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Power of Attorney in Oaxaca, Mexico: Native People, Legal Culture, and Social Networks

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Power of Attorney in Oaxaca, Mexico: Native People, Legal Culture, and Social Networks

Oaxaca, a southern state of Mexico, is one of the most ecologically and linguistically diverse places in the world for its size. Geography has played a crucial role in its history, especially the history of empire in the region. Oaxaca's linguistic diversity has often been explained by the barriers to travel and communication posed by its mountain ranges and rushing rivers, often impassable during the rainy season. The rugged terrain buffered Native communities against outsiders and separated them from one another. Caves, hilltops, and springs opened portals of communication with sacred ancestors. Imposing massifs provided refuge for Indigenous migrants fleeing warfare, conquerors, and colonizers.

Despite the geographical obstacles, long-distance travel has been a feature of Indigenous life in the region for centuries. Native merchants moved goods from Central America to central Mexico within the imperial networks of the Mexica Triple Alliance, and later the Spanish empire. Travel across such distances required specialized knowledge of the passable routes formed by complex webs of narrow footpaths that connected to imperial roads. Long journeys were risky, arduous, and time-intensive. Bandits, hostile forces, weather, predatory animals, venomous snakes, and pestilence were constant realities. Inns, simple shelters, and the homes of extended kin and acquaintances constituted necessary and welcome nodes of safety in a broad network of travel and communication.

Oaxaca's landscape and the expansive human geography of which it formed a part must be understood as a key element in the making of Spanish imperial law. Much has been made of the paper-centered world of the Spanish empire. Legal business often happened through the shuttling of papers back and forth across a lettered world of judges, lawyers, interpreters, notaries, legal agents, and Indigenous authorities. Paper stood in for face-to-face encounters; »appearing« before a judge often meant landing on his desk in the form of a petition or interrogatory. At the same time, people produced legal papers in specific sites along the way, and they had to transport them from the remote town halls of mountain communities to courts in district and diocesan capitals, Mexico City, and even Madrid. This was no small task; it was the labor of the law, and it was carried out by intermediary figures who served as legal agents for their communities. They traveled great distances on foot, generally with a mule loaded with trade goods and notarial documents, doing double duty in long-distance trade and legal advocacy. Their municipal officers funded their extended stays away from their hometowns – usually through a head tax imposed on community members – so that they could keep tabs on a case and shepherd the papers to the proper authorities.

Understanding Spanish imperial law, then, requires a socio-spatial imagination derived from the ground level as well as from the bird's-eye view. We must understand not only the institutions and procedures that provided the architecture of the colonial legal system, but also the infrastructure of travel, and networks of production and exchange that powered it across a vast space. Such an imagination is often missing in our legal histories. Without it, though, it is difficult to fathom the relationship between local practice and imperial legal structures. Traveling to Oaxaca to conduct research and community-engaged work over the last twenty-five years, I have been constantly reminded of the challenges that geography posed and continues to pose in everyday life, especially for labor, travel, commerce, paperwork, and official business. Through my open-access digital project »Power of Attorney in Oaxaca, Mexico: Native People, Legal Culture, and Social Networks« (https://www.powerofattorneynative.com), I attempt to represent this historical reality for scholars, students, and others interested in exploring the social geography of law.

»Power of Attorney« is an ongoing digital research project that constructs a geography of 18th-century Indigenous legal culture in Oaxaca and beyond. By integrating archival material with visual tools, the site analyzes relationships among people, places, and courts that were created by the granting of power of attorney, a notarial procedure common across the Spanish empire. Through digital formats, including ethnolinguistic

maps, population maps and graphs, social network visualizations, and maps of socio-legal relationships with imperial roads superimposed, visitors to the site can explore the spaces of imperial law at different scales and across time. The site also includes background information about the region of Oaxaca, photographs from recent history, and paintings and other visuals from colonial history, as well as narratives of legal cases and legal representation pieced together from historical records.

Notarial records known as »letters of attorney« – one of the most potent ways of overcoming the obstacles to litigation posed by geography and linguistic difference – provide the archival grist of the project. As the letters of attorney attest, Indigenous litigants granted power of attorney to a range of legal representatives, including Indigenous individuals well-versed in legal procedures who acted as untitled legal practitioners, as well as titled lawyers of Spanish descent, or both. As I read through hundreds of letters of attorney during research trips to Oaxaca, I realized that they contained significant spatial data, including the names of towns of the groups or individuals who granted power of attorney, the names of towns of the legal agents, and the location of the courts where the legal business was done. The information in these simple notarial records allowed me to plot socio-legal networks across vast geographies and visualize the routes that legal agents took from their home communities to courts in urban centers.

»Power of Attorney« underscores the significance of scale in the historical analysis of Native legal agency, and points to how the disciplines of ethnohistory and legal history can be woven together. In the case of ethnohistory, detailed narratives of ethnic diversity and Indigenous social life focused on the local or regional level have enormously enriched historical knowledge, but at the same time have tended to hive the subdiscipline off from broader imperial histories. By operating at multiple jurisdictional and spatial scales, the »Power of Attorney« project addresses this methodological problem. The maps, visualizations, and narratives weave a broad history of imperial courts with local processes of Native adaptation, innovation, and legal agency, thereby recovering subaltern legal histories from fragmented and mediated archives.

The most significant methodological challenge has been to incorporate Indigenous spatial knowledge more fully into the project. Although Indigenous legal practice figures centrally in »Power of Attorney«, Native understandings of the landscape have proven more difficult to incorporate into the project. Indigenous maps from the colonial period, including *lienzos*, codices, and other representations of space / time are an important component of Oaxaca's ethnohistorical archive, but they tend to focus on a single community or group of communities rather than broad social geographies. Community-engaged research could provide missing Indigenous perspectives. Through collaboration with local communities, the linguist Martina Schrader-Kniffki and I have been working with young people in Oaxaca's Sierra Norte to share and recover histories from Indigenous-language notarial records. One of our workshops entailed producing maps from last wills and testaments that contain Indigenous-language toponyms and geographical descriptions of plots of land. In some cases, the relationship between the toponyms and the landscape has endured until the present in the social memory of the community. In other cases, the young people were able to connect the toponyms and descriptions to a place because they had seen the parcel of land from a footpath on frequent walks between their town and neighboring towns. Layering this spatial knowledge into the mapping derived from the Spanish colonial archival record could further bridge the gap between local and imperial histories.

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