The regulatory system and subjectivity in a Nahuat community. An invisibilized community regulatory density

Eliel Francisco Sánchez-Acevedo* and Ma. Eugenia Sánchez-Díaz de Rivera

Department of Humanities, Universidad Iberoamericana Puebla, Puebla, Mexico

ABSTRACT

The primary objective of this article is to provide an in-depth interpretation of the Nahuat indigenous community’s regulatory system in San Miguel Tzinacapan (Puebla, Mexico) through approaches such as the Sociology of Absences, the Actor-Network Theory (ANT), and the Ontological Turn. The research carried out in the locality demonstrates that San Miguel Tzinacapan has its own autonomous and operational regulatory system. This system contains elements of the pre-Hispanic civilizing matrix: including systems such as that of witchcraft/healing and crimes against nature, as well as the Catholic-colonial model present in the ceremonial cycle and “cargo system.” This regulatory system functions as a framework that helps sustain the agency of Tzinacapan. The relationship between the subjectivity and regulatory system of the Nahuat population, with the subjectivity of positive law, has demonstrated to have a conflicting nature. In Mexico, indigenous regulatory bodies have been defined and considered as “customs and practices” (usos y costumbres) or “customary laws” by legal science, thus stripping them of the quality of valid and current law, and denying them as valid knowledge. This is due to the fact that the indigenous normative matrix has been depicted as a “non-law” while the subjectivity that underlies it is ruled as inferior. This article presents an in-depth analysis of the Tzinacapan regulatory system characteristics, as well as the underlying subjectivity in contrast with that of positive law.

Sistema normativo e subjetividade em uma comunidade nahuat. Uma densidade regulatória comunitária invisível

RESUMO

O principal objetivo deste artigo é interpretar o sistema normativo da comunidade indígena Nahuat de San Miguel Tzinacapan (Puebla, México) da abordagem da Sociologia das Ausências e da Teoria do Ator-rede. A investigação realizada na localidade mostra que San Miguel Tzinacapan tem seu próprio sistema normativo, forte e em vigor, com elementos da matriz civilizacional pré-
hispânica, como o sistema de feitiçaria / cura e os crimes contra a natureza ea matriz católico-colonial, presente no ciclo cerimonial e no “sistema de cargos.” Este sistema normativo funciona como uma rede que alternativamente é sustentada e sustenta a subjetividade do Tzinacapan. A relação entre o sistema normativo e a produção de subjetividade daquela população nahuat conflita com a subjetividade subjacente ao direito positivo. No México, os órgãos normativos indígenas foram definidos como “usos e costumes” ou como “direito consuetudinário” pela ciência jurídica, ou privando-os da qualidade da lei válida e atual, e negando-os como um conhecimento válido. A matriz normativa indígena tem sido constantemente descrita como “não-direito,” e a subjetividade que a subjaz como inferior. Neste artigo, as características do sistema normativo do Tzinacapan e da subjetividade subjacente são contrastadas de maneira específica com o direito positivo e sua subjetividade.

Sistema normativo y subjetividad en una comunidad náhuat. Una densidad normativa comunitaria invisibilizada

RESUMEN
El objetivo principal de este artículo es interpretar el sistema normativo de la comunidad indígena Náhuat de San Miguel Tzinacapan (Puebla, México) desde el enfoque de la Sociología de las Ausencias y la Teoría del Actor-red. La investigación llevada a cabo en la localidad muestra que San Miguel Tzinacapan tiene un sistema normativo propio, fuerte y vigente, con elementos propios de la matriz civilizatoria prehispánica, como el sistema de brujería/curandería y los delitos contra la naturaleza, y la matriz católico-colonial, presente en el ciclo ceremonial y en el sistema de cargos. Este sistema normativo funciona como una red que alternativamente es sostenida por y sostiene la subjetividad de Tzinacapan. La relación entre sistema normativo y la producción de subjetividad de esa población náhuat, entra en conflicto con la subjetividad que subyace al derecho positivo. En México, los cuerpos normativos indígenas han sido delimitados como “usos y costumbres” o como “derecho consuetudinario” por la ciencia jurídica, despojándolos de la calidad de derecho válido y vigente, y negándolos como saberes válidos. La matriz normativa indígena ha sido constantemente calificada como un “no derecho,” y la subjetividad que le subyace como inferior. En este artículo se da cuenta de manera específica de las características del sistema normativo de Tzinacapan y de la subjetividad subyacente en contraste con el derecho positivo y su subjetividad.

1. Introduction

The normative system of San Miguel Tzinacapan, unlike positive law, was not designed with the intention to settle a dispute between two parties, to reestablish their relationships, or to promote “social coexistence” as an abstract good. The Tzinacapan regulations were established in order to protect the balance between individuals, community, nature, and the cosmos.

In Mexico, legal science has classified indigenous regulatory bodies as customary laws, stripping them of the status of valid and current law. This can be noted in Article 2 § 4
of the Federal Constitution – which interprets the system of “customs and practices” as the form of government approved for indigenous peoples. At the federal level, specific legislation on indigenous matters does not exist; making its regulation atomized and diluted in multiple laws and regulations. As defined by de Sousa Santos (2016), this form of epistemicide is a systematic destruction – or subalternization – of knowledge and the ontological possibilities from which they emerge. When defined as a “non-law,” the system is being denied the epistemic character of valid knowledge.

