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HARMONY, LAW, AND ANTHROPOLOGY

*Daniel H. Levine**

HARMONY IDEOLOGY: JUSTICE AND CONTROL IN A ZAPOTEC MOUNTAIN VILLAGE. By *Laura Nader*. Stanford: Stanford University Press. 1990. Pp. xxiii, 343. \$37.50.

Harmony Ideology presents a retrospective look at how law and its varied social and cultural uses emerge, take on particular form and social significance, and change. The setting is Talea de Castro, a Zapotec town in Southern Mexico, whose legal arrangements as captured by Laura Nader teeter between autonomy and subordination, traditional usages and a host of changes about to hit home. Nader sets the town, along with its people, identities, and institutions, in a larger comparative and theoretical context that provides perspectives for understanding dispute resolution, local autonomy, and ideology.

Nader's basic thesis is that the way villagers see the law and use the courts for specific disputes makes sense in a context in which it is important that disputes are contained within the town, not appealed to or assumed by the larger state apparatus. Confining the dispute and its resolution within the town ensures the survival of village autonomy and of the local culture associated with it. Nader focuses upon the ideal of harmony, which is the goal of dispute resolution. She argues that the spread of ideas about harmony is part of the heritage of Christian missionary activity in the modern world (pp. xix, 1-2, 292, 296-304). Harmony as manifest in legal norms, structures, and routines thus acquires cultural sense as part of its long-term relation with power and domination. Full understanding requires a full historical dimension: how things came to be is part of how and why they work the way they do.

Law has two faces: dispute and litigation are accepted parts of normal life within the village; harmony and unity are presented to the outside. Strenuous efforts are made to contain disputes within the town, and to resolve them in ways that plaintiffs, defendants, and residents in general will accept as fair and sensible (pp. 8, 123, 133-61, 317-18). Court sessions often have a therapeutic tone here. Judges work to bind all sides to settlements and in this way maintain local

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relationships and avoid escalations that take things out of local hands. Individual beliefs about the law and how to use it therefore have social consequences and face limits set by existing social arrangements.

From the point of view of local law, compromise is the politics of adjustment. But more important, compromise becomes a politics of survival when indigenous communities try to restore a lost social solidarity as they learn to cope with threats from more powerful societies. Community courts become the places where people engage in discourses that establish and reinforce common beliefs and values and that are conscious political strategies Groups that support a harmony ideology often share the belief that the forces of disorder lie outside their group. [p. 298]

Harmony Ideology is best understood as a retrospective study of prior research, with the strengths and weaknesses of the genre. Most notable among its strengths is the author's synthesis of more than three decades of research on these and related issues in southern Mexico. Nader paints a rich and in many ways compelling portrait of how laws, legal issues, and courts appear to most residents. Extensive court transcripts provide fascinating insight into the day-to-day experience of law. We learn a great deal about who goes to law, how, and to what ends. Local styles of dispute resolution look very informal to American eyes, with emphasis placed more on reconciliation than factfinding, and more on accommodation of interests and maintenance or restoration of relationships than adjudication.

But the book has important weaknesses. To begin with, the data are old. The general ethnographic information, case transcripts, reviews of court dockets, and interviews date from the late 1950s and early 1960s. They appear to have been gathered just at the time the long-standing legal arrangements and the isolation on which they were premised were coming apart. Roads were being built, new economic connections forged, and "outsiders" starting to arrive.¹ The passage of time need not be crippling: by itself age does not invalidate data of the kind Nader presents. But the problem is deeper; for as we shall see, important theoretical debates have substantially changed the anthropological perspectives upon which the data Nader uses were premised. Nader is frank about the existence of these debates, and provides an extensive review of shifts in the anthropology of law (pp. 292-322). Indeed, the author appears so sensitive to changing currents within her discipline that she occasionally presents the reader with incongruous collections of theoretical and methodological opposites. The result is more confusion than clarification. Thus:

