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From Custom to Culture: The Archeology of Two Identification Terms Among Bolivian and Mexican Amerindians

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ABSTRACT

Latin American multiculturalist policies have increased the visibility of Amerindian groups through the term “culture,” which has become the key for these groups to enter the national and international scene. Although this term is now often used strategically at the interface between indigenous and non-indigenous groups, another comparable term exists more specifically in Hispanic America. This is the term “costumbre,” widely used among Amerindian people to designate a set of endorsed practices or those of others. Moreover, some Amerindian groups have incorporated this Spanish word into their own indigenous languages to refer to this type of practice. What then does the relation between these two terms within Amerindian groups indicate? Drawing on the ethnographic examples of two distinct and geographically separate contemporary groups—the Nahuatl-speaking people of La Huasteca in Mexico and the Yuracaré of the Andean foothills in Bolivia—this paper proposes a conceptual archaeology that demonstrates that, far from being interchangeable, these two terms are part of distinct logics stemming from two historical phases of institutional policies designed to integrate Amerindian populations. Their analysis reveals different forms of governance as well as different forms of appropriation of these terms by Indian populations. [Keywords: Yuracaré, Nahuatl, culture, custom, governance, multiculturalismo, colonial order]

Since the late 1980s, indigenous groups in Latin America have begun to evoke the term “culture” (“*cultura*” both in Spanish and Brazilian Portuguese) when addressing “outsiders” in their national language. This term is used to designate a group’s unique, exclusive, and habitual practices or to describe, in a more abstract sense, that which embodies their specificity. In Brazil, where this process began earlier than in the Spanish speaking countries of Latin America, Terrence Turner (1991) noted, in a pioneering and influential essay, that the Kayapo in the Brazilian Amazon quickly adopted the term, assimilating it into the vocabulary of their own language. This observation allowed him to affirm that, by adopting the term

“culture,” the members of this group would have acquired for them-selves an “Indian identity” that they did not have before.

This phenomenon, which gradually spread throughout the continent in the following decades, lies at the crossroads of various processes that have led to the growing participation of Amerindian groups in the political life of their respective states. Historically, this participation emerged in the 1970s from ethnopolitical claims, particularly with the Declaration of Barbados in 1971. This movement was supported by NGOs and certain sectors of the Catholic Church and was closely related to the establishment of international precepts on indigenous law, in particular, *The Indigenous and Tribal Peoples Convention 169* (ILO 1989). These inter-connected processes led a large majority of Latin American countries to adopt constitutional reforms in the 1990s that promoted multicultural governance. At least theoretically, these reforms were intended to be more inclusive and sensitive to the specificities of the historically marginalized indigenous sector of the population (Hale 2005). From the 2000s onwards, other important factors have deepened this agenda. “Culture” has indeed become crucial to indigenous groups in their relationship with the State through the protection of their intangible heritage (and the notable work of UNESCO), bilingual education, and the development of tourism. “Culture,” in this context, is now often understood as a collective property and asset (Ariel de Vidas 1994, Comaroff & Comaroff 2009, Nash 2000).

Today, the contemporary hyper-visibility of the “culture” label is a well-studied phenomenon. From a heuristic anthropological device, it has come to acquire a taken-for-granted status outside academia (Strathern 1995). In particular, critical or deconstructivist scholars have argued that it results from a globalized process of identity essentialization and com-modification of difference (Babadzan 2009). But is this kind of analysis exhaustive in our understanding of the phenomenon? Is it possible to approach this question beyond the perspective of the “loss of authenticity” and/or strategic essentialism? Without contesting the pervasiveness of a globalized cultural idiom—bound to a “transnational technocracy” vis-à-vis state agencies and NGOs that creates a generic indigeneity (see Merlan 2009)—we believe it is, and that not all indigenous groups speak the cultural idiom in the same way.

In seeking to revive Sahlins’s (1993) idea of “indigenization of modernity,” Manuela Carneiro da Cunha (2009) laid some milestones in this direction. She developed the idea that, in Brazil, (and elsewhere), the use of the term “culture” by indigenous groups must be seen as a linguistic reformulation of pre-existing systems of “interethnic” differences, and not something akin to the “discovery” of “culture” (as it was for Turner [1991]). However, while we agree with part of her proposal—more specifically with the fact that the existence of what she calls “the objectification of culture” is independent of the adoption of the term/concept “culture”—Carneiro da Cunha’s (2009) contribution also has its shortcomings. We support our position considering the appropriation by Amerindian groups of another term, which predates that of “culture”—namely “*costumbre*” (custom). Our novel contribution to this

debate proposes to consider the term *costumbre*, both in contrast to the term *cultura* but also as an antecedent, thus posing problems that are both comparable to and distinct from those addressed by the two aforementioned authors. Indeed, neither Turner nor Carneiro da Cunha—who both conducted their ethnographic fieldwork in Brazil, where this term (or its Portuguese variant “costume”) is of minor importance—consider the historical or even contemporary role of the latter term for indigenous people in the Spanish-speaking part of Latin America. Nor did they steer the analysis of their ethnographic data toward a more generalizable comparison of how both terms came to be appropriated. The objective of this article is to put into perspective, with an archaeological orientation (in the sense of Foucault),¹ the relatively recent adoption among Amerindian groups of the term “*cultura*” by considering it as a contemporary stage of a deeper history that previously led to the adoption of the term “*costumbre*.” In this way, we intend to contrast the colonial roots that derive from the uses of “*costumbre*” with the current processes that condition those of “*cultura*.” Moreover, we wish to show that it is still possible today to document through ethnography the existence of a contrast between the implications of the two terms, even if a certain overlap (and therefore a blurring) between the two terms is currently in progress.

This article on the term “*costumbre*,” and its dialectic overlap with that of “*cultura*,” shows how a comparison of the history and use of each can be of value in raising previously unexplored questions. Our analysis focuses on two otherwise completely unrelated Latin American cases, those of the Nahua Indians of Mexico and the Yuracaré Indians of the Andean foothills in Bolivia, the two groups in which each of the co-authors conducted extensive field investigations. Within these two largely bilingual populations—one far from the Amazon, the other on its margins—an intriguing parallelism can be observed. Until the end of the 20th century, the term “*cultura*” circulated very peripherally, and only began to gain visibility some 20 years after other groups such as the Kayapo of Brazil. Alongside this chronological discrepancy, another phenomenon presents itself: for both groups, the term “*costumbre*”—which at first glance could be taken as synonymous with “*cultura*”—still plays a major and distinct role in identification terms.²

