

Gemma van der Haar

# Gaining Ground

Land Reform and the Constitution of Community  
in the Tojolabal Highlands of Chiapas, Mexico



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Gaining ground

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Gemma van der Haar

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Land Reform and the Constitution of Community  
in the Tojolabal Highlands of Chiapas, Mexico

Proefschrift

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Op gezag van de rector magnificus

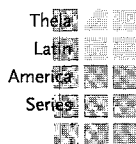
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# Propositions

- 1 To identify the *lack* of land reform as a root cause of the Zapatista uprising is to deny that also in Chiapas land reform was substantial and had far-reaching social and political consequences. (this thesis)
- 2 State intervention is neither necessary nor sufficient to bring about privatisation of common property arrangements. (this thesis)
- 3 Land tenure reform is an exercise in institutional engineering with highly uncertain outcomes.
- 4 The heightened self-awareness of indigenous peoples threatens the self-confidence of anthropologists.
- 5 In view of the lack of job opportunities at Dutch universities, it is hardly appropriate to call the PhD a rite of passage.
- 6 In the hands of people with a strongly developed protestant work ethic, personal computers may turn into time-bombs.
- 7 Dancing is as much about standing still as it is about moving.

Propositions to be defended with the thesis *Gaining ground: land reform and the constitution of community in the Tojolabal Highlands of Chiapas, Mexico*, December 7, 2001, 13:30 hrs, by Gemma van der Haar.



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# Acknowledgements

This book owes a great deal to coincidence and circumstance as well as to the encouragement and support of many people. In accounting for the first and expressing my indebtedness to the latter, I shall go a bit further back in time than is perhaps common. I need, however, to explain, not only how this book came about, but also why it concerns Chiapas in the first place.

Somehow, it all started with my mother's attentiveness. My eagerness to 'see something of the world' and 'get to know other cultures' might never have taken me anywhere, had she not seen an ad in the paper about an international high school. Thanks to the United World College network and funding, I spent two intensive, instructive years in a small but globalised village on the Adriatic coast of Italy. Amongst my best friends there were two Mexicans. When I decided to take a year off and work as a volunteer somewhere, Alberto Díaz and Lizzy Gómez mobilised their networks in Mexico. I ended up in Comitán, Chiapas – which at the time had none of the prominence on the world map it has today – with a team of pastoral workers from the San Cristóbal diocese. The ten months there were tough but decisive. Heike da Costa had kindly taught me my first Spanish while I was still at home. In Comitán, a new challenge awaited me: Tojolabal. What would I have done without the enthusiastic instruction of Martín López and the language material prepared by Karlos Lenkersdorf? Members of the pastoral teams of Kastalia and the Misión de Guadalupe shared with me their belief in a better world. Martín López and Pedro Villafuerte introduced me to the Tojolabal communities with patience and infectious enthusiasm. My friendship with Monica Drewes and the encouragement of Alejandro Guevara kept me going when I thought I could not take it any more. But it was the families of Honduras-Piedra Huixtla that shared their food and their life with me while I made an only partly successful attempt to teach their children to read and write that made Chiapas unforgettable.

Having decided I was probably more of an academic than a missionary, I went to Wageningen. Throughout my studies, Chiapas was always at the back of my mind. Wout van den Bor, then head of the Department of Agricultural Education, supported my plan to write my master's thesis on indigenous primary school teachers in eastern Chiapas. I soon knew this would not be my last visit. The re-encounter with the people from Piedra Huixtla and neighbouring communities touched me deeply. The more I learned, the more my fascination grew.



So, the 'why Chiapas?' is accounted for and therefore, half the story behind this book. But it was by no means clear that there would ever be such a book. The experience of re-working my master's thesis into a publication, under the inspiring supervision of Douwe Beijaard, had whetted my appetite, but it was not until Arij Ouweeneel of CEDLA made the suggestion that I thought of writing a PhD. Arij's encouragement was the first step, the financial support offered by CEDLA – enough to cover about half a PhD-position- the next. However, without the willingness of Norman Long (head of the Department of Rural Development Sociology) to take a chance with me, the project could not have worked. I am deeply indebted to both Arij and Norman for their institutional and moral support.

The KLV facilitated a preliminary visit to Chiapas in 1995, which allowed me to assess the political conditions that had arisen as a result of the Zapatista uprising. Gaby Vargas opened the institute of which she was director at the time, the CIESAS-Sureste, and her house in San Cristóbal, to me. She was highly original and stimulating company. When I was hesitating over whether it would be wise to undertake a research project in the Tojolabal region at all, she said, "You know where you want to go, so just do it." So back to Comitán it was. The theme for the research – land reform – sprang from an interest I had developed in rural history (while doing research in Spain in a project supervised by Jan Douwe van der Ploeg) together with the lack of information on this subject that seemed so important in the Tojolabal region.

For the fieldwork and archival work I am indebted to many people in Chiapas. Firstly, my thanks go to the people of San Miguel Chibtik, who allowed me to stay and work in their community. I will never be able to repay their hospitality. Without the courage and dedication of a number of the Chibtikeros there would have been no fieldwork at all; without the patience and the stimulating and challenging company of many others, it would have been far less worthwhile. *Jitzan tz'akatal je we'nlex kala ermano ti b'a ch'ibtiki. Ermano ixuke ermano winike, yal untik, spetzanil ja jmoj jumasa, tz'akatal jun tiro. Ja ju'un iti wa xyala wala istoria'exi, wala lucha'exi. Jel t'ilan wa sna'a ja kristiano ja b'a tuk luwari.*

Several people in Comitán shared with me what they knew about the *fincas* in my region of study, providing me with a glimpse of times gone by. These included don Ricardo Castro, don Jorge Castellanos and doña Gloria de Castellanos, doña Lolita Albores, doña Leticia Román, and doña Trinidad Pulido (director of the regional museum). Don Pepe Castellanos, the last owner of Chibtik, also provided me with valuable information. Unfortunately, he is no longer alive to see what I did with it. I am also grateful to his wife, who dug up an old map of the property just before I left.

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and Ricardo Morgan from the *Procuraduría Agraria* shared their documentation and insights with me. John Taylor from *Pajal* helped me explore the possibilities for fieldwork.

San Cristóbal harbours much valuable scholarship of which I took as much advantage as I could. The CIESAS-Sureste (to which I was attached as a visiting researcher for the duration of the fieldwork) provided a very stimulating environment. Gaby Vargas and Igor Ayora always gave me plenty of food for thought as well as excellent food to eat. At different moments, Shannan Mattiace, Xochitl Leyva, Araceli Burguete, Carmen Legorreta and Conrado Márquez shared their insights with me. Andrés Aubry of *Inaremac* and Elena Fernández of the *Instituto de Estudios Indígenas* provided me with important sources. Very special thanks go to the staff at the *Laboratorio de Análisis de Información Geográfica e Estadística* (LAIGE) of the *Colegio de la Frontera Sur*. Ignacio March offered me every facility. Miguel Angel Castillo and Emmanuel Valencia worked miracles, making satellite images and other geographic information available to me. The bird-eye's perspective on the region gave rise to many stimulating conversations. The cartography in this book owes a great deal to their efforts.

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Writing this book was a different adventure altogether. Initially sharing my time between the CEDLA and the Rural Development Sociology Group, but eventually spending most time at the latter, I tried to find my own academic identity. This was not always easy but it would have been much harder without the support of my colleagues. Life at the Leeuwenborch would have been unbearable without Jos Michel and my fellow Ph.D. candidates, especially Jens Andersson, Thea Hilhorst, Flip van Helden, and Edwin Rap. They frequently helped me regain the right perspective on things. I am grateful for the support of research school CERES (espe-

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My participation in a number of fora, both inside and outside Wageningen, allowed me to try out some of my ideas. The trips abroad were made possible by the financial support of the *Landbouw Export Bureau*, NWO, the *Mesa Redonda de Palenque*, and the *Storm-van der Chijs Fund*. I am grateful to all those who shared their comments with me on those occasions. More than once, remarks by Monique Nuijten and Pieter de Vries pointed to new directions for the analysis.

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This is the point where you usually get references to the supportive husband or wife. That is missing here. But I have not gone all this way alone. Love at a safe distance meant that most of the time I could dedicate myself to writing without feeling guilty, while it also added flavour to my existence. Friends closer by reminded me there are other things in life. Their wit and warmth were a great source of inspiration. Finally, I want to share the joy of having completed this project with my two sisters, my parents and my grandparents. If they ever lost faith, they never showed it.









## Chapter one

# Introduction: community and land reform in the Tojolabal Highlands

### Encountering 'community'

#### *Asking a favour*

One Sunday morning in late 1996, I asked the people of San Miguel Chibtik whether they would allow me to stay and work in their community. Men and women had gathered in the square in front of the church, right after the church service that was held that Sunday like any other Sunday morning. I had come to know the people of Chibtik about ten years earlier, when I worked as a volunteer with one of the Comitán-based teams of the San Cristóbal diocese, the Kastalia. At that time I had been working as a primary school teacher in a nearby community and had had a lot of contact with Chibtik as well. Several years later I had returned to the community for a short period when I was doing research on bilingual teachers in the region.<sup>1</sup> I had grown attached to this Tojolabal community of about five hundred people. It was located in a small valley in the extreme north-west of the region inhabited by Tojolabal-speaking people, some 20 km from the town of Altamirano and about 60 kms from the larger and more important city of Comitán where I was living at the time.

My research agenda concerning the people of Chibtik was related to changes in land tenure and land use in the region. I was interested in exploring the manifestations and effects of two processes. The first concerned Mexican land reform since the 1940s, which involved the break-up of large estates (known locally as *fincas*) and their transfer to groups of former labourers – fathers and grandfathers of the present inhabitants – in the form of *ejidos*. These *ejidos* combined private rights to cultivation plots with joint ownership of forests, pastures and water sources, and shared responsibility for overall management by the land reform beneficiaries as a collectivity. The second process was the increasing scarcity of land due to population growth and the closing of the agrarian frontier. On an earlier visit in 1995 I had seen signs of a shift from slash-and-burn cultivation of maize on the hillsides to permanent maize cultivation in the plains as well as of an increasing individualisation of land rights, and I wanted to find out more about these processes. I hoped to contribute to the understanding of what at the time I called 'the workings of peasant control' under conditions of scarcity of resources, which I had identified as an issue of crucial importance in debates on sustainable resource management. As the



research progressed, it focussed increasingly on the question of land tenure (rather than land use), meaning that my study developed into an exploration of the establishment and development of land tenure arrangements in the Tojolabal Highlands.<sup>2</sup> I would eventually rework this to focus on land tenure as a contested field in which different claims to control are confronted – a perspective that I will return to at the end of the book, after presenting the detailed socio-historical narrative.

During the service that morning, I had been re-introduced by Pedro, one of the people responsible for religious affairs in Chibtik. I had participated in the service, as I had done some ten years earlier, giving my opinion on the Bible text read out by one of the catechists. Though I made no secret of the fact that I was no longer working with the Kastalia team, I knew that this type of participation was expected of me and lent me legitimacy. After the service I was given the opportunity to explain the purpose of my visit. I was slightly nervous as I started talking. I knew I had little to offer and was really asking a favour. Would people give me the benefit of the doubt? I addressed the people in Tojolabal, as I had always done since my Kastalia days. I explained that I was now working in a university in my own country that sends people all over the world to learn how peasants (I used the Spanish term *campesino* which is one of the labels they frequently apply to themselves) live and work. Every day there are more people, I continued, but the amount of land does not increase, so how do the *campesinos* cope with this situation? I added that I knew that the *campesinos* were often blamed for the disappearance of the forest, but that I believed it was necessary to try and understand how the *campesinos* work and care for their land. I suggested that in order to do so I might join people in their daily activities.

In this way I tried to paraphrase one of the main questions underlying my research so that it was both understandable and legitimate to my audience. By stressing land scarcity as a problem and by suggesting the possibility of countering the negative image of *campesinos* as 'destroyers' of forest and soils I tried to elicit the interest of the Chibtikeros (as the inhabitants of Chibtik are called). Not having any concrete benefits to offer, I could only hope to interest them in an outlet for their knowledge and perhaps the possibility of learning something in the process. I thought it wise not to focus too much on my other research interest, land tenure, at this stage. Being a highly politicised topic in this region, it would certainly have given rise to a lot of suspicion had I shown explicit interest in it. Consequently, I had decided, at an early stage in my research, to phrase my interest in terms of the peasants' land and resource management in conditions of growing scarcity. I knew that once I had established myself in the community, I would be able to touch on the issue of land tenure and land rights.

As I said, I was nervous. I knew I had the support of Pedro and the sympathy of many of the people (especially women and girls) who remembered me from earlier days, but this might not be enough. The past months had proved that gaining access to a Tojolabal community for fieldwork was more difficult than I had thought. Fieldwork in one community would allow me to study the establishment and dynamics of land rights and land use in detail. This was an important part of my research as I had planned it. The other line of work I wanted to develop concerned the study of the archives of the land reform ministry. This was well underway. Getting started with the fieldwork, however, had proved more difficult. Chibtik was in some ways my last resort.

### *Earlier attempts*

During the previous months, I had tried to gain access to two different communities but without success. The first one had initially seemed promising. It combined different legal forms of land tenure (*ejido* and *bienes comunales*<sup>3</sup>) and was located partly on the land of what had previously been a finca and partly on what had been national lands, which made it particularly interesting to my research. Furthermore, I was introduced to the community by a person working on a forestry project in which part of the community was involved.<sup>4</sup> The first meeting had been promising; I seemed to get the benefit of the doubt partly as a result of people's curiosity and partly because of their interest in the forestry project. But since not all the men in the community had been there that day, a final decision could not be taken and a second meeting was proposed. The second meeting was a disaster. The group of men that had not been present the first time were strongly opposed to my presence. I had never previously encountered such hostility amongst the Tojolabal; I was not even given the chance to speak and I left the community almost immediately. I suspected internal divisions of the community were part of the explanation but I never fully grasped the reasons for their outright opposition.

My second attempt to gain access to a community for fieldwork proved equally unsuccessful. I approached a relatively large community located in the centre of the research area, where I had spent a week during my research on bilingual teachers years earlier. I introduced myself to the local authorities (*comisariado ejidal*), who, as I expected, told me when to come back to explain my aims to 'the community'. I would have to present my project to the men gathered in the assembly and await their reaction. The meeting was postponed once before I had the chance to address the community. My exposition ran along the lines of the one I gave later in Chibtik and was met by silence. Somebody suggested taking time to think it over before making a decision. I knew this was a bad sign. A few weeks later the *comisariado ejidal* confirmed what I had already feared: "the people did not want it".

As in the previous case, without the formal acceptance of the community confirmed by an assembly decision, fieldwork in these communities was out of the question. Once again, I suspected that their refusal was related to political tensions. The region of study is located west of the Cañadas region of the Lacandona rainforest, the stronghold of the EZLN (*Ejército Zapatista de Liberación Nacional*), better known as the 'Zapatistas'. Though apparently quiet and free from the presence of the violence that characterised the Cañadas, the conflict had repercussions in the Tojolabal Highlands as well.<sup>5</sup> It had created divisions within and between communities which increased suspicion towards outsiders and made communities close in on themselves. I had deliberately chosen to enter the region 'on my own' rather than as part of either the Church or one of the peasant organisations. This is somewhat unusual in Chiapas, where most researchers operate within the framework of an organisation. But I had done so previously, when I researched bilingual education, with no problem. Furthermore, the political situation was not transparent and I felt unsure about the role and position of the different organisations, which was reason enough to try to avoid being identified with any of them.

Entering the region proved more complicated than I had anticipated. Several months had passed without my being able to gain access to a community for fieldwork and I was getting worried. I then decided to try my luck with Chibtik, a

community that I had grown to like during my previous stays in Chiapas. Nevertheless, I had initially excluded it as a fieldwork site because it was located in the far north of the region of study and would therefore significantly differ from the rest of the region, or so I imagined. It was, however, the community where I had the best chance of being accepted due to my earlier stays and their close links with the Kastalia. Chibtik turned out not to be at all a bad choice, although its peculiarities did influence the development of the research and the focus of this book.

### *Gaining access*

After I had explained my intentions in front of the church in Chibtik that Sunday, people were initially silent. I realised once again that what I had to offer them must have seemed extremely meagre, since I was actually asking them a favour. When Pedro started talking, paraphrasing what I had said, I was very grateful to him. By speaking up for me, he paved the way for my acceptance. It was not so much that he clarified my words, but that he, a man whose opinions count, was showing his support. Then the men began talking among themselves, commenting on what I had said. Once I heard some of them say, "It is for our good," I felt relieved. What followed was a discussion in which the men confirmed and added to some of the issues that I had raised and that I would explore further during the period of fieldwork, such as the problems of permanent maize cultivation, forest management, and their experiences with government engineers. The discussion was lively and the atmosphere relaxed and I thought the matter was settled. I was therefore somewhat taken aback when someone suggested: "It is all right if you want to work with the people, that way you can learn about the work of the campesino. But right now we have no work". Others confirmed this. At that time, in December, the maize harvest was almost over and only towards the end of February would they be starting to work on the fields again, they said. Perhaps I could come, they added, in March, when there would be work again. Somewhat confused and worried about further delays to the fieldwork, I suggested that I might come a little earlier. Even though there was no work in the fields, I could spend time talking to the older people to learn about the past, or fetch fire wood with the women, which, I hoped, would enable me to get to know different parts of the community land. After some discussion they agreed that, as of February, I could come whenever I wanted. They ended by saying that although not everybody was there, they would tell the others this was the agreement they had reached. For a while we continued to discuss issues related to land and agriculture. Some of the older men started telling me how they had bought their land from the landowner thirty years earlier.

