

# *Multicultural Institutions, Distributional Politics, and Postelectoral Mobilization in Indigenous Mexico*

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## ABSTRACT

Contrary to the predictions of “power sharing” to mitigate ethnic conflicts, multicultural rights recognition can actually increase the frequency of local postelectoral mobilizations. This article demonstrates that the adoption of an ethnic rights regime for electing local government representatives may actually increase conflict if these multicultural laws are not carefully circumscribed to avoid violating human rights. Focusing on the 1995 multicultural rights reforms in Oaxaca, it presents evidence that legal changes purportedly implemented to recognize indigenous rights actually increased postelectoral disputes due to conflicts between county seat communities and peripheral population hamlets over access to funding by the central government. Based on this finding, the article addresses normative implications of “power-sharing” multiculturalism, recommending that multicultural laws be implemented only together with legal mechanisms to solve postelectoral disputes.

The literature regarding multicultural rights recognition widely assumes that power sharing will reduce ethnic violence in postconflict societies by freezing group conflicts in place and leading to their diminishment over time (see, e.g., Lijphart 1999; Norris 2008). Scholars and constitutional engineers have followed the prescriptions of this literature to create “grand bargain” agreements in some of the most complicated postconflict nations in the world, including Bosnia, Iraq, and South Africa. However, given the recent postelectoral violence in new democracies and liberalizing authoritarian regimes from Afghanistan to Zimbabwe, it is not at all clear that such institutions improve democratic processes or reduce ethnic conflict.<sup>1</sup>

The findings in this study suggest that the ethnic component of postelectoral mobilizations may be overblown. Incentives may exist for citizens to rise up after elections seeking redress of nonethnic grievances (such as the distribution of municipal resources), but using ethnic conflict as a frame.

Does ethnicity itself create and recreate categories and concepts that otherwise would not exist? An increasingly prominent hypothesis contends that ethnicity is an

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ever-changing construct that adapts fluidly to many political uses. Along these lines, Karen Engle observes that indigenous groups' small numbers and relative powerlessness require that they justify claims for cultural protection through "strategic essentialism" (2010, 10–13). Indigenous leaders wrap their movements in traditional garb to gain international credibility in struggles over land and social spending (Engle 2010).

Many recent studies have promoted variations on this strategic essentialism approach (Chandra 2004; Fearon and Laitin 2003; Mamdani 2002). But scant empirical studies have actually tested the explanatory power of ethnicity as the basis of civil conflict. Among the few such studies are Wilkinson's (2000) and Varshney's (2003) work on India's twentieth-century Hindu-Muslim riots. Both studies found other core causes besides ethnic and religious identity, such as local electoral incentives and colonial legacy (Wilkinson) and intercommunal social and economic interaction (Varshney).

In contrast to claims about the salience of ethnic politics in Africa and South Asia, scholarship on Latin American ethnic movements and parties has emphasized constitutional reforms granting multicultural rights (Van Cott 2003) and also the "low levels of ethnic polarization and the ambiguity and fluidity of ethnic identification" (Madrid 2008, 477). Clearly, the salience of ethnic identity, but through a broad and institutionalized "ethnopolitist" coalition (Madrid 2008), has succeeded in Bolivia since 2005 and in Ecuador since the mid-1990s. The indigenous rights banner has been waved even more prominently by Mexico's 1994 Zapatista insurgency in Chiapas, prompting governments in neighboring states, such as Oaxaca, to offer multicultural rights before these were extracted through social movements or insurgencies.

We ask, in regions that have experienced longstanding conflict, such as Oaxaca (Dennis 1987; Greenberg 1989; Eisenstadt 2011), do ethnic rights recognition and group autonomy diminish election-related mobilization (which sometimes yields violence)? We find that ethnic rights recognition in local elections does not necessarily lead to fewer such mobilizations. In Oaxaca, in fact, multicultural recognition actually increased mobilizations that escalated to violence, producing injuries and scores of deaths in some 125 instances (15 percent of the 824 postelectoral mobilizations throughout Mexico between 1989 and 2001). We conclude that multicultural rights recognition may offer benefits to indigenous groups but can also exacerbate tensions between election winners and losers if the transition to this localized customary law system is chaotic or the new system provides no guaranteed neutral legal mechanism for resolving postelectoral disputes. The statistical analysis in this study shows that the number of hamlet communities in each municipality had a significant effect on the number of postelectoral mobilizations by that municipality.

We think this may be due to the flow of resources to municipal seats (*cabeceras*) and not to the outer hamlets (*agencias*) in Mexican municipalities (*municipios*, which are analogous to U.S. counties, as most contain multiple population centers). Indeed, federal funds flow to county seats only, leaving outer hamlets at the mercy of central governments and raising the importance of active hamlet participation to gain federal resource transfers.

In our sample of all postelectoral mobilizations in Oaxaca, such mobilizations occurred much more frequently where outlying hamlets existed (as they do in most municipalities) and hence demanded shares of federal spoils, and also where these hamlets possessed the vote under customary law, or UC (a slight majority of the cases, but far from all of them), and hence had some direct say in who they thought would be a resource-sharing mayor. The 1990s in Mexico saw significant decentralization of spending discretion from the states to the county seats (Fox 2002, 108). Higher stakes in local election outcomes may have contributed to increases in post-electoral mobilization.

Of course, devolution was national, and postelectoral mobilization diminished markedly in Mexico's 31 other states over the same period. But with very few exceptions, everyone gained effective liberal democratic voting rights (i.e., the right to use secret ballots in free and fair elections), and thus center-periphery struggles were over budgets but not also over representation. Oaxaca, however, was an exception to this rule. A 1995 state law decentralized election laws in that state's 570 municipalities by allowing municipalities (*cabecera* county seats plus whatever group of *agencia* hamlets they saw fit to include) to conduct elections in accordance with indigenous traditions, however communities defined these. We argue that in Oaxaca, these reforms to the electoral system to preempt liberal voting rights exacerbated local tensions.