We show that the Nahua and Yuracaré people offer two complementary ways of retracing what we will call a “colonial-era order of custom” that still casts a shadow on their ethnographic present. Their respective contemporary usage of “*costumbre*” reveals “distortions of meaning” highlighting specific forms of tension and resistance and societal issues that can be traced back to the 16th century for the Nahua groups, and the 18th century for the Yuracaré. Among the Nahua people, “*costumbre*” has been fully adopted, though with a specific meaning: the word designates the exclusive practices by which they continue to mark their difference, namely the “religion” that many of them profess. The Yuracaré also use “*costumbre*” as a marker of difference, though not in reference to themselves, but rather “others,” or more precisely those that “we are not,” or those that “we do not want to be.” In both cases, these persisting usages of “*costumbre*” are indicative of strategies aimed at

neutralizing the colonial stigma, in marked contrast to contemporary appropriation of “culture.” Today, the Nahua populations that we have studied rarely use this latter term outside of institutional interactions regarding “heritage” that they are called on to preserve. Yuracaré people mobilize it as a banner for political claims, as an identification coming-out, or in a sense of “*art de vivre*,” both very different from their use of the term “costumbre” as a marker of otherness. Thus, regarding the anthropological works mentioned above on the term “cultura,” a number of questions immediately arise. How can we account for this double terminology used by the Nahua and the Yuracaré? What does this contrast bring to the theoretical propositions developed successively by Turner (1991) and Carneiro da Cunha (2009) on the appropriation of “cultura” in the Amerindian context of the Amazon or central Brazil? And how can we characterize the differences between such appropriations and mobilizations?

In this article, we argue that contemporary ethnography contains past echoes of the term “costumbre,” which could also teach us about contemporary receptivity of the term “cultura.” As the appropriation of “costumbre” forms the starting point of our argument, the first section introduces this term according to its semantic importance and pragmatic use. We outline what this term has meant in the past, as well as the specific role ascribed to it since its first arrival in the Americas, in order to describe the indigenous process of adopting and rooting “costumbre.” This will serve as a backdrop against which to analyze, in the second and third sections, its contemporary usages and specific meanings among Mexican Nahua and Bolivian Yuracaré groups. We will then contrast these with the now growing usage of the term “cultura” among these groups. In the last section, after empirical examination of Nahua and Yuracaré perspectives on “costumbre” and “cultura,” we will discuss the theoretical propositions of Turner (1991) and Carneiro da Cunha (2009) arguing that both terms must be considered as markers of power relationships and distinct modes of inclusion by that State in regard to Indian populations.

Social and Historical Uses of “Costumbre”

Between process, essence, and morality: the semantic values of “costumbre:”

From a lexicographical perspective, the Spanish term “costumbre” is part of a family of cognates found in many European languages, deriving historically from the Latin form of the same meaning “*consuetudo*” (Portuguese “costume,” French “*coutume*,” English “custom”). The “primary meaning” attributed to these nouns by philologists and lexicologists, both old and modern, has not altered significantly in the course of its long life. From Latin to its contemporary descendants, this term is applied to a category of practices whose persistence over time is being highlighted. Whether specific to individuals or collectives, practices that are recognized as custom share the general characteristic of being regular. This aspect of regularity (as well as conformity) explains how “costumbre” has been used in Spanish law (like custom in English) to designate a principle of regulation, originally unwritten, distinct

from the law itself (*lex*), whose legitimacy derived from the assumption of “*consensu omnium*”—the agreement of all (see Miceli 2012:110). The legal meaning of the term obviously had consequences since Hispanic legal practices were extended during colonization to American possessions. In fact, the Crown had to rule on the legality of local customs (Indian or derived from Indian and Spanish interactions), but also to impose —using force if needed—“new customs.”

While the principle of regulation is essential in the characterization of practices as customs, there remains the issue of where they come from. This is a crucial point, for their origin may be considered from contradictory perspectives. First, these “usages” can be seen as the result of so-called “processual” learning. In the development of the Romance languages, the Latin “*consuetudo*” led to the derivation of verbs (Spanish “*acostumbrar*,” French “*accoutumer*,” and English “*accustom*”) implying that custom results from acquisition, and is not, therefore, “given.” Consequently, if customs are acquired practices, they must then have a certain plasticity; they must be susceptible to change, to being forgotten or lost, as well as altered or corrected. Yet this processual aspect is not incompatible with another idea concerning their provenance: customs can equally be seen as the actualization of properties inherent to those who produce them, whereby customs manifest as an externalization of psychological dispositions (tendencies, character, tropisms) particular to individuals or groups. This anchoring, which essentializes custom, has served more specifically to channel received ideas and other stereotypes, emphasizing the other-ness of those identified in this way.

It should be mentioned that, historically, customs have also seen their conformity challenged by value judgments rooted in moral considerations. This is particularly notable in the Spanish-speaking world, where “*costumbre*” in its plural form, and qualified by evaluative adjectives (good, bad), has taken on certain aspects of the Latin term “*mos*” (plural “*mores*”), from which the word “moral”, among other derivations (*cf.* French “*mœurs*”, English “*mores*”). In this register, a custom becomes more or less “appropriate,” “decent,” “honorable,” or the opposite entirely, depending on whether its interpretation relates to vice or virtue. Customs that, by dint of regularity, fall into norm are then divided on a deontological basis into those that should or should not be followed.

A comparative study of the definitions laid down by the Royal Spanish Academy (RAE) allows us to demonstrate the different aspects of customary practices in the Hispanic world over time, especially regarding the dialectic between “processual” and “inherent” customs (Figure 1). For a long time, the institution felt fit to use the expression “*hábito adquirido*” (acquired habit) to define the core meaning of “*costumbre*”; although used recurrently from the dictionary’s first incarnation in 1729, this phrase was gradually abandoned during the 20th century. Despite giving preeminence to this aspect of “*costumbre*,” the Academy recognized that, through its secondary acceptations, the term could be attributed to practices deriving from innate tendencies. These were designated, in the original 1729 edition, under labels such

as “*genio*” (genius) or “*natural*” (natural). Later, in the 1992 edition, these practices came to be described in terms of “char-acter” or “propensity,” only to be discarded in the dictionary’s latest edition in 2014 for this essentialized definition of custom. Meanwhile, the term’s moralist articulation was explicitly retained during the 18th century. For the compilers of the 1729 and 1780 editions, references to “*buenas costumbres*” and “*malas costumbres*” (good customs and bad customs) were sufficiently of note to be included as such.