When addressing the normative density of the Tzinacapan system, one must reference the multiplicity of heterogeneous levels that comprise it. In this article, we present the case of the Nahuat community; providing detailed characteristics of San Miguel Tzinacapan’s regulatory system, as well as of its underlying subjectivity in comparison to that of positive law. The community’s diverse levels of their normative system were analyzed within the framework of the Sociology of Absences, the Actor-Network Theory, and the Ontological Turn. Reconciliation is viewed as the foundation and base of the regulatory system utilized by the Nahuat community. Nonetheless, its focus is not centered on individuals and their conflicts, but rather as a means of maintaining the balance of communication among them, the community, nature, and the cosmos.

The information was gathered by a complete immersion in the community on the part of the authors. From 1973 to 1989, one of the authors of this article, Ma. Eugenia Sánchez, resided in the community of San Miguel Tzinacapan; collaborating with other professionals and the locals in order to conduct organizational actions. These actions were applied in a participatory-action-research process regarding health, education, and production fields, as well as in the recovery – and dissemination – of oral traditions and the promotion of human rights defense (Sánchez and Almeida 2005). Throughout this time, the author was taken in by the community’s most well-known healer. It was from this healer she gained insight; documenting experiences in a field diary that would become part of the research in the present work.

Co-author, Eliel Sánchez, is of Nahuat origin from his paternal side and was raised in the community of San Miguel Tzinacapan. At the age of 18, he set out to study in the city of Puebla. After completing his Master’s thesis at the Iberoamerican University of Puebla (Universidad Iberoamericana Puebla), he returned to his childhood home. There he carried out in-depth interviews, casually conversed with the locals, observed, and recalled his personal experiences while relating them to the theme of this article. He also consulted lengthy documents published by professionals, the Takachiualis Commission for the Defense of Human Rights group, and members of the community. With the extensive data at hand, both authors combined and reviewed the information collected, refined the previous interpretations, and constructed the new categories of analysis that support the present work.

2. Epistemicide and the actor-network theory

2.1. Abyssal thinking and the invisibility of indigenous regulations

Western modernity has determined that many forms of thought, that contain knowledge, structures, scales of values and manners of subjectivity, are non-existent. Boaventura de Sousa Santos argues that abyssal thinking is:
... a system of visible and invisible distinctions. Invisible distinctions are the foundation of visible distinctions and are established through radical lines that divide social reality into two universes, the universe of “this side of the line” and the universe of “the other side of the line.” The division is such that “the other side of the line” disappears as a reality becomes non-existent, and in fact is produced as non-existent. (2010, 29–30)

This also applies to the law. Knowledge and modern law, according to the author, represent the most consummate manifestations of abyssal thought. The law as knowledge – or a cognitive structure of behavior and its manners of regulation – is also divided by the abyssal line. When there is a confrontation of normative matrices, one is rendered invisible or subaltern and, in extreme cases, destroyed. This is the case of regulatory systems; regulatory structures of behavior, in a broad sense, emanating from other world-views such as the indigenous one.

Mexican positive law is abyssal due to the fact that it denies the existence of other normative systems. The rights of indigenous peoples – which are recognized by the State – do not emanate from their worldview but rather from the “enlightened” minds that granted them these rights and make them go through a legislative process to make them more positive. They are “granted” rights that are then transformed into “customs and practices;” emptying them of the existential content of the indigenous peoples, who must undergo a paternalistic transformation that accepts their assimilation under legitimate legal instruments of coloniality. Positive law has created a borderline that recognizes indigenous peoples but limits their political independence and capability to implement regulatory systems. It is about avoiding the transgression of national homogeneity and the idea of order – both protected by positivity. To fully recognize the indigenous normative systems would lead one to question the identity of a supposedly uniform nation (Sánchez 2016). Therefore, the abyssal line remains despite the recognition of indigenous rights.

The Sociology of Absences “aims to show that what is non-existent is, in fact, actively produced as non-existent, that is, as a non-credible alternative to what exists“ (de Sousa Santos 2010, 22). The abyssal line is an active production of non-existence and the sociology of absences is used to bring into existence what has been made invisible. The indigenous normativity has been influenced and constructed, by Western normative judgment, as an implausible alternative under modern law. Likewise, the indigenous cosmogonic dimension has been actively produced as non-existent through the mechanisms of positivist science.

Granting indigenous peoples legal rights entails that the Mexican State also recognizes their presence as a community. Nonetheless, the basis and core of the indigenous normative matrices remain absent. This is due to the fact that the central elements that compose the root of indigenous believes are not introduced in the framework when drafting laws on indigenous rights or the general laws of the country. The collective meaning of territory, nature – such as rivers, lakes, animals, plants, caves, etc. – and supernatural reality, constitute a large part of the community’s daily lives. Nevertheless, these factors are not considered as part of the legal rights protected by the State.

Moreover, the experience of the organizational life of the locals – whose central element is this dialogical relationship between living beings, nature and the underworld – is not reflected in the unique laws on indigenous matters or in general laws. Thus, these laws regulate and organize the lives of indigenous peoples without taking into consideration the elements and the nature of the networks that exist within the communities.
The result is the imposition of a law that ignores the particular lifestyle of the inhabitants; thus imposing a normativity centered around the individual and his utilitarian relationship with his environment. This practice of modern law is based on the colonial view of these communities.

### 2.2. Normative systems and production of conflicting subjectivities

This complex relationship between positive law and the manner in which the indigenous peoples regulate themselves represents a clash of worldviews and forms of subjectivity. Defining what is and is not regulated, who is punished, through which means, and what actions are punishable, are reflected in the world experiences – as well as in the viewpoint of those in charge of regulating the aforementioned.

