems in the indigenous communities of the Costa Chica-Montaña of Guerrero best parallels the processes happening in Cherán. While there are differences in practices because the two systems are based on different indigenous communities' beliefs, the essence and spirit is similar. I have attempted to showcase that this open challenge to the state, and subsequently being granted the right to practice their *usos y costumbres*, has allowed them to create a parallel power with the state. Further, since its legitimacy derives from the community, not from the state, it will continue to resist and adapt to the needs of the community.

## CONCLUDING REMARKS

More than 150,000 people have been killed intentionally between December 2006 and the end of 2015 (Justice Initiative, 2016). During the Peña Nieto administration, there have been approximately 20,000 intentional killings per year. The number of disappeared people is ambiguous, but there were more than 5,000 disappeared people in the year 2014. Approximately 580,000 people have been kidnapped between December 2006 and the end of 2015. The *Comisión Nacional de Derechos Humanos* received 9,401 complaints – between 2007-2015 — regarding torture or bad treatment by security personnel. According to official statistics, between 2006-2014, 1,884 federal investigations took place regarding torture, with only twelve leading to trials and eight resulting in sentences (Open Society Justice Initiative, 2016). As these statistics show, the exercise of impunity is rampant.

Moreover, state institutions are weak and lack legitimacy. The police is an institution that has not been able to effectively combat crime, resulting in a security gap. Furthermore, corruption permeates their ranks.

In Mexico, the experiences of violence and insecurity in quotidian life have had dire consequences. The victimization of innocent people has led to innovate ways of evading violence and insecurity. As has been expressed throughout this thesis, alternative forms of security and justice are methods of combating becoming part of the aforementioned statistics.

Community policing, coupled with a government structure and legal system that complement each other, has provided Cherán with a system that not only guarantees security and justice, but one that is legitimated by the community itself. Moreover, the

aspect that makes this system work effectively is the participation of the community. The government of Cherán truly stems from the bottom, from *las fogatas*. It is a process that places authority in the community, who are the maximum authority.

These practices stem from traditional laws, beliefs, and practices that have been retaken, adopted and reinvented to address the security, government and justice concerns that are applicable to the current context.

In this thesis I showcased the consequences of a weak state, incapable of providing security for its citizens. The results are egregious violations of human rights, a weak municipal police, a lack of legitimacy, and sometimes, an uprising. Cherán's movement was just one of many that have taken place in the country. It is unique in that it has been successful, not just in combating crime but in being federally granted the right to practice their *usos y costumbres*, something that has not been granted to any other indigenous community in Mexico thus far.

Cherán's community policing and the legal system, although they are sanctioned by the state through *usos y costumbres*, are still practiced at the margins of the state. As Sierra states, they go beyond the legally established order. Through these alternative systems, Cherán has been able to create a power parallel to the state.

Cherán's autonomous government deserves a close analysis, one that I was unable to fully elaborate in this thesis. While this thesis provides an analysis of the processes Cherán's government has undergone in the past five years, it continues to adapt to the new challenges they face; thus, some of that mentioned here can change shortly. It is this flexibility that makes Cherán successful.

## APPENDIX

### Interview Questions for Community Members

1. Can you describe your job?
2. Can you describe your daily life between 2008-2011?
3. How did you feel on a daily basis?
4. What preoccupations did you have that involved this community?
5. What is your personal opinion on the municipal police? Did you have any encounters with them? Did you ever call them for help when something required police attention?
6. What is your opinion on the *Ronda Comunitaria*? Have you had any encounters? Do you call them for help when something happens that merits police attention?
7. Can you describe your participation in the Movement?
8. Do you currently participate in community activities? How? How often?
9. Do you feel more connected to your community now?
10. In your opinion, how have things changed since the transition of governance under *usos y costumbres*?
11. In your opinion, how has security changed?

### Interview Questions for Ronda Members

1. Where were you born?
2. How old are you?
3. What position do you hold in the Ronda?
4. How long have you been in the Ronda?

5. Why did you decide to join the Ronda?
6. What do you like most about your job?
7. What do you least like about your job?
8. In your opinion, what are the differences between the Ronda and the municipal police?
9. In terms of security, what changes have you seen in the community?
10. How do you feel being a member of the Ronda?
11. In your opinion, what is the Ronda's biggest obstacle at the moment?
12. How has the Ronda changed since the Movement began?
13. What was your participation in the Movement?

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