	1729	1780	1884	1992	2014
1	Hábito adquirido a executar una misma cosa continuada-mente. (acquired habit to execute the same thing continuously)	Hábito adquirido de alguna cosa por haberla hecho muchas veces. (acquired habit of something for having done it many times)	Hábito adquirido por la repetición de actos de la misma especie. (habit acquired by repeating acts of the same species)	Hábito, modo habitual de obrar o proceder establecido por tradición o por la repetición de los mismos actos y que puede llegar a adquirir fuerza de precepto . (Habit, the habitual way of acting or proceeding that is governed by tradition or by the repetition of the same acts and that can acquire the force of a precept.)	Manera habitual de actuar o comportarse. (Usual way to act or behave)
2	Fuero, derecho o ley no escrita, que tiene la misma fuerza , y produce el mismo efecto que ella, con tal, que se introduzca con las circunstancias o solemnidades prevenidas por derecho (A code, a right or an unwritten law, which has the same force and effect as that law, provided that it is introduced with the circumstances or solemnity provided for by right)	Derecho, ó ley no escrita que tiene fuerza de ley si concurren en ella las circunstancias prevenidas por derecho. (Right, or unwritten law that has the force of law if the circumstances foreseen by law concur in it)	Práctica muy usada y recibida que ha adquirido fuerza de ley . (A widely used and accepted practice that has acquired the force of law)		
3	Génio, o natural . (Temper, or natural)	Lo que por genio, ó propension se hace mas comunmente. (What by temper, or propensity is most commonly done)		Lo que por carácter o propensión se hace más comunmente. (What by character or propensity is most commonly done)	
4	Moralmente se toma por inclinación y calidad que reside en algún sugeto: y así se dice, es persona de buenas o malas costumbres . (Morally it is taken by inclination and quality that resides in some subject: and so it is said, he is a person of good or bad habits)	pl. El conjunto de calidades, ó inclinaciones y usos que forman el carácter distintivo de una nación . (pl. The set of qualities, or inclinations and uses that form the distinctive character of a nation)	pl. Conjunto de calidades ó inclinaciones y usos que forman el carácter distintivo de una nación ó persona . (pl. Set of qualities or inclinations and uses that form the distinctive character of a nation or person)		Práctica tradicional de una colectividad o de un lugar . (Traditional practice of a community or a place)
5		pl. En lo moral las buenas, ó malas acciones á que cada uno está habituado. (pl. In moral terms the good, or bad actions to which each one is accustomed)			

Figure 1: Definitions of “costumbre” from the Royal Spanish Academy dictionaries 1729–2014. Sources compiled thanks to the Instituto de Investigación Rafael Lapesa (2013).

Custom in the Colonial Project:

The tension between “costumbres” as considered from the two perspectives outlined above (acquisition versus idiosyncrasy), as well as the juridical and moral evaluation of their legitimacy, was clearly manifested in the colonial undertakings of the Spanish Crown in the Americas. The otherness of the indigenous populations resulted in their being defined by their colonizers in terms of separateness; the latter expressed the certainty of their superiority by advancing contrasting social categories of “*bárbaros*” and “*civilizados*” (barbarians and civilized). While these categories had their basis in Greco-Roman antiquity, a markedly religious dimension was now added to them: civilization not only came from socio-political development (Latin “*civitas*,” Greek “*polis*”), but also from knowledge of the “true religion,” namely Catholicism. This explains how, within the framework established by this dialectic of difference, native “costumbres” came to be tangible manifestations of barbarism, unbelief, or paganism betraying their ignorance of civilization and Christianity. Yet this perspective did not preclude “costumbres” from being addressed in terms of their processual nature. In advancing its dominion and the front line of Christianity across the Americas, the Spanish Crown was also engaged in a civilizing mission. Subjecting the local populations to the twofold authority of the terrestrial and celestial realms required adapting indigenous customs to make them compatible with the new politico-religious order. The implementation of this radical reform, delegated to the religious orders, required the development of a specific form of management regarding custom.

In the first place, the colonial project required the eradication of all customs whose elements violated what theologians and jurists of the time considered, according to a perspective derived from scholastic philosophy, natural law, namely the eternal laws bestowed by God on His creation.³ Thus, cannibalism, human sacrifice, or sodomy—to which great importance was attached during the 16th century—had to go. Additionally, all practices governing interactions with “false gods” (which in theological terms were considered demonic manifestations) were to be outlawed, with particular emphasis on those populations that now, having been converted, risked being apostates rather than mere heathens. We know all the violence generated by the policy of extirpation of idolatry that was carried out both in colonial Peru and in New Spain (Bernand and Gruzinski 1988, Brosseder 2014, Duviols 2008 [1971], Tavárez 2011). Naturally, these prohibitions and the policy of repression that accompanied them covered a very extensive list of devotional as well as festive and daily practices (affecting kinship relationships and marriageable spouses, health and healing practices, the consumption of alcoholic beverages, and agricultural practices, to give just a few examples). These prohibitions were followed by an inverse process whereby new customs were introduced; “perverse” customs were to be replaced by “virtuous” customs. The latter depended organically on the conversion process, while simultaneously exceeding

the religious limitations of their mission: education would elevate the natives by reducing their civilizational deficit. Yet this project of substitution did not mean the total outlawing of all indigenous customs: so long as these were deemed compatible with the incoming colonial order, there was no objection to their continuation, a point that was expressly written into law by the Crown.

The reflections of Jesuit scholar José de Acosta in his manual of missiology, *De Procuranda Indorum Salute* (1984[1588]), serve to illustrate the specific implications of “costumbre” in this colonial context.⁴ Acosta proposed to categorize barbarian peoples into three distinct classes of humanity arranged hierarchically, based on the relative remove of their own institutions to “right reason” (“*recta razón*”) (Acosta 1984:63–67). The first of these classes, closest to civilization, included those nations endowed with government, cities, and literacy, such as China, Japan, or India. Although American societies were deemed “worthy of admiration,” none belonged to this category for lack of developed writing systems. For Acosta, the Mexicans and Peruvians (that is the Aztecs and Incas respectively) represented a second kind of barbarism, characterized by the development of stable cities or “republics.” Finally, below lay an array of savages (“*salvages*”). Lacking faith, kings, and law, while also naked, this last group were considered so far removed from the light of reason that Acosta did not hesitate in comparing them to wild beasts. These borderline cases of humanity included the indigenous peoples of the Caribbean, and those of the South American lowlands.

Although Acosta defined these categories more by their institutions than by their customs proper, the latter were nonetheless integral to all three. And because customs were not inherent, but rather a learned be-havior, no society was condemned by nature to remain in their prescribed class of civilization.

Acosta insisted on the malleable and reformable aspect of customs. Indeed, it was their very plasticity that allowed the possibility of conversion to Christianity: “There is no nation, however barbarous and stupid, that, were if educated from childhood with art and generous feelings, would not lay down its barbarism and take up noble human customs” (Acosta 1984: Book I, Chap. VIII, 151).⁵ In this regard, conversion resembles a pedagogical undertaking that he compares metaphorically to a therapeutic operation: “The poison of the evil custom must be cured with the antidote of another custom, so that [the barbarians] may truly clothe themselves with Christ” (Acosta 1984: Book II, Chap. XIX, 377). Nonetheless, the success of this “therapy” depended on the type of barbarian encountered and their degree of separation from the “right reason.” Here, Acosta perceived an inverse correlation between reason and custom: the weaker a group’s faculty for reason, the stronger their reliance on custom, thus making it more difficult for civilization or Christianity to supplant their barbarism. “In all [humans], custom holds great power, though stronger still among barbarians, for where reason is most lacking, custom has its deepest roots” (Acosta 1984: Book II, Chap. XIX, 375). By ultimately setting custom in direct opposition to reason, Acosta was foreshadowing a line

of thinking that would later flourish in Enlightenment philosophy and modern rationality, namely the advent of progress that liberates man from the darkness of superstition (itself a psychological corollary of custom). Finally, Acosta suggested that the term acquired a *political* dimension, insofar as populations that had been subjugated by the colonial State—later just the State—were liable to “resist” their transformation. This idea will prove key to understanding the appropriation of the term “costumbre” by indigenous groups.