Before I left for Comitán, where I lived, Pedro said to me: "Now they have agreed, nobody will be able to say anything, the matter has been settled". In the months that followed I often wondered why the Chibtikeros had wanted to postpone my arrival. Much later I realized that the EZLN had just declared an *alerta roja* (red alert), which meant increased safety measures and the avoidance of visits from outsiders, for their own good. As I discovered during the course of my research, Chibtik was a *base civil de apoyo*, a civil support base, meaning that they were committed to the Zapatista uprising. They had also been involved in a land invasion, one of the hundreds that had swept eastern Chiapas in the wake of the uprising. This situation prompted me to consider the political dimension of land tenure in more detail than I had initially planned.

### *Community control*

I have related these encounters with some of the communities in the Tojolabal Highlands in order to introduce the reader to the general research concerns with which I came to the region and to familiarise her or him with the context in which I set out to conduct my fieldwork. My main purpose, however, has been to introduce the community dynamics which not only conditioned my stay in the region but which also became a central issue in my research. I encountered the 'tough' side of communities, that is, their capacity to control access by outsiders. This 'tough' side is also experienced internally, by community members, who come up against community control in their access to land and residence, dispute settlement, etc. Community control is therefore crucial to an understanding of land tenure arrangements, the central issue in this book.

Fieldwork in any of the Tojolabal Highland communities therefore depended on the permission granted by that community. I needed formal permission from a meeting with a recognised constituency (an assembly of the men or a village meeting including both men and women), endorsed by what is called an *acuerdo* (agreement) in order to 'enter' the community. Without such permission I could not legitimately talk to people or propose projects, in fact, my presence itself would be illegitimate, questionable, and probably short-lived. In the Tojolabal Highlands, this is a common attitude to virtually all outsiders wishing to gain access, not only researchers like myself, but also pastoral workers from the Church and representatives of NGOs, political organisations and state agencies. Since my first encounter with a Tojolabal community, in 1986, I had been aware of this and had learned to regard it as a feature of Tojolabal communities. I had noticed that the pastoral agents of the San Cristóbal diocese, as well as the schoolteachers with whom I shared time in different Tojolabal communities, acknowledged this dynamic and generally respected it in their dealings with 'the community'. In fact, the very phrase "entering a community" acknowledges the fact that communities are somewhat 'closed' spheres, to which access is controlled.

My attempts to gain access also reflect some of the factors that facilitate or prevent admission. Internal divisions and political tensions make access more of an issue: outsiders are suspected of having hidden agendas that might critically interfere with the already tense situation. Under these circumstances, if not met by outright opposition, the outsider is not easily given the benefit of the doubt. The support of one or several figures with authority in the community, however, might lead to a more favourable outcome, as it did for me in Chibtik.

Community control is largely exercised through meetings such as the *asamblea*, the assembly of men, and the agreements reached there. These meetings are not only an essential element of formal procedure, but also an arena in which decision-making is contested, initiatives are proposed, supported or rejected, rules are designed and changed and claims are made, accepted or contested. They are also spheres in which internal divisions and power differences may become apparent. Assemblies and agreements are part of the institutions that govern community life and as such are crucial to the social, economic and political dynamics of Tojolabal communities. I found such institutions or governance structures to be essential in defining who has rights, what these rights involve, what obligations they entail, as well as how rights may be redefined and conflictive situations resolved. For this

reason, they played a central role in my analysis of land tenure in Tojolabal communities.

### Multiple dimensions of community in the Tojolabal Highlands

I have referred to Chibtik and other settlements in the Tojolabal Highlands as 'communities'. The fact that I use the term does not mean that I am unaware of the conceptual problems that attach to it, or that I accept its traditional connotations of cohesion, reciprocity and isolation.<sup>6</sup> Rather, my adoption of the term is inspired by the fact that 'community' is a socially meaningful, accepted label without which it would be difficult to talk about the region in general or the dynamics of land rights in particular – for outsiders as well as insiders. The Spanish term *comunidad* is a regionally accepted convention for referring to rural settlements in this part of Chiapas. The Tojolabal themselves speak of *komon*.<sup>7</sup> The English word 'community' is the closest equivalent to these terms. Like *comunidad* or *komon*, 'community' is an indicative term, pointing at something meaningful in social reality. With Crow and Allan I would argue that the concept of community addresses "a level of social experience, which cannot be ignored" and that "is constantly drawn on by people in everyday discourse to express both descriptively and evaluatively aspects of their social experience." (Crow & Allan 1994:193). Community suggests some commonly understood – although not precisely defined – characteristics of a particular type of social configuration, without pretending to give an exhaustive or unambiguous description of it. Neither is it an exclusive term. In the region of study, it may be used together or interchanged with other terms such as *ejido*, settlement, or 'our place' (*jnajtiki*).

In the context of the Tojolabal Highlands, the term 'community' refers primarily to a rural settlement or locality. Here, the term 'rural' means that the settlement is located at some distance from an urban centre, or 'town' (locally known as *pueblo*), and conceived of as different from it. The region of study, the Tojolabal Highlands, comprises over twenty-five such settlements, varying in size from a few hundred to over a thousand inhabitants. A settlement comprises fairly densely clustered houses as well as community buildings, such as the church and the school, and a basketball field, which together constitute something like a centre. Most settlements have an 'old' name – that of the finca from which it was created, or a name based on ethno-geography – as well as a 'new' name, that they were given when they were established as *ejidos*.

The term 'community' also refers to the people living in the settlement. The people from San Miguel Chibtik, for example, are usually referred to by other Tojolabal speakers as *Chibtikeros*, or *swinkil chibtik*, which means something like 'those belonging to Chibtik'. The community is an important factor of identification for the Tojolabal people, and associated with differences in language (such as the variations of Tojolabal spoken), clothing (especially women's clothes, the design and cut of blouses, skirts or dresses), and facial traits (related to patterns of endogamy). The residents of one community often also share a history that dates back to the times of the fincas, or to the foundation of the *ejido* settlement.

Land constitutes another dimension of community in the Tojolabal Highlands. Most communities have received lands as *ejido* endowments from the Mexican State

through land redistribution since the late 1930s. These endowments may vary in size from several hundred to several thousand hectares, and include not only arable land, but also forests, pastures, and rivers. Together with other resources such as public buildings (schools or churches), these lands form the shared resource base of a community, entitlement to which is dependent on community membership.

Finally, community refers to a particular form of social organisation, that I encountered as I sought access to communities for fieldwork. This type of organisation is characterised by the existence of local authorities appointed by the population (most important among these being the *comisariado ejidal*) and by specific decision-making procedures in which decisions must be endorsed by agreements reached at meetings. It also comprises procedures for co-ordinating work activities, funding of services and political representation. Community jurisdiction extends to all its residents and territory.

The elements offered here are intended to give the reader a feel for what people – those that live in Tojolabal communities or those that deal with them in one way or another – may have in mind when they speak of ‘the community’. The above should not be taken as an exhaustive, unambiguous description of what ‘community’ means. Indeed, a central theme throughout this book is the exploration of the meanings attached to the concept of community and *ejido* for that matter – in the region. It is important to point out that in the Tojolabal Highlands, the terms *ejido* and ‘community’ are often used interchangeably, which may be confusing to some readers. Sometimes, especially among Mexican scholars, the terms *ejido* and *comunidad* are regarded as mutually exclusive. They reserve *ejido* for localities that possess *ejido* land, whereas *comunidad* is taken to refer explicitly to indigenous communities that own their land communally (under the regime of *bienes comunales*). This distinction is related to the fact that *comunidad* and *ejido* are two, mutually exclusive, legal categories. However, when I use the word ‘community’ in this book, I am not referring to *comunidad* as a legal category, but as a socially meaningful notion or reference. My use of the term is not intended as a statement about the actual or desirable legal status of indigenous communities.

The different meanings of community that I outlined above for the Tojolabal Highlands coincide with the three dimensions of community identified by Crow and Allan (1994: 3-7), whose analysis concerns studies of community in Great Britain, but has a wider relevance. These dimensions include a *shared identity* or sense of belonging, *locality* or shared residence, and *shared interest* in land, resources, and services. In the case of the Tojolabal Highlands, a fourth dimension can be distinguished, that of ‘government’ or governance structures. Thus, in addition to the dimensions identified by Crow and Allan, Tojolabal communities have institutions and procedures that constitute something like a *de facto* local government.<sup>8</sup> To address this dimension of control or regulation, I also use the term ‘governance structures’. Governance structures perform a wide range of public functions at the community level: they regulate rights and obligations to shared resources, condition community membership, provide administration of justice, and organise internal authority and representation to the outside world. This fourth dimension of community is crucial. For the Tojolabal of this region, community does not merely signify where they live and where they belong, but is also what governs their entitlements to essential resources and what frames their behaviour. Much of what community

'is' in the Tojolabal Highlands relates to such control over resources and people.

The community, then, is multi-dimensional; it is locality, *ejido*, and local government. These different dimensions do not necessarily fully overlap nor need they always be equally strong. We shall see later on that this creates considerable room for manoeuvre in the definition and delimitation of community in particular situations. Nor is the community the only referent of identity or the only significant network of mutuality and commitment; it exists next to the family group and regional organisations, yet occupies a crucial position among them. Furthermore, although community is an inevitable social referent in the region today, this has not always been the case. On the contrary, it is the product of specific historical processes that acted upon the identifications, associations, alliances, and commitments of the people in the region. Land redistribution is not the only relevant process, but as I shall argue throughout this book, it is a very important one.

Although I have chosen to save broader conceptual discussions for the last chapter of this book, it is useful to outline briefly my approach to community at this point. I propose to understand communities in the region of study as historically constituted, multi-dimensional social configurations. In doing so, I build on the interactionist, social constructivist approaches to community developed in the 1970s and 1980s. One important contribution of these perspectives is to see community in terms of coalitions of interest and to make the specific patterns and institutions of co-operation and mutuality a central part of the research agenda, rather than taking them as given (Long & Roberts 1978; Orlove & Custred 1980). Another valuable insight is to approach community as being 'symbolically constructed' (see Cohen 1985), calling for explorations of what people understand community to be, when and how they define, stage and invoke it. It is in these processes that community is constructed. In keeping with such approaches, community has come to be understood in terms of people's identities and their sense of belonging, in other words, as 'community of meaning'. Yet to my mind, the emphasis on the cultural and symbolic dimensions of community should not totally eclipse the other dimensions. The concept of 'community' in the Tojolabal Highlands cannot simply be reduced to 'community of meaning'. Community is not only about symbols and a sense of belonging but is also, at the same time, about resources, interests, and commitments, control and authority. The community of meaning is also the community that governs people's entitlement to resources. Processes of symbolic boundary construction and material inclusion or exclusion regarding certain resources, are inextricably linked.

### Unexplored dimensions of land reform

The other central theme of this book, land reform, is unlikely to strike the reader as original. Land reform in Latin America in general, and in Mexico in particular, has been extensively written about and one might perhaps be tempted to consider the subject exhausted by now.<sup>9</sup> There is a general consensus that land reform has not met expectations in terms of rural development or agricultural production. In the field of policy, the neo-liberal paradigm leaves little room for redistributive land reform while academic interest in land reform has declined as incomes from agriculture have been seen to play an ever decreasing role in rural livelihoods.<sup>10</sup>

Compared with other Latin American countries, land reform in Mexico was quite successful in terms of the expanse of the land affected and the number of beneficiaries. However, also in Mexico disappointment over land reform is widespread. Redistributive land reform has moved to the edges of both policy and academic interest. So why study it at all?

First, as I will argue throughout this book, certain crucial dimensions of land reform in Mexico have remained unexplored. Second, the importance of land reform in the contemporary history of Chiapas has hardly been reflected in the literature on this state. Much of the work on land reform has kept fairly close to the official goals of land reform, judging its performance in terms of land redistribution, production growth and rural income. A broader approach has been developed by Mexican anthropologists since the 1960s who, inspired by the dependency paradigm, directed their attention towards agrarian structures, domination processes and the difficulties of peasant organisation (Hewitt 1984: Ch. 4; Stavenhagen 1970). The vast literature generated in this field has yielded important insights into land redistribution and state intervention in the organisation of agricultural production. It is not my aim to assess these achievements here, but rather to point out one limitation. In general terms, concern with structural domination has resulted in a rather flat treatment of the communities of land reform beneficiaries. A great deal of attention has been paid to the political and economic networks surrounding *ejidos* (through which such domination takes shape) and to peasant organising but the often-complex ways in which land reform has shaped people's identifications, their loyalties and alliances, their sense of property and their organising practices have been largely ignored (see also Nuijten 1998). Most case studies of individual *ejidos* concerned highly capitalised collective ones,<sup>11</sup> whose internal dynamics and insertion into wider networks may be expected to differ considerably from the more marginal, subsistence-oriented *ejidos* that also make up an important share of rural Mexico. Furthermore, the dependency school partly maintained the state-centred perspective on land reform. Understanding the state as playing a crucial role in domination, it has placed a strong emphasis on what may be called the 'hidden agenda' of land reform, the subordination of land reform communities to national goals and the political manipulation which they have suffered. In short, the effect of land reform on the constitution of rural communities has only been addressed in limited ways. However, it is precisely this dimension that allows us to understand how land reform becomes engraved in social reality, setting in motion processes that extend beyond the realm of policy and cannot be controlled by it.

In the region of study, land redistribution – the turning over of finca land to former Tojolabal peons in the form of *ejidos* – had important territorial, social and political consequences. As I will argue throughout the thesis, land reform was one of the key processes in the contemporary history of Chiapas, especially the eastern part. With the exception of the coastal coffee-producing region of the Soconusco, the process of *ejido* formation in regions previously dominated by fincas has received scant attention in the anthropological literature on Chiapas. This is explained by both regional and paradigmatic biases. Most of this work was generated in the course of the Harvard project, which concentrated on the Central Highlands, adopted a functionalist perspective, and largely neglected 20th century social history (Hewitt 1984: 59, 60).<sup>12</sup> With this brief outline of the academic treatment of land



reform in Mexico, I hope to have indicated that there still remains some ground to cover.

## About this book

### *Narrative lines*

On a first level, this book tells the story of one community, San Miguel Chibtik. The history of the Chibtikeros and their land runs through the book. Their efforts to obtain the land of the finca they had been working and living on, the ways in which they organised access to this land amongst themselves, and finally their involvement in land occupations under the banner of Zapatismo serve as an entry point to several of the key processes discussed and highlight the numerous ambiguities and contradictions involved.

On another level, this book provides an analysis of three interrelated processes in the Tojolabal Highlands. First, it reconstructs the process of land reform, or rather land redistribution, in a region that was dominated by fincas – large estates depending on the labour of resident peon families – until the late 1930s. Second, it explores the role of land reform in the formation of communities of Tojolabal-speaking land reform beneficiaries, especially in the establishment of land rights and the creation of institutions governing land tenure. Third, it addresses the political dimensions of land reform and links land redistribution with the Zapatista uprising. The development of land tenure arrangements thus provides a window on changing social configurations and political processes in the region. These processes were documented on the basis of archival material and fieldwork, and placed in the context of wider developments and debates where this seemed relevant. For instance, the reader will encounter side-arguments related to the Mexican Revolution, scarcity of land, and struggles over municipal government. The narrative at this level is structured around the processes analysed and guided by an exploration of the intricacies, particularities and emergent patterns. References to literature and comments of a more conceptual nature are inserted in passing. In a rather pragmatic way, I draw on insights from different perspectives, such as neo-institutional analysis, legal anthropology, and the literature on state formation. Although such eclecticism might not appeal to all readers, I felt it provided the best means of developing the narrative.

Conceptual considerations are developed more consistently in the concluding chapter. Here, the material presented in the empirical chapters is reviewed in the light of wider debates. At this level, the book presents a critique of state-centred perspectives on land reform and land tenure policy, focusing on the numerous contestations such policies involve. It moves beyond an understanding of land reform as a shift in land distribution patterns to address the ways in which land reform acts upon the identifications, alliances and commitments of the rural population. What I attempt to do is to insert community into the analysis, to relate what community means, how it is defined and established, to particular historical processes, especially – in this case – land reform. This not only leads to a reflection on the historical contingency of particular social configurations, but also on the role of state intervention in bringing these about. The book, then, may also be read as an

attempt to understand how the state 'reaches in', how state endeavours in the field of land tenure regulation shape notions of property, identities, and forms of governance. It explores how labels, criteria and instruments of regulation that are designed and applied in the course of land reform find their way into people's frames of reference, how they are re-signified or rejected, and at times generate resistance to the state.

### *Outline of the chapters*

The book consists of six empirically based chapters, as well as an introductory chapter and a conclusion. The six empirical chapters are clustered in pairs, falling into three parts. The first two chapters after this introduction reconstruct the process of land reform in the Tojolabal Highlands. In these chapters, the regional level of analysis predominates. The next two chapters analyse the development of land tenure arrangements and governance structures in the communities of land reform beneficiaries. The focus here is more strongly on the community of San Miguel Chibtik. The last two chapters address the developments following the Zapatista uprising, both in Chibtik and the region as a whole.

The first chapter after this introduction (*Chapter 2: Towards a region of communities*), describes the transformation of the Tojolabal Highlands from a region dominated by fincas to one dominated by ejidos. It lays the foundations for later chapters. After a sketch of the finca universe that the Tojolabal Highlands comprised before the 1940s, it shows that land distribution implied the transfer of vast tracts of land held by fincas, to former peons. Using maps and figures I indicate the extent of land reform in this region, leading to the geographical domination of Tojolabal communities and reducing the presence of private property. This chapter shows that land reform implied a territorial reconfiguration, which is an important element in the constitution of the Tojolabal Highlands as a region of communities.