Positive law emerges from a rigid dichotomous composition in which reality is understood as a division between human being/nature and individual/society. This binary thought has its root in a subject/object division. The subject, in the indigenous environment, is not understood by the limits of corporality because it encompasses a large number of human and non-human elements. Normativity does not begin with a binary structure but rather considers the plasticity of the subject. Therefore, it is impossible for juridical science to understand, decode, and codify indigenous normative thinking. Additionally, it cannot problematize it from its outlook since it has reserved – for itself – the monopoly of the legal and illegal distinctions, as well as the distinction between knowledge/non-knowledge. Indigenous normative knowledge is beyond these dichotomies, hence the reason it has been determined as a *non-knowledge* or *semi-legal knowledge*.

Positive law is rooted in a worldview and subjectivity that are radically different from that of the indigenous population. It is anthropocentric in regard to its views on nature, spirituality, and the community. The modern State and its laws are born out of the “contract between autonomous individuals, thus denying the links that bring together each singular life with the world and with others” (Garcés 2013, 32). The Nahuat community’s subject – who sustains and is sustained by the normative system – is not anthropocentric but is rather intertwined with the world and with others. “The *Talokes*<sup>1</sup> punish you if you mistreat the seeds or if you want to break a hill, for example, to open a gap. They charge it (the damage) with chickens, which means they are charged with human lives,”<sup>2</sup> explained a Nahua man.

To theoretically overcome this dichotomic way of understanding reality, we relied on the Actor-Network Theory or ANT. This theory was created by Bruno Latour as a “sociology of associations.” It begins from the self-evident essence of the great categories coined by social science, not to declare its non-existence, but to affirm its reality by clarifying that, as actors, these categories are only as real as their connections with other actors (McGee 2018). The great categories take their substance, then, from visible and justifiable relationships and transitions.

According to the interpretation by Tirado Serrano and Domènech i Argemí, the concept of an actant is the cornerstone of the main proponents of ANT – Bruno Latour, Michel Callon, and John Law. This theory calls forth the material heterogeneity of the actors of social relations. According to these authors, “no material possesses inherent qualities or

---

<sup>1</sup>Supernatural beings who live in the *Talokan*, the underworld.<br>
<sup>2</sup>“Chickens” means human lives.
possesses essence” (2005, 4). The ontology of all the elements that sustain societies – both human and non-human – is purely relational. It is to say, the product of interaction in a network of relationships.

The entities that form the networks are neither subjects nor objects, but neither are they simply nothing, they are something. Their action has effects, they mark things, they determine relationships, they form networks of connections. (Tirado Serrano and Domènech i Argemí 2005, 5)

The term *actant* denotes that their ontology is more a moment or a hybrid position in the network – the result of a relational semiotic process – than something natural or previously given. The actant is the ephemeral stabilization of a moment within the network. For Latour (2001; in Tirado Serrano and Domènech i Argemí 2005) the actant is a stabilized trajectory.

The construct “actant” is the transcendence of the subject-object dichotomy. When understanding a concept or a system as a network, the actant reflects a fluid position determined only by the elements of the network that compose it. In this way, large categories are understood based on their actants, becoming into what should be explained instead of being the source of explanation.

Given this premise, we cannot know in advance what the law or the normative system is. ANT has been conceived many times as a tool to amplify the voices of the actors – human and non-human – in order to understand the networks they represent and, finally, to interpret how they constitute and give substance to the large categories. Thus, the postulates of ANT have been described as a relational ontology, a status that is related to the Perspectivism of Viveiros (1998), which will be discussed later.

To understand what the law or the normative system is in a given context, it is essential to first trace and understand its actors. As a result, it would be possible to trace the relationships and associations between what the actants register as a normative system and other metalanguages or non-legal entities such as racism, spirituality, and the community. With this, we emphasize that the ANT is pertinent to better analyze normative actants, regardless of the civilizatory matrix from which they come. In this sense, it is possible to interpret certain actants of San Miguel Tzinacapan who register as normative. In doing so, we can evidence the existence of a complex and complete regulatory system, perfectly differentiated from the Mexican State’s regulatory system.

When analyzing the confrontation of two normative systems where one is constantly invisibilized and denied, not only as law but as an epistemic input, it is necessary to resort to a framework that does not reinforce such inferiorization. ANT analyzes each actant that registers a normative narrative and tracks how this interaction makes up a legal system. Thus, for this theory, all legal systems are on equal footing given that the cause of their existence is purely social; without there being any self-evident essence – such as positive law – behind some of their alleged legitimacies.

3. Actants and social regulation

San Miguel Tzinacapan is a Nahuat indigenous community located in the Northern Highlands of Puebla, Mexico. It is one of the eight auxiliary councils into which the

---

3The Nahuas are an ethnic group descendent from the ancient Mexica. According to Michel Launey, the language that preserves the final *t* and that is spoken in the Northern Highlands of Puebla is older than the language with the *tl* ending of classic Nahuatl ("Introduction à la langue et à la litterature aztèques." Paris: L’Harmattan, 1981).
municipality of Cuetzalan del Progreso is divided. It has a homonymous municipal capital where nearly 50% of its 6000 inhabitants are concentrated, of which most are entirely Nahuat indigenous people, along with three other communities that constitute it. It covers a jurisdiction of 3000 hectares, just 4 km from the city of Cuetzalan.

To better understand the San Miguel actants, the requirement is a theoretical framework that does not rule out a priori normative relationships that are invisibilized or stigmatized by positive law. In San Miguel, the community is a relational construction sustained by the interaction of multiple actants, such as the ceremonial cycle, the “cargo system,” the witchcraft/healing system, and crimes against nature. These actants are permanently located among a communicative network that fluctuates between nature, the human being, the community, and the cosmos-underworld. In order to achieve the permanence of the community network over time, these actants have instituted normative practices that regulate coexistence and maintain social order through the reproduction of communication codes.