From the late 16th century, the Spanish Crown imposed a dual system in the Spanish-controlled areas of the Americas—in those territories that had been formed out of pre-Hispanic states (such as the Aztec and Inca empires in Mexico and Peru respectively) and in mission areas—separating the “Indian Republic” from the “Spanish Republic,” both subject to the terrestrial sovereign (the King) and to God. Indian populations were concentrated in areas where religious figures presided, whether secular priests or missionaries (see, for example, Lewis 2003:49-51, Merluzzi 2008, Saito 2007). The native populations were afforded a certain civil autonomy, including recognition of their authorities as well as—a point here not be overlooked—permission to maintain their own “customs,” so long as these were morally good and therefore logically compatible with the laws of the Crown and Almighty God.⁶ This kind of decision was open to controversy as to whether a given custom was in keeping with Christianity; the clergy might deem certain practices incompatible, while the indigenous practitioners did not. In the next section, we look at the effects of these colonial policies on current use of the term “costumbre” among the indigenous populations that we have studied.

“El Costumbre” among Nahua Groups⁷

In the Huasteca region of north-eastern Mexico, Nahua peasants reside in rural settlements and live alongside, but apart from, the surrounding, more urban mestizo populations. As with other indigenous groups in Mexico, “costumbre” is used in their language (and prayers) as a catch-all term for their rituals of offering to the earth (and the beings associated with it) directed by ritual specialists. In other words, they always use a Spanish term to designate the set of local ritual practices that they consider the most traditional and typically indigenous. For example:

[...] *yeca tihchihua nito costumpre, ni tlamantli...*—that’s why we do this custom, this ceremony (Báez-Jorge and Gómez Martínez 1998:81); [...] *kampa mochiua costumbre*—where the custom is done... (González, 2009:131)

Why then is the Spanish term “costumbre” used among the Nahua to refer to what is most particularly indigenous, and what does this specific denomination teach us?

A clue to this paradox may be found in the fact that, when Nahuatl-speakers refer to

these rituals in Spanish, they do not use the feminine article “*la*” that normally precedes “*costumbre*” in the standard language, choosing exclusively instead the masculine definite article: “*el* *costumbre*.” Thus, “*el* *costumbre*” differs from “*la* *costumbre*” (the custom) and “*una* *costumbre*” (a custom)—the last two terms are expressed as feminine in Spanish. This contrast is significant given that the latter, feminine forms are not unknown, and used by Nahua people in reference to certain other local practices. For instance, regarding the practice of burying the umbilical cord of a newborn baby in the Nahua village of La Esperanza, where most of our research was conducted, a woman explained in Spanish: “We plant a banana tree and bury the umbilical cord underneath. This is the custom (‘*la* *costumbre*’)” or “these are the customs (‘*las* *costumbres*’) of this place.”

Meanwhile, “*el* *costumbre*” is the specific name among Nahua people for a complex original ritual, one that is clearly “customary,” whose followers do not consider it mutually exclusive with their Christian beliefs (*cf.* de la Cruz 2017). Accordingly, Nahua people pray to specific beings in their language alongside pious images, crucifixes, and rosaries evoking the Catholic saints, as part of a hybrid religious framework combining elements from different backgrounds (Ariel de Vidas 2019). Thus, in 1992, in the Nahua village of Ixcacuatitla during the Chikomexochitl ritual, which consists of a series of lavish offerings to the sacred mountain, a 50-year-old woman explained that the population of her village was divided into three groups: “the Evangelicals, the Catholics, and us.” As certain intrinsically Christian characteristics could be observed in the ritual, the question arose as to whom this “us” referred to, and how it differed from the Catholics. Her response was that she belonged to the “*costumbristas*” (those who practice “*el* *costumbre*”), that is, those who believe in Jesus Christ (“only for baptisms and weddings”) but maintain their customary practices, including, among others, that of Chikomexochitl, considered in this region as the deity of corn, the staple food in Mexico. The perpetuation of this worship, not recognized by the Church, differentiates the “*costumbristas*” from their Catholic fellows.

How, then, did Nahua groups come to acquire the Spanish term “*costumbre*”—even introducing it into their language—to designate rituals that distinguish them from their mestizo neighbors and their more “orthodox” Christian practices? To answer this, we must keep in mind the aforementioned colonial era, but also examine the regional sociology of “*el* *costumbre*” from the mid-20th century onwards. For the mestizo populations of the region, who followed a more dogmatic form of Catholicism, Indian practices were deemed improper, even incompatible with Christianity. For the clergy in particular, “*el* *costumbre*” became a euphemistic way of designating “ancestral” or “pagan” practices (presumed pre-Hispanic in origin). In this perspective, those who followed “*el* *costumbre*” were presented as Christians who had not been completely Christianized, as “backwards.” It would not be an exaggeration to compare these kinds of judgment to the earliest days of the colonial era and the struggle, in particular, against idolatry.

During the 1940s, an unprecedented attempt to eradicate “*el* *costumbre*” occurred. Two

parallel processes, which undoubtedly played a decisive role throughout Mexico's history, fomented these circumstances. From Custom to Culture: The Archeology of Two Identification Terms Among Bolivian and Mexican Amerindians First, the progressive establishment of "modernity" and the presence of the State in under-developed rural regions (schools, roads, agricultural reform) following the Revolution (1910–1920). Second, the gradual resurgence of the clergy during the 1950s after a long absence resulting from, among other reasons, the anticlerical policies of the post-revolutionary government. According to local reports of the time, priests declared the local Indian religion to be the "work of the devil." In their attempts to purify the local version of Catholicism, they did not hesitate, like at the time of the Inquisition, to organize public burnings of indigenous religious figurines representing the corn (Gómez Martínez 2002:54, Quiroz Uría 2008:52). The clergy had also joined the non-Indian local elite in their fight against indigenous "ancestral customs" (Reyes García 1960:41). The repressive ecclesiastical policy toward the local creed of "el costumbre" was still in force in La Huasteca in the 1980s, when 70 priests from the Chicontepec area climbed the basaltic summit of Postectli (the region's sacred mountain and a customary place of worship) to erect a cement cross at the top, on which they inscribed in both Nahuatl and Spanish: "For the preaching of the cross is to them that perish foolishness; but unto us which are saved it is the power of God" (I Corinthians 1:18).

In addition to attacks by the Catholic clergy, the costumbristas had to face the Protestant proselytism taking root around the same time. These confessional tensions were further stoked by internal conflicts dividing communities in the region, particularly with regard to agrarian policies surrounding the redistribution of land. We might then consider that this attachment to "el costumbre" informs a desire, on behalf of certain Nahua inhabitants of La Huasteca, for "cultural resistance," which itself triggered a process of "ethnic" self-identification (*cf.* Sandstrom 1991). Yet such a process does not explain how the term came to be used earlier, nor its lack of pejorative connotations in Nahuatl. Although some historical studies are still needed to establish the precise chronology of the term's adoption, there are many arguments to show that its roots lie further in the past, dating back to the colonial project itself.