This book has been written over many years, and for that reason has been a pleasure intellectually. I have not been in a hurry to produce a

1. Nader's brief historical overview in the preface, introduction, and Chapter Two ("The Experience of Place") provides scattered evidence on this point. See also her comments on shifting patterns of social organization. Pp. 45-51.

work that fits into the latest mood in anthropology. Rather, I have been able to incorporate the wealth of insight that has come from each successive contribution: the structural-functionalists, the interest in process and power, a reflective style that has forced a consideration of paradigm and the place of a critical anthropology, the world-system theories, and the insight that comes from understanding cultural as well as social control. Anthropology, of all disciplines, should not be hampered by schools of thought or by subdivisions In the 1990's a composite approach, rather than attachment to any particular school of social or cultural theory, will add to the power of anthropological analysis of the microcosm in a global system. [p. xxiii]

It is at best problematic, at worst impossible, to use research guided by one set of theories, assumptions, and methods to support conclusions that rest on very different intellectual foundations. The problem is compounded by Nader's tendency to juxtapose old data and new perspectives rather than to confront or integrate the disparities. The result is a sandwich: dense description and analysis of a particular case surrounded by theoretical and comparative reflections, and no obvious or explicit link between the two.

After a brief preface and introduction, *Harmony Ideology* is organized into four parts. Part I, entitled "Social Organization and Control," comprises three chapters of background information on the town. Much of this is standard ethnographic information such as climate, topography, agriculture, and food. But in connection with the author's analysis of social structure and institutional patterns, this opening discussion provides a sense of place that sets later chapters on courts and court users in a meaningful context.

Social order has been maintained by ensuring that citizens are members of a variety of organizations and that they share the idea of *ciudadano*, or citizen participation in the functioning of the town, the idea of *rinconero* — a people psychologically isolated from the outside — and the idea of harmony as expressed in organizations that prevent escalation of disputes. [p. 51]

The core of the book lies in Parts II ("Court Users") and III ("The Substance of Legal Encounters"), which together contain nine of fifteen chapters and over 200 of 343 pages. In five chapters on court users, Nader shows how Taleans initiate and decide litigation, details prevailing standards for a good settlement, and sheds light on the role of judges and on differences among courts. She substantiates her thesis that harmony and settling are vital to Taleans, who hold agreement not only as an implicit cultural value, but also as an explicit goal and norm. For Taleans, "[a] bad agreement is better than a good fight" (p. 87), and disputes are framed in light of overriding commitments to finding balance. In Part III, the author examines "the substance of legal encounters" by analyzing case material and a limited sample of court dockets in terms of variables such as gender, family structure, violence, property, and authority.

Nader lays out general and comparative arguments in Part IV on "Connections." The penultimate chapter examines "Harmony in Comparative Perspective" through a review of recent anthropological research and debates. The concluding chapter addresses "Ethnography and the Construction of Theory" and, in line with current fashion, is taken by the author as a chance for self-reflection.

I. HARMONY, CONFLICT, AND THE COURTS

Harmony figures in Nader's analysis in three related ways. First, harmony operates as a set of implicit norms, a practical code orienting residents to law and its uses. This is vital because the pattern of dispute resolution is user initiated: people come to the law; with rare exceptions, the law does not reach out in their name. Harmony is also manifest as an explicit ideology, a set of consciously held rules governing the role of judges and other officials and the way they approach disputes, settlements, punishments, and authority in general. Finally, in the most general terms, harmony appears as a central part of colonialism's cultural and institutional heritage, the most enduring residue of Christian missionizing.