The article proceeds by describing the setting of Oaxaca, Mexico, and why its multicultural reforms of the mid-1990s make it an ideal laboratory for exploring postelectoral mobilization and conflict. We discuss the independent variables leading to mobilizations and the forms that resulting conflicts have taken. After the statistical analysis and discussion, we illustrate via example our alternative hypothesis that center-versus-periphery distributional battles between Oaxaca's rural hamlets and more urban municipal seats are the primary cause of conflict, rather than clashes between immutable ethnic identities. We then reconsider the hypothesis suggested by the ethnic conflict literature, that the introduction of multicultural recognition diminishes postelectoral mobilizations related to ethnic tensions. We find that recognition of multicultural rights does not necessarily diminish mobilizations or conflicts; the success of group rights regimes depends on the context and particulars of each system.

## THE POLITICAL—RATHER THAN ETHNIC— CONTEXT OF OAXACA'S 1995 UC LEGALIZATION

Oaxaca is one of Mexico's most indigenous states: in 2000, 35 percent of its 3.5 million residents were indigenous by linguistic criteria. And while Mexico may not be the only nation where citizens select leaders through flexible and changing interpretations of customary practices (see Relea 2008), Oaxaca may offer the best natural laboratory for studying the effects of multicultural recognition. Eighty percent of Oaxaca's 570 municipalities practice legalized UC elections, while the other 20 percent do not.

Drawing on this discrete dataset and comparing the severity of postelectoral mobilizations in UC Oaxaca to non-UC Oaxaca and Mexico, this study links customary political practices and social mobilization and conflict through rigorous comparison, but within one country. We join several scholars of Mexico and Latin America (e.g., Burguete Cal y Mayor 2013; Lucero 2013; Mattiace 2013) who have cited the importance of Oaxaca's multicultural rights regime for Mexico and all of Latin America. Furthermore, we consider, and mostly disconfirm, "ethnic politics" explanations of postelectoral mobilizations—as the 1990s implementation of multicultural institutions in Oaxaca was justified by policymakers and scholars—as a way to reduce ethnically driven conflicts.

Oaxacan UC-based systems constitute a range of practices for selecting leaders, from local assemblies where participants raise hands to support a candidate (such as San Miguel Chimalapa) to the drawing of hash marks beneath candidate names (as in Coatecas Altas) to lining up behind the candidate (as in San Pedro Yolóx). Instead of rigidly defining these practices and establishing legal baselines for them, Mexican state authorities in 1995 allowed Oaxacan legislators to differentiate UC municipalities from those with political parties and secret ballots, and presumably granted local citizens the autonomy to decide how to implement these practices. Thus participation clearly favors accountability to public and group votes at the expense of Western-style individual privacy at the ballot box. UC was heavily deliberated and implemented after a consensus by those enfranchised to participate. However, for the large minorities excluded in Mexico, the process was less consensual and deliberative.

Analysts (e.g., Anaya-Muñoz 2006; Recondo 2007) agree that UC legalization won legislative support in 1995 because Oaxacan political elites feared a contagion effect from the 1994 Zapatista insurgency in neighboring Chiapas. However, Oaxaca's legislators of the majority PRI (Party of the Institutional Revolution) routinely argued instead that legalizing UC would break the clientelist strangleholds of political parties on rural Oaxaca (Anaya-Muñoz 2006). Direct recognition of UC in 1995 cut partisan intermediaries out of the process, allowing communities to make decisions without having to legitimize their winners by registering them with the PRI. While it probably appeared that few would break openly with the strong corporatist ties of Oaxaca's peasant associations, which seemed to extend to anyone seeking state-granted fertilizers, school supplies for their children, or canned food (Eisenstadt 2011, 110–12), *usos y costumbres* did offer determined communities a chance to rebuild local electoral systems with diminished pressure from the PRI's political bosses. Still, why would a PRI-dominated state legislature remove partisan pressures from rural Oaxaca's elections, apparently belying its own partisan interests?

Anaya-Muñoz answers this question by concluding that while a consensus existed that "something had to be done" about indigenous demands in Oaxaca after the Zapatista rebellion destabilized Chiapas, the more immediate cause of the UC electoral reform's passage by the PRI-dominated Oaxaca state legislature was that PRI dominance in rural areas was slipping. The PRI's vote share in state and federal elections had declined precipitously, and the party faithful sought to close off

Oaxaca's rural towns to the opposition. Anaya-Muñoz documents a pattern of PRI decline from winning 94 percent of the vote in 1980 state elections to 91 percent in 1983, 92 percent in 1986, and then—the dip—to 74 percent in 1992. PRI vote shares continued to drop, into the 40 to 50 percent range in the mid- and late 1990s. As of 1995, these data were gathered only in the 152 non-UC municipalities, which were larger, more urban, and more open to competition from the PRD (Party of the Democratic Revolution) and the PAN (National Action Party). The number of contested local elections also increased dramatically from 1980, when challengers contested 6 percent of local races, to 1995, when 46 percent were contested (Anaya-Muñoz 2002, 170). Logically, PRI party leaders had to think that UC legalization would remove rural, indigenous municipalities from competition.

As shown elsewhere (Eisenstadt and Yelle 2012), officials involved in deciding which municipalities were to be sorted into the UC category and which were to retain party-based elections acknowledged that part of their decision was based on political criteria, without considering whether the municipalities were mostly indigenous (according to the INEGI census bureau's recognized definition of ethnic identity, whether a citizen speaks an indigenous language). Empirically, the most basic descriptive statistics also support Anaya-Muñoz and Recondo's reasoning. Some 36 percent of the UC municipalities were less than 25 percent indigenous, according to the INEGI 2000 census's linguistic criteria, while an identical 36 percent of the non-UC communities (those that conducted elections via conventional parties) were more than 25 percent indigenous (INEGI 2000, 2002, 2005). In other words, contrary to the rhetoric of policymakers at the time, ethnic criteria were not strongly considered in deciding which of Oaxaca's 570 municipalities would conduct elections by UC, as the majority indigenous municipalities were not all among the 412 municipalities initially sorted by the Oaxaca Electoral Institute arbiters as UC.

If we accept that legalization of UC was primarily a means of keeping the PRI in Oaxaca's rural towns by barring competition, then the gatekeepers, who decided which municipalities were to be UC and which were to retain partisan elections, were of paramount importance. As reported by Ríos (2006, 22–24), the initial selection of municipalities for inclusion on the UC list was arbitrary. The law allowed municipalities to be proposed for UC designation before the legislature if they had observed traditional practices “since time immemorial, or at least since three years ago” (Ríos 2006, 22). In practice, UC designation by the state electoral institute (ratified by the PRI majority in the state legislature) was only for conflictive municipalities where no party competition had existed in the previous election. But even these two conditions were not met (Ríos 2006, 23).