The next chapter (*Chapter 3: The intricacies of land reform*) takes the story of land redistribution further. In this chapter the focus is on the nature (rather than the extent) of the land reform process and how it affected communities in terms of inter-communal relations, their relation to the state, and their relation with other political actors. The intricacies of land redistribution are documented, highlighting the role of the different actors involved. Since the stagnation of land redistribution in the 1970s, Tojolabal communities increasingly became territorial entities competing for the remaining land in the region. State agencies (particularly the land reform office and municipal governments) became increasingly involved in the ensuing land conflicts. Furthermore, with political organisation taking shape in the region, land conflicts acquired more explicit political dimensions. This chapter shows how the stagnation and politicisation of land reform involved the communities in rather conflictive relations with the state apparatus (elements that are crucial to an understanding of the Zapatista uprising and the invasions of land after 1994 discussed in chapters 6 and 7).

The fourth chapter (*Land reform and the constitution of community*) is central to the overall argument of this book. It indicates some of the ways in which state attempts at land reform constituted community. After providing a brief sketch of social organisation and land tenure in Chibtik under the finca-regime, the chapter analyses how the land reform process entered people's identifications and commitments. The

acquisition of the land involved a process of re-alignment among the *mozos* as well as efforts to define community membership. The departure of the landowner and the establishment of joint ownership of the land entailed a period of elaboration and adaptation of both land tenure arrangements and governance structures. It was at this juncture that elements of the legal framework (especially notions of property and criteria for establishing authority) were incorporated into the community's institutional repertoire.

Chapter 5 (*Privatisation and conflict in Chibtik*) focuses more specifically on changing land tenure arrangements in Chibtik in the decades after joint ownership was established. As a result of the growing population, a number of entitlements have successively been restricted to right-holders in the *copropiedad*, giving rise to processes of differentiation. In discussing the partially successful expulsion of part of the community, the chapter shows how privatisation is linked to conflicts and factionalism and to the definition of community itself. Furthermore, land tenure emerges as a field of confrontation in which groups within the community as well as state agencies seek to assert their control and jurisdiction.

Chapter 6 (*Land occupations under the banner of Zapatismo*) deals with the land seizures that took place after the Zapatista uprising of 1994. I describe these invasions as the culmination of land reform in the region, in the sense that any remaining properties that had not been affected by land redistribution now came into the hands of Tojolabal communities. Focusing on one particular property next to Chibtik that was invaded, I discuss the ways in which it is embedded in the autonomous municipal structures created by the Zapatistas. Several of the ideas elaborated in the previous chapters are taken up again here. First, I analyse the creation of institutions governing land in the properties that were invaded, indicating both the parallels with and the differences from the establishment of the *ejidos* forty to fifty years earlier. Thus, land tenure is shown to be a field of dispute in the new context too, both between different groups within communities and between communities and the autonomous municipality.

Chapter 7 (*Autonomy at the margins of the law*) addresses the constitution of Zapatista autonomous municipalities in eastern Chiapas, drawing particularly on information from one of the municipalities in the region of Chibtik. I trace the roots of this attempt to establish and affirm autonomous governing structures at a supra-communal level to both the historical experience of communal governance and experiences of political organisation since the 1970s. The type of institutions created, the ways decision-making and authority are organised, and the ways community membership is defined, are modelled after and show strong parallels with the communal level. Within the framework of autonomous municipalities, the relative autonomy of land tenure regulation is now more explicitly stated than before, while attempts by the government to regulate land invasions are openly challenged. Furthermore, the affirmation of autonomy acquires a more explicit ethnic dimension.

The last chapter (*Fields of contention: land reform between endowment and appropriation*) discusses the constitution of community in relation to state policies of land redistribution from a perspective of state formation processes. It provides a critique of state-centred perspectives of land reform.

## A note on methodology

### *Defining the region*

The region that I have called 'Tojolabal Highlands' extends to either side of the road connecting Comitán and Altamirano, in southern Chiapas (see maps 1.1 and 1.2) and includes the highest and westernmost part of the region inhabited by Tojolabal-speaking people today. This delimitation of the region requires some explanation. Although it builds on folk categories, it does not coincide exactly with these, and cuts through administrative boundaries.

The region that I call Tojolabal Highlands coincides largely with what the Tojolabal people refer to as the *tierra fría* o *tierras altas*, the (relatively) cold plateau, with altitudes ranging from approximately 1200 to 1900 m above sea level. They distinguish it from the *montaña*, the steep yet warmer terrain of the Lacandona rainforest to the east, also known as the *Cañadas*. In contrast with the colder parts, where Tojolabal communities grew out of the *fincas* that had been established there since the 18th century, Tojolabal settlements in the *Cañadas* have resulted from migration since the 1950s. I have also distinguished the Highland region from the flatter, more productive valleys to the east. Like the Highland region, these valleys were also characterised by the establishment of *fincas* on which a Tojolabal-speaking population settled as resident peons. Yet the region has had a different agrarian history: land redistribution here did not lead to the extreme reduction in private property that occurred in the Highland region, and *ejidos* have been established alongside ranches in the hands of mestizo owners. The Highland region is further distinguished from the valleys by the communications infrastructure that has also served as the basis for a common identification. The road that runs through the Highlands means that the communities are more oriented towards Comitán, whereas the valley communities in the valleys are primarily connected to Las Margaritas.<sup>13</sup> The reason for not including the valleys in the study was primarily a practical one: it would have been too much to manage within the framework of this project.

The region I call the Tojolabal Highlands therefore has a certain distinctiveness in terms of its geography as well as its historical configuration if compared to the valleys and the *Cañadas*. Precise limits between these regions cannot, however, be drawn. For the purposes of this study I take the region as starting some 15 km north of Comitán, with the locality of Yaxhá, and extending almost as far north as the river Tzaconejá. To the south of Yaxhá, communities are predominantly mestizo now, though Tojolabal speakers may have existed there before. The northern boundary is formed by the river Tzaconejá. Heading to Altamirano, turning towards the east just before the Tzaconejá, are several Tojolabal communities, amongst which Chibtik, the community from which I have drawn most of my case material. These northern communities belong administratively to the municipality of Altamirano, whereas the remainder of the region falls under the municipality of Las Margaritas. I have drawn the northern boundary largely on the basis of language, leaving adjacent Tzeltal communities out of the study. The western boundary was the least complicated to draw. Here I have followed the municipal limit between Las Margaritas and Chanal, inhabited mainly by Tzeltal speakers.

In other studies on south-eastern Chiapas, readers are likely to encounter other delimitations of some sort of 'Tojolabal region', that are either broader or narrower

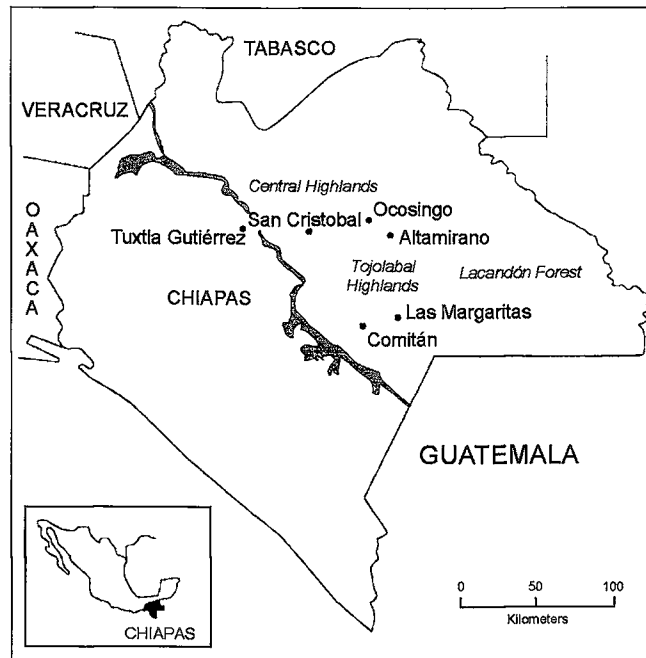
than those used in this study. My definition of the Tojolabal Highlands roughly coincides with what Ruz has called *tierras altas* or *tierra fría* (1982: 73). What I call the valleys coincides with what he calls *valles*, while the Cañadas are equivalent to his *selva*.<sup>14</sup> The *Colegio de Postgraduados*, an organisation in the field of rural development, used a slightly narrower definition of the higher region (which it calls *Cañada Tojolabal*), excluding communities that belong to Altamirano (see, for example, Plan Comitán 1988). Conversely, the regional division developed by the diocese of San Cristóbal includes these northern communities in the region attended by the Kastalia<sup>15</sup> – which is what took me to Chibtik in the first place.

In the literature on Chiapas, the Tojolabal Highland region has been a kind of 'in-between' area, falling outside of what is usually defined as the Central Highlands or *Altos de Chiapas* – studied fairly intensively since the 1960s<sup>16</sup> – yet not part of the eastern *Selva*, or Lacandona rainforest – that has attracted more recent scholarly attention. Though the region of study shares certain characteristics with the *Altos* and the *Selva*, it has had a different history from either. It has only relatively recently attracted the attention of anthropologists, although it has been the subject of several linguistic studies. In 1969, a mere four pages were dedicated to the Tojolabal in the *Handbook of Middle American Indians* (Montagú 1969) and when Ruz began his work on the Tojolabal in the early 1980s he found a grand total of 132 pages (excluding linguistic studies) (in Mattiace 1998).<sup>17</sup> Consequently, processes characteristic of the Tojolabal Highland region, notably the predominance and subsequent decline of fairly extensive *fincas* and the creation of *ejidos* with the population of resident peons, have been largely ignored in the literature on Chiapas.

#### *A combination of methods*

In this study I have combined archival work, anthropological fieldwork, and the study of geographical information. I will not bore the reader with a lengthy discussion on methodological issues, but some remarks are in order here as to how the information was gathered and processed. Since the use of archives and geographical data in the reconstruction of the land redistribution process is discussed in detail in chapter 2 in direct relation to the data concerned, an abstract discussion of the technical complications and choices made would not serve any useful purpose at this point. I have mainly relied on two archives, that of the Chiapas division of the Land Reform Ministry in Tuxtla Gutiérrez (*Delegación de la Secretaría de Reforma Agraria*) – which I refer to as ARA-TG), and the Land Registry Office of Ocosingo (*Registro Público de Propiedad* – which I refer to as RPP-O.)<sup>18</sup> For comparative purposes, I also used data from the RAN (*Registro Agrario Nacional*), in charge of the registration of and issuing of land titles for social property and its potential transformation into private property as envisaged under the new agrarian legislation.<sup>19</sup> In the initial stages of the research I also consulted the *Archivo Histórico del Estado de Chiapas* in Tuxtla Gutiérrez, the AHECH.

Fieldwork comprised a wide range of ethnographic methods, from oral history to participant observation. Most of this work focussed on San Miguel Chibtik. Such a localised focus allowed me to address the complexities involved in the processes of design and change of land tenure arrangements. Why I selected Chibtik has already been explained. Within Chibtik I made an effort to spend time with as many different people as possible, though I certainly developed much closer relations with

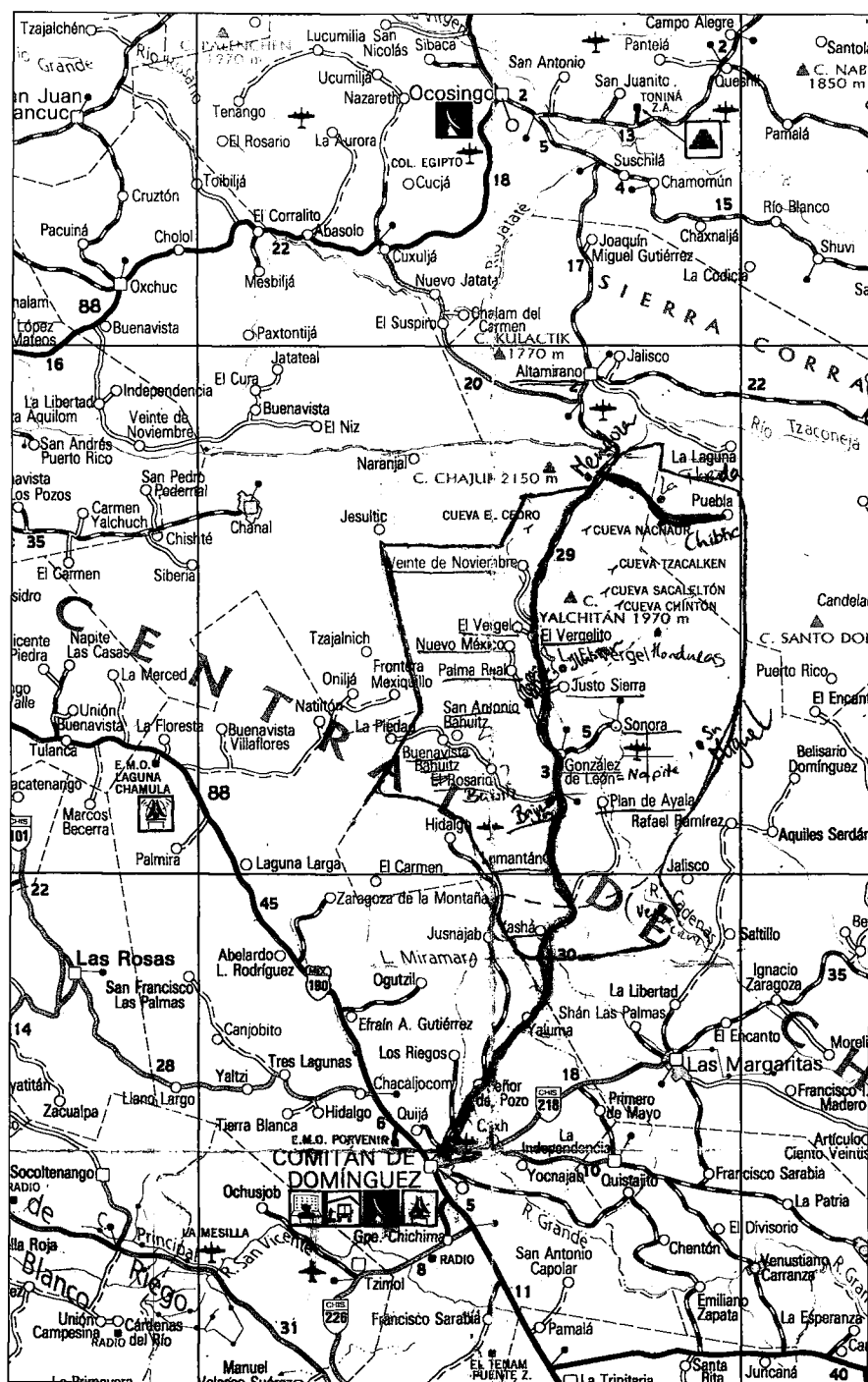


Map 1.1 The Tojolabal Highlands in Chiapas

some families than with others. I interviewed some of the older men and women specifically on the issues of changing land tenure. More often, though, I was in kitchens chatting with the women, out fetching fire wood or bathing with the girls, or working in the fields with young families, trying to figure out how land tenure arrangements worked, but touching on several other issues as well. I seized every opportunity to get to know the land area belonging to Chibtik, in order to discover the Chibtikeros' spatial frame of reference. I visited fields, forested areas, springs and caves. Fieldwork also comprised participation in all sorts of events, such as religious celebrations and weddings. I was also involved in other activities, notably a small project on green manure (financed by the Dutch embassy in Mexico) developed in conjunction with a regional NGO, and a photography project supported by the *Archivo Fotográfico Indígena* based in San Cristóbal.

Although I was a frequent visitor, I did not live in Chibtik. I usually stayed in the community for one or two weeks before going back to Comitán. My interest in other types of information meant that I needed to spend time in Tuxtla Gutiérrez and Ocosingo (for the archives), San Cristóbal (for geographical information), and Comitán (for interviews with former landowners and other people that had specific information on the region). Travelling in and out of the region (first by bus, later by car) provided numerous opportunities for talking to people from other communities, and these conversations have also contributed to my understanding of land reform and changing land tenure arrangements in the region.

Although at times I regretted not being able to concentrate fully on Chibtik, I



Map 1.2 The region of study

found the combination of different methods extremely useful. Conversations with people other than Chibtikeros gave me a feel for some of the ways in which Chibtik differed from other communities. Archival and geographical information proved very useful for visualizing other aspects of certain processes and events than had been brought up by the Chibtikeros. I used this secondary information to construct a regional picture and contextualise Chibtik. Conversely, comparing the different sources allowed me to use one to check the other, that is, the secondary sources allowed me to interpret the findings from fieldwork in Chibtik in different ways- and vice versa. In this way, I was able to add depth to the analysis.

*Some remarks on the construction of the text*

Out of the fragments of information from different sources I tried to construct one story, one picture. I found several differences and contradictions between different accounts and some pieces were missing. Sometimes I was able to fill in the blanks and reconcile the differences, but not always. What you find in this book is my reconstruction of the land reform process in the Tojolabal Highlands, my account of changing land tenure arrangements in Chibtik. I have tried to create a fluid text, presenting the general picture without always providing insight into all the separate pieces of the puzzle. At some points, however, I explain the choices I have made in this exercise of reconstruction. At other points, I point out the open ends, the contradictions and the ambiguities. I hope in this way to have created a text that is both readable and informative, without eliminating all the uncomfortable and unruly elements.

Three more remarks are in order to end this introduction. The first relates to the use of names. All the place names are real. I have chosen to work with real localities because my reliance on archival sources and cartography combined rather poorly with the use of pseudonyms that would collapse the moment one referred to the sources. I do use pseudonyms for individuals, however, and have omitted information that would identify them. The second remark concerns the use of Spanish and Tojolabal terms. Where possible, I use English equivalents to facilitate reading. Some terms, however, have such specific connotations or evoke such a particular image, that I have retained them. They are written in italics (Spanish words that have been incorporated into (American) English are used without italics). Third, and finally, all translations from Spanish to English are mine, unless indicated otherwise.