Three assumptions undergird the whole analysis. The first concerns the compatibility of harmony with conflict. At one time this was something of a heresy in anthropology, when the myth of the harmonious community prevailed. Gluckman, Coser, Dahrendorf, and others exploded that myth some time ago by showing that processes legitimating conflict support cohesion.² The challenge is not to eliminate conflict, but to build it into regular, containable channels. A second assumption is that the effort to present themselves to the outside world as a bounded and united community "has served the Zapotec well. It has produced in Talea a social organization in which order is not solely law nor even solely a result of law and the enforcement of law" (p. 310). In Nader's view, then, for the Zapotec of Talea de Castro, law is more than just a set of practical arrangements for raising and settling disputes. Because of its connections to personal and community identity, the theory and practice of law illuminates both local culture and what Ortner refers to as "*operators* in the social process, things that when put together in certain arrangements in certain contexts . . . produce essentially *social* transformations."³

The final assumption, apparent especially in the book's concluding chapters, is that all this has meaning not only for the observed, but also for the observer. Nader underscores the reflexive quality of

2. *E.g.*, L. COSER, *THE FUNCTIONS OF SOCIAL CONFLICT* (1956); R. DAHRENDORF, *CLASS AND CLASS CONFLICT IN INDUSTRIAL SOCIETY* (1955); M. GLUCKMAN, *CUSTOM AND CONFLICT IN AFRICA* (1959).

3. Ortner, *Theory in Anthropology Since the Sixties*, 26 *COMP. STUD. SOCY. & HIST.* 131 (1984).

knowledge about harmony and law, manifest in sensitivity to the Western history of conquest and in awareness of how much assumptions about harmony pervade our own culture.

The example of the Talean Zapotec is suggestive of a theory of cultural control that merges harmony and conflict as part of the same control system. Harmony and conflict are not antithetical, as previous theories have suggested. We Westerners may have difficulty grasping the idea of an ideology that values harmony or controversy neutrally unless we understand that any morality regarding harmony and conflict is as contrived as the construction of a social organization that mirrors either ideology. Those of us who attend Christian churches in the United States can attest that Sunday sermons are still filled with the rhetoric of harmony ideology. One characteristic feature of disputing processes and their basis in morality is their attractiveness as forums for an ideological marketplace. [pp. 307-08]

As a working code, ideas about harmony legitimize the system and its results in several reinforcing ways. User initiation of disputes keeps the substance of litigation close to the concerns of daily life and ordinary people. Plaintiffs, defendants, and judges all know one another, and a large majority of cases arises within continuing relationships like marriages, contracts, or arrangements for the use of property. This buttresses social pressures to reach and accept agreements, and undergirds the common faith that a "bad agreement is better than a good fight."

Different categories of people use the courts in predictable ways. Men are more likely to be accused of violent physical aggression, commonly arising out of drunkenness in public places. Women appear as victims of violence, are accused of verbal aggression (gossip), and raise most suits concerning the family, charging abandonment or adultery, for example (pp. 192-213). They are occasionally charged with seeking abortion, regarded here as a serious crime (pp. 213-16). Men are more likely to appear as defendants, women to be aided or represented by male relations, such as brothers or fathers (pp. 139-40). Nader argues that such variation is less significant than the fact that, together, the uses and users of the court system are broadly representative of the community (pp. 158-61). In her view, this ensures legitimacy, while making it likely that the system as a whole will end up more democratic than authoritarian. She states that decisions by the court

are not *judicial* decisions, strictly speaking. They result from the interaction between the parties and the official in the context of wider societal values. This point is worth reiterating because behavioral scientists are accustomed to thinking about decision-making from a top-down vantage point — as if it were something judges do for court participants. In this context, the official may play a relatively passive role or an active role, a court may simultaneously appear democratic or authoritarian depending on one's perspective. From an individualistic vantage point, the courts appear authoritarian because of the intrusive and penal character of

many outcomes and because of court regulation of personal conduct such as drunkenness. But if one's perspective is based in community autonomy and the court is seen as an agency responsible for maintaining community harmony, then the courts appear to fit a more democratic model. [p. 158]

For the record, the most common cause of complaint concerns property (control of land or water, inheritance, and division of crops) (p. 147-48). Family matters and physical and verbal violence follow (p. 149). Almost all cases go against the defendant (pp. 154-55), with punishments ranging from fines (which are paid to the local treasury) or restitution to stern injunctions to patch things up.⁴ Nader attributes this settlement pattern to the informal character of court procedures and evidence, and to the local legal culture that places "making a balance" and achieving reconciliation over placing blame (pp. 123, 154-58, 219-21). In contrast to Western procedures, premised on narrowing the focus in order to make decisions more precise, Taleans regularly broaden the process in order to draw parties to a solution.