3.1. The cargo system and the ceremonial cycle

The “Cargo system” and the ceremonial cycle are responsible for regulating individual and community behavior; and alternatively, regulate the relationship with the spiritual matrix of Catholic-colonial origin. While both oversee social or visible life, they are limited in their scope regarding the secret life, interpersonal relationships, relationships with nature that involve spiritual illnesses such as Susto, or the communicative relationship with the pre-Hispanic indigenous underworld. In order to regulate this type of relationship, actants such as witchcraft/healing and crimes against nature have been established, acting as executing systems with a heavy punitive burden.

The ceremonial cycle focuses on the Festivity of San Miguel, the patron saint, on 29 September, and consists of 36 celebrations that correspond to the images of the saints who can be seen in the community church. It regulates time, the course of life, the transition from the everyday to extraordinary life, and vice versa, as well as the uses and production of space. The ceremonial cycle gives way to the cargo system that determines the role of those who adhere to it, which then also modifies its everyday actions and the disruptions of the quotidain. The Cargo System has been considered, by historians and anthropologists, as one of the most important institutions of the indigenous world. There is no consensus on the relationship between the cycle and the economic materiality that permeates the communities or whether it is a form of continuity of indigenous institutions or if it is of colonial origin, or if it represented a form of resistance to keep alive certain pre-Hispanic practices dressed in Catholic-colonial robes (Wolf 1955; Cancian 1965; Arizpe 1973; Carrasco 1979). The cargo system is constituted by mayor-domos – or the individuals who take care of the religious images of the Saints at the Church on a yearly basis. Their auxiliaries are called diputados and tenientes – who are those in charge of coordinating the ceremonial dances, among other activities. The system of religious cargos vivifies the cycle, makes it incarnate in individuals, and sustains the community subject; it is its material base and ritual, making its existence possible.
The cycle and the cargo system are one of the relational bases for the birth of the subject in San Miguel Tzinacapan. That subject is fluid in terms of the community/individual. It is an actant. The community subject, as we call the one who emerges from San Miguel’s cosmo-existence, is permanently “in between” the individual and the collective. It exists and flows from one pole to the other without being dichotomous. It is not disassociated from the group. On the contrary, the strong relation between commonality and corporality is the basis of its existence as it is exemplified by the entities that construct the human being, which are mentioned below.

### 3.2. Witchcraft/healing and the supra-natural regulatory framework: justice of the underworld

The human being, in San Miguel Tzinacapan, is the body and is also yolo, tonal, ekauil and nagual; elements that strongly impact the relationship with others, with nature and the universe, and which correspond to the animistic entities of the ancient Nahua (López Austin 1989).

Each human being shares a tonal; a spirit and a destiny with his/her nagual which is his/her animal double. You can have a pigeon or bull nagual, or several naguales, like the people who have a fickle character. An individual is not an isolated being. His/Her being is woven with the whole cosmos and his/her nagual represents him/her going through the mythical world and the real world. The sombra or ekauil is the spirit of people which can be trapped and abandon their bodies, like in the case of susto, making the person sick. However, according to popular knowledge and also in the version of some healers, the tonal and the ekauil identify each other and when we speak of nagual we refer to the tonal of the witch/healer or to the witch/healer himself. The yolo is the heart which produces blood. It is life and without the yolo, life cannot be sustained. When the “bad air” touches the yolo, there is nothing to do. Not even the healer can do anything. The yolo is the link between the tonal and the body because the tonal is in the blood. (Dialogues between a woman healer and the author in 1974) (Sánchez and Almeida 2005, 146)

The witchcraft/healer system of San Miguel Tzinacapan is aimed precisely at breaking and restoring the balance between these psychical entities. However, such a system has been banished and made invisible from public life and has also been continuously described as non-existent science. Since it cannot be verified by means of the scientific method, this binomial is excluded from the sphere of legitimate knowledge.

The witchcraft/healing system is current, and it is much more than simple receptive magic or suggestion. It is a practice that goes back to the times before the Conquest and still possesses a strong substratum based on the pre-Hispanic worldview; especially since it was considered a very real and justifiable mechanism (Mendieta and Núñez (1937/1992)). The role of witchcraft/healing in the community network is ambivalent. There is a dangerous conception of its practice, but it is also part of the core of beliefs that survived and allowed the spiritual and epistemic rupture represented by the Conquest to survive. It is a living and active practice throughout the national territory, as shown by the testimonies of its practitioners (Grinberg-Zylberbaum 1987).

Witchcraft is a comprehensive practice without which the history of San Miguel Tzinacapan cannot be understood. Despite being hidden in the underground life, its impact has been, at times, overwhelming. So much so that it has been on the verge of breaking the
community itself. This is the case of the War of the Witches, which took place – according to Knab (1998) – between 1912 and 1938 in San Miguel Tzinacapan. It was during this time that a great number of people died; more than 12 according to Sánchez and Almeida (2005). It also created an atmosphere of terror so strong that it forced the community to act against their witches restoring the balance of power. Witchcraft/healing today is based on three types of communication: interpersonal communication, communication with nature, and communication with the underworld. These three networks are sustained by the human and non-human actants of San Miguel Tzinacapan.