## Notes

- 1 The results of this research have been published in Van der Haar (1993).
- 2 I address the consequences of land reform and population growth for land use in the region in Van der Haar 2000.
- 3 *Bienes comunales* is a form of common property that resembles the *ejido*; it will be dealt with in more detail in Chapter Two.
- 4 The project aimed to capture carbon dioxide through re-forestation and better forest management. John Taylor, working for the Pajal Yakac'tik organisation at the time, carried out the project in the Tojolabal region. For further reference see ECOSUR 1995.
- 5 In the autumn of 1996, just as I was trying to enter one of the communities, a major schism was beginning to take shape within the CIOAC, one of the two important peasant unions in the region, affecting all those communities affiliated to it, including the two I had approached. One of the reasons behind the schism was the links between the CIOAC and the EZLN (see chapters 3, 6 & 7).
- 6 As a result of the academic debates of recent decades, few social scientists will use the term carelessly or regard 'community' as an unproblematic, homogeneous, and unambiguously defined social entity. Differentiation, conflict, and the permeability and flexibility of community boundaries have all been examined in detail since the 1970s and 1980s. These debates also inform my perspective. What I have taken from them is the need to explore what community means in particular circumstances to different actors.
- 7 This term might derive from the Spanish word *común* used in colonial times to refer the lands of a village or *pueblo* as well as to the people using this land. Whether there is indeed such a connection between the present and the colonial term for the region of study could not be established.
- 8 It should be noted that in Mexico today the community does not enjoy legal recognition as a level of government; the Mexican constitution only recognises the federal, state, and municipal levels of government.
- 9 For useful recent introductions to the land reform debate see Thiesenhusen 1989 and 1995; Dorner 1992; Kay 1999.
- 10 See also Zoomers & Van der Haar (eds.) 2000, and Zoomers (ed.) 2001.
- 11 See for example Stavenhagen's discussion of four case-studies in the *comarca lagunera*, Sonora, Michoacán and Tabasco (1989 [1980]).
- 12 There are some exceptions, such as the work of Jan Rus, that I will come back to later in the text.
- 13 My inclusion of the community Veracruz partly breaks with this rule, for it is oriented more towards Las Margaritas. The inclusion is based on practical considerations, namely my involvement with the *Centro de Investigaciones en la Salud de Comitán* (CISC) which gave me easy access to the community.
- 14 I have not been able to pinpoint where Ruz draws the limits between these regions, not where he locates the fourth region he distinguishes, the *somontano*. Martínez Lavín (1974) speaks of the *macizo tojolabal* referring to both the highlands and the valleys.
- 15 One of the pastoral teams based in Comitán and part of the *zona sureste*.
- 16 The Harvard Chiapas Project, which produced classics by Evon Z. Vogt, George and Jane Collier, Frank Cancian, Robert Wasserstrom and others, took off in 1957.
- 17 Ruz compiled four volumes on the Tojolabal (1981, 1982, 1983, 1986) and wrote two books on the fincas in the region (Gómez and Ruz 1992 and Ruz 1992).
- 18 In Mexico, *ejido* and communal property are considered as 'social property' and correspond to the ministry of land reform, which keeps track of the tenure situation. Registration and documentation of private property (including joint ownership) on the other hand, are the responsibility of the Land Registry Office.
- 19 In 1997, all the ARA-TG files were being transferred to the RAN in Tuxtla Gutiérrez.



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## Chapter two

# Towards a region of communities

### Introduction: the remnants of times gone by

Travelling by road from Comitán to Altamirano – some 70 km of recently laid asphalt winding through the hills – one notices the remains of the estates that once dominated the region, the *fincas*.<sup>1</sup> The road leaves Comitán from the ‘El Cedro’ neighbourhood where Tojolabal people dominate the street scene. Leaving behind houses and shops, the road enters a relatively open landscape of hills and valleys, covered by trees and bushes in some places and maize fields and grassland in others. After several kilometres, the first road signs with Tojolabal names begin to appear, such as Yaxhá (meaning ‘clear water’) and Lomantán. The next village, Bajucú, affords the traveller a spectacular view. The white plaster of its 19th century church stands out against the green of the hills in the background.<sup>2</sup> Built on a rise, the church and what was once the landowner’s residence, the *casa grande*, still dominate the landscape. Below it are scattered wooden huts, some with grass but most with aluminium roofs.

As the journey continues, the image repeats itself: in Napité, San Francisco Justo Sierra, and Veinte de Noviembre, white plaster buildings stand as silent witnesses of times gone by, amid the bustle of community life. The buildings still play a key role in present-day Tojolabal communities. The children and grandchildren of the *finca*’s resident labourers – called peons or *mozos* – have turned many of the *casas grandes* into schools. Stables, hen houses, and storage rooms have been replaced by additional school buildings, a health centre or a shop.

What happened to the *fincas* that once dominated the region? How were they transformed into the Tojolabal communities we find there now? These are some of the central questions dealt with in this chapter, which describes how land redistribution policies enforced by central government since the 1930s destroyed *finca* hegemony in the Tojolabal Highlands, turning it into a region of Tojolabal peasant communities. The impetus given to land redistribution by President Lázaro Cárdenas marked the beginning of the end of the privately owned estates in the region. Large extensions of *finca* land were transferred to former Tojolabal *mozos* under the *ejido* regime of land tenure, whereas other properties were jointly acquired by groups of *mozos*. The process set in motion by land reform efforts was quite extreme in the Tojolabal Highlands in comparison to that of other regions in Chiapas. In fact, it led to the virtual disappearance of private property in the hands

of ladino<sup>3</sup> landowners. This chapter reconstructs such transformations from approximately 1930 to 1993. It focuses primarily on the extent of land reform and the territorial reconfiguration this implied, leaving the social and political dimensions for the next chapter. First, however, the chapter provides a brief description of the finca era, as well as a sketch of the revolutionary struggles of the first decades of the 20th century that, although they took their toll, left the finca structure largely untouched.

Although its main aim is to provide a regional overview, the focus of this chapter sometimes shifts to the finca and subsequently *copropiedad*<sup>4</sup> of San Miguel Chibtik, to illustrate or elaborate on a point made. Chibtik is one of the northernmost Tojolabal communities. Further along the road to Altamirano after Veinte de Noviembre and La Ilusión, the landscape becomes more abrupt, its soft undulations giving way to steep slopes covered with oak and pine forest. After several abrupt curves, and just a few kilometres before the bridge over the river Tzaconejá, a dirt road that leaves the main road towards the east takes one to Chibtik. Once one of the largest estates in the region, San Miguel Chibtik is now in Tojolabal hands. Its history of fragmentation and expropriation, directly related to the process of land reform, exemplifies the fate of most of the fincas in the Tojolabal Highlands as they finally gave way to the Tojolabal pressure for land. Only sold to former *mozos* in 1963, San Miguel Chibtik resisted the pressure on private property longer than most other estates and parts of the former finca were still privately owned in 1993. The fate of these private properties was sealed, however, with the Zapatista uprising of January 1 1994.

## A region of fincas

### Origins

The origins of the fincas in the Tojolabal Highlands are only known in fairly general terms. Ruz (1992) has publicised the scanty information available in a book on the fincas around Comitán during the 18th and 19th century. For the region that interests us here, the highlands to the northeast of Comitán, Ruz found that estates were only created towards the early 18th century, by citizens of Comitán (Ruz 1992: 29).<sup>5</sup> There are indications that the Tojolabal Highlands were inhabited before colonial times, but not much is known about the people who built the small temples and left the fragments of pottery and cloth found in caves that are now the only vestiges of their times.<sup>6</sup> Whoever the inhabitants were, they abandoned the region in the early colonial period. In the region of study, the general demographic crisis that affected Chiapas was aggravated by the violent invasions of groups that refused to submit to Spanish rule.<sup>7</sup> These groups inhabited the *Desierto de los Lacandones*, now known as the Lacandona Rainforest or *Selva Lacandona*, bordering the Tojolabal Highland region to the east. Consequently, the region was depopulated in the 16th century and remained uninhabited for most of the 17th century. The *Desierto de los Lacandones* was conquered in 1695, after which families from Comitán began to establish landholdings in the highland region (Ruz 1992: 340).<sup>8</sup> There are early references to the estates of Jotaná (1723) (Ruz 1981: 44), Bajucú (1728) and Bahuitz (1747) (Ruz 1992: 118), as well as to Palma Real and Chibtik, which belong to the oldest fincas in the region (see also Ruz 1992: 123, 124, 187, 188). All these fincas are mentioned on a map of c. 1890 (see map 2.1). They formed part of what Jan de Vos has called a finca-

belt (*franja finquera*) on the edges of the Lacandona Rainforest, stretching from the Guatemalan border to Palenque (see map 2.2, De Vos 1988).

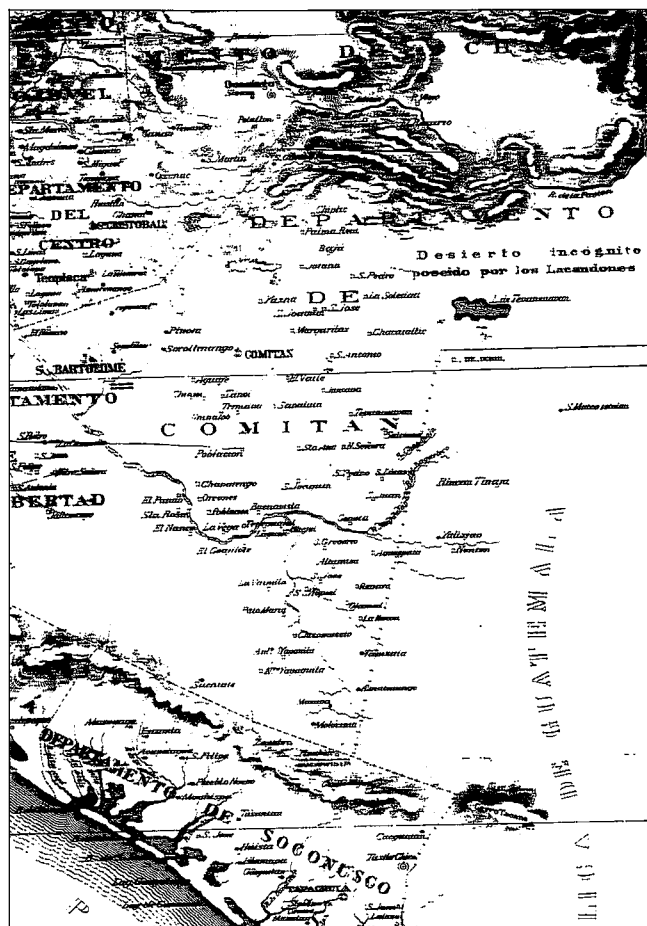
The Tojolabal were probably attracted to the highland region as the holdings expanded (Ruz 1992). How and when the Tojolabal came to the region of Comitán remains obscure. Colonial records only mention Tojolabal (also called 'chañabal') – part of the Maya linguistic family – as a distinct language at the end of the 17th century (Ruz 1982: 259-60). The origins of the Tojolabal have been traced to the Cuchumatanes region in present day Guatemala, but it remains unclear where they were during the 16th and a good deal of the 17th century. Ruz ventures the hypothesis that the Tojolabal reached the mountainous region of the Lacandona Rainforest during the early colonial period – within broader migratory movements in which other groups also participated – moving down to the region of Comitán during the 17th century (Ruz 198: 47, 48). Part of the Tojolabal settled on the estates in the highland region, where they grew in numbers and developed into a distinctive population, largely confined to the fincas.<sup>9</sup> It is likely, then, that most settlements developed in the region as part of the expanding fincas rather than as independent communities.

### *Towards hegemony*

As in other regions of Mexico, the fincas of the Tojolabal Highlands flourished during the second half of the 19th century, partly as a result of the policies of President Porfirio Díaz (1876-1910) supporting private properties. During his rule, the *Porfiriato*, a considerable increase in the number of haciendas and ranchos<sup>10</sup> was registered both for Chiapas as a whole and for the *Departamento de Comitán* in particular, to which much of the region of study belonged. According to one source, the number of haciendas in Chiapas as a whole grew from 98 in 1877 to 518 in 1900 totalling 1076 by 1910; over the same period, the number of ranchos grew from 501 to 1842 (Tello 1968 in Ruz 1992). Using different sources, Benjamin finds that the number of ranchos doubled between 1890 and 1910 (1995: 75). For the *Departamento de Comitán* Benjamin gives the following figures: the number of haciendas increased from 88 in 1896 to 143 in 1909, while the number of ranchos rose from 396 to 905 during this period (Benjamin 1995: III, Table 3).<sup>11</sup>

It has been suggested that the increase in private property involved an encroachment on lands owned by indigenous communities, using the possibilities of 'denunciation of vacant lands' opened up by the Ley Lerdo of 1856 and similar 'liberalising' measures in Chiapas (see García de León 1985a: 156, 157; Benjamin 1992: 75, 76). The data available suggest that fincas in Tojolabal Highlands followed the general trend of expansion, in some cases involving conflicts with the Tojolabal population and possibly poor mestizos. García de León mentions several cases of denunciation for the region: in 1874 José Pantaleón Domínguez (governor of Chiapas at the time) was involved in a conflict with the Tojolabal population of Santa Bárbara Bajucú over land he claimed was vacant and in 1876 Vicente Domínguez claimed Yaxhá (García de León 1985a: 185-164; see also Ruz 1992: 150, 151). For Chibtik, I found that Don Félix Parada denounced *balldíos* bordering the titled area of the finca. President Porfirio Díaz granted him titles for these lands in 1889 and 1890.<sup>12</sup> These denunciations allowed the fincas to extend their hold on the region, but it is difficult to establish whether and in what ways they involved dispossession. I suggested above



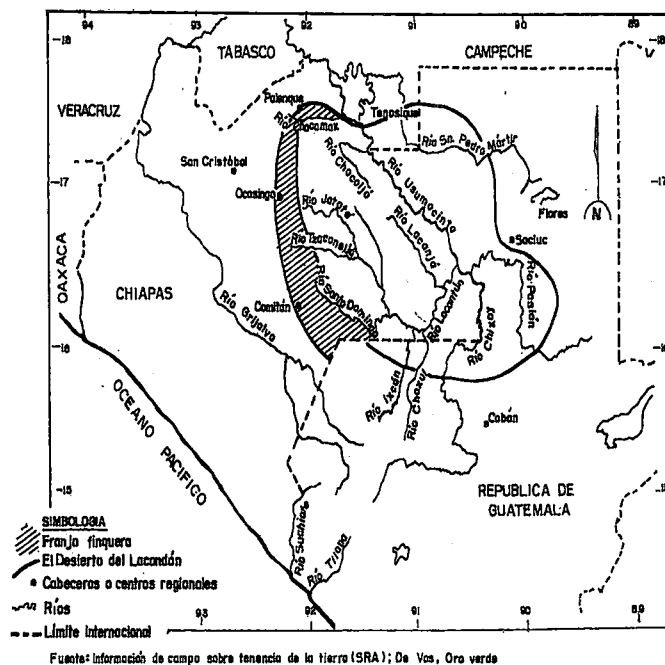


Map 2.1 Fincas around Comitán (19th century)  
 Reproduced from a 19th century map found in the files of the  
 Chiapas division of the Land Reform Ministry.

that the Tojolabal were drawn to the region only after the establishment of land-holdings by families from Comitán and it is not clear whether there were any independent Tojolabal settlements or where these were located. One cannot exclude the possibility, however, that there were independently settled families especially in the rougher areas, but these must have been limited in number. It is possible therefore, that the lands claimed by ladino landowners as *baldíos* near Yaxhá and Bajucú had become occupied by Tojolabal families for cultivation or residence.

#### *Contours of the finca universe*

During the Porfiriato, the fincas came to dominate the Tojolabal Highlands both geographically and socially. Their territorial control was almost complete and they



MAPA 38: El Desierto del Lacandón y la franja finquera

Map 2.2 The Lacandona Rainforest and the finca-belt  
 Reproduced from Leyva Solano (1995), *Catequistas, misioneros y tradiciones en Las Cañadas*, in J. P. Viquiera and M. H. Ruz (eds) *Chiapas, los rumbos de otra historia*, page 378.

constituted most of the population. The spectacular population growth reported for Chiapas since the 1870s (Benjamin 1995: 53, Fig. 1) was repeated also in the Tojolabal Highlands (Ruz 1992). The census data from 1910 (table 2.1) only list settlements as 'haciendas' and 'ranchos', which suggests that there were no independent villages or other settlements of considerable size to be found.<sup>13</sup> Most of the Tojolabal population was tied to the fincas as resident labourers, referred to as *baldianos* or *mozos*. All over Chiapas, debt peonage had been reinforced and deepened with the expansion of private holdings (García de León. 1985a: 165; Benjamin 1992: 52, 112, 113). The finca universe of the Tojolabal Highlands at the beginning of the 20th century comprised some twenty settlements with a total population of about 3,200 individuals.

Let us consider some of the characteristics of the fincas in the Tojolabal Highlands during their heyday that we can deduce from historical statistics (summarised in table 2.2). The properties had an average size of almost 3000 hectares, though the average per owner was over 5000 hectares. The extensions listed only refer to titled surfaces and are probably an underestimation of the areas actually used by the fincas, since large sections were not fenced at the time, nor were precise measurements carried out.

Table 2.1 Demographic data on the Tojolabal Highlands in 1910

Name	population	category
Bajucu*	347	Hacienda
Rosario	26	Rancho
Piedad	62	Hacienda
Bahuitz	314	Hacienda
Yaxha	349	Hacienda
Lomantan	53	Hacienda
Jotana	414	Hacienda
Napite	80	Hacienda
Santa Rita	96	Hacienda
Palma Real	168	Hacienda
Vergel	164	Hacienda
Ilusion	66	Rancho
San Francisco	163	Hacienda
Santiago	240	Hacienda
San Mateo	332	Hacienda
Chiptic	178	Hacienda
Honduras	37	Rancho
Nantze	58	Rancho
Mendoza	70	Rancho

\* The data for Bajucú have been taken from the 1900 census, since it was not included in the 1910 census.