Table 1. Participation in UC Municipality Customary Governance Institutions, 2008 (percent)

Groups	Men in Population "Seat"	Women in Population "Seat"	Men in <i>Agencia</i> Hamlets	Women in <i>Agencia</i> Hamlets	Non- Catholics	Migrants
Direct participation						
by vote in elections	94.2	75.5	44.1	38.2	76.3	No data
Tequio	95.5	60.9	30.2	20.5	88.3	22.5
Fiesta organizer	95.8	86.1	32.4	28.7	47.8	31.2
Posts in civil government	96.8	42.8	31.7	13.4	89.2	29.4

Note: The total *N* was 404 of Oaxaca's 418 UC-governed municipalities. The questionnaire was administered to town mayors by local representatives of the state government's adult literacy agency, which also asked questions for which it sought responses.

Source: Bailón Corres et al. 2008.

## MEASURING POSTELECTORAL MOBILIZATIONS IN OAXACA

Over the last 15 years, the inherent ambiguities in UC practices have led victims of unfavorable *usos y costumbres* judgments to argue that customary law is so loosely defined that it empowers traditional-style chieftains to exercise arbitrary rule under the guise of communitarian decisionmaking. Moreover, UC elections have created a tension between individual and communitarian rights. A study of traditional leader selection practices in the original 412 UC municipalities using data from the late 1990s (Ríos 2006, 36) showed that 18 percent of the municipalities bar participation by women and 21 percent forbid participation by citizens living outside the *cabecera* (municipal seat).

A more recent survey (see table 1) shows that in 2008, that number had increased: 25 percent of UC municipalities prevented women from voting, and some 60 percent denied electoral participation to those living outside the municipal seat (Eisenstadt and Yelle 2012, 184).

To assess whether the consolidation of ethnic autonomy via UC legalization reduced conflict, the present study examined six electoral periods in Oaxaca and tallied the number of municipalities with postelectoral mobilizations. It looked at the three electoral cycles before UC legalization (1989, 1992, and 1995) and three after legalization (1998, 2001, and 2004). The dataset assigns a value of 1 when a municipality was conflictive during an electoral period and 0 when not. Mobilizations were coded based on newspaper reports of electoral losers' contesting results through postelectoral protests. While local press coverage of independent protests improved during the 1980s, the sample may still underrepresent postelectoral mobilization in rural and remote areas during the first period or two. Still, we argue that underrepresentation affects UC and non-UC communities similarly.

A preliminary statistical analysis shows that UC elections did not immediately reduce the number of mobilizations, but instead increased this number. The number of municipalities nationwide in Mexico experiencing postelectoral mobilizations since the early 1990s diminished dramatically—except in Oaxaca, where they increased by a factor of about 1.5 for the electoral periods under study and the most recent two. In 2010, more than 60 municipalities also presented conflicts several months after the elections, and in 2013, the state's electoral institute anticipated a similar number of conflicts (Juan Martínez 2013). During the period of our formal statistical sample, some 17 percent of Mexico's municipalities experienced postelectoral mobilizations in local elections from 1992 to 1994, and that percentage nationwide dwindled to 7 percent by the 2001–3 electoral cycle. In Oaxaca's municipalities, the rate of postelectoral mobilization changed from 17 percent between 1992 and 1994 to about 18 percent between 2001 and 2003. The frequency of mobilizations has dropped slightly since then, but it stayed above 10 percent through 2010–12.

## REPORTING THE MODELS

A preliminary descriptive analysis of conflicts, shown in table 2, reveals that contrary to theories of multicultural rights recognition, postelectoral mobilizations and conflict in Oaxaca's municipalities actually increased after the implementation of multiculturalist reforms in 1995. While the number of mobilizations stabilized after 2004, this number has remained higher than early 1990s levels. In this section we show why this has occurred.

Our preferred specification is an OLS where the dependent variable is the number of electoral terms in which a municipality had postelectoral conflicts after the reform minus the number of electoral terms that a municipality presented postelectoral conflicts before the reform. We considered three electoral periods before the reform (1989, 1992, 1995) and three periods of local elections following the reform (1998, 2000, 2004). Thus the dependent variable takes values between  $-3$  and  $3$ , where positive numbers mean that a municipality experienced more mobilizations after the reform than before. We created this measure because we believe that the real question to answer is a relative one: whether UC recognition makes municipalities less prone to mobilization and conflicts.

In additional models, we added to our preferred specification two specific interactions: a dummy for UC municipalities that were also predominantly indigenous (model 2), and an interaction between UC and the effective number of ethnic groups (model 3). In models 4 to 6, we repeated all specifications but considered the dependent variable as ordinal (ordered probit) because some observers might argue that different electoral periods should not just be added linearly. In this model, too, categories are all integers from  $-3$  to  $3$ , calculated just as in the OLS dependent variable.

We tested two hypotheses to explain why UC recognition may have actually increased mobilization. First, following Fearon and Laitin (2003) and Posner (2003), we assessed whether ethnic group heterogeneity facilitates mobilization. By this rea-

Table 2. Number of Municipalities with Postelectoral Conflicts, 1989–2004, by UC Affiliation

	1989– 1991	1992– 1994	1995– 1997	1998– 2000	2001– 2003	2004– 2006
Non-UC municipalities	40	56	50	29	21	25
Municipalities selected as UC after 1995 reform	7	20	56	62	71	44
Total conflicts	47	76	106	91	92	69

Note: After the electoral reform of 1995, there were a total of 418 UC municipalities and 152 non-UC municipalities.

Source: Database assembled by the authors and coded from Oaxaca Electoral Institute; continuous coding of national and local press accounts, 1989–2004.

soning, trust is higher between members of the same ethnic group and lower between members of different ethnic groups. Furthermore, Fearon and Laitin argue that the greater the number of ethnic groups and frequency of interactions among them, the greater their propensity for conflict (here measured as mobilization). Therefore we measured the effective number of ethnic groups following Molinar's index (Molinar 1991) per municipality and introduced it as an independent variable.