3.2.1. Interpersonal communication

Interpersonal communication functions as a vehicle for passing on the ways in which witchcraft may be present or ready to occur. It represents the ability to spread the rumor that someone will be bewitched or that a witch is prowling near a house. “Sometimes, when you hear that someone is throwing small rocks at the roof of your house, you know that you might be bewitched soon,” as a community local shared. In some cases, a rumor is enough to generate an immense level of fear that the victim remains prostrate – not wanting to live. However, some are yolchikaujkej⁴, and gossip or rumors cannot act against them. Envy can act as a catalyst for rumors. When a person knows he/she is envied, fear can invade him/her because the individual or group who feels malicious can act on this emotion by hiring a witch. Perhaps that is why the term Nexikol, which means envious, is also used to designate witches. Contrary to the above, the term for a healer is tetajtouijkej – a defender – who advocates for one’s well-being.

The passing on of knowledge to become a witch/healer is secretive and, thus, done orally. It is information that is only passed on to children, grandchildren, or an apprentice. This occurs, for example, by means of setting one-on-one communication, as well as through formulas; which are of, both, mystical and chemical composition that require perfect execution and technique.

3.2.2. Communication with nature

The communicative relationship with nature is more complex. The spiritual and physical being of the Nahuas of San Miguel Tzinacapan is deep as they have a very strong relationship with the environment. The individual and collective representations, as well as the cultural matrices of the people of San Miguel, are developed around inhabited territory; generating true bio-cultural matrices that, when they produce and are produced as subjects, become a body (Beaucage 2012). From the relationship with actants of nature, witch/healers obtain multiple elements – such as plants – that allow them to harm or heal the bodies of others. The effects of these actions were observed in several cases by the authors of this article.

This system has a fundamental role in the relationship and the handling of natural elements. When a sorcerer wants to “do justice,” he or she uses techniques which require powerful neurotoxins found in leaves and woody vines. “The one who wants to harm you goes to a witch, also known as the Nexikol. This is by the envious person; the one who makes you sick or who causes your death,” as a local of San Miguel mentioned.

The elements of the territory are actants that play a role weaving a web of relationships in which the object and subject dichotomy diffuses (Tirado Serrano and Domènech i

⁴From Nahuat, those who have a strong heart.
Argemí 2005). The earth is a living subject which feeds humans (Beaucage 2012); it is “our little mother and father” that feed us and make us grow. […] it is someone we are part of, someone with whom we talk before hurting it with the coo and which is invaded by supernatural beings” (Comisión Takachiualis y Centro de Investigación de PRADE 1991).

The elements of nature in San Miguel Tzinacapan are fundamental actants and almost always hold the category of subject rather than object – as opposed to individual human beings who often relinquish their pre-eminence before them and before the social-community subject. Some entities of the natural world bear more weight than human actants in the witchcraft/healing system.

The caves within this network are inscribed as an important subject because they allow entry into the underworld and are a portal to the realm of the supernatural. Corn or soil are also actants that, in interaction, are considered more as subjects than as objects. This relationship will be evident in the production of real crimes against nature, punishment of which can only be explained through the third and last communication channel of witchcraft: the relationship with the underworld.

3.2.3. Communication with the underworld

To understand this form of communication that concretizes the union of witchcraft/healing through the two preceding communication channels, it is necessary to speak first of the Talokan. The Talokan represents the matrix of the shamanic worldview of the Nahuas of the Northern Highlands of Puebla (Duquesnoy 2016) and of the ancient Nahuas, who place it at the heart or center of the earth as a “sacred, living and pulsating underworld that releases and reclaimed energy” (Aramoni 1990, 71).

Talokan, in principle, identifies with the earth; which is life and is alive. “Our venerable mother-father earth Talokan […] is an underground world that perhaps encompasses the whole earth and is from another world and another time […] where our true roots are found” (Sánchez and Almeida 2005, 98). It is the place from which we come and to which we must return. But, in addition to that, it is the home of supernatural beings, or amotokniuan, which continually move through the daily life of San Miguel Tzinacapan. Talokan is also the warehouse of the world. There we can find pots with the essence of water, air, rays, and corn. It is a kind of paradise where nothing is lacking, but also from where the good winds and the evil winds come. It is also inhabited by powerful lords who are the authorities of the underworld (Sánchez and Almeida 2005).

Only the witch/healers know the geography of that underworld (Knab 1991) which, according to some healers of San Miguel Tzinacapan, is a place of darkness through which it is quite difficult to travel (Knab 1998). To exercise witchcraft or to save those who have “suffered evil,” the healers/witches must know how to move in the Talokan, to look for the tonal of the sick person and cure him/her or to send an evil wind. In order to carry out such tasks, witches and healers must request the intercession of the lords of Talokan – especially if what is sought is to do evil to someone – to “bring him the justice of the Most Holy Earth.” The Lords of the underworld will only agree to help

---

5From the correct translation of Nahuat it is concluded that it actually refers to “our venerable mother” and “our venerable father” earth.
6A pointed wooden instrument used to plant corn; it is a degeneration of the term kuauitl, from Nahuat, stick.
7From Nahuat: the non-brothers. It refers to those non-human beings that inhabit Talokan.
8In San Miguel the expression “to do evil” means to do witchcraft.
the witch if the cause is just. Thus, the sorcerer invests him or herself as the executor of justice of the Talokan. He or she consults through dreams, and seeks the approval of the Lords through offerings, in order to proceed with their work. The witch can act without the permission of the Lords, though he/she risks punishment (Knab 1998).

Communication between the witch/healer and the underworld is vital for the undertaking of a legitimate task. This means of communication connects the individual with nature, with other individuals, and with supernatural beings. The sorcerer, in order to influence the body of another, must know how to communicate with the underworld. The cosmos is shown as part of the relationship with the whole that includes nature and community.