Talean court style resembles a type of procedure that is situationally determined. Although in the West this type of justice system has usually been described in derogatory terms and wide discretion may be seen as unfair because of the absence of universal standards, many societies hold another view. The Taleans use a fluid rather than a fixed frame for solving social problems, and disputing is seen as just that: a social problem. The evolution of any dispute is a result of its cultural history and the relations over time among a number of participants, only some of whom may be in the courtroom. Remember that for a number of cases . . . the victim is never present in the hearing; family members may initiate cases on behalf of relatives. [pp. 129-30]

Harmony as explicit ideology ("a permeating component of a political ideology, housed in the mind" (p. 9)) emerges most clearly in the self-definition and role of municipal officials, and in court styles. Like many traditional Meso-American and Andean communities, Talea (at least through the 1950s) organized town government around what is known as a system of *cargos* or duties. Municipal offices that fulfill these *cargos* are occupied by influential men (*principales*) whose position in the local hierarchy is determined by a mix of age, education, money, experience, and reputation for wisdom or honesty. *Principales*

4. That cases go so heavily against defendants speaks to the social and cultural embeddedness of law in Talea de Castro. Unlike Western court procedures that exclude gossip or hearsay and restrict evidence not presented by the parties and ruled admissible at trial, here

such informal evidence is not disregarded. The defendant is fully aware that the men rendering the decision know him or her well, as does the plaintiff. They know if he has been "playing around," if he is addicted to drink, if he has assaulted his wife, or if he is in general a problem citizen. They have a fairly good pre-hearing knowledge of her personal history and may use it in her favor or to her disadvantage. Realizing that the judges know the full history of the case, the defendant pleads guilty in nine out of ten cases, and the plaintiff only brings a case that is winnable in these terms.

nominate slates of candidates for each post, and local electors (all men) vote at periodic town meetings. Service is obligatory and short term (pp. 29-30). Three offices are critical here: the municipal *presidente*, the *sindico*, and the *alcalde* or mayor. The *presidente* considers petitions, resolves complaints, and administers justice. The *sindico* oversees the police, investigates serious crimes, and serves as the village's official link to state government. The *alcalde* resolves any case not dealt with by the other two. Each office has a separate court and distinct procedures; the system also includes a jail and a small local police force (pp. 30-33). Despite differences among these officials and their courts, as a group all three stand in sharp contrast to the district court, located in Villa Alta, a day's hard travel from the village.

The old conventional wisdom of anthropology painted *cargo* systems as age-graded hierarchies through which men rose to civil office more or less as they rose in religious knowledge and ritual status.⁵ Nader affirms this, despite acknowledging changes that enhance the role of class, education, and ties to the world outside the village in the determination of power and office holding (p. 32). She asserts that the village responds to such pressures by affirming a corporate sense of self. One example is a system of appeals from court to court within the town that developed precisely to avoid the perils of going to the outside. Thus, for Taleans, "village autonomy by means of increasingly self-reliant village courts has increased with the development of a heterogeneous and stratified town population and the general rise in social intercourse that accompanied market and commercial developments even before opening of the road" (p. 68). The result is contradictory: "A basically egalitarian hierarchical system is operating within a changing pattern of stratification and is becoming more hierarchical and semi-exclusionary" (pp. 32-33).