Several elements indicate this, the first concerning the use of the masculine article "el." Although today the feminine article of standard Spanish is more common, the Nahua people occupy a vast area where the masculine version once dominated. The "religious" meaning of "el costumbre" must therefore have been adopted when this construction was already established.⁸ This was a regional rather than local development, as the Nahua peoples of La Huasteca are not the only ones to honor telluric deities in this way, or use "el costumbre" to designate this type of complex ritual. Indeed, other related Mexican-Indian groups share the same usages (Teenek, Tepehua, Otomi, Purepecha, Huicholes, etc.).⁹ Finally, in another geographically separated region, in Guatemala, a near-identical phenomenon has been recorded. In this case the masculine expression "[el] 'costumbro' in the modified Spanish of

the indigenous people themselves” has been seen used to designate similar cultural practices (Rojas Lima 1992:264). In light of these local linguistic data and the parallelism with “el costumbre” in Guatemala, it can be concluded that the expression “el costumbre” among Nahua people and other neighboring groups in Mexico is a fossilized usage that persists today, alongside the more recent use of its now standard feminine variant. The combination of these elements therefore relates to a phenomenon of religious interchange covering a geographical area far wider than Nahua or even Mexican territory, which becomes clearer when considered alongside the status of indigenous groups, which has been set up in the Spanish colonies.

The specific nature of the problem of custom in relation to religious worship derives from the dual status of certain local practices, those to which the indigenous populations remained attached while being condemned by the clergy. These conditions saw resistance from those who did not wish to abandon their so-called “customary” practices, yet saw no contradiction between their continuation and their Christianity. Today, and in its recent history as told above, “el costumbre” echoes this situation, now referring to a complex ritual that Nahua groups perform, while conscious that Church and State officials would prefer to see them abandon it. One young Nahua woman of the village of La Esperanza gave her view in this regard: “The difference between the mestizos (non-Indian) and the villagers comes down to our healing rites and the offerings we make to the earth. They say this is witchcraft. But we have faith.”

Today, in La Esperanza, the rituals of “el costumbre” are still practiced, alongside other cultural traditions such as dances that have been revived through institutional support or the initiative of the Catholic Church (through the indigenous Pastoral). There is now a joint use of different terms: “el costumbre,” and now also “tradition” and “culture.” The first term, used by the villagers among themselves, denote a certain ethic associated with the practices so designated. Thus, during these rituals, which are sometimes videotaped by the inhabitants, the ritual specialists

(“*uejtlakatl*”—old or wise man) who conduct them explain their meaning to the audience using the “newspeak” learned in cultural conservation projects (promoted by teachers or outsiders). As such, they evoke their “Aztec” or “very indigenous” traditions, mentioning that the Church itself, the school, or the government decided that they should be preserved (Ariel de Vidas 2017). In one case, a Nahua peasant came to the offices of the national Indigenous Institute and addressed a civil servant: “¡Licenciado! We ask you to preserve our culture...”

However, it is not so much the cultural practices and their associated values that the institutions wish to preserve, but rather the visible and representative performances of “Indian culture,” like the typical dances with “traditional” outfits that make them recognizable. An old man shared his thoughts on the fact that, in his childhood, teachers forbade students from attending school dressed in their specific clothing, which everyone at that time still wore; whereas today State institutions encourage it again. It is precisely thanks to institutional

support that a traditional dance has been revived in the village, its dancers wearing the typical costumes that were once banished. However, when the presentation has ended, the dancers change their clothes, which shows the distinction they make between the performance and their everyday lives.

The ritual specialists' reference to the recognition—and thus official legitimization—of local cultural practices underscores the ambivalence of the above-mentioned relations between hegemonic institutions and the question of “el costumbre,” previously denounced by these same institutions as backward or pagan. Yet external cultural revitalization initiatives have been met with a positive response in La Esperanza, since they consolidate a system that is currently under threat, not so much from dwindling belief as from the acute demographic loss that this locality has suffered in recent years due to the considerable migration of its young people. “Costumbre” rites are now often performed on dates that coincide with the migrants' visits, and they are explained by ritual specialists in Spanish for educational purposes, and with the aim of transmitting the meaning of this belief system to the new generations. In other words, the external designation of these practices as “traditional” or as “indigenous culture” has been appropriated by the ritual specialists as a form of reflexive distancing induced by the process of patrimonialization. “El costumbre” thus becomes a “culture,” a marker of visibility, and an assertion of what is specific to them.

In promoting “tradition” or “culture,” both governmental and ecclesiastical institutions essentialize indigenous practices, which became, in the course of these preservation projects, a series of explicit elements that accompany “exotic” practices, disconnected from the cosmological whole that supports them. These practices became the expression of a “culture” or “intangible heritage,” and not a supreme and spiritual norm. In contrast to this process of cultural iconization, for the inhabitants of La Esperanza, “el costumbre” still constitute the substantial action in the ritual exchange between human beings, and between themselves and non-humans; that is, a local religion and a specific relationship with the environment. The conditions of reproduction of “el costumbre” are endowed with meaning and associated with a cosmological whole shared by the inhabitants, whose subsistence is still essentially based around agriculture and dependence on the elements (Ariel de Vidas 2017).

The Nahua use of “el costumbre” emerged historically from an external axiological classification that condemned this practice, which therefore had to be hidden or abandoned. In contrast, “culture”—also an external term—designates today the sphere of positive diversity that must be “cultivated,” and that is likely to be exhibited and even set in competition with others in the marketplace of exoticism. In this sense, “el costumbre” is not included in the generic indigeneity now promoted by institutions, but rather in a much more intimate relationship with the idea that a group has of its belonging to a unique collective.

The Yuracaré and “*malas costumbres*”¹⁰

The appropriation of the term “costumbre” by the Yuracaré of the Andean foothills in Bolivia

is rooted in a dynamic where the religious “factor” is present, although differently from the Nahua example. They have not adopted the term among themselves into their language, but they use it regularly with a particular meaning when they speak Spanish. In their case, it is the overlap of the problem of custom with the question of social classifications into “types of humanity” (civilized, barbarian, savage) that is worth noting, combined with the moral question of vice and virtue discussed above. As forest-dwellers, the Yuracaré were long classified, from the colonial to the republican era, as “savages” for having been enemies who waged war against the Spanish soldiers; and as “barbarians” for never having been fully converted by the Catholic missionaries who sought to Christianize them between the late 18th and early 20th centuries (see Van den Berg 2010). Naturally, their “non-civilized” status no longer applies, but it remained common around the turn of the 21st century to hear mestizos and even from their indigenous Mojeño neighbors say: “they’ve already been civilized” or “we’ve already civilized them.”