As presented in table 3, the effective number of ethnic groups (i.e., "ethnic diversity") is statistically significant, but only in OLS specifications. In our preferred specification (model 1), for each additional ethnic group, mobilization is 0.261 higher after the reform. Note that overall, when municipalities are predominantly indigenous, conflict is less probable (a coefficient of  $-0.212$  in model 1).

Yet those municipalities that adopted UC experienced more mobilizations (0.622 in model 1). This may suggest that if a municipality was classified as UC by Oaxaca's state legislators in the mid-1990s, the designation followed a political logic more than a demographic one.<sup>2</sup> In other words, while most municipalities experience no mobilizations, those with histories of postelectoral mobilization grow even more prone to them after the reforms. Non-UC communities followed the national trend toward fewer mobilizations, with postelectoral mobilizations diminishing in frequency from some 17 percent in the early 1990s to less than 4 percent by the twenty-first century. Interactions between UC and ethnic diversity (model 2) and UC and whether municipality was predominantly indigenous (model 3) are not significant.

The second hypothesis we tested was whether conflict had nonethnic causes. Through extensive interviews, we learned that conflicts commonly arose over federal transfers designated for the municipalities and surrounding population centers. To assess the role of conflicts between municipal seats and these outlying populations or hamlets, we coded two dummy variables: "hamlets vote," which expresses whether residents in hamlets beyond the municipal seat were allowed to vote (in 16 percent of UC municipalities, hamlet residents were denied such voting rights); and "hamlets in UC," which expresses the number of hamlets in each municipality,

Table 3. OLS and Ordered Probits After 1995 Oaxaca Electoral Reforms  
(Z Scores)

Change in Postelectoral Conflict After Reform	OLS			Ordered Probit		
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Ethnic diversity	0.261* (0.146)	0.256* (0.147)	0.463* (0.254)	0.468 (0.344)	0.461 (0.349)	0.999 (0.619)
Do hamlets ( <i>agencias</i> ) vote?	0.247* (0.123)	0.247* (0.123)	0.248* (0.123)	0.577* (0.281)	0.577* (0.281)	0.574* (0.282)
Hamlets number	0.131*** (0.037)	0.131*** (0.037)	0.135*** (0.038)	0.289*** (0.083)	0.290*** (0.083)	0.298*** (0.083)
UC dummy	0.622*** (0.184)	0.635** (0.174)	0.958* (0.391)	1.461*** (0.418)	1.481*** (0.444)	2.363* (0.938)
Is Muni majority indigenous?	-0.212* (0.096)	-0.180 (0.174)	-0.222* (0.096)	-0.486* (0.218)	-0.442 (0.398)	-0.511** (0.219)
Secret ballot	0.002* (0.145)	0.001 (0.134)	-0.000 (0.142)	0.089 (0.317)	0.088 (0.317)	0.084 0.317
Parties dummy	0.002 (0.114)	-0.002 (0.113)	0.003 (0.114)	-0.005 (0.256)	-0.004 (0.256)	0.002 (0.256)
Migration	-1.366 (1.227)	-1.357 (1.229)	-1.443 (1.230)	-3.416 (2.791)	-3.397 (2.795)	-3.606 (2.789)
Schooling	-0.911* (0.512)	-0.908* (0.512)	-0.917* (0.512)	-1.988* (1.170)	-1.980* (1.172)	-1.981* (1.169)
Poverty	1.167* (0.628)	1.168* (0.629)	1.178* (0.629)	2.632* (1.466)	2.629* (1.466)	2.659* (1.464)
Population	-0.029 (0.045)	-0.028 (0.045)	-0.029 (0.045)	-0.083 (0.103)	-0.082 (0.104)	-0.085 (0.103)
Agrarian conflicts	-0.001 (0.001)	-0.001 (0.001)	-0.001 (0.001)	-0.003 (0.002)	-0.003 (0.002)	-0.003 (0.002)
Previous conflicts (1980–86)	-0.228 (0.285)	-0.230 (0.285)	-0.213 (0.286)	-0.518 (0.693)	-0.516 (0.693)	-0.488 (0.693)
Ethnic diversity and UC			-0.299 (0.307)			-0.798 (0.743)
Is Muni majority indigenous? and UC		-0.041 (0.190)			-0.057 (0.429)	

\*\*\*  $p < .001$ , \*\*  $p < .01$ , \*  $p < .1$

N = 570

Notes: Dependent variable is change in postelectoral mobilizations. The dependent variable, coded using local and national press accounts, measures changes in postelectoral mobilization frequency for periods prereform (1989, 1992, and 1995) and postreform (1998, 2001, 2004) for Oaxaca's 570 municipalities. The variable was operationalized as the number of electoral terms that a municipality had postelectoral conflicts prereform minus postreform. It takes values between -3 and 3,

*Notes to Table 3 (continued)*

where positive numbers mean that a municipality tended to have more conflictive electoral periods after the reform than before.

Ethnic diversity measures the effective number of ethnic groups calculated from INEGI 2001 using Molinar's index (Molinar 1991). Hamlets vote is 1 if allowed to vote; hamlets is the number of non-"seat" populations in UC municipalities (Velázquez Cepeda and Méndez Lugo 1997). UC is 1 if UC implemented. Indigenous is dummy for municipalities that have >50% indigenous language speakers (INEGI 2001).

Controls: Parties (for all municipalities, 1 if political parties are allowed; Velásquez and Méndez Lugo 1997); migration rate (INEGI 2001), level of schooling (UNDP schooling factor of the HDI replicated by CONAPO 2001), poverty (percentage of the economically active population living on two or fewer minimum wages; INAFED 2005), population log (INEGI 2001), agrarian conflict (complaints per one thousand inhabitants registered by Attorney General for Agrarian Concerns 2004 from *ejidos* and *tierras comunales* between April 1992 and November 2004 (INEGI 2005)).

ranging from 0 to 13. We coded these institutional variables from the 1997 catalogue of UCs and also included controls, such as whether parties could participate in UC, whether UC methods involved secret ballots, and indicators of poverty and education. We assumed that non-UC municipalities conducted elections consistent with federal standards and the Mexican constitution; i.e., hamlet residents were enfranchised with the vote, party participation, and secret ballots.