The matter is important because it bears on the representativeness of local officials, and on the degree to which they share local norms and experiences as fully as the conventional portrait suggests. As class and stratification replace age and symmetry, we may expect courts to become less rather than more representative, and ties to the outside (for example, commercial relations) to gain in importance. We may also expect to find increasingly open expressions of dissent in the village. These will involve not just litigation on specific cases, but a more general challenge to the authority of *principales* and officials. I return to this issue below.

I mentioned earlier that local courts operate on a therapeutic imperative. Through skillful use of court transcripts, Nader shows how the desire to "make a balance" and ensure lasting reconciliation drives

5. See, e.g., R. REINA, *THE LAW OF THE SAINTS: A POKOMAM PUEBLO AND ITS COMMUNITY CULTURE* (1966). For a useful review of the relevant literature, see R. WASSERSTROM, *CLASS AND SOCIETY IN CENTRAL CHIAPAS* (1983).

the search for solutions. At a final hearing in one tangled case involving husband, pregnant wife, and mother-in-law, the *presidente* pleads:

Please try to calm down. Even as things stand, and with the gossip of others, we can still come to an amicable settlement so that you can return to your home again. I am afraid I do not have the power to bring about a separation. You would have to go to the head of the civil registry [in Villa Alta]. I am only in this office to settle litigations in the best way possible, resolving these conflicts so that they may not occur again. [p. 202]

In another case (adultery this time) the *presidente* said:

This is how things stand in this case. Señora Ana is responsible for what happened to this man. Señor Antonio is responsible for having gone to Señor Demetrio's home in the middle of the night. I am here to resolve this with an agreement. You will recognize your blame and will pay the punishment. It can all be settled here. I will look for some means by which you can return to your homes again. [p. 211]

One of the reasons conciliation and making a balance are powerful goals is the belief that once disputes escalate beyond the town, local control is lost. The village then becomes subject to the workings of the district court and state government. This means unfamiliar rules, bribes, costly procedures, and possible punishments for failure to keep order at home. Once the case moves to the district court, there will be little sensitivity to matters like balance or autonomy.

The overall validity of Nader's argument hinges on the adequacy of her description of Talea de Castro as a self-contained, autonomous, and self-managing entity. The matter has theoretical and empirical dimensions. In theoretical terms, the portrait she paints relies on residual functionalist arguments⁶ about the role of courts in the village and the village in the larger system. Occasionally the system is depicted as in automatic balance, with everything finding a level and form of expression that contributes to the health and maintenance of the whole. The tautologies common to functionalist analysis surface here, as in the assertion that "[a] case would enter the court system and gradually gravitate to its proper place of resolution" (p. 93). Local codes and ideologies about harmony as manifest in law are described as community accommodations to European conquest that lay bases required for unity, solidarity, and survival (p. 132, 319-22). The point is made at length in the conclusions, which present the Talean-Zapotec pattern of law and belief about law as both a product of conquest, a hegemonic control system that entered Meso-America

6. Functionalism is difficult to define in a few words, but the following elements are present in most working definitions: an emphasis on normative consensus as central to the construction of order; specification of a set of basic needs or "functional requisites," which are then fulfilled by given structures; and a general vision of societies as "social systems" in homeostatic balance, tending to equilibrium. A useful introduction to debates about functionalism remains SYSTEM, CHANGE, AND CONFLICT: A READER ON CONTEMPORARY SOCIOLOGICAL THEORY AND THE DEBATE OVER FUNCTIONALISM (N. Demerath & R. Peterson eds. 1967).

through Spanish law and Catholic missions (p. 307), and a counterhegemonic arrangement making survival and resistance possible.

This may be so, and attention to the construction of counterhegemonies out of the materials of domination certainly is important, not to mention fashionable in anthropology lately.⁷ But the evidence Nader presents does not explain how these concepts apply (if at all) to the case at hand. The introduction and conclusions stress colonial history, missions, and the like, but substantive chapters provide almost no evidence on the years between conquest and the early twentieth century. Detailed reconstruction of the encounter between peripheral peoples and the power of colonial rule and its culture is difficult, but scholars such as Smith, Wasserstrom, Fields, or Comaroff⁸ have done it in recent work. Data collected on the model of the harmonious community cannot do the job.