3.2.4. Regulatory impact on the community

Witchcraft in San Miguel Tzinacapan is exercised on three levels: (a) receptive magic (Knab 1998) which involves envy as a motive that detonates witchcraft by suggestion; (b) physical witchcraft that is related to the use of substances and which in many cases is close to poisoning; (c) and supernatural witchcraft that, in addition to the above, includes bringing diseases to the spirit – which can only be caused and cured by means of an effective management of the geography of the Talokan and a functional communication between the lords of the Underworld and witch/healers through dreams. The practice of the witchcraft and healing systems has a regulatory impact on the community because they regulate behavior and coexistence and, at least at the level of discourse, is exercised as a form of justice.

This practice is dual. The witch can heal and the healer can kill. The healer, when counteracting witchcraft, exercises a reconciliation of the victim with the community, with nature, and with the beings of the Talokan. The damage done spiritually to the tonal or to the yolo can only be cured by trips to the Talokan; performed in dreams by the healer, as well as by means of offerings and prayers. Dreams are fundamental because through them the healer can diagnose the disease that the patient suffers. Just as in the justice system, the healer advocates and investigates by asking the inhabitants of the underworld if the client committed a crime for which he was sent the illness he suffers. In any case, knowing how to dream is fundamental to cure or to exercise evil (Almeida 1987). Dreams are also a form of communication between the living and their ancestors who, by these means, are bound to fulfill their obligations.

The practice of witchcraft/healing is sustained by its actants, the witch, the victim, the client, the healer, supernatural beings, places, etc., and represents a practice that has effects on the network called “community.” That is, witchcraft/healing is a powerful inscribing element that sustains the community, San Miguel Tzinacapan.

The supernatural is constituted in the networks of which it is a part of and thus, witchcraft/healing as a communicative channel with the cosmos is registered as existing in its own network of relationships. The actants: sorcerers, healers, caves, soil, supernatural beings, etc., translate their networks of relationships into an actor-network. This practice is thus actor and network juxtaposed with other networks that operate in the community, such as the ceremonial cycle or the cargo system.

3.3. Crimes against nature

The community body, as we have seen, is woven by a dense network of relationships between people, nature, and the cosmos. Whatever occurs to nature will occur to the
people and to the relationship with the beings of the underworld – who can live on the surface of the earth or in the Talokan but, nonetheless, have a direct relationship with those who live in San Miguel Tzinacapan in everyday life. The fear of the consequences of making them angry can create real crimes; transgressions that put the sense of survival and relationship – with the sacredness of the earth and nature – at risk and are punished by these beings.

We argue that in the normative system of San Miguel Tzinacapan, the protected asset is the survival of the cosmos, as well as the network in which community, nature, and cosmos interact and communicate. The community subject does not survive on its own or for itself. What the normative system of San Miguel Tzinacapan fights for is the survival of the cosmos, nature, and the community subject on equal terms.

The viper, for example, is the guardian of corn. Corn is life. It represents the origins of humanity and its sustenance as narrated in the myth of Sentiopil, the child corn god (Reynoso Rábago and Taller de Tradición Oral 2006). If there is no corn, existence is not possible. In addition, it is also a being with feelings; a being who feels and hurts if harmed. If someone dared to waste or despise him, the viper would act as an executioner, lurking in the milpa.9 A bite would be the offender’s punishment. The serpent, in addition to being the servant of the Talokan, has been attributed powers of fertility (Reynoso Rábago and Taller de Tradición Oral 2006).

Caves are a central actor in the round-trip communications system that turns human life into an intense everyday life (Sánchez and Almeida 2005). Caves, as actants, are also supernatural beings. Additionally, within some of them, there are pools of water or underground rivers that communicate with the Talokan (Sánchez and Almeida 2005; Knab 1998). Due to their special communicative quality, they have their own guardians – the Achiuanimej. They care for the water and fish, as well as punish activities such as fishing with lime or dynamite. This is because, instead of taking what they need to live, the offenders do away with all life in the water. Some residents of San Miguel Tzinacapan also consider them executioners of the adulterers, from whom they strip the souls and feed them to the animals of Talokan. Crimes against nature in San Miguel do not have an anthropocentric matrix, but rather a cosmogonic-community matrix; they protect a relationship of reciprocity and solidarity with the whole. These actants are protected around their relational ontological substance.

4. Reconciliation as an articulating axis of Tzinacapan regulations

Conflict is very much present in San Miguel Tzinacapan. The struggle for power can sometimes be seen in the case of cargos, crimes against nature, or “excesses” in the execution of justice in the underworld; all which require a solution. The central objective of the sanmigueleño regulatory system is reconciliation. The networks introduced thus far – the cargo system, the ceremonial cycle, the witchcraft/healing system – share the commonality of working towards this objective. They allow those involved to resolve and cope, on a daily basis, with the feelings of tension and conflict that are part of the process to reconcile.

Reconciliation in San Miguel Tzinacapan does not have the ultimate goal of resolving a dispute between two and protect social coexistence as an abstract good as modern law

---

9Milpa is the way corn fields are called in San Miguel.
does. It seeks to maintain and preserve the channels of communication and relationship of
the actants that make the community, so it remains viable as a subject, for its survival and
the survival of the cosmos. Reconciliation is the center focus of the regulatory system
because it allows the conservation of relationships between actants, taking into account
both, their own communication channels (body–community–nature–cosmos) and the com-
munity subject itself. It is an asset as much as it is an axis. These are assets that the regulatory
system of San Miguel Tzinacapan protects so that it is procured and properly exercised.