We claim that these constructed variables are proxies for prohamlet interest articulation. In rural areas, hamlet and county seat communities are generally disconnected and have vastly different levels of development and resource needs. Yet because most policies and all budget decisions about public services and resource allocation are made in county seats, the needs of outlying communities are often ignored. It is logical that people in the same outlying community will share preferences different from those of county seat residents. Our statistical models show that municipalities with more hamlets and hamlets that are allowed to vote tend to generate more mobilizations. In our preferred model (model 1), for each additional hamlet, the number of mobilizations after the reform will be 0.131 larger than before. If hamlets vote, the number of mobilizations will be 0.247 larger.

The finding that municipalities with *agencia* hamlets are more prone to conflict is important for understanding why the 1980s mode of postelectoral mobilizations changed as Mexico's 1983 municipal reforms were implemented. These reforms more than doubled the flow of federal taxes and other resources to states and localities for their distribution (with the municipal "seat" *cabeceras* deciding, at their discretion, which outlying *agencia* hamlets were to receive funds). Considering the number of *agencias* as a proxy for demanders of funds (given that local taxation and revenue generation remained centralized) in a geographic area, two possible causes of data patterns can be observed in table 3: the struggle by *agencias* to receive resource transfers from wealthier and more powerful *cabeceras* (and have input into such decisions), and the lack of clear rules under UC that allowed *cabecera* groups to change local UC rules to their benefit.

Some of our control variables are important for understanding how the evidence from Oaxaca can be generalized to other cases. Mobilizations are more prevalent in poor societies (e.g., Fearon and Laitin 2003; Collier and Hoeffler 2004), and the significant “population” control variable links to existing literature specifying that heavily populated polities are more conflict-prone (e.g., Fearon and Laitin 2003; Collier and Hoeffler 2004).

However, the variables conveying factors unique to Oaxaca are the ones we wish to underscore. The fact that previous postelectoral conflicts (1980–86) had no effect on postelectoral conflicts after 1995 (controlling for UC) disconfirms the argument that previous conflicts make societies more prone to future conflict (see Collier and Hoeffler 2004). The *agencias* assumed a new role at the moment when electoral competition presented greater options and outlying hamlets were becoming increasingly dependent on municipal seats if they wanted federal transfers. This *agencia-cabecera* tension was masked by its leaders in practice as ethnic mobilization. In municipalities such as Villa Hidalgo Yalálag, it escalated to violent conflict.

## MUNICIPAL BUDGET DISTRIBUTION—RATHER THAN ETHNICITY—AS THE CAUSE OF TENSIONS

The reason municipal cleavage variables had such a strong effect may be that federal funds flow to county seats only, raising the importance of active hamlet participation to gain shares and county seat willingness to grant them. Conflicts occurred where outlying hamlets even existed at all (most but not all municipalities) and therefore sought to require municipal seats to divide the spoils, and also where these hamlets possessed the vote under UC (a majority of the cases, but far from all of them), and therefore had some direct say in who they thought would be a solomonic and resource-sharing mayor.

Although ready comparisons between *cabecera* municipal seats and *agencia* hamlets are not available, we were able to find that 95 percent of Oaxaca’s municipalities possess one or more outlying hamlet communities, and that in 2000, only 4.7 percent of the population in Oaxaca’s *agencias* possessed sewage and 15.8 percent possessed electricity, whereas in *cabeceras*, 14.3 percent possessed sewage and 21.2 percent had electricity (National Institute of Statistics 2002). These differences may not be stark in absolute terms, but in relative terms they are dramatic. Municipal seats were three times as likely to have sewage systems as the outlying hamlet *agencias*. Indeed, control over “who gets what” with regard to the most basic services was still perhaps the most important public administration issue in Oaxaca and other areas in poor, rural Mexico.

In addition to UC reforms, the 1990s also saw significant decentralization of spending discretion from the states to the county seats (Fox 2002, 108). Although we did not have the time series data to systematically evaluate whether hamlet electoral enfranchisement has improved over time, this did not seem to be the case in municipalities where we interviewed. Furthermore, Fox and Aranda (1996, 46) documented that in Oaxaca, “municipal centers . . . received consistently larger budgets

than outlying communities” even as decentralization was just starting in the 1990s. As validated by case studies in our research, higher stakes in local election outcomes by the municipal centers in regard to the hamlets contributed to increases in post-electoral mobilizations.

Of course, devolution was national, and postelectoral mobilization diminished markedly in Mexico’s 31 other states over the same period. But with very few exceptions, citizens had liberal democracy voting rights in those other states, and hence center-periphery struggles arose over budgets but were not exacerbated by failures of representation. Anecdotally, the former director of the Oaxaca Electoral Institute, Cipriano Flores Cruz, confirmed that many of Oaxaca’s worst conflicts since 1995 have been about inequitable resource distribution between municipal center “seats” and outlying hamlets (Flores Cruz 2004). And Hernández-Díaz and Juan Martínez (2007), in the most comprehensive study to date of municipal conflict in Mexico, extensively document dozens of conflicts caused principally by intramunicipal cleavages.

Conflict between outlying communities and municipal core communities has a long history in Mexico. At the time of the Spanish conquest, Oaxaca’s indigenous communities surrendered quickly (with a few short-lived rebellions) and were then mostly ignored by the Spanish. According to Bailón Corres (1999), Oaxacan indigenous communities were exploited via the extraction of tribute, but were not subjected to the direct servitude imposed in other parts of Mexico. The Oaxacans retained the integrity of their lands and communities during colonial rule. By the mid-1800s, several decades after Mexico won its independence, Oaxaca was divided into administrative units (municipalities) of two hundred residents or more and, within them, subunits (hamlets or *agencias*) of fewer than two hundred residents. This autonomy served both the municipal seats and the outlying communities until federal fund allocation devolved to the municipalities in the 1980s and federal allocations increased in the 1990s.

After the federal government’s negotiations with the Zapatista insurgency in neighboring Chiapas stalemated in the mid-1990s, subnational multicultural policies became a favored strategy for the government to defuse ethnic tensions. Although Oaxaca had historically possessed autonomous indigenous communities, authorities figured that it might be time to recognize this autonomy legally, as a means of stealing the agenda of radical pro-ethnic rights activists like the Zapatistas. However, Chiapas had faced fierce state government repression of peasant squatters on that state’s extensive *latifundia* land holdings for generations. Violence in Oaxaca was less severe, less class-based, and mostly between communities disputing boundaries, rather than with the state and agrarian elites (Eisenstadt 2011, 111–17). However, elections did prompt violence, causing over 40 deaths statewide between 1989 and 2004.