A further problem affects Nader's analysis. Anthropological work on Meso-American communities, *cargo* systems, and the general organization of power and ideology that is more recent than that on which Nader relies casts considerable doubt on the empirical validity of harmony as an organizing principle in the first place.⁹ The emphasis on harmony and on the community as an autonomous, self-balancing unit seriously undervalues dimensions of conflict within the community arising from property and class, and from long-term relations binding parts of the community to the larger system. Communities such as Talea de Castro are as much divided as united, and definitely are more stratified than egalitarian. But despite acknowledging the growing power of class, Nader fails to incorporate it into her analysis. This makes it difficult to set the operations and meaning of law in a realistic context of conflicts over power, status, and meaning.¹⁰

7. For an overview, see Ortner, *supra* note 3. A powerful example of such work is J. COMAROFF, *BODY OF POWER, SPIRIT OF RESISTANCE* (1985).

8. J. COMAROFF, *supra* note 7; K. FIELDS, *REVIVAL AND REBELLION IN COLONIAL CENTRAL AFRICA* (1985); R. WASSERSTROM, *supra* note 5; Comaroff & Comaroff, *Christianity and Colonialism in South Africa*, 13 AM. ETHNOLOGIST 1 (1986); Smith, *Local History in Global Context: Social and Economic Transitions in Western Guatemala*, 26 COMP. STUD. SOC. & HIST. 193 (1984).

9. See, e.g., D. BRINTNALL, *REVOLT AGAINST THE DEAD* (1979); R. FALLA, *QUICHÉ REBELDE* (1978).

10. A good example is the rising number of conversions to Protestantism described for the entire region in D. MARTIN, *TONGUES OF FIRE: THE EXPLOSION OF PROTESTANTISM IN LATIN AMERICA* (1990), or D. STOLL, *IS LATIN AMERICA TURNING PROTESTANT?* (1990). These stir opposition to traditional bases of hierarchy and authority, lead to questions about voluntary public service, and shuffle longstanding alignments in part by creating new identities and links with the outside. Conversions are not random, but accumulate along fault lines in the community, drawing those disadvantaged by the old *cargo* system. Nader touches on the impact of conversion in Talea de Castro as part of a general discussion of "factionalism" (p. 179) but fails to incorporate it into her analysis of law and social control.

That harmony and conflict are compatible is unexceptionable. That opponents unite against the outside is common to many societies and cultures: "[M]e against my brother, my brother and me against the world." But the central issue is less harmony or conflict and their expression in law than understanding the long-term forces that change what harmony, conflict, and the like mean and where they are likely to be sought. Nader depicts a system in dynamic equilibrium, controlling itself in order to shield the community as a whole from outside pressures and the changes they may bring. In this view, change comes primarily from reaction to the outside; the central orientation is defensive.

An alternative perspective might paint *cargo* systems not as autonomous units enclosing and defending a static culture, but rather as reflecting power differences within the village even as the village itself appears as — and is — a weak and wholly subordinate cog in the larger machine of political and cultural domination. From this angle, the exercise of power within the village (often through law) rests on the isolation these legal arrangements are intended to safeguard. This suggests great potential for conflict and resistance within the village, particularly as the control of local elites falters and alternatives appear on the scene. New crops, transport, schools, conversions to Protestantism, organization of trade unions, and advocacy of political parties are all part of a growing search for and appeals to outside allies to counter the power of officials drawn, Nader acknowledges (p. 30), from the local elite. Subordinate or dissatisfied groups (for example, ambitious young men, disinherited second sons, and women) engage the outside in innovative ways. From this perspective, village life and culture are less reactive and more innovative than Nader allows for.¹¹

II. BUILDING BETTER THEORIES

Over the past few decades, anthropology (like the social sciences generally) has witnessed significant and often highly contentious theoretical debates. At a minimum, these focus upon the following issues: harmony versus conflict; the status of ideas, symbols, and material structures in the making of culture; the relevance of class and national and transnational networks to cultural systems once assumed to be independent and self-sustaining; and the role of the analyst's own presuppositions in shaping what is found "out there" and the sense that is made of it. All these and more are on display in *Harmony Ideology*, primarily in the concluding chapters.