The ceremonial cycle has a reconciling function respectful of the community body
because it allows for a catharsis that, in the case of serious dispute within the community,
can serve as a turning point and begin the reconciliation process between the parties in
conflict. It is not out of the ordinary that at some point in history there have been critical
moments that transcend the sphere of micro-conflict and into tension that involves the
entire community body.

The cargo system is intimately linked to the ceremonial cycle. To participate in it can be
considered a mechanism of reintegration into the community. For example, several years
ago, a murder was committed in town. Although the identity of the perpetrator was
known, the individual did not face charges before the formal justice system. Still, the
crime damaged the relationship between the offender and the community. To reconcile
with the community the offender performed a service as mayordomo for several years.
This was the way to give back to the community and to accept the opportunity to heal
the broken bonds.

In the community, there are certain individual actors who function as mediators. These
people are bestowed with a level of authority or status that almost always emanates from
participation in the ceremonial cycle and the cargo system. The role of the elders, godpar-
ents, and compadres in San Miguel Tzinacapan is crucial in order to maintain certain special
relationships among the members of the community. With very specific roles and a fairly
clear status, these actors mediate and advise the rest of the community. They also have a
preponderant voice regarding certain topics.

The range of mediated situations is broader than in other normative systems. In San
Miguel Tzinacapan, for example, a conflict resulting from a serious injury or homicide –
whether they be unintended or intentional – may be susceptible to mediation. There
have been cases in which some members of the community lose an eye, arm, or their
lives at the hands of another. In such cases, mediation has been not only effective but
requested by the affected people themselves; be it the injured person or the family of
the deceased. That a murderer or offender does not go to prison does not mean life
and integrity are not being protected. It means that there is another vision from which
another form of protection emanates. It breaks away from the idea that prison is the
means of protection/payment for these transgressions.

Witchcraft, although inscribed as a mechanism of justice, is generally used for private
purposes and therefore breaks networks of community coexistence with nature. Healing, in response, exercises reconciliation with nature and is a neutralizer of the
excesses of witchcraft. It works as a mechanism to restore relationships with the beings
of the underworld and nature. As previously mentioned, witchcraft has a damaging
quality which destroys the balance between these elements which are linked to the
psychic entities of human beings. It could even be said that witchcraft is the strongest
form of supra-natural justice. Destroying these connections not only implies some form
of physical ailment – or even death – but also destroying the union between the victim and the networks that gave him/her a life purpose in the cosmos and nature. Breaking these connections is an attempt to radically expel an individual from the community network. Healing has the ability to restore these relationships to the best ability. Therefore, it has a reconciling function.

5. An existing normative matrix away from the hegemonic positive law

By stating that Tzinacapan’s regulatory system is a legal knowledge with its own ontological and epistemic sources, more information can be discovered within the outlook of Perspectivism (Viveiros 1998). One could deepen the ontological diversity between the modern subject and the law that protects it, and the San Miguel subject and its normativity. In the first, the separation between human being and nature is clear, in the second, society and nature, human being and cosmos are not separated. In that case, from the perspective of the ontological turn, one should speak not of epistemicide, as proposed at the beginning of the article, but of onomicide.

The Sanmigueleño actants extend to those who inhabit Tzinacapan. It is the strong relationship amongst them as a collective that sustains the community. San Miguel’s normative matrix is maintained through multiple networks of relationships between individuals, the community, nature, and the cosmos. The dense communicative relationships in which there is a continuous “being in between” of these actants produces powerful institutions and regulatory narratives.

The community subject is sustained and regulated by the ceremonial cycle, the cargo system, the witchcraft/healing system, crimes against nature, and reconciliation. These actants weave a system that effectively regulates coexistence and whose elements of action are validated and verified continuously in the interaction with the population of San Miguel. This breaks away from the modern idea that the process of subjectivation, and therefore of normativity, is exclusive to human individuals. The evolving subject and the inscription of normative networks is not only conditioned by interaction with non-human actants but rather permeates to all types of actants. The evolving subject and the construction of a normative system is a shared relational dialogical exercise, among all the elements that are related in the space and time of San Miguel Tzinacapan. This normative system is a legal knowledge that has its own ontological and epistemic sources and exerts its regulatory capacity through mechanisms of execution; which are accepted as legitimate. The normative action of the actants tends to protect the mechanisms of balance and communication that allow for the existence of the networks that support San Miguel.

The Sociology of Absences allows one to observe the active production of non-existence to which the normative reality of Tzinacapan has been submitted. The use of the Actor-Network Theory has made it possible to examine this normative system from a perspective that does not reproduce subalternization. The Ontological Turn raises the question of how to process encounters between ontologically different populations when “[telling] something is always part of an ontology” (Blaser 2009, 102). Finally, this paper addressed the intercultural dialogue between various “valid laws” despite its great complexity because it presumes, as proposed by de Sousa Santos (2012), the transcendence of universalist or extreme relativist conceptions.
Disclosure statement

No potential conflict of interest was reported by the authors.

Notes on contributors

**Eliel Francisco Sánchez-Acevedo** is currently an LLM Candidate at Harvard Law School. He holds a JD degree and a Master’s degree in Communication and Social Change, both by the Universidad Iberoamericana Puebla (Mexico). He has worked in the public service, specifically in the Mexican Federal Judiciary, and also in different NGOs engaged in Human Rights and Immigration. He has also done empirical and theoretical research about indigenous normative systems in the Northern Highlands of Puebla, Mexico. His present academic interest is focused on researching the intersections between law, racism and Mexican indigenous populations.