SOURCE: 1900 CENSO Y DIVISIÓN TERRITORIAL DEL ESTADO DE CHIAPAS (PUBLISHED IN 1905) AND 1910 CENSO DE POBLACIÓN.

In terms of production, the fincas seem to have been very similar to one another, differing only in the presence or absence of sugar cane, probably related to the possibility of irrigation. Besides maize, beans, and cattle – especially the latter, which were of economic value – a variety of other products could be found, such as fruits, sheep, horses. In contrast to the coastal plantations of the Soconusco, the fincas in the Tojolabal Highlands lacked valuable cash crops such as coffee.

The owners of the fincas were all ladino families from Comitán, many of whom were fairly prominent, and part of what García de León has called *la familia chia-panecca* (1985a: 205; see also Hernández Chávez 1979: 340). Many of these families also owned properties in other regions and some were involved in other economic activities (the Castellanos, for example, owned an aviation company), and others held key political posts.<sup>14</sup> One Comiteco family in particular dominated the region. In 1910, Conrado de Jesús Domínguez owned Jotaná, Bajucú, El Rosario, Napité, Santa Rita, San Francisco El Nantze and San Miguel Chiptic, properties totalling around 19 000 hectares.<sup>15</sup> When he died (not long after 1910) his widow Rosario Castellanos (not to be confused with the author of the same name) inherited all the properties and thus became the person who concentrated most land in the Tojolabal Highlands, as well as one of the most wealthy citizens in Comitán.

Map 2.3 provides a reconstruction of finca territorial dominance at the beginning

of the 20th century.<sup>16</sup> The picture is only approximate, since the limits of the areas being occupied by fincas were not always clear and have shifted over time. The roads are simply added for reference; they were not present in 1910.

In short, the fincas in the Tojolabal Highlands began to be developed in the early 18th century, only achieving territorial dominance during the second half of the 19th century. By 1910, when the Mexican Revolution had started, with its promise of land reform, the Tojolabal Highlands were a finca universe: the fincas controlled most of the land and encompassed most of the population. This situation was to change quite drastically, but not until decades later. Finca hegemony in the Tojolabal Highlands survived the Revolution virtually intact.

### Revolution resisted

Between 1910 and 1920, Mexico was the scene of multi-layered struggles that went down in history as 'the Mexican Revolution'. The struggles put an end to the rule of Porfirio Díaz, who had occupied the presidency since 1876, and had important political implications. Especially in the centre and north, the revolution had a strong undercurrent of agrarian discontent, which translated into a constitutional promise of land reform.<sup>17</sup> In Morelos, the terrain of the revolutionary general Emiliano Zapata, the progressive encroachment of sugar cane producing haciendas on village lands, was an important reason for the peasant population to take up arms (see Womack 1969, Knight 1986a). In their revolutionary manifesto, the so-called *Plan de Ayala*, the Zapatistas of Morelos proclaimed the restoration of these illegitimate deprivations (Plan de Ayala, Art. 6) and the expropriation of large holdings for the benefit of communities with a shortage of land (idem, Art. 7).<sup>18</sup> Land redistribution along these lines was first taken up in a law issued on January 6, 1915 and enshrined in the constitution in 1917. Land redistribution thus emerged as one of the central promises of the Mexican revolution, but its delivery has had an uneven trajectory and varying results in different regions.

Chiapas was no Morelos. The revolts against powerful landowners were not repeated here and when peons or poor peasants were involved in the struggles, they mostly fought on the side of their *patrones*. In Chiapas the revolution failed to seriously affect either land distribution or the political power of landowners.

### *The revolution in Chiapas*

Though the political struggles of the centre and north of Mexico had some repercussions on Chiapas, most authors conclude that *finquero* domination of the countryside was only superficially affected (García de León 1985b; Hernández Chávez 1979; Knight 1986; Benjamin 1995). As mentioned in the previous section, before the Revolution large parts of Chiapas were characterised by the domination of large holdings dependent on debt peonage. This system remained largely intact.

In 1911, the revolution sparked confrontations between two political camps in Chiapas, on the one hand, landowners from San Cristóbal in alliance with the Indian population of the Altos region, and on the other, the politically dominant and economically more dynamic land owning elite of the new capital of Chiapas, Tuxtla Gutiérrez. Comitán sided with the latter. A truce was reached, but unrest in the countryside remained, without, however, developing into revolutionary struggle. As

Table 2.2 Historical data on fincas in Tojolabal Highlands

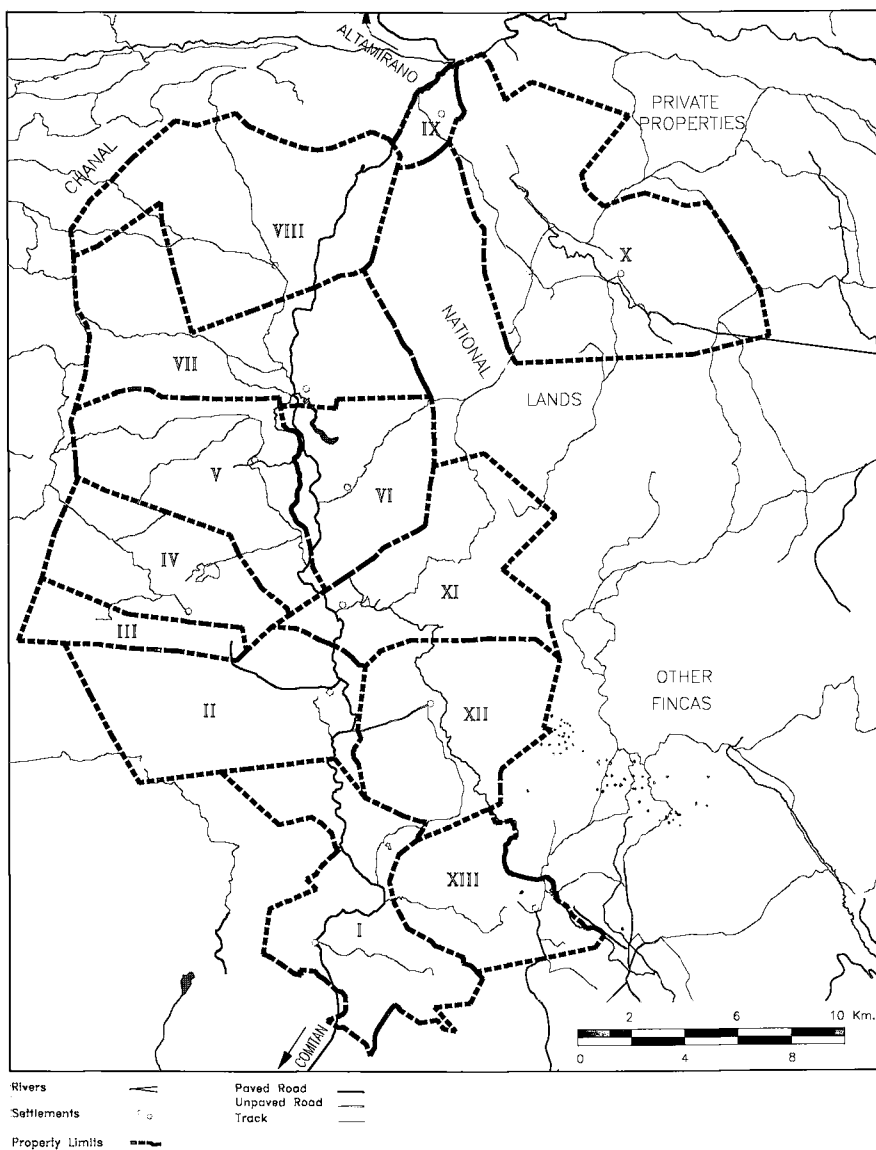
name	owner 1909	owner 1910	crop 1909	crop 1910	extension (hectares) 1910
<i>Departamento Comitán</i>					
La Piedad	Jose Fuentes	idem	Ce, L		1774-20-58
Bahuitz	David Dominguez	idem	Ce, Su, L	M	1802-68-58
Jotana					
Bajucu					
El Rosario	J. Conrado Dominguez	idem	Ce, Su, L	M,B	9045-45-90
San Mateo	Rosario Castellanos de Castellanos	Emilio Esponda	Ce, Su, L	M	2807-64-58
Santa Rita					
Napite	Quirino Dominguez	Conrado J. Dominguez	Ce, Su, L	M	4385-70-62
Yaxha anexo Lomantan	Virginia D. de Carrascosa	idem	Ce, Su, L	M	10328-91-10
<i>Departamento Chilon</i>					
El Vergel	Eleuterio Aguilar	idem	Ce, L	M, Su	1904-08-62
Palma real	Raymundo Gordillo	Reinaldo Gordillo	Ce, L	M,B	1969-
Zaragoza	R. Gordillo L.	idem	Ce, L	M,B	1755-
San Francisco	Saul Culebro	Agenor Culebro	Ce, L	M	2867-28-51
San Francisco	Conrado de	idem	not exploited	M,B	3030-91-23
El Nantze	J. Dominguez				
San Miguel Chiptic	Conrado de J. Dominguez	idem	Ce, Su, L	M,B	2461-62
Santiago, Morelia	Belisario Albores	idem	Ce, L	M,B	5563-38-90
Reforma Mendoza	no data	Rafael Albores	no data	M,B	1995-31-77

Ce= cereal, Su= sugarcane, L= livestock, M= maize, B= beans

SOURCE: FOR 1909: SECRETARÍA GENERAL DE GOBIERNO (1911), ANUARIO ESTADÍSTICO DEL ESTADO DE CHIAPAS 1909, TABLE "NOTICIA DE LAS FINCAS DE CAMPO EXISTENTES EN EL ESTADO, CUYO VALOR FISCAL EXCEDE DE \$10,000.00, CON EXPRESIÓN DE SUS PRINCIPALES PRODUCCIONES"; FOR 1910: SECRETARÍA GENERAL DE GOBIERNO (1912), CENSO AGRÍCOLA 1910, TABLE "NOTICIAS DE LAS FINCAS RÚSTICAS DEL ESTADO EXISTENTES EN 1910 Y CUYO VALOR FISCAL EXCEDE DE \$5,000.00"

Benjamin concludes: "Chiapas was revolution-proof" (*a prueba de revoluciones*, 1995: 136). Possibly, as Hernández Chávez suggests, the finqueros' hold over the mozos was too strong, since the latter were economically dependent on their patrones and politically fragmented (1979: 347-48).

The direct effects of the revolution began to be felt in 1914 when Venustiano Carranza, who had assumed the Mexican presidency in the midst of ongoing struggles that same year, attempted to tighten his grip on Chiapas. He sent in 1200 soldiers and imposed a governor, Jesús Agustín Castro. The arrival of the soldiers – referred to as *carrancistas* or *norteños* – was seen by the *finqueros* as an 'invasion' and generated fierce resistance. Other landowners, however, supported Carranza, which is why Benjamin describes the ensuing struggles as a civil war (1995: 148, 156). For the region of Comitán the most violent years seem to have been 1916 and 1917,



**Map 2.3** Contours of finca territorial hegemony in the Tojolabal Highlands

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| I = Yaxha and anexo Lomantán      | VIII = Santiago and anexo Morelia |
| II = Bajucu                       | IX = Mendoza                      |
| III = Rosario and La Piedad       | X = Chibtik and anexos            |
| IV = Bahuitz                      | XI = Santa Rita and Napité        |
| V = Palma Real and Zaragoza       | XII = Jotaná                      |
| VI = San Francisco                | XIII = San Mateo                  |
| VII = Vergel and anexo La Ilusión |                                   |

SOURCE: ELABORATED ON THE BASIS OF THE FILES FROM THE CHIAPAS DIVISION OF THE LAND REFORM MINISTRY IN TUXTLA GUTIÉRREZ AND FROM THE LAND REGISTRY OFFICE IN OCOSINGO.

when the city was raided, while on the fincas cattle were slaughtered, and valuables and property deeds destroyed. Though the effect was also felt by the peons, *la guerra* as it is still called today, was above all a war of ladino landowners; if the peons participated, they did so by siding with their patrons (Benjamin 1995: 165; García de León 1985b: 95; Hernández Chávez 1979).

Carranza's representative in Chiapas, Castro, launched a frontal attack on the finqueros with his *Ley de Obreros o de Liberación de Mozos* of 1914, outlawing debt-servitude and threatening to confiscate properties (Benjamin 1995: 143; García de León 1985b: 51). Added to this was the announcement of expropriation of properties in keeping with Carranza's *Ley Agraria* of January 6 1915 (García de León 1985b: 60). In Comitán and the Tojolabal Highlands people still remember how the Carrancistas portrayed themselves as defenders of the mozos and announced the end of the *baldío*, as debt peonage was called there. They burnt the books which listed the mozos' hereditary debts, attempting to kill the patrons and give the land to 'those who worked it'.<sup>19</sup> However, the message of liberation often seemed to fall on deaf ears. On more than one occasion, the mozos chose to protect their patrón. The elderly remember how they hid *xinan Chayo*, doña Rosario Castellanos, by then the principal landowner of the region, in caves. (To this day some of the caves still bear the name *waynub' xinan Rosaryo*, meaning "the bed of the ladina Rosario".)

The struggles of 1910 to 1920 failed to modify the regime of land tenure in Chiapas in any significant way, and in some regions merely reconfirmed it (García de León 1985b: 142). Castro's emphasis on land reform only led to minor land redistribution, mostly in the Soconusco (Benjamin 1995: 152, 153). Though some of the mozos did leave the fincas in inland Chiapas to occupy national lands (Benjamin 1995: 154), this did not undermine the finca system. The finqueros soon managed to attract new mozos and restore the dependent population to its old level, re-establishing the old order.<sup>20</sup> When Obregón came to power in 1920, after the assassination of Carranza, he made peace with the rebellious landowners of Chiapas and guaranteed them their rights (Hernández Chávez 1979: 364).

García León (1985b: 142) characterised the carrancista land reform as 'lukewarm';<sup>21</sup> under Obregón and Calles the situation was no different. The *Ley agrario del Estado* passed in Chiapas in 1921 by governor Tiburcio Fernández, set the maximum size of private properties at 8000 hectares, and the state government controlled most of the 'agrarian committees' engaged in petitions for land (Benjamin 1995: 175, 179; Reyes Ramos 1992: 47-50). As counterpoints, fairly serious attempts at land redistribution were made first by the 'revolutionary finquero' Carlos Vidal, governor between 1925 and 1927, and then by Raymundo Enríquez (1928-1932) (Benjamin 1995: 186-191, 202-5). These actions were mostly limited to the Soconusco, where a socialist movement developed in the 1920s (Benjamin 1995: 176-191; García de León 1985b: 161-75). They meant little for the Central Highlands (Rus 1994) and adjacent regions to the east. There, as in the Tojolabal Highlands, land reform only began two decades later, under president Lázaro Cárdenas, elected in 1934. Times of direct support to the finqueros had returned to Chiapas when Victorico Grajales assumed the governorship of Chiapas in 1933. He encountered a strong opponent in Cárdenas, however, who placed land reform high on the national agenda.

### *The revolution never made it?*

It is common to find references such as 'in Chiapas the revolution never happened' or 'the Revolution never came to Chiapas'. To cite just one example, Gilly (1997: 45) writes that "[...] Chiapas, as is well known, remained [...] at the margin of the Mexican Revolution." Such affirmations are not surprising in view of the persistent and overt counter-revolutionary forces at work in Chiapas throughout the revolutionary period and the survival of traditional forms of domination based on the exploitation of landless peasants. The emphasis on the failure of revolution in Chiapas and the suggestion that the benefits of the revolution did not reach Chiapas the way they did the rest of Mexico, however, needs to be viewed with some caution on two counts. In the first place, it is fair to ask whether revolution fared that much better elsewhere in Mexico. With Womack, we might conclude that the revolution was "contradictory, indefinite, contentious, omnivorously and remorselessly political, sometimes radically reformist" in Chiapas as well as elsewhere in Mexico (1999: 9). Knight argues that landlords survived and prospered not only in Chiapas but also elsewhere, including Morelos (1986b: 469). That brings us to the second point: the dismissal of land reform in Chiapas as limited, ineffective and neutralised by the landholding elite. Did not land reform also fall dramatically short of expectations elsewhere in Mexico, until Cárdenas revived the revolutionary promise? As we will see in the remainder of this chapter, land reform eventually took place in Chiapas too.

### Cárdenas' land reform

#### *Renewing the promise*

Land redistribution began to play a role in the Tojolabal Highlands during the presidency of Lázaro Cárdenas (1934-1940). As elsewhere in Mexico, land reform, one of the central promises of the Mexican revolution, had largely remained a dead letter until then. The agrarian legacy of the revolution can be found in Article 27 of the Mexican Constitution, which stipulates both restitution of land taken from villages in the latter half of the 19th century (fraction VII), and the right of landless peasants to be endowed with land in the form of *ejidos*. The latter possibility has been given much more prominence in the ensuing land reform policy and reads, loosely translated, as follows:

Those rural settlements (*pueblos*, *rancherías* and *comunidades*) that lack lands and water, or do not have these in sufficient quantities to meet the necessities of their population, have the right to be endowed with these, by taking them from neighbouring properties, while respecting private smallholdings (*pequeña propiedad*).<sup>22</sup>

Cárdenas' efforts to carry this through were unprecedented. Whereas his predecessors, Obregón and Calles, had redistributed 7.6 million hectares of land between 1917 and 1934, during his administration alone (1934-1940) this figure was almost 20 million. Unlike his predecessors, Cárdenas did not hesitate to expropriate major haciendas in productive regions and, making a fundamental break with past policies, Cárdenas turned the ejido into the focal point of his strategies of agricultural modernisation and national development, where a productive agricultural sector



would sustain industrialisation.<sup>23</sup> Instead of a rather marginal role as village commons (to which the word originally referred in old Spanish), in Cárdenas' project the *ejido* was given a more central function in agricultural production. Through the *ejido*, Cárdenas sought to combine the advantages of smallholder agriculture (greater commitment and productivity) with the economies of scale that larger units would permit. High hopes were placed in this regard on the so-called 'collective ejidos', organised much like production co-operatives, but these only succeeded in a limited number of cases (Otero 1989: 282-287; Markiewicz 1993: 95-100). Cárdenas not only promoted land redistribution but also sought to develop the productive capacity of the *ejidos* through the provision of infrastructure and credit schemes.