Particularly noteworthy in our comparison is the singular and non-possessive use of “el *costumbre*” to refer to custom in the Nahua case versus the possessive form “their custom(s)” among the Yuracaré. This third-person construction is not applied to one’s own practices; rather it indicates an axiologically loaded difference. In this sense, when the Yuracaré use “custom” in Spanish, it does not correspond to the form that they express, in their language, with regard to what they usually do. For this, they employ exclusively verbal constructions, the most common of which are: “*achuta winanitijti*” (only in this way do we live); “*achuta dulatijti*” (only in this way do we do). These constructions always refer to actions, practices, or activities that are one’s own and that one positively endorses: the adverbial form “*achuta*” (thus) is paramount here. To say “we always do it this way” implies the incongruity of a situation that would not be specifically “this way”: “How could we do it otherwise?” This is precisely the point where use of the Spanish “*costumbre*” contrasts.

On one level, the Yuracaré apply “*costumbre*,” quite ordinarily, to individuals. The word arises when discussing another’s behavior *in absentia* to express what could go otherwise, that is, their faults or vices. One might say about a man who drinks too much: “I just saw So-And-So, he was completely drunk again”—“Well, what do you expect? That’s just his *costumbre*.” Or about someone who mistreats his wife, with the implication that he will never change: “[It’s] just his *costumbre*.” The same kind of examples could be applied to someone who gets needlessly angry, lies excessively, does not keep his word, or even snores. In contrast, “*costumbre*” would not be said of a talented cook, a brave hunter, or to praise someone’s hospitality, cheerfulness, or good humor. For the Yuracaré, virtue and talent are never “*costumbres*.”

On another level, the same term also describes collective practices, to reinforce prejudices against their indigenous neighbors, particularly those whom the Yuracaré judge in terms of their presumed “barbarism.” For example, after hearing how a group of Chimane (another Amazonian group dwelling in the western part of their territory) dragged one of their

dead all the way to his grave by his feet, one woman declared with genuine shock: “Can you believe it? How could they do such a thing? It must be their custom” (in Van Gijn et al. 2011). The behavior of the Yuqui, a group of previous hunter-gatherers living in their neighborhood, would be similarly discussed. For a long time considered the quintessential bárbaros of the region, the yuqui have now modern, but nevertheless strange and some-how despreciable “customs” from a yurakaré point of view. For example, they come to sleep on the streets of the village of Chimoré without seeking or asking for shelter.

Yet nothing prevents them from turning this discriminatory attitude on each other, or at least on their elders, about whom they are quick to say “we are not anymore.” One man, for example, found it absurd that the coming-of-age rituals for young women involved circling a house several times while making repeated exclamations (*Pew! Pew! Pew!*) to ensure that the initiates’ future children would not be born deaf-mute. “I just don’t believe it,” he said. “Why did they used to do this? It was a custom...their custom” (in Van Gijn et al. 2011). Here, the term is used to refer to former practices that have become “other,” that are no longer encouraged, and that people seek to distance themselves from.

In light of such examples, we might ask which historical processes these uses derive from. Why do the Yuracaré go to such efforts to see (negative) customs in others? To answer this, we must return, as we did with the Nahua example, to the social configurations introduced under the colonial regime. From the colonists’ point of view, the Yuracaré remained “heathens” and “barbarian” until the end of the 18th century, whom the missionaries were tasked with “bringing into civilization.” This involved encouraging them toward a decent Christian life, by seeking to instill disgust in them for their former ways. And standing in the way of their mission—in a never-ending struggle—were these customs, simultaneously signs of barbarism, expressions of vice, and obstacles to be overcome. The full strength of this paradigm can be observed in missionary documents re-counting episodes of resistance or conflict. For instance, one missionary describes the meagre results of his mission, writing that “the Indians continue more or less in the same state of degradation to which their barbaric customs and their heathenism has reduced them” (Moscoso 1804:34); others, to justify their use of the whip, state: “In order for people of such perverse customs to be admitted into civility (“*civilidad*”) and enter into the purity of Christianity, it was essential to admonish and correct them frequently and firmly” (Soto et al. 1805:185).

Throughout the 19th century and well into the 20th, the word “costumbre” has maintained these same negative connotations. And although no longer tied to the image of unacceptable and hostile barbarism, it still carries with it a shade of this former association. It is “others” who attribute “customs” to the Yuracaré, like their immediate neighbors up in the foothills, the coca-producing “colonists” (who come from the Andes). In the early 1990s, some years before becoming President, then trade-union leader Evo Morales said of them:

I remember when I visited a Yuracaré comrade, we talked (his custom is always to

drink alcohol with a little water, in that area there is no mobility, no clothing), when you share his custom, a Yura shares everything, automatically makes you a *compadre* [a buddy], some-times he asks your last name, some Yuracaré comrades do not even have a last name. (Gutiérrez et al. 1990:58)

In the context of such usage, we can understand why the Yuracaré not only had difficulties to make “costumbre” a positive term that they could adopt in reference to themselves, but also what led them, in turn, to deflect the term outwards to describe practices emphasizing the otherness (somewhere between “barbarism,” vice, or ignorance) of anyone from compulsive drinkers to their Yuqui neighbors.

The use of the term “costumbre” by the Yuracaré people takes on a singular significance when compared with that of “cultura.” The latter, which had not previously been in circulation, developed in the first decade of the 21st century with the accession of Evo Morales to power (2006) and the promulgation of the constitution that transformed the Republic of Bolivia into a “plurinational state” (2009). During these years, the term “cultura” made a breakthrough in the Yuracaré world, mainly as a result of institutional innovations. In 2007, following the example of other indigenous “nations,” and with the help of the State, the Yuracaré saw the creation of the Educational Council of the Yuracaré People (CEPY), charged, among other things, with contributing to the revaluation of the language and to the production of school materials in Yuracaré. Furthermore, in the second half of 2010, a Yuracaré branch of the Plurinational Institute of Language and Culture was established, going so far as to hire Yuracaré “technicians” (“*técnicos*”) trained in research and even, in one case, linguistics. In this new political and institutional context, “cultura” has acquired two predominant semantic values that are clearly opposed with “costumbre.” First, it is a nominal form that is in harmony with positive expressions that can be said in Yuracaré, such as: “only this way we live,” “only this way we do.” Second, there is also a political dimension that makes culture something to talk about, to attribute even to oneself and to others (Hirtzel 2021). This could be seen when the first president of CEPY spoke in Spanish at a meeting with delegates from various communities, where he presented the “objectives” of the institution in 2010:

I am Yuracaré. I must not run [from] what I am. And I must speak [of] my culture... Well, how I hunt, how I live. How I... How I used to dress. To know my... dance. I don't know. How [one] walks in the forest. I must have that, at least, in practice and I must talk about it. [...] Do our children still know how to go to the forest and hunt? They don't, do they? [...] They don't want to make yucca beer anymore... [They just want to get drunk] with alcohol... That's the way it is... Culture is being lost. Completely. [...] So that's what we have to take seriously again. (Van Gijn et al. 2011)