**Ma. Eugenia Sánchez-Díaz de Rivera** is a researcher at Universidad Iberoamericana Puebla (Mexico). She holds a PhD from École des Hautes Études en Sciences Sociales, Paris. She received a Fulbright postdoctoral fellowship at Cornell University, NY. She initiated a process of social transformation at Sierra Norte de Puebla in 1973. She has published several books and articles with national and international publishers. Her academic concerns are linked to the relationships among globalization, identities and inequity. Her existential search is focused on building horizontal human relations of reciprocal recognition. In 2006, she was awarded the “Palmes Académiques” by the French Government.

References

Almeida, E. 1987. “Don Inocencio Flores de la Cruz de San Miguel Tzinacapan, Puebla.” In Los chamanes de México. Psicología autóctona mexicana, edited by J. Grinberg-Zylberbaum, 111–127. México, D.F.: Alpa Corral.

Aramoni, M. E. 1990. Talokan tata, talokan nana: nuestras raíces. México, D.F.: Consejo Nacional para la Cultura y las Artes.

Arizpe, L. 1973. Parentesco y Economía en una Sociedad Nahua. Nican Pehua Zacatipan. México, D.F.: SEP-INI.

Beaucage, P., and Taller de Tradición Oral. 2012. Cuerpo, cosmos y medio ambiente entre los nahuas de la Sierra Norte de Puebla. Una aventura en antropología. México, D.F.: Universidad Nacional Autónoma de México.

Blaser, M. 2009. *La ontología política de un programa de caza sustentable.* Academia. https://www.academia.edu/19140332/La_ontologia_politica_de_un_program_de_caza_sustentable__Traduccion_de_The_Threat_of_the_Yrmo_publicado_en_numer_9_e_la_Revista_Red_de_Antropologias_Mundiales__

Cancian, F. 1965. Economics and Prestige in a Maya Community. The Religious Cargo System in Zinacantan. Palo Alto, CA: Stanford University Press.

Carrasco, P. 1979. “La jerarquía cívico-religiosa en las comunidades de Mesoamérica: antecedentes precolombinos y desarrollo colonial.” In Antropología política, edited by J. R. Llobera, 323–340. Barcelona: Editorial Anagrama.

Comisión Takachiualis y Centro de Investigación de PRADE. 1991. *La autoridad como solidaridad. Vigencia, valor y potencialidad de los cargos tradicionales indígenas en una comunidad Nahua, como prácticas sustentadoras de la identidad étnica y de la defensa de los derechos humanos.* San Miguel Tzinacapan, Puebla. Unpublished text.

de Sousa Santos, Boaventura. 2010. *Descolonizar el saber, reinventar el poder.* Montevideo: Trilce.

de Sousa Santos, Boaventura. 2012. *Derecho y emancipación.* Quito: Corte Constitucional para el Periodo de Transición y Centro de Estudios y Difusión del Derecho Constitucional.

de Sousa Santos, Boaventura. 2016. “Pensamientos y poderes. La construcción de horizontes civilizatorios.” In El poder hoy, edited by O. Soto Badillo, and M. E. Sánchez Díaz de Rivera, 41–69. Puebla: Universidad Iberoamericana Puebla, CEMCA.
Duquesnoy, M. 2016. Talokan: matriz de la cosmovisión chamánica de los nahuas en la Sierra Norte de Puebla. México, D.F.: Andes, S/P.

Garcés, M. 2013. Un mundo común. Barcelona: Ediciones Bellatierra.

Grinberg-Zylberbaum, J. 1987. Los chamanes de México. México, D.F.: Alpa Corral.

Knab, T. 1991. “Geografía del inframundo.” Estudios de cultura náhuat 21: 31–57.

Knab, T. 1998. La guerra de los brujos de la Sierra de Puebla. Un viaje por el inframundo de los aztecas contemporáneos. México, D.F.: Diana.

Latour, B. 2005. Reassembling the Social. An Introduction to Actor – Network Theory. Oxford: Oxford University Press.

López Austin, A. 1989. Cuerpo Humano e Ideología. Las concepciones de los antiguos Nahuas. Vol. I. México, D.F.: Universidad Nacional Autónoma de México.

McGee, K. 2018. Actor-Network Theory and the Critique of Law. Research Gate. https://www.researchgate.net/publication/323771428_Actor-network_theory_and_the_critique

Mendieta and L. Núñez. 1937/1992. El Derecho Precolonial. Mexico, D.F.: Porrúa.

Reynoso Rabago, A., and Taller de Tradición Oral. 2006. El cielo estrellado de los mitos maseuales. La cosmovisión en la mitología de los nahuas de Cuetzalan, Puebla. Guadalajara: Universidad de Guadalajara.

Sánchez, M. E. 2016. El pensamiento crítico frente a la pseudo identidad nacional. En El Pensamiento Crítico frente a la Hidra Capitalista II. San Cristobal de las Casas: EZLN.

Sánchez, M. E., and E. Almeida. 2005. Las veredas de la incertidumbre. Relaciones interculturales y supervivencia digna. Puebla, México: UIA Puebla; UASLP; UAS; UV; UJAT; ELPAC; COLPUE; CNEIP.

Tirado Serrano, F., and M. Domènech i Argemí. 2005. “Asociaciones heterogéneas y actantes: el giro postsocial de la teoría del actor – red.” AIBR. Revista de Antropología Iberoamericana. 1–26.

Viveiros, E. 1998. “Cosmological Deixis and Amerindian Perspectivism.” The Journal of the Royal Anthropological Institute 4 (3): 469–488.

Wolf, E. 1955. “Types of Latin American Peasantry. A Preliminary Discussion.” American Anthropologist 57: 452–471.