Nevertheless, political elites across Mexico were surprised by the deftness and the success of the Zapatistas in publicizing their multicultural rights agenda, and Oaxaca’s state officials, particularly in the ruling PRI, thought that perhaps recognition of UC could diminish threats of Zapatista “contagion” (Anaya Muñoz 2002; Recondo 2007). The 1995 Oaxaca law and 1998 amendments were presented as

legitimizing traditional cultural practices and representing a crucial first step toward giving Oaxacans authority over land they had occupied for centuries. In short, the measure may have been politically charged, but it was a real concession to indigenous group rights.

In 2000, PAN candidate Vicente Fox came to power declaring a “new dawn” in Chiapas and pushing forward a watered-down version of the agreement negotiated with the Zapatistas that mandated federal indigenous rights but offered no new resources for implementation or enforcement. Bailón Corres (2009) estimates that only a third of Mexico’s states updated their laws to comply with federal rules.

Ironically, UC recognition may have defused ethnic tensions, but it exacerbated existing tensions between center and peripheral communities. Since the 1990s, residents of outlying communities increasingly had protested their inability to participate in elections or share in the allocation of federal transfers. In 2003 alone, residents of Oaxaca’s 731 outlying communities (within the state’s 570 municipalities) filed more than 200 complaints alleging that they had been shorted in federal resource distribution (Hernández-Díaz and Juan Martínez 2007). To Hernández-Díaz and Juan Martínez,

These contradictions between communities within a municipality have found articulation in the electoral process which they use to pressure to have their demands attended to, or, if they are customary law communities, they demand participation in the process whereby their municipal authorities are elected. (180)

The scores of conflicts over municipal cleavages revolved around demands that all residents be permitted to participate in elections for officeholders who determined how municipal funds were spent (i.e., the mayor and municipal government). These conflicts concerned not just the center-periphery split but also bans against electoral participation by women, migrants, and non-Catholics (see table 2).

The scope of the problem is exemplified by the remote Zapotec town of Santiago Yaveo, where residents from the 11 outlying hamlet communities demanded their right to vote in the communal assemblies before the 2001 election. Based on claims that 80 percent of the population was not receiving its share of federal funds, along with appeals to universal human rights norms, the county seat guaranteed 2 of 6 city council positions to hamlet residents (Gottwald and Morales 2003, 48). The hamlets rejected the offer, however, wanting an even more equitable distribution of seats, and held separate elections for all 6 seats. The state’s administrative electoral institute invalidated the hamlet election and named the victor of the county seat elections mayor, even though only 496 of 3,347 municipal residents had voted. The state legislature overturned that ruling and designated a Santiago Yaveo administrator until a special election in 2002 (Gottwald and Morales 2003, 48).

In the meantime, the hamlets organized protests to pressure the municipal seat. They blocked roads, temporarily kidnapped uncooperative state officials, and met to establish a consensus and define new strategies. A lawyer was hired to take the *agencia* disenfranchisement case to the federal electoral court, but some hamlets also negotiated informally through political parties and elected representatives. When

negotiations failed, the governor named a permanent municipal administrator, who initiated public works projects with *agencias* that would “work with him” (Gottwald and Morales 2003, 50). Conflict re-emerged when that administrator failed to finish public works, opting instead to start new projects in other politically beneficial locations. After months of deliberation, the federal court ordered a special election in 2002. That election was never held because the Oaxaca Electoral Institute argued that it could not guarantee free and fair elections (Hernández-Díaz and Juan Martínez 2007, 188; Gottwald and Morales 2003, 51–53). The conflict extended to 2004, 2007, and 2010, meaning that the municipality has been managed for nearly a decade by administrators appointed by the governor.

Such municipal conflict cases, owing primarily to resource allocation rather than ethnic conflict, proliferated across Oaxaca. Hernández-Díaz and Juan Martínez document a dozen other cases in which similar postelectoral mobilizations stem from this center-periphery cleavage. Among the most notorious are conflicts in Zapotitlán del Río, San Miguel Mixtepec, and Santiago Matatlán. In each of these cases,

The demand by the hamlets to re-establish elections by parties is directly linked to assignment of financial resources. . . . Their preference for partisan elections is strictly instrumental: they want to guarantee the *agencias* . . . a more favorable position in distributing municipal budgets (Hernández-Díaz and Juan Martínez 2007, 191).

Our statistical analysis and case study research suggest that the genesis of postelectoral mobilizations and resulting conflicts in Oaxaca is to be found more in municipal cleavages than in ethnic heterogeneity. This finding means that much of the existing literature premised on interethnic competition does not strongly apply in Oaxaca, and perhaps does not apply in other Latin American cases where, as Madrid (2008) observes, fluidity of ethnic identities exists and the decentralization of resource allocation occurred without commensurate and uniform decentralization of power.

## **ETHNIC MALLEABILITY: THE VILLA HIDALGO YALÁLAG ILLUSTRATION**

Our statistical findings reaffirm constructivist rather than essentialist definitions of ethnic identity in the Oaxacan context, in that leaders framed distributional conflicts as ethnic ones, rather than appealing to any innately ethnic grievances. Coherently defined ethnic groups do sometimes pursue shared goals—and in these cases, multicultural institutions may reduce conflict. But the evidence suggests that people decide whether and when to emphasize group ethnic identities based on conscious choices (strategic behavior) rather than on visceral or immutable political positions. The case of Villa Hidalgo Yalálag illustrates how concepts of ethnicity are fluid and how multicultural power sharing approaches can, if inflexible, worsen tensions they aim to defuse.

Villa Hidalgo Yalálag is a heavily indigenous UC town in mountainous northeastern Oaxaca where 92 percent of the population speaks Zapoteco or Mixe (and

19 percent speaks no Spanish at all). In Yalálag, some enthusiasts, like Zapoteco intellectual Joel Aquino Maldonado, have sought to reclaim their indigenous culture by cultural projects, such as forming a band to play Zapoteco music, starting a radio station to broadcast Zapoteco content, and building Zapoteco computer keyboards. Critics of these efforts, including some Zapotecos, most of the Mixes, and many nonindigenous residents, say Maldonado and his cohorts are reconstituting and reinterpreting the past, not just reviving it. Furthermore, they argue, this revivalism selectively benefits members of the Uken ke Uken Cultural Center and diverts external resources (such as international grants) to rediscovering Zapoteco culture rather than pressing for community development needs (Aquino Maldonado 2004; Bautista 2004; Juan Martínez 2000).