Cárdenas' agrarian agenda not only responded to the need for national self-sufficiency in food supply and to combat rural poverty. It was equally inspired by aspirations of nation-building and giving the national state a greater grip on the Mexican countryside. Cárdenas is generally seen as the architect of the corporate state, of which land reform was a key element. The impetus to the creation of ejidos went hand in hand with efforts to organise the peasant population and draw them closer to the federal state. To this end, Cárdenas created the *Confederación Nacional Campesina* (CNC) in 1938.

Through Cárdenas, the *ejido* gained prominence in important parts of rural Mexico, both in terms of hectares and in terms of the population involved. Cárdenas' successors – with the exception of Luís Echeverría – however, did not share his commitment to the sector. Political priorities shifted to the private sector, allowing for modernisation and capitalisation there and widening the gap with the ejido sector (Grindle 1986; Otero 1989). In view of the need to raise production levels and curtail rural unrest – land invasions were occurring throughout the country – Echeverría (1970-1976) boosted the *ejido* sector, by reforming the agrarian legislation and organising greater institutional and financial support.

### *Land reform in Chiapas*

Before Cárdenas, agrarian legislation allowed individual states considerable scope for manoeuvre, for example, in setting the upper limits to private property. This had allowed Chiapas to protect large holdings. However, the *Código Agrario* of 1934, an attempt to centralise agrarian legislation and give it greater coherence, no longer gave such leeway. Amongst other changes, it set the limit for private property at 150 hectares of irrigated land and 300 hectares of rain-fed land, and explicitly considered the *peones acasillados* of haciendas as potential land reform beneficiaries. These changes had important repercussions for Chiapas with its predominance of large estates and debt-peonage.

Cárdenas resolutely promoted land reform in Chiapas. An inkling of what was to come had already emerged during his campaign in 1933, when his PNR (*Partido Nacional Revolucionario*, later to become the PRI) promoted similar ideas on land reform in Chiapas (Benjamin 1995: 212). In early 1934, Cárdenas visited Chiapas and was confronted with the persistence of debt servitude (García de León 1985b: 196, 197). His efforts to promote land redistribution clashed with the policies of governor Victórico Grajales who was a fierce defender of the landowners, but Cardenismo was strengthened when in 1936 Efraín Gutiérrez was appointed as the

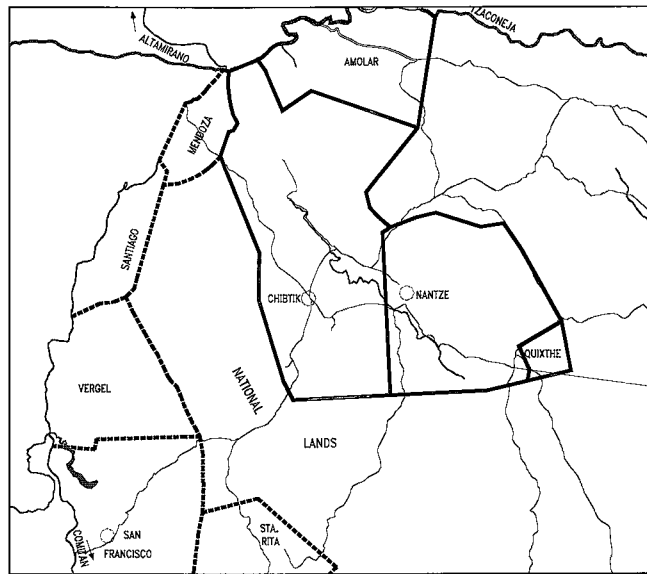
new governor. Data provided by García de León (1985b: 223, 225) and Benjamin (1992: 235) show a considerable increase in *ejido* endowments under Gutiérrez' rule, which lasted till 1940. It was also during this period that land redistribution in the Central Highlands of Chiapas took off, affecting the properties of ladino landowners in this region. Erasto Urbina, who headed a new institute to promote the development of the indigenous population in the Highlands, spearheaded the creation and activation of agrarian committees that petitioned land (Wasserstrom 1983; Rus 1994; Benjamin 1995: 229). Under Urbina, the promotion of land reform went hand in hand with the incorporation of indigenous communities into the corporate state and party apparatus engineered by Cárdenas (Rus 1994).

Between 1934 and 1984, at least 2 million hectares were transferred to land reform beneficiaries in Chiapas (a conservative estimate based on data provided by Reyes Ramos 1992: 133-135, Annex II). Some of these were taken from ladino landowners, despite their opposition. This happened in the Soconusco and Grijalva basin, as well as in the central Highlands. However, as several authors argue, expropriations were carried out in such a way as to avoid threatening the viability of the property. In the Soconusco, for example, ejidos were created on the periphery of the coffee plantations, whereas the core, including the machinery, remained in private hands, thereby ensuring continued control over commercialisation (Reyes Ramos 1992: 31; Wasserstrom 1983: 164; see also Benjamin 1995: 230-5). Another important avenue of land redistribution was the establishment of ejidos on national lands to which no private property deeds existed, notably in the Lacandona rainforest (Reyes Ramos 1992: 123, 124). Thus, expropriation of private properties could be avoided to protect the interests of the landowning elite.

As I will show in the remainder of this chapter, in the Tojolabal Highlands both of these processes played a role. However, expropriation of finca land was even more important for the creation of *ejidos* than the endowment of national lands. In the Tojolabal Highlands, land reform since Cárdenas meant the end of finca hegemony. Federal policy and legislation incited and backed claims to peons' land, and most *finqueros* failed to effectively counter these. This resulted in the gradual dismantling of private property. Below, I document the fate of the fincas in the Tojolabal Highlands, based on the archives of the Chiapas division of the Land Reform Ministry (*Delegación de la Secretaría de Reforma Agraria*) in Tuxtla Gutiérrez, combined where possible with other sources, such as oral history and interviews with former landowners. The results of this work are presented in two ways, with regional data on the land affected by land reform, and by particular reference to the case of San Miguel Chibtik. In the discussion of this chapter I contrast my findings with patterns of land reform in Chiapas as a whole. The new linkages that were forged in the process between the communities of land reform beneficiaries and the Mexican state will be discussed in the next chapter.

### The changing fate of Chibtik

In 1963 the *mozos* of the finca San Miguel Chibtik bought the central area of this estate on which they had been living and working all their lives. The transaction was part of a wider process of transfer of former finca land to Tojolabal peons that had been taking place throughout the Tojolabal highlands since the mid 1930s. Most of



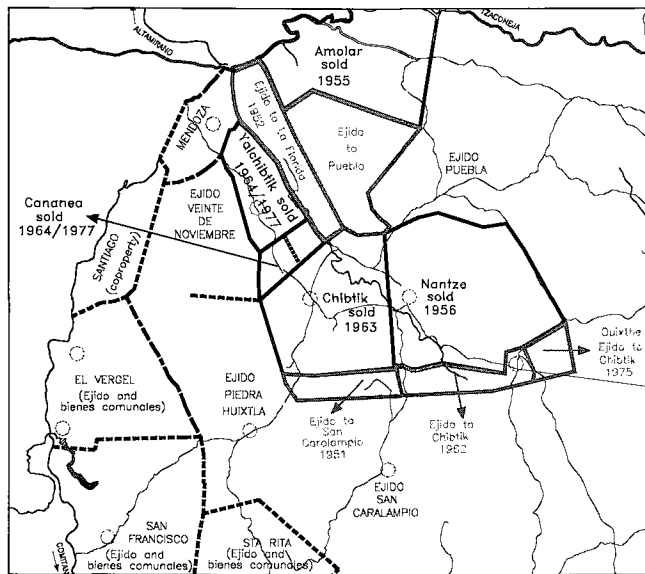
Map 2.4 Chibtik and anexos in 1931

SOURCE: ELABORATED ON THE BASIS OF THE FILES FROM THE CHIAPAS DIVISION OF THE LAND REFORM MINISTRY IN TUXTLA GUTIÉRREZ AND FROM THE LAND REGISTRY OFFICE IN OCOSINGO.

the transfers had been through land redistribution whereby former peons received the land in the form of *ejidos*. However, in several cases finca land was bought from the landowner, as happened in Chibtik. Through land redistribution and land sales, former finca land as well as considerable expanses of national lands came into the hands of former Tojolabal mozos. This process implied the fragmentation and subsequent disappearance of fincas that had existed in the region since the late 18th century. The process was completed in 1994 when land invasions in the wake of the Zapatista uprising eliminated the last remnants of private property, now no longer fincas but considerably smaller ranchos. The fate of the finca Chibtik reflects the dynamics of land redistribution in the Tojolabal Highlands. It illustrates the fragmentation as a result of land redistribution efforts, the continuing pressures of the Tojolabal *ejidatarios* on the remaining private properties, and the variety of land tenure modalities that arose in response to the possibilities and limitations of the land reform policy.

#### *Chibtik on the eve of land reform*

San Miguel Chibtik was one of the largest fincas in the Tojolabal region and its church is one of the most beautiful of its kind. Perched on a hill, it constitutes the natural centre of the community as it once did of the finca. The facade tells us that the 'San Miguel Chapel' was built in 1886 by Don Félix M. Parada. He had inherited the property of 150 *caballerías*<sup>24</sup> (equivalent to some 6,420 hectares) from his father, Don Manuel M. Parada, who in turn had bought it from a priest, Don Valentín Solís.<sup>25</sup> Nowadays, nobody remembers Don Félix Parada. It is a later owner of the property who lives on in local memory, Doña Rosario Castellanos, who by the



Map 2.5 The fragmentation of Chibtik

SOURCE: ELABORATED ON THE BASIS OF THE FILES FROM THE CHIAPAS DIVISION OF THE LAND REFORM MINISTRY IN TUXTLA GUTIÉRREZ AND FROM THE LAND REGISTRY OFFICE IN OCOSINGO.

1920s had come to own a great number of the properties in the Tojolabal Highlands. Even today, numerous anecdotes circulate about this lady, who was also known as *la Heuhuechuda* (Derbyshire neck), due to the fact that she suffered from goitre and is said to have been avaricious and shrewd, respected and feared.

Rosario Castellanos inherited Chibtik, together with several other properties, from her husband Don Conrado Domínguez. He had bought both San Miguel Chibtik and the adjacent San Francisco El Nantze in 1906<sup>26</sup> and had continued to expand the property. In 1907 he bought San José Quixthé, a small property of some 230 hectares, situated near Chibtik and thence appearing as an *anexo* to it, and in 1909 he added El Amolar, an area of 342 hectares.<sup>27</sup> When Conrado Domínguez died, the finca Chibtik and its *anexos* had a total area of some 6000 hectares.

The property emerged from the revolution with no lasting damage. Rosario Castellanos survived thanks to the protection of her mozos and managed to expand the property after the revolution. When she died in 1924, at around the age of eighty, she left her properties to her five grandchildren. (Her only daughter, Siomara Alicia Domínguez, had already died by that time, leaving Don Ventura Castro as her widower.) She bequeathed Chibtik and its *anexos* to her grandson Rafael Castro in 1924, as recorded in the Land Registry Office of Ocosingo in 1931.<sup>28</sup> Rafael Castro's share comprised the finca Chibtik, with the *anexos* El Amolar, San Francisco El Nantze and San José Quixthé. It also included an *anexo* encountered during the reading of the will, called Honduras. A sketch of the finca Chibtik and *anexos* is given in map 2.4 (Honduras is not indicated separately here).

Rafael Castro did not keep the finca for long. Inhabitants of San Miguel Chibtik recall how drink impoverished him, forcing him to sell first the livestock and then

the property itself (a version corroborated by a surviving relative). The new owner was called José Luís Castellanos, better known as Don Pepe, who despite what the surname suggests, was probably unrelated to Doña Rosario Castellanos. When Don Pepe Castellanos bought the finca and its *anexos*, it was registered as having a total of 7021 hectares<sup>29</sup>, making it one of the largest in the region.<sup>30</sup> Don Pepe died in 1945, just before the start of the decline of Chibtik. He left all his properties to his wife, Doña Julia Castellanos, which, in addition to Chibtik and its *anexos*, included two other estates.<sup>31</sup> However, in 1955, when she finally registered the properties she had inherited, the area of Chibtik and its *anexos* had been reduced from the original 7021 to 5747 hectares. Between 1945 and 1955 not only had the *anexo* El Amolar been sold, but land redistribution had also begun to affect the finca.<sup>32</sup> These transfers were only the start of further reduction and fragmentation of the Chibtik finca (summarised in map 2.5).

#### *Ejido endowments and transactions*

At the time of its sale to former *mozos* in 1963, the Chibtik finca comprised about 2000 hectares<sup>33</sup>, far less than the over 7000 hectares it had in its heyday in the early 1930s. I mentioned earlier that by 1955 the property comprised 5747 hectares. By 1957 the property included about 3000 hectares and by 1963 it had been further reduced to around 2000 hectares, due to land redistribution and the sale of *anexo* El Nantze.<sup>34</sup> Continuing threats of further land redistribution led to the sale of the main area of the Chibtik finca in 1963.

The first time the Chibtik finca was affected by land redistribution was in 1951, in favour of the San Caralampio community, located south of the finca. San Caralampio received 4199 hectares of national lands, as well as 385 hectares of El Nantze, still part of Chibtik at that time.<sup>35</sup> The next two endowments with land from the Chibtik finca were made to peons of the finca itself. In 1952 a Presidential Resolution was issued in favour of the Piedra Huixtla ejido.<sup>36</sup> Chibtik contributed with 172 hectares to this ejido, which consisted of the population of Honduras (*anexo* to Chibtik) together with the population of another small settlement (they had joined together in order to reach the minimum of 20 adult men needed to apply for ejido land). The rest of the land consisted – as in the case of San Caralampio – of national lands.<sup>37</sup> A year later, 762 hectares of the Chibtik finca were given as an ejido to 32 of its peons – about half of the total number of adult male peons at the time – who created a new settlement, named La Florida, one kilometre away from the original finca settlement.<sup>38</sup>

Having lost considerable expanses of land to Tojolabal peasants, and given the upcoming claims for more ejido land, Pepe Castellanos the younger, acting as the representative of his mother Julia, sold part of the land to reduce the size of the property. Fragmentation of properties is a commonly used strategy both in Chiapas and elsewhere to avoid land redistribution. It was in this context that first El Amolar and later San Francisco El Nantze were sold. El Nantze was purchased jointly in 1956 by a group of 38 individuals, mostly mestizos from *rancherías* (settlements of small private landowners) around Comitán.<sup>39</sup> In addition to *los comitecos*, as they were locally called, the group of buyers also included the four Tojolabal men that had been working on the property as *mozos*.

The sale of El Nantze reduced the property considerably (to about 3000 hectares),

but not enough to avoid further land redistribution. A Presidential Resolution of 1961 endowed a group of former *mozos* from Chibtik with 835 hectares to create the Puebla ejido.<sup>40</sup> It was probably as a means of avoiding further threats of expropriation that Pepe Castellanos junior agreed to sell 900 hectares of the main area of the finca Chibtik to his *mozos* in 1963. The acquisition of the 900 hectares was really the result of the Chibtikero *mozos*' failure to obtain that land in the form of an *ejido*. After meeting with an unsatisfactory response to their petitions for ejido land, they pressured a reluctant Pepe Castellanos junior into selling the central finca area, which included the buildings (*casa grande* and church) as well as the settlement where they had been living. The Chibtikeros subsequently acquired more land from the finca. Pepe Castellanos gave them 200 hectares between the area they had bought and the Puebla ejido, and in the 1970s they received San José Quixthé (an *anexo* to the Chibtik finca of some 280 hectares) as an *ejido*.<sup>41</sup> Earlier they had received 90 hectares from El Nantze, also as an *ejido*. (In fact, the ejido endowment to the Chibtikeros was larded with irregularities, which will be dealt with in the next chapter.)

#### *Further demise of private property*

After the sale of the main area of the finca, Pepe Castellanos and his mother retained about 1100 hectares in private property. These were further fragmented in the years to come. As mentioned, 200 hectares of this area were donated to the Tojolabal joint owners of Chibtik. The remaining 900 hectares, known as *rancho Yalchibtik*, were sold in 1964, to two different owners, both from Comitán. One section, called Yalchibtik, had 600 hectares, while the other, Cananea, had 300 hectares.<sup>42</sup> In 1969, however, Pepe Castellanos bought both sections back. This might suggest that the sale had only been a subterfuge to avoid further land redistribution, but it is also possible that the buyers were unable to clear their debts with the former owner. It was not the last time the properties changed hands. Pepe Castellanos sold the two sections again in 1977 to two men of the same surname, probably brothers.<sup>43</sup> A few years later, the smaller section, Cananea (later known as San Agustín) was sold again.<sup>44</sup> The new owners (a couple) split it into two sections of 150 hectares each, which they sold in 1984 and 1985 respectively.<sup>45</sup> The first of these bordered on the ejido of La Florida and was bought by a group of peasants from this community.<sup>46</sup> The other was sold to a private owner.