The topics of patrimonialization and revitalization (the loss of culture) are articulated in these comments with specific male (but not ritual) activities, where hunting and the consumption of manioc beer serve as the first cognitive referent. “Cultura” evokes here a kind of Yuracaré art of living (in decline). But the term also conveys a need to be seen as Yuracaré in the eyes of others, to achieve, in a sense, an identity coming-out. This dimension, strongly supported by indigenous movements during the Morales era, is well reflected in other accounts. In a meeting organized by the DoBeS Language Documentation Project (2010) and attended by representatives of the villages of the Chaparé River, a delegate sharing the political agenda of the MAS (Evo Morales’ party) offered an opinion that clearly demonstrates this:

We come [here] to fight for our identity. Our culture, comrades. For our identity as Yuracaré, we are going to fight. I believe that the 36 peoples have to fight for their culture, their identity [recognized by the constitution of the Plurinational State]. (Van Gijn et al. 2011)

This culture-identity, constructed in and through confrontation, but also in association with others (as the reference to the 36 peoples shows), is not here a Yuracaré “art de vivre,” but a claim. The word “culture,” which follows as a duplication that of indigenous identity, promotes a generic identity, an “indigeneity” of struggle: it is part of the vocabulary of collective recognition within the State.

In contrast to the Nahua, however, the Yuracaré are quite strongly opposed to ostentatious expression of their culture. And the way they dress is an excellent testament to this. For example, many debates took place when a delegation was invited in 2012 to a public parade in a neighboring town that was celebrating the fortieth anniversary of its creation. Would the Yuracaré participate in a parade dressed in beaten bark outfits reminiscent of their grandparents’ clothes? The men categorically refused; the women accepted but choose to modernize the old style by bending the traditional clothes at the waist, adding belts, or even making handbags from the same raw material. This masculine rejection of folklorization can be interpreted as a continuation of the regime of the “costumbre.” Many Yuracaré men are very reluctant to portray an indigeneity that would tend to re-establish a connection with a past that would make them descendants of “barbarians.” As an important leader of the Chaparé said forcefully in 2019 during another meeting: “Are we monkeys, for them to come see us like that?”

Stigma – different modes of appropriation

When investigating the appropriation of the term “cultura” by the Kayapo, Turner (1991) considered this word and its uses less than the “concept” and its effects. According to him, the

Kayapo had “discovered” that they possessed a culture in the anthropological sense of the term (something that they had not known until then), and this discovery, to which Turner claims to have personally contributed, had a fundamental consequence for them: they became aware of themselves as Indians living in Brazil. The unveiling of this “cultural consciousness”—which played according to Turner a similar role for the Kayapo as the discovery by proletarians of their “class consciousness” (as theorized by Lukács 1968 [1923])—emancipated them from their “cosmology,” but also equipped them for a more effective political struggle, such as their victorious opposition at the time to the construction of a dam on the Xingú River.

However, the teleological aspect of this proposal is the major point of disagreement between Carneiro da Cunha (2009) and Turner (1991). For the Luso-Brazilian anthropologist, there is no reason to consider a “discovery” (what we could alternatively call an “anthropological conversion”) the importation of “cultura,” among the Kayapo or elsewhere, because all groups are immanently immersed in a diversified social environment. The very experience of inter-ethnic contact would lead any group to think reflexively about its particularities and thus lead it to specific forms of objectification of culture. According to this author, the term “cultura,” which is currently in popular use, must first be considered as a vernacular term, since, for those who use it, it marks a new stage in an open process of transformation: “cultura” is a convenient and imprecise word to communicate to others their difference as a link in an interethnic system that Carneiro da Cunha (2009) does not hesitate to compare to Levi-Straussian totemism, perhaps not without malice.

From Carneiro da Cunha’s proposal, we may assume that both “costumbre” and “cultura” are markers of specificity. However, drawing on the Nahua and Yuracaré uses of these terms, we assert that they cannot be considered as a mere sign of mutual differences of an “inter-ethnic system,” for three interrelated reasons. First, doing so would ignore the fact that these terms are derived from hegemonic national languages, themselves heirs to the colonial powers. Neither of these terms are, in this sense, politically and morally neutral “cultural objectification” terms devoid of power relations and historicity. Second, one cannot approach these terms without considering their role as a means of administration of difference by the State itself, and, in the case of “costumbre”, against the religious background of conversion. Third, analyzing exclusively the term “culture” as a reflection of an “inter-ethnic” integration level prompts a view of non-indigenous people as a problematic “ethnic group” of the same kind of indigenous peoples, thereby erasing the obviously powerful role of the State. “Costumbre” and “cultura” are indeed inseparable and specific forms of political involvement within the State. This point coincides with Turner’s argument, without necessarily including the rather problematic figure of “cultural consciousness.” In other words, both “costumbre” and “cultura” are deeply involved in the historical process of inclusion of indigenous groups into the State, and in the tension that these processes induced. The characteristics of this inclusion may vary according to the status and participation that

political regimes grant to members of these groups. In this way, the reflection we have built in this article, embedding our ethnographic cases in broader socio-historical contexts, highlights otherwise invisible issues that contrast the uses of these two terms and characterize the transition between them.

Our two case studies allow us to make some general observations on the question of “costumbre,” which has been little discussed until now, by anchoring it in its historicity. Loaded with a negative, discriminating value, the term was applied by the colonizers to the Nahua as much as to the Yuracaré. In the race to delineate differences and prescribe otherness, the colonizers made the first move, “characterizing” from this perspective that which people could not necessarily distinguish from themselves. In regard to “el costumbre,” they isolated a set of ritual procedures that they deemed incompatible with the Catholic religion. And yet, while the Nahua today may ultimately owe this category (and its label) to the colonial gaze and its language, the practices that it comprises do not, for them, contradict Catholicism, which they have fully embraced. On the contrary, they are both necessary and “vital” to ensure the sustainability of their world. Therefore, “el costumbre,” in its contemporary usage in Nahuatl, designates those same practices condemned by the clergy both past and present, but is seen by Nahua people today as the cornerstone of their specificity in relation to other social groups, and especially the mestizos. Consequently, the term’s adoption and appropriation sees its polarity re-versed from negative to positive; and this change in the value of a word “taken” from another, more dominant language also reveals a strategy of resistance: a rejection of the initial rejection of their customs.

And while the Yuracaré may never recognize themselves in “costumbres,” they do see them in others. The term “costumbre” was applied to them by missionaries in a morally negative way to mark them as different and exclude them into the order of “barbarism.” Unlike the Nahua, they have not taken the word into their own language, nor used it to refer to their own practices. They have, however, mirrored the same usage as their colonizers and their descendants—direct or indirect—by imitating them and attributing it to others: individuals that they do not want to be like and groups that they seek to distinguish themselves from. Nonetheless, in their refusal to endorse the term, they too have escaped the denigration of outsiders by deflecting it onto others, reacting to the colonial gaze with an evasive maneuver: “You may take us for ‘barbarians’, but you are wrong, we are like you; they, on the other hand...”