The Yalálag conflict is deeply rooted, but was fully articulated in the late 1970s with the creation of the Grupo Comunitario (GC), headed by Aquino Maldonado, which pursued municipal power in order to achieve

unconditional respect for the traditional Zapotec laws over communitarian government, *tequio* [indigenous community voluntary service] and municipal government, which are the basic institutions that give the population the character of an indigenous community. (Juan Martínez 2007, 205)

Initially, the conflict centered on issues like potable water and support for the town musical band. But political and electoral contestation soon became central components of intractable conflicts. Mixe groups and others who opposed Aquino Maldonado's communitarian-seeking Zapoteco leadership founded the Coordinadora 11 de Octubre in 1998. Violence finally erupted between the GC and the Coordinadora in 2000 after a Coordinadora ally won the UC mayoral election. When the GC leadership refused to leave office, Coordinadora allies occupied the city hall. One person was killed, several more were injured, and 23 were taken prisoner as the protesters were removed (Juan Martínez 2007, 221). This violence was the culmination of a breach between the GC's strongly indigenous leadership and others who did not want UC defined in ways they perceived as unfair. Unlike the other cases mentioned, which occurred in UC communities but had little if any ethnic component, ethnicity was salient in the Yalálag case, and it exacerbated tensions after UC recognition granted indigenous rights advocates additional authority and removed the state's role as arbiter of postelectoral disputes.

## UC AND THE RISE OF POSTELECTORAL MOBILIZATION

Beyond the case studies, general evidence also exists that Oaxaca government and electoral authorities abuse the lack of clear rules under UC. To draw firm conclusions about the relationship between UC legalization and civil unrest, two structural and procedural realities of UC electoral systems merit consideration. First, municipalities were not sorted as UC- or party-based electoral jurisdictions based on the number of indigenous citizens in each municipality. Based on data from the first

census after the 1995 UC legalization, indigenous populations (by linguistic criterion) formed over 50 percent of the population in only 192 of the 418 UC municipalities, meaning that in 226 municipalities, indigenous citizens were not in the majority (Ríos 2006, 108). Increases in mobilization and related conflict were much more likely in less indigenous UC municipalities (those with 40 percent or less indigenous citizens) than in more indigenous UC communities (Ríos 2006, 108).<sup>3</sup> Therefore, indigeneity does not correspond to mobilization.

If UC communities were not originally selected in accordance with census data designating municipalities as indigenous or nonindigenous, then how were these criteria arrived at?<sup>4</sup> Politicians of the era (e.g., Bailón Corres, Cruz Acevedo, López López) openly acknowledged that *usos y costumbres* was legalized to prevent what they imagined might occur if Zapatista-led indigenous uprisings spread to Oaxaca (Cruz Acevedo 2010). Scholars have suggested that it was a way for the PRI to perpetuate its monopolistic hold over Oaxaca's rural areas as the party declined nationally in the late 1980s. Anaya Muñoz (2005), Recondo (2007), and Benton (2012) have all argued that even though a consensus existed among Oaxacan state officials and PRI partisans that something had to be done about the Zapatista rebellion in Chiapas, the immediate cause of *usos y costumbres* electoral reform was that in August 1995, the PRI in Oaxaca experienced the most precipitous decline ever in its margin of victory in state legislative elections. Since 1988, the PRI had deftly sought to allow opposition party inroads, but not too many.

The second reality to consider, shown by process tracing of conflict resolutions, is that the lack of formal jurisdiction of electoral courts and institutes over UC elections does contribute to the degeneration of contested elections into power plays. Rowdy demonstrations of strength are more decisive than carefully constructed legal arguments. Whereas electoral courts have jurisdiction over party-based elections, conflicts over UC elections have been mediated on an ad hoc basis. In other words, as stated by Angeles Carreño (2009) in reference to Santa Catarina Minas's turbulent 2001 election, "the electoral institute lawyers and director of *usos y costumbres* came in the middle of a heated conflict to tell us that UC was whatever we wanted it to be." The lack of legal structure encouraged losers to wage their battles in the streets because they knew that a strong legal case was not worth the paper it was written on. Mass mobilization and political finesse, however, can lead to bargaining table victories. The lack of clear mechanisms to resolve postelectoral disputes under UC only encouraged groups to ratchet up their civil disobedience. In the words of one former Oaxaca government mediator, "Winning and losing elections used to be absolute; now it's relative" (López López 1998).

In the absence of effective judicial challenges until 2008, and in the setting of seemingly inconsistent levels of activism and precedent between state and federal electoral courts since 2008 (Cordero 2013), Oaxaca's unicameral state legislature (in partnership with the governor) has been able to manipulate UC election outcomes. The state legislature has dissolved hundreds of Oaxaca's 570 municipal governments over the last decade on grounds of "ingovernability."<sup>5</sup> However, in the PRI's heyday, the legislature (often at the governor's request) allowed at least symbolic

opposition participation on appointed interim city councils. During the first decade of UC recognition, the increasingly beleaguered ruling party, which narrowly defeated a left-right coalition of the PRD and PAN in the 2004 gubernatorial race and lost the governorship in 2010, increasingly used the state legislature to dissolve local governments and substitute unelected administrators directly responsible to the governor. More recently—and offering a partial explanation for the PRI's 2010 defeat—Governor Ulises Ruíz (2004–10) did not even bother imposing legal administrators. According to informants (Fernández 2009; Hernández Fernández 2009), Ruíz imposed his will without even pursuing legalistic “cover,” leading to intractable difficulties in the 2006 Oaxaca teachers’ strike and the state’s subsequent political paralysis.

UC again became politicized in late 2010 and early 2011 as the outgoing electoral institute (named by the previous PRI governor) withheld information about winners and losers in dozens of UC municipal elections from the governor-elect, who ran on a PAN-PRD coalition ticket. The inattentiveness of the lame duck PRI-named electoral institute seems to have inflamed over 45 postelectoral mobilizations and conflicts, which complicated the change in gubernatorial administrations. Several important UC cases were filed before Mexico’s federal electoral court, but none of these high-profile verdicts altered policy (Sonnleitner and Eisenstadt 2013).