Yalchibtik (of 600 hectares) underwent a similar process of subdivision. It was sold to different owners in sections of 100 hectares each.<sup>47</sup> In 1989, several of these sections constituted a rural cooperative society dedicated to cattle ranching.<sup>48</sup> By 1993, Yalchibtik and one of the sections of Cananea were the only parts of the former Chibtik finca that were still in the hands of private non-indigenous landowners who did not live on the land. The rest had come into the possession of Tojolabal peasants, either through land endowments or sales. These private properties proved vulnerable to pressures from the surrounding communities, however. In 1994, with the Zapatista uprising, they were invaded by Tojolabal Zapatista sympathisers.

#### Land redistribution in the Tojolabal Highlands

The *mozos* of the Tojolabal Highlands were quick to respond to the possibilities created by the land reform policy of president Lázaro Cárdenas. The first petition for

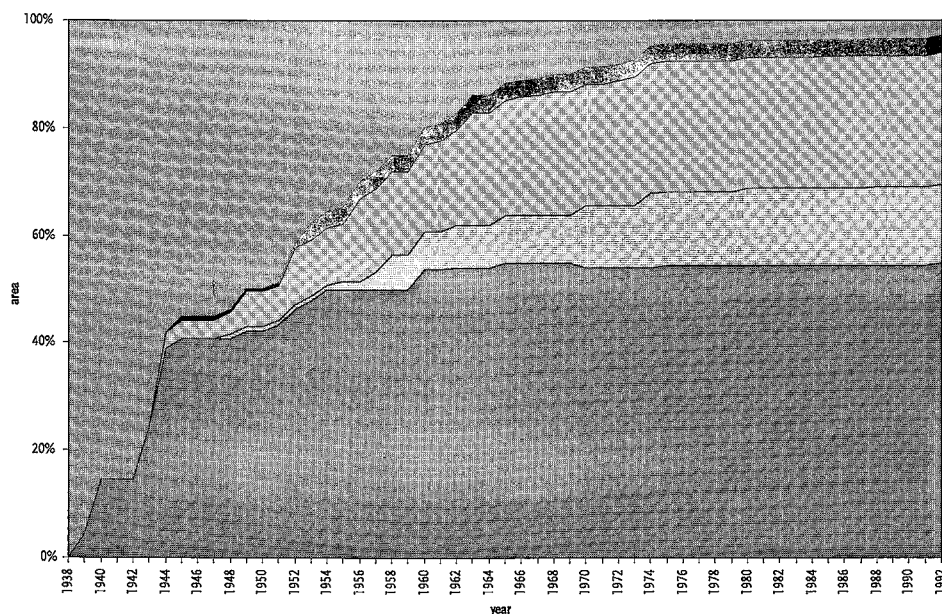


Figure 2.1 From fincas to ejidos: tenure change since 1939  
100% corresponds to 51 525 hectares (land owned by fincas in 1939).

Key:

Ejido-D = *ejido* endowments (*dotaciones*)

Ejido-A = extensions to *ejido* endowments (*ampliaciones*)

Copropiedad = lands bought as *copropiedad* (several later changed to the system of *bienes comunales*)

Possession = occupied without legal recognition

Private = private properties (*fincas* first, later *pequeña propiedad*, the figure excludes *copropiedades*)

private  
possession  
copropiedad  
ejido-A  
ejido-D

SOURCE: ELABORATED ON THE BASIS OF FILES FROM THE CHIAPAS DIVISION OF THE LAND REFORM MINISTRY AND THE RAN.

*ejido* land was issued and published in the *Diario Oficial de la Nación* as early as 1933 and another six followed in 1934. It has been suggested by Reyes Ramos (1992), that Cárdenas' Código Agrario of 1934 opened up new possibilities for *peones acasillados* to petition land, considerably increasing the potential number of land petitions in Chiapas. The Código Agrario abolished the previous exclusion of hacienda-labourers.<sup>49</sup> That the first petition from the Tojolabal Highlands (by the *mozos* from the Chibtik finca that subsequently established La Florida) preceded these legal changes, might possibly be understood as an anticipation of these, following the active campaign of the PNR in support of Cárdenas' candidacy during 1933. The land claims by Tojolabal *mozos* led to a complete transformation of the land tenure situation in the region. This section and the next document that transformation in the Tojolabal Highlands as a whole.

### *Transfer of finca-land*

Land redistribution in the Tojolabal Highlands affected the fincas considerably. In the years from 1938 to 1950 *ejido* endowments to former *mozos* halved the expanses of land in the hands of ladino landowners. After this impressive start the rate of transfer slowed down but was still considerable. Figure 2.1 below clearly shows this tendency. It indicates how the property system of the land that had belonged to fincas before 1939 changed over time. We see that a significant amount was transferred to peasants in different ways. By 1960, approximately 80% of former finca land had been transferred to peasants, through *ejido* endowments as well as the acquisition of *copropiedades*. Thereafter, the rate of transfer gradually slowed down. In 1970 approximately 90% of former finca land had been transferred; by 1980 this figure had climbed to 96%, reaching 97% in 1992.

Figure 2.1 indicates the rate and extent to which finca land was transferred, mostly to former Tojolabal peons. It also shows what share of this land was transformed into *ejidos*, in the form of both original endowments and extensions to existing endowments (called *dotación* and *ampliación* respectively). By 1950, nearly 43% of the former finca land had been turned into *ejidos*; by 1960 this figure had reached 61%. From then on, the creation of *ejidos* slowed down. By 1970 approximately 65% of former finca land had been converted to *ejidos*; by 1980 this was only two percent more (69%), rising another percent by 1992 (70%).

Figure 2.1 shows also the other means by which Tojolabal *mozos* and their descendants gained control over former finca land. The first category to consider is that of the *copropiedad*,<sup>50</sup> a form of joint property, acquired by groups of individuals buying the land from the landowner, often their former *patrón*. Fearing the loss of further land to redistribution, land owners began to partition their estates and in most cases eventually sold them to groups of Tojolabal peasants, as I described for Chibtik. The land reform legislation issued by president Cárdenas allowed private owners to retain a certain amount of their land, the so-called *pequeña propiedad*, that could not be expropriated for land redistribution. This property could have a maximum area of 150 hectares of irrigated land or its equivalent in less productive types of land. Given the conditions of the Tojolabal Highlands, with their combination of land for rainfed agriculture and less productive pastureland, this usually amounted to about 300 hectares. These private properties usually included the finca buildings and the flatter lands surrounding it. Although these properties could not be affected by land reform, many landowners eventually opted for selling them in response to continuous pressures from the surrounding *ejidatarios*. As the sons of the first generation of land reform beneficiaries grew up, new petitions for *ejido* land were issued (often in the form of extensions to existing *ejidos*, known as *ampliaciones*). Where finca land liable to expropriation for *ejido* endowments was lacking, no extensions could be granted and acquiring the *pequeña propiedad* seemed a reasonable alternative.<sup>51</sup> These properties were generally considerably smaller than the *ejido*-endowments, but included lands of better quality. In total, about 24% of the finca land that existed before 1939, or 12 500 hectares, was transferred to groups of peasants through sales. Many of these *copropiedades* changed to the tenure regime of *bienes comunales*<sup>52</sup> in the 1980s and 1990s.

Another albeit considerably smaller part of the finca land has passed into the hands of Tojolabal peasants without legal recognition. These lands are labelled



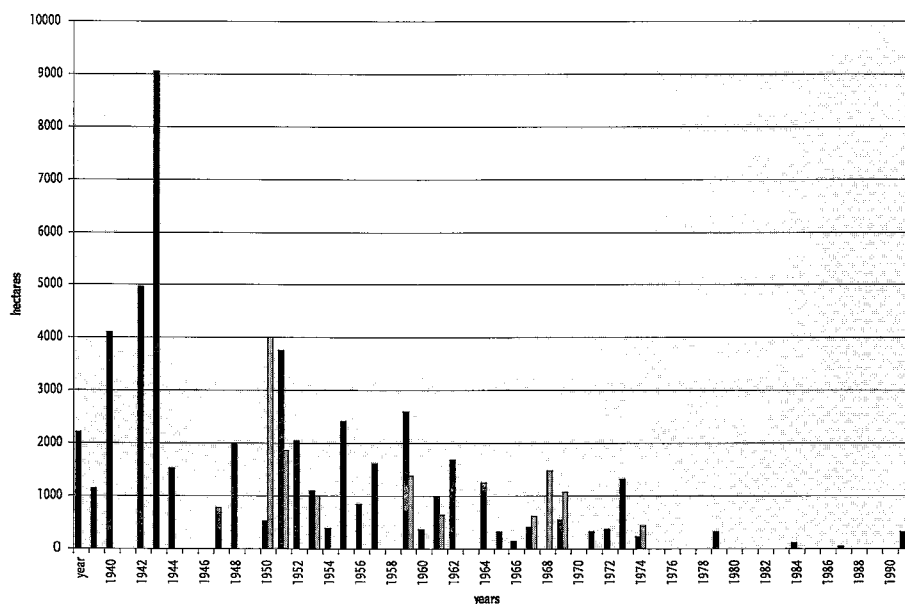


Figure 2.2 Land redistribution and sales

SOURCE: ELABORATED ON THE BASIS OF FILES FROM THE CHIAPAS DIVISION OF THE LAND REFORM MINISTRY AND THE RAN.

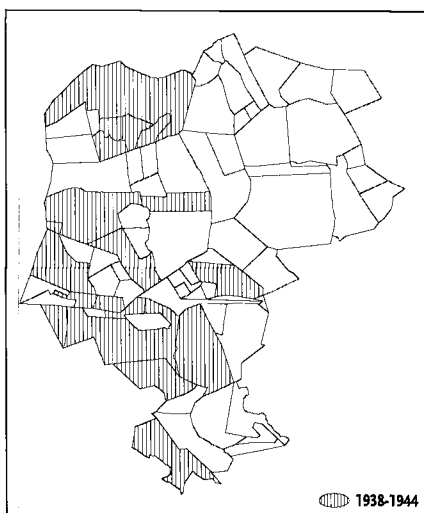
■ from private property  
■ from national lands

'possessions' in figure 2.1. Such cases usually involve disputes between different groups claiming the land which have not been formally resolved, with physical occupation by one of the groups, excluding the other, not being legally confirmed.

As a result of these processes (endowments, acquisition, and possession), by 1993 only about 3% of the land originally owned by fincas was still in the hands of private (usually ladino) owners. Land reform did not only take place on the basis of fincas, however. National lands (*terrenos nacionales*) surrounding the fincas, for which no private property deeds existed, were also used to this end.

#### *Endowments on the basis of national lands*

Figure 2.2 gives an indication of the importance of national lands for ejido endowments in the region of study. Endowment using national lands began in the 1950s, considerably later than that drawing on finca land. In total, over 12 720 hectares of national lands were transformed into ejido land. This means that national lands contributed about a third of all land for ejido endowments in the region, amounting to almost 36 000 hectares. Of the total land that came into peasant hands, including not only ejido endowments but also *copropiedades* and lands in possession, national lands contributed about 20%, the remaining 80% being drawn from private properties. The *ejidos* which have been (partly) formed using national lands are all located in the north-eastern part of the region where fewer private estates were established prior to 1939 (see also Map 2.9 below).



Map 2.6 Land redistribution in the Tojolabal Highlands (1938-1944)

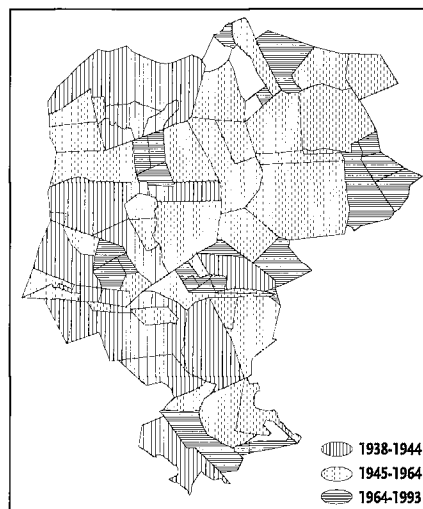


Map 2.7 Land redistribution in the Tojolabal Highlands (1945-1964)

### *Mapping the transformation*

Since the 1930s, when land redistribution began in the Tojolabal Highlands, more and more land has come to be controlled by Tojolabal communities. *Fincas* gave way to *ejidos* and some *copropiedades*. The graphic representations given here (Maps 2.6 to 2.8) show which tracts of land came under the control of Tojolabal peasants in what period (making no distinction between endowment, acquisition, and occupation). The property boundaries as indicated on these maps are approximate – for reasons outlined in the section on methodology below. They are accurate enough, however, to show the historical pathway of land redistribution. The sequence of maps shows that most of the land passed into Tojolabal hands during the first two decades (roughly 1940-1960), slowing down after that.

*Ejido* endowments first took place in the western half of the region, subsequently shifting to the east. As of the 1960s, the limits to land redistribution began to become apparent. The maps show that after 1964 there was hardly any land in the region that could still be claimed. Significant expansions of land having been transferred, pressure on the remaining tracts of land increased. On the one hand, this translated into an increasing interest in national lands (usually more mountainous and less suitable for agriculture). On the other hand, the remaining private properties, those retained by *finca* owners after having been affected by land redistribution, were being claimed increasingly insistently. This led to the acquisition of land in *copropiedad*, as has already been mentioned. Another solution was found in the so-called *excedentes* of the remaining private properties. Many of the *ejido* endowments (particularly extensions to existing *ejidos*) after the 1970s were based on such *excedentes*. These were tracts of land that actually formed part of a *pequeña propiedad*, without however being properly titled, continuing a situation that had also existed under the *finca* regime. Though all *fincas* had land titles, the area they in fact used

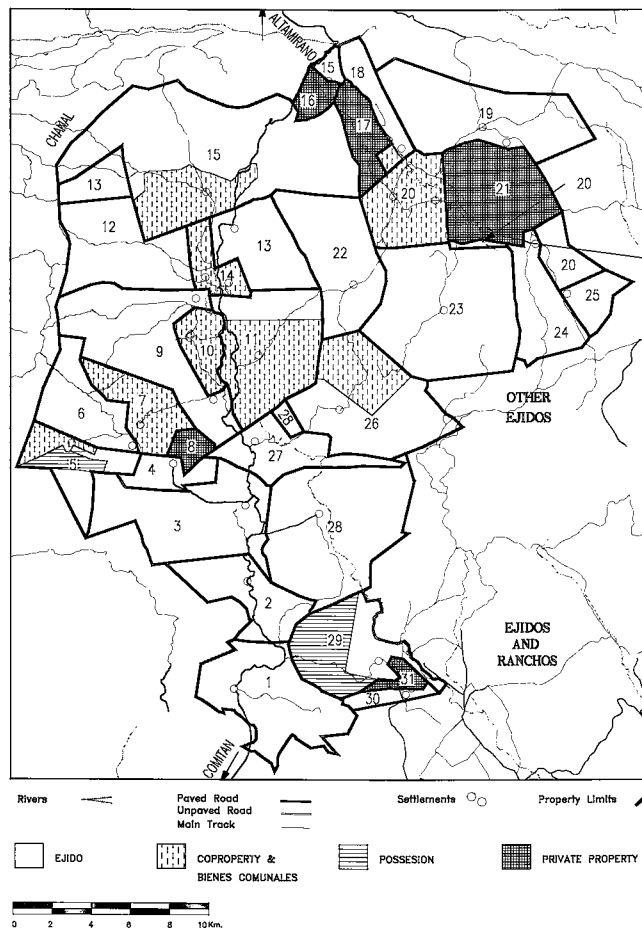


Map 2.8 Land redistribution in the Tojolabal Highlands (1964-1993)

was often not precisely delimited or, in some cases, fenced. Fincas that bordered on national lands often used much more land than they were entitled to by their property deeds. As pressure on land grew, private properties were surveyed and measured more accurately. When it was established that the territory actually occupied by a specific private property exceeded the area that their land titles covered, this extra area could legally be used for ejido endowments.<sup>53</sup> Through these processes, many of the 'blank spots' shown on the second map became filled in after 1964.

#### *Contours of the region of communities*

Under the influence of land redistribution, the Tojolabal Highlands became a region of communities. By 1950, six of the twenty-eight settlements listed appear as haciendas and another four as ranchos<sup>54</sup>; the remainder are listed as *colonia agraria*.<sup>55</sup> Map 2.9 gives the spatial distribution of the different forms of tenure present in the Tojolabal Highlands by 1993. It shows that the *ejido* is the predominant form of land tenure in the region, the other major land tenure system being that of *bienes comunales*, or communal property. In the Tojolabal Highlands, *bienes comunales* were created on the basis of the *copropiedades* established earlier, most of which – as explained above – corresponded to *pequeñas propiedades* that were purchased by groups of Tojolabal peasants. This was achieved by means of a procedure officially called *Restitución y Titulación de Bienes Comunales* (RTBC), designed to give a community deeds for common property. The tenure regime of *bienes comunales* is surrounded by fewer detailed legal principles than the *ejido* is, and formally leaves the community greater freedom as to the allocation of land among its members. One should recall that these are merely legal labels that do not necessarily describe land tenure practices, as we will discuss later on. Like *ejidos*, *bienes comunales* are regarded by Mexican law as social property. Conversely, *copropiedades* are



**Map 2.9** Land distribution in the Tojolabal Highlands in 1993, by tenure regime  
Each number represents one community.

considered to be private property. This legal distinction means that copropriedades may be liable to land redistribution, which in the Tojolabal Highlands has meant that expropriation of *copropriedades* began to be proposed as a means of providing *ejido* extensions to neighbouring *ejidos* wishing to expand. Converting to the system of *bienes comunales*, a form of social property, was a way of circumventing these threats. In this study, I regard *copropriedades* and *bienes comunales* as a single category.