Many of the difficulties this book presents arise from the author's desire to acknowledge debate and change in her discipline and incorporate it into the analysis of Talea de Castro. The goal is laudable, but

11. See Smith, *supra* note 8.

the result is more confusion than clarity. The author's apparent reluctance to part with *any* point of view compounds the problems created by weak links between new perspectives and old data. Throughout the book, theoretical change is treated as incremental. For example, Nader states correctly that earlier structural-functionalist concerns about stability and boundedness have yielded to interest in change and in linkages with larger systems. She explains:

Today, by virtue of the speed of social and cultural change, we are able to better recognize the relationship between local cultures and external social forces such as religious and political colonialism, an observation that earlier functionalist studies with internalist perspectives neglected. This awareness forces us to reflect on grossly unequal power structures that overlap in interesting ways, resulting at times in conciliatory legal styles. [p. 315]

One is tempted to ask what the pace of change has to do with all this. Earlier studies did not neglect these relationships. The truth is that earlier generations of anthropologists marginalized such issues in theoretical terms while working closely with the structures of religious and political colonialism. This is why theoretical debates have been so sharp. At issue is not just filling in a few gaps in our knowledge, now that modern communications make us more aware, but rather reassessing the basic premises of earlier work.¹² Here lies the fatal flaw of this book. It is not that the data are in themselves weak. As we have seen, they are dense, rich, and often fascinating. But gathered and interpreted for one purpose, they cannot support the theoretical edifice Nader now wishes to construct.

Nader's conclusions are filled with analytical leaps that cannot be sustained on the evidence of this book. A good example is the author's statement that the uses of harmony in the village and its relation to the values operating in district and state courts "have different meanings for the villagers and for the village. At issue is not individualism versus community, for both concepts are known and valued by the mountain Zapotec. At issue are resistance and repression in the context of religion and the political economy of the wider polity" (p. 306). This may be so, and recent theoretical shifts will likely spur research to document it. But on the evidence in *Harmony Ideology*, it is impossible to say one way or another.

To improve the analysis of law as linked with culture and power, several points must be kept in mind. First, a more complete historical context is essential. Reconstructing the historical record can shed new light on how institutions (including legal institutions) came to stand between individuals and their problems and on the encompassing structures of power and meaning that drive everyday life into recognizable and limited channels. This suggests a second point, which is to

12. See K. FIELDS, *supra* note 8, for a devastating account in these terms.

broaden the working definition of local life beyond the narrow bounds of "my village" (so central to classical anthropology) to include regular links with larger structures. This is what ordinary people do; scholars would be wise to follow their lead. Close analysis of such ties (economic, cultural, political, personal, and institutional) will make it possible to relate law to conflict and resistance in more systematic ways. When this is done, it will become clear that these ties are no one-way street. Local residents react to change but they do much more. They also manipulate the system, reach out for allies, and experiment with new solutions.

Incorporating history, domination, and human agency into the picture in these ways makes it easier to grasp the connections of law not only to the initiation and settlement of disputes, but also to the creation and legitimation of power and resistance. Legal norms and arrangements are at once symbols of a culture's key values and operators for working within the system for which they stand. Law reflects power while at the same time providing possibilities of access and opposition to it. That harmony and conflict coexist everywhere is clear. What remains to be learned is how the two are fused in ways that make sense not just of order, but also of change.