In the few cases in which the federal electoral court (*Tribunal Electoral del Poder Judicial de la Federación*) favored the constitutional rights of citizens over local traditions, thereby limiting indigenous autonomy (Morales Canales 2008), judicial authorities have not actually enforced the verdicts. In 2000 in Asunción Tlacolulita, for example, the TEPJF overturned the state legislature’s annulment of a controversial election after two citizens argued that the annulment had violated their rights. The TEPJF ordered the Oaxaca Electoral Institute to do “whatever was necessary” to reconcile the factions in the political dispute and to hold a special election to solve the crisis (Electoral Tribunal 2001, xix). The special election was never held, however, and subsequent UC elections, although more peaceful, continued to exclude “women, some young people, neighbors from the hamlet *agencia* . . . and local citizens who lived outside the community” (Services for an Alternative Education 2002, 20; 2005, 14–20).

## CONCLUSIONS: LOOKING BEYOND ETHNICITY TO EXPLAIN POSTELECTORAL MOBILIZATION

Brief sketches of a few cases outlined here demonstrate that postelectoral mobilizations in Oaxaca may have an ethnic undertone but involve a variety of other issues, including suffrage restrictions based on location, gender, and religion. Furthermore, the lack of an agreed-on rule of law or neutral umpire in UC communities means that groups are primed to engage in postelectoral mobilization. Uncertainties about rules of the game and a willingness to overpower foes with force have resulted in more than two hundred election-related deaths nationwide in Mexico since 1989, with nearly a quarter of these in Oaxaca. Most important, the issue of intramunicipal

pal resource distribution is the core of many postelectoral mobilizations, as hamlet residents do not even get to vote for the mayors who will determine the flow of all-important social programs.

Postelectoral mobilization has increased in Oaxaca's UC municipalities, and UC power-sharing arrangements pose questions for Mexican federal authorities in terms of human rights norms. The minority groups that have been empowered by UC recognition have imposed systems of governance that discriminate against citizens living outside population centers, as well as other commonly protected classes (see Danielson and Eisenstadt 2009; Hernández-Díaz and Juan Martínez 2007).

Mexico is not the only country struggling with this dilemma, although the conflict between communitarian rights and individual human rights has taken harsher forms in other nations. In Ecuador, an indigenous citizen from Cotopaxi was lynched in 2010 in accordance with improvised laws of indigenous justice. Authorities report such atrocities on occasion, and accounts exist of recent lynchings in Bolivia, Guatemala, and Peru (see Vilas 2008; Godoy 2004; Fernández García 2004).

Contrary to the budgetary logic of center-periphery relations in municipalities and states in Mexico, ethnic politics, or at least the construction of ethnic categories by postcolonial authorities, does seem salient beyond Latin America. In several cases from sub-Saharan Africa, for example, massive postelectoral violence seems to hinge on the geography of occupied and occupier (Kanyinga 2009) and the cultural proxies colonials used to promote "in-groups," be they language (Posner 2003), religion (Laitin 1985), or ethnic identity construction with no ascriptive basis (Mamdani 2002).

Multicultural rights regimes have been recognized most successfully not in these conflictive African cases, where orderly recognition of such rights may be most needed, but in mostly homogeneous societies, such as the Netherlands and Australia, which critics claim did not offer sufficiently hard tests of whether multiculturalism could mitigate deep social cleavages. Other critics have claimed that multicultural rights should not be imposed in violently conflicted societies such as India (see Lijphart 1996, debate with Wilkinson 2000) and Lebanon (see Dekmejian 1978, debate with Salloukh 2006) because such arrangements merely freeze social cleavages and block efforts to dismantle status quo power structures. As Madrid (2008) has noted, it may be that the Andean and Mesoamerican experiments with multicultural rights recognition provide an intermediate set of cases, where social cleavages are sufficiently deep to test the efficacy of group rights recognition to ameliorate conflict, but not deep enough to incite civil war.

More research is needed to systematically follow intramunicipal politics and trace out in detail how resource allocation struggles in our Oaxaca cases give causal agency to the statistical significance of our "hamlets" indicator. Our findings do suggest, however, that subnational multicultural recognition must promote universal suffrage and incorporate a clear rule of law regarding dispute resolution. In Oaxaca, letting hamlet villagers vote reduces the scope of their complaints from longstanding distributional and representational conflicts over who decides budgetary priorities to the merely technical matter of how to spend those budget funds. Without voice,

these groups have no reasonable means of expressing these mundane and eminently resolvable grievances of “who gets what” short of taking to the streets, which they do time and time again. Codifying conditional multicultural rights, such that there is judicial consistency, flexibility for evolving social conflicts, and an opt-out clause for individuals seeking protection from practices that discriminate against them, may reduce conflicts and defend communitarian and individual rights better than blanket multicultural rights recognition.

## NOTES

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1. Sisk, in a thorough overview, lists the following as nations with recent postelectoral violence: Afghanistan, Bangladesh, Cambodia, Colombia, Guyana, Egypt, Ethiopia, Iraq, Kenya, Nigeria, Pakistan, the Philippines, and Zimbabwe (2008, 1).

2. Only 36 percent of the UC municipalities were less than 25 percent indigenous, according to the INEGI 2000's linguistic criteria, while an identical 36 percent of the non-UC communities were more than 25 percent indigenous. Ethnic criteria were not decisive in sorting Oaxaca's 570 municipalities into UC and those that would retain more Western-based secret ballot elections featuring candidates run by parties.

3. A corresponding finding is that 40 of Oaxaca's 152 non-UC municipalities have majority indigenous populations (greater than 50 percent by linguistic criterion), according to author data.

4. We do not wish to imply that linguistic designation is necessarily the best means of determining indigenous identity (or any identity), as this is controversial among scholars. However, it is one fairly obvious starting point, and the point we seek to make is that the designation was not empirically based.

5. Governor José Murat (1998–2004) suspended 140 municipal governments, as many as 30 at a time (Del Collado 2003), ensuring PRI dominance. He also punished mayors in even the poorest communities who could not find sizable enough campaign contributions in their paltry budgets to support the PRI.

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