By 1993, distribution of the various land tenure regimes in the Tojolabal Highlands was as follows: 76% of the region was *ejido* land (including both endowments and extensions), 15% corresponded to *bienes comunales* and *copropriedades*, 2.5% was in possession (titles in dispute) and 6.5% was individual private property (100% = 63 802 hectares). Most communities only owned *ejido* lands (see Table 2.3), a few

Table 2.3 Tenure regimes in the Tojolabal Highlands by locality

Type of tenure	#settlements
Only ejido land	17
Only bienes comunales or copropiedad	3
Mixed	6
<b>Total</b>	<b>26</b>

only owned *bienes comunales* or land in *copropiedad*, while a few others had a 'mixed' tenure system, that is a combination of *ejido* land with *bienes comunales* or *copropiedad* and/or possession. Of the five private properties that existed in the region by 1993, only two had a proper settlement; while the others only had a few buildings (house, stable, and caretaker's hut).

In 1993, the underlying finca grid of land distribution was still visible (compare maps 2.3 and 2.9). The boundaries of the *ejidos* and *copropiedades* were largely based on earlier finca boundaries, though several fragmentations had occurred and additional national lands had been assigned to communities. Many ejido settlements today still occupy the same site where the *mozos* lived in finca times and despite being renamed during the land reform process, continue to be referred to by the name of the finca. Plan de Ayala is still often called Jotaná, Veinte de Noviembre is still often called Santiago, to cite just two examples. Notwithstanding these continuities, the creation of ejidos usually involved a certain redefinition and sometimes even re-location of communities. In many cases, the *mozos* were divided over the issue of land redistribution and part of the population moved to a nearby location to found a new settlement. A number of very small settlements, with only a few houses, which used to be located in the more remote parts of the fincas, have disappeared. Too small to qualify for an ejido endowment, they joined up with other settlements to gain access to land.

It is evident from the maps that by 1993 the area still in possession of private, non-Indian landowners was reduced to a small percentage of the total area. These remnants of the old fincas now formed islands in predominantly peasant surroundings. It is interesting to note where these private properties are located. With one exception, the private properties are situated in the northern and southeastern extremes of the Tojolabal Highlands. The persistence of private properties here seems partly to reflect the land tenure dynamics of the regions to the north- and southeast of the Tojolabal Highlands, where land redistribution only affected private property to a limited extent and gave rise to a situation whereby ejidos and ranchos co-existed within the same geographical area.

#### *Pressures on private properties*

As of the late 1970s, land redistribution in the Tojolabal Highlands reached an impasse. The margins for groups of peasants to expand the land under their control became more and more reduced. At the same time, the demand for land continued to grow, as the children and grandchildren of the first generation of Tojolabal

*ejidatarios* needed land of their own. They could only just be accommodated on the existing ejidos and though some of them moved eastwards, settling in the Cañadas region of the Lacandona rainforest (Acevedo 1995, Ruz 1982), both the population and the demand for land in the Tojolabal Highlands kept increasing. In the period from 1960 to 1990, the population of this region doubled, from about 6,400 to over 14,800.

As a consequence of the growing but increasingly unsatisfied demand for land, pressure on the few remaining private properties grew. I discussed earlier how the Chibtik finca became more and more fragmented in response to such pressures and how large tracts of the former finca were transferred to groups of Tojolabal peasants. The fate of Mendoza and San Mateo was similar to that of Chibtik. Both properties had been reduced in size due to peasant pressure, first in the form of land redistribution, and subsequently through sales. By 1973 the owners of Mendoza had sold part of their land (some 100 hectares) to a group of twenty peasants from the Tojolabal ejido Veinte de Noviembre.<sup>56</sup> Furthermore, the Chiapas division of the Land Reform Ministry in Tuxtla Gutiérrez negotiated the sale of another 200 hectares within the framework of the *Fondo de Regularización Agraria* in favour of peasants from the same finca, known as Veinte de Noviembre.<sup>57</sup> The sale was eventually registered in 1995, but there are indications that the peasants had taken possession of it earlier.<sup>58</sup> The story of San Mateo is similar. First an endowment to the Veracruz ejido, followed by the (as yet unregularised) occupation of 1500 hectares by a group of ejidatarios from Veracruz, and finally an induced sale to the state government, had reduced the size of the private property to about 230 hectares by 1993.<sup>59</sup>

Parts of Chibtik (the private property being called Yalchibtik), Mendoza and San Mateo survived as private properties into the 1990s, together with El Nantze and La Libertad, both former *copropiedades* of mestizo owners that had subsequently been split up in a number of individual sections. El Nantze, constituted as a *copropiedad* in 1956, was divided into about thirty small properties in 1970.<sup>60</sup> La Libertad was formed in 1948 with lands from the Bahuitz finca and was jointly owned by eight brothers.<sup>61</sup> Attempts by the surrounding Tojolabal population to acquire these properties in the form of extensions to their *ejidos* continued, but failed to achieve the desired result. The properties did not exceed the official limit for private properties and were therefore not liable to imposed land redistribution. Peasant groups could only acquire these lands if the owners were willing to sell, sometimes, as in the case of Mendoza mentioned above, after they were persuaded to do so by the state government. As of the 1970s, the story of land reform in the Tojolabal Highlands increasingly became one of frustrated attempts to gain more land, and relations with the remaining private properties became rather antagonistic. As I will show in the next chapter, the struggle for land became increasingly politicised. The Zapatista uprising of 1994 broke the impasse: Yalchibtik, Mendoza and San Mateo have been invaded by surrounding communities, and El Nantze was also partially affected by invasions.

### A methodological intermezzo

Before proceeding to the discussion of land redistribution in the Tojolabal Highlands, I would like to deal with certain methodological aspects of my reconstruction of this process, to give the reader an insight into some of the methodological choices made.

In order to reconstruct the changes in land distribution in the Tojolabal Highlands I drew primarily on the archive of the Chiapas division of the Land Reform Ministry in Tuxtla Gutiérrez (ARA-TG), the Land Registry Office from Ocosingo (RPP-O), and data from the *Registro Agrario Nacional* (RAN), where possible cross-checked with geographical information, and information provided by inhabitants of the region. The ARA-TG keeps the files of the *acciones agrarias*, documenting the process of land redistribution for different settlements. There are files on the positively completed cases as well as on cases that did not lead to land endowments. I found that most files included documents on the petitions for land endowments and on the corresponding decisions at the state and national level, as well as maps (the definitive *planos de ejecución*, or preliminary *planos proyecto*). Furthermore, the files generally included surveys used to evaluate the viability of claims to land. These reports, produced by the CAM (*Comisión Agraria Mixta*) – a state-level organisation that included representatives of the Land Reform Ministry, the state government and peasant unions – provide surveys of private properties as well as census and land use data of the petitioning population. Since the archive of the Delegation of the land reform ministry only concerned properties that had been created with their involvement, i.e. social property, it provided a rather limited picture of the northeastern part of the Tojolabal Highlands (belonging to the municipality of Altamirano) where private properties and *copropiedades* predominated. To fill in the missing data I resorted to the Land Registry Office of Ocosingo, which turned out to have a fairly complete record of the history of sales and divisions of private properties as far back as 1900. The information contained in these archives is more limited than that of the ARA-TG, but it provided useful data on extensions, the names of sellers and buyers involved in transactions, as well as some of the previous history of a property.

I combined data from these archives with a land tenure map recently (1995) produced by the RAN in Tuxtla Gutiérrez to construct a database on the transfer of land to Tojolabal communities, in other words, which tracts were given to which settlements and when. The RAN map had the advantage of presenting the various areas of land tenure (polygons) in relation to one another. I revised the map of the RAN considerably however, on the basis of the archives mentioned. (Though the RAN map was based on the archives of the Land Reform Ministry, I found it contained many inaccuracies both in relation to the archives and field data.<sup>62</sup>) Together with the LAIGE (*Laboratorio de Análisis de Información Geográfica y Estadística*) of the *Colegio de la Frontera Sur* in San Cristóbal de las Casas, I drew up my own map of land tenure in the region. This was further corrected by overlaying my provisional tenure map with maps from the 1970s, indicating some of the existing fences (INEGI maps based on aerial photographs of 1973)<sup>63</sup> and a recent Landsat-satellite image on which some of the property divisions were clearly visible. The extensions I have worked with in this study are calculated on the basis of these maps, and do not always coincide with those reported by ARA-TG or the RAN. The boundaries as indicated on the land tenure maps used in this chapter remain tentative. To achieve more accuracy, detailed measurements of boundaries (*linderos*) in the field would be necessary, but this was not feasible in the framework of this research project, not only because of the time and money this would involve, but also because of the political implications taking measurements would have.<sup>64</sup>

In reconstructing the process of land redistribution I have used reference dates for the establishment of peasant control over specific areas of land, based on the year in which land was effectively transferred to peasant groups.<sup>65</sup> In some cases this was the year that the Presidential Resolution was issued, more often, however, I had convincing evidence that the would-be ejidatarios had already taken possession of the land before the Presidential Resolution was issued or executed, by means of the execution of the provisional endowment, granted by the state governor.<sup>66</sup> In many cases I found the effective transfer of land to former Tojolabal peons to have preceded formal recognition of their rights. Where I had no conclusive evidence on a *de facto* transfer of the land at an early stage of the process, I used the date of the execution of the Presidential Resolution as the date of reference. In the case of properties that were bought by groups of Tojolabal peasants, I used the date of registration at the RPP-O, which in some cases may have been a slightly conservative estimate.

Reconstructing the process of land redistribution was quite a puzzle. In some cases I was not able to find conclusive answers to questions like: Was the Presidential Resolution ever executed? Did the final map (*plano definitivo*) on which the execution was based coincide with the map for the projected endowment (*plano proyecto*)? When disputes occurred, which group eventually gained control of a certain tract of land? I was able to solve some puzzles by cross-checking files from different communities, although in other cases I encountered discrepancies I could not account for. In several cases asking people in the field helped me to interpret the documents in the files. However, there were still cases where I had to make an informed guess. I must have made mistakes in a few of these. The most important types of error concern the final settlement of land disputes, and the exact areas involved in the endowments as well as their physical boundaries. I am quite certain, however, that the differences involved do not alter the overall trends as outlined above.

### Discussion: patterns of land reform in Chiapas

The data I presented in this chapter support at least one clear conclusion: since 1939, Tojolabal peasants have acquired control over almost all the land in the Tojolabal Highlands. As a direct consequence of land reform, and to some extent of land acquisitions by groups of Tojolabal peasants, only some of the original fincas continued in the form of, considerably reduced, individual private properties in 1993. In this section I will compare these developments with land tenure transformations in other regions of Chiapas, arguing that although the Tojolabal Highlands represent a somewhat extreme case, land reform also affected large estates elsewhere. Another issue that I will address in this concluding section is the predominance of *ejidos* compared to other types of land reform, notably that of *bienes comunales*. I will also point to some of the issues that I will develop in the following chapters.

#### *The Tojolabal Highlands as an extreme case*

It has been common for scholars to dismiss land reform in Chiapas as limited and neutralised by powerful landowners. Where it did take place, as in the Central High-



lands, its negative consequences are pointed out, such as greater state control and *caciquismo*. This might almost lead one to overlook the fact that many regions in Chiapas were considerably affected by land reform (see also Viquiera 1999). By 1993, over 50% of all land in Chiapas was *ejidal* or communal, totalling roughly 3.8 million hectares out of 7.4. Private property accounted only for a quarter of the total surface, with 1.8 million hectares (Villafuerte et al. 1999: 123).<sup>67</sup> Data provided by Reyes Ramos (1992; maps 1-7 in the annex), show that no municipality was left untouched by land reform. Such extensive land redistribution was not only carried out on the basis of national lands and land marginal to large estates. Although these played a role, the distribution of individual private property was as much part of the story, leading in some regions to the virtual disappearance of private property.

The view that land reform did not seriously affect the interests of the landholding elite therefore seems one-sided.<sup>68</sup> Although political domination by certain groups of powerful landowners may have continued – albeit in a considerably modified fashion – over the past half century, it would be incorrect to say that their estates survived intact. With notable exceptions, by 1994 private properties in large parts of Chiapas were only a shadow of the *fincas* that had existed at the beginning of the century. The Tojolabal Highlands present an extreme example of this, but the case is certainly not unique: *fincas* have also given way to *ejidos* in other regions

Significant regional differences exist. The near-completeness of the process I found in the Tojolabal Highlands, seems only to be repeated in parts of the Central Highlands of Chiapas and of the Lacandona rainforest. Wasserstrom (1993: 166, 167) cites data that, by 1944, give an average percentage of 57% of the total area being *ejidal* or communal for the municipalities of the Central Highlands. For Chamula, the figure is 99.6%.<sup>69</sup> In the Highlands, *ejidos* and *bienes comunales* were at least partly created on the basis of private properties (see also Edel 1966). *Ejidos* have also come to predominate in the Cañadas region of the Lacandona rainforest, although in some areas private properties are still prominent (Ascencio 1995). *Ejidos* here were created partly on lands expropriated from large logging concessions that had been nationalised by the Mexican government but also affected cattle ranches that had spread into the Cañadas from the traditional *finca* region on the edge of the Lacandona rainforest (De Vos 1995: 348-51; Leyva & Ascencio 1996: 175, 176; Collier 1994: 39). In the areas immediately adjacent to the Tojolabal Highlands in the north and east, private property was curtailed, but did not disappear completely, giving rise to a rather complex mosaic of private and social properties. It is here that some of the properties of former governor Absalón Castellanos and his brother Ernesto are located (Burguete 1994). The situation of Yalchibtik and Mendoza to the north and San Mateo to the East, reflect some of the tensions and dynamics that were common to the regions of Ocosingo and Las Margaritas.

In other regions, possibly because of the economic interests that were at stake, the pattern of land redistribution has been different. In the Soconusco, the Grijalva basin, and the northern region of Chiapas, the dissolution of private property has been far less extreme. The partial land reforms in the coffee-producing regions of the Soconusco, whereby landowners retained the central part of the *fincas* and *ejidos* were created as a buffer zone around them, have already been mentioned (Wasserstrom 1983: 164; Benjamin 1995). In the Grijalva Basin, important for cattle ranching and sugarcane production, *ejidos* have been created since the 1970s mostly

as *nuevos centros de población ejidal*, resettling people from other regions, on lands that first had been expropriated by the state (Villafuerte et al. 1999: 261-270; also Wasserstrom 1983). In Simojovel, in the coffee-producing northern region, some land redistribution took place in the 1940s, but was then blocked by landowners. By 1980, only 20% of the land in this region corresponded to ejidos (Harvey 1998: 58). By 1996, the northern region as a whole still had one of highest percentages of private property in Chiapas, namely 47 percent, as opposed to 41 per cent ejidos (Reyes Ramos 1998: 41).

As to the question of why it was that land redistribution in the Tojolabal Highlands put an almost complete end to private property, I can only venture some hypotheses at this point. The explanation lies, I think, in the combination of various factors: the timing of the reforms and the boost given by the federal government, the comparatively low productive value of the properties in this region, and the presence of a considerable land claiming population. How landowners in this region tried (and largely failed) to defend their properties, is discussed in the next chapter.

### *The predominance of ejidos*

Like is true for Mexico in general, land reform in Chiapas has mainly taken the form of ejido-endowments. Although, as a direct result of the Mexican Revolution, Article 27 of the Mexican Constitution enshrines the right to *restitution* of land to communities that had been illegally deprived of it (especially following the Reform laws of the second half of the 19th century), *endowment* has played a far greater role in land redistribution. One explanation may be found in the orientation of land reform that favoured ejido endowments over restitution. As I have mentioned earlier, Cárdenas gave the *ejido* a privileged role in his model of agricultural development, and the *ejido* fitted extremely well into the conception of land reform as an instrument for increasing the presence of the Mexican national state in the countryside. Whereas with restitution, the Mexican state is correcting an earlier wrong done to communities, in the case of ejido endowments, it emerges as a benefactor of the rural poor. Some authors argue that the Mexican state has consistently discouraged 'indigenous claims', considered counterproductive to modernisation and nation building (see Flores Félix 1998).<sup>70</sup> Restitution was, however, also limited by practical constraints: many communities could not present the property deeds needed to prove their rights (see for example Whetten 1948: 129; Ibarra 1989: 187).<sup>71</sup> Ejido endowments, on the other hand, do not require such documentation. This alone could explain why restitution did not play a role in the Tojolabal Highlands. The historical inclusion of the Tojolabal in the fincas of the regions would have made it difficult if not impossible to stake any historical claims to the land that would predate the establishment of the fincas. Furthermore, peons could only claim land through endowment procedures.

Official data from the VII *Censo agropecuario* of 1991 make clear that in Chiapas *ejidos* represent 96% of the localities that have benefited from land reform (see table 2.4), covering 75% of the total area and containing 78% of the total number of beneficiaries. Figures on land reform actions (*acciones agrarias*) tell the same story. Of a total of 1836 such actions between 1920 and 1984, only 2 referred to land restitution and 43 to the creation of *bienes comunales*<sup>72</sup> (see Reyes Ramos 1992, annex II)-meaning that over 97% of these actions were related to ejido endowments (in the

Table 2.4 Composition of social property in Chiapas (1991)

	Ejidos		Comunidades		Total	
Number of settlements*	1983	96%	89	4%	2072	100%
Area (ha.)**	3 079 027	76%	978 070	24%	4 066 097	100%
Beneficiaries (heads of households)	193 741	78%	54 790	22%	248 531	100%

SOURCES: \* ATLAS AGROPECUARIO DE CHIAPAS; VII CENSO AGROPECUARIO 1991, INEGI 1996  
 \*\* PROGRAMA DE DESARROLLO AGRARIO, GOBIERNO DEL ESTADO DE CHIAPAS

forms of original endowments, extensions or the creation of new ejido settlements).

The tenure system of *bienes comunales* allows for a greater degree of communal autonomy in the internal allocation of rights, which is why it is