Both cases demonstrate two distinct ways of counteracting colonial stigma: the Nahua by redefining it as an existential specificity encompassing the colonial world itself (insofar as “el costumbre” is linked to the sustainability of the world); the Yuracaré by contriving to say that it should not apply to them, but rather to others. Consequently, both routes involve collective self-identification that draws on colonialism, yet demonstrate at the same time micro-strategies aimed at neutralizing the very power relationships that characterize it.

In light of the Mexican and Bolivian examples analyzed above, the term “costumbre” can be seen as a terminological marker for the indigenous policies conceived during the

colonial era that persisted—after independence—as well into the mid-20th century. The order of custom relates to how the practices of others were administered, through their marginalization, from the State’s perspective, in combination with an—as yet unseparated—ecclesiastical apparatus, which viewed their indigenous “others” as “heathens” as well as “barbarians.” Evidently, these categorizations had crucial implications for the power relationships of the time; behind the term “custom” loomed a vertical, hierarchical, and confessional state: first in its original monarchical form during the establishment of the colonial state; then in its subsequent—ongoing—transformation into a state presiding over a social order founded on hierarchy (particularly the racial hierarchies of the 19th and 20th centuries).

Conclusion

Today’s multiculturalist policies common to many Latin American states, combined with the growing visibility of indigenous groups bringing their “culture” into the public arena, no doubt give the impression that the terms “cultura” and “costumbre” may be interchangeable. This article shows the inadequacy of such a presumption. There are notable differences between the two, which we have documented ethnographically, indicating how each developed out of distinct historical and sociopolitical conditions. And while the terms have served institutional attempts by the State to integrate its indigenous peoples, this does not mean that they relate to the same forms of governance and—by extension—the same types of appropriation. Today, contemporary democratic states promote (in law if not always in practice) equality and the fight against exclusion through the active participation of the indigenous sectors, with a particular emphasis on the administration of collective differences in terms of “culture.” The otherness of Indian groups, now accepted and even celebrated, brings attention to minority groups that were historically marginalized. In this context, “culture” becomes progressively objectified, that is, treated as some public good (or indeed commodity). And since culture can be treated as some-thing that an (ethnic) group can “possess,” a collective good supposedly passed down from one’s ancestors, the State (as the ultimate guarantor of property) then assumes the right to guarantee its legitimacy, even to protect it. As with any good, therefore, culture is now seen in a favorable, or at least neutral light, where each “culture” is “just as good as another.” And so, a new term is available to indigenous groups for pragmatic, economic, political, and communicational ends, as well as for questions of identity.

Just as there is an order of colonial custom, multiculturalism coincides with the advent of an order of culture. This order is based on a liberal rule of law (or its plurinational variant) whereby culture must be ostentatiously displayed in the public space. In that sense, culture promotes the opposite of “costumbre,” which as a mode of administering difference overlaps with the attitude of separateness, and the preservation of an often malevolent, inquisitive eye.

Where Amerindians today have to expose their culture, before they had to hide their “costumbre.” While both words may be seen as synonyms, in each case they prove more than simple forms of a “cultural metalanguage” (Carneiro da Cunha 2009). History, and their own trajectories, have made them sociological markers of power relationships and modes of integration with the State. Inextricably linked to the social formations from which they derive, they reveal the strategies used to bring indigenous groups into the fold of the State, but also the different modalities by which these groups in turn have responded.

Endnotes:

¹See, particularly, Foucault (1969:182-183).

²In this article, we will focus on the uses of the term “costumbre” that interfere in current language practices with the term “cultura” (and incidentally “tradition”). We will not deal with the strictly legal expression “Usos y Costumbres” (UyC) or Uses and Custom, which is itself a fixed expression (where “usos” and “costumbres” must be said together). In Mexico, the UyC political system is practiced since the constitutional reforms of the 1990s and essentially in the state of Oaxaca. It allows the indigenous municipalities to organize their political life in ways other than the party system, using so-called “traditional” election mechanisms (Carlsen 1999, Hémond 2004). In Bolivia, the term has also made a recent comeback through the constitutional reforms of 2009 and is linked to the political issue of “indigenous autonomies” i.e., community justice and the processes of electing political representatives (Garcés 2011, Postero and Tokman 2020). Without going into this theme, which is not relevant to our case studies, we believe that our article is likely to place the study of the legal problem of UyCs (including in their contemporary forms) in a broader framework.

³It should be noted that it was in Spain, at a time when urgent questions about the treatment of the Indians had to be resolved, that new reflections on natural law emerged, particularly through the work of the Dominican philosopher and jurist Francisco de Vitoria, whose pupil was Bartolomé de Las Casas. On these issues, see Padgen (1982).

⁴This work, published in 1588, had considerable influence on the missionary practices of all religious orders in the Americas (Lopeteguí 1942, Thomas 2012). Acosta completed the text in 1576 while living in Peru, where he played an important role during the Third Council of Lima from 1582–1583, which reorganized Peru’s evangelizing activities by aligning them with the doctrine of the Council of Trent.

⁵All original Spanish quotations were translated by the authors.

⁶This law was decreed by Charles V and Princess Joanna in 1555, and then included in the *Recopilación de Leyes de los Reinos de las Indias* (1681). It states: “We order and command that the laws and *good customs* which the Indians formerly had for their good government and police, and their usages and customs observed and kept after they are Christians, and which do not meet with our sacred religion, nor with the laws of this book, and those which they have made and ordered again be kept and executed; [...] and it seems to us that it is fitting for the service of God our Lord and us [...] not to prejudice what they have done, nor their *good and just customs* and statutes” (Charles II, 1841: Law 4, Title 1, Book II, emphasis added).

⁷Data for this analysis comes from fieldwork carried out by Anath Ariel de Vidas in La Huasteca between 1990 and 2017.

⁸Ramos i Duarte (1895:143) writes that “in many towns of the State of Oaxaca, the State of Mexico, and others, they say [“el”] custom, rather than [“la”] custom. The occurrence of the masculine construction must therefore

predate this reference; a thorough analysis of this long-standing phenomenon remains to be undertaken. It should be noted that the association with the masculine article continued into the 20th century. Argüello Burunat (1965:91) mentions the uncertainty surrounding the gender of nouns ending in *-ambre*, *-umbre*, and *-imbre* in Oaxaca, while Acosta Lozano (1963:44) observes how, in Puebla, *costumbre*, *quejumbre*, and *vislumbre* are all masculine.

⁹The oldest, unequivocal use of the term to refer to this ritual complex in the region dates back to the end of the 19th century and concerns the Otomi people, neighbors of the Nahuatl. Frederick Starr, a professional ethnographer, described how this group “celebrate annually *El Costumbre* (‘the custom’)” (1901:264).

¹⁰Data for this analysis comes from fieldwork carried out by Vincent Hirtzel in various Yuracaré communities between 1998 and 2019. Part of the material was gathered during the DoBeS Language Documentation Project (Van Gijn *et al* 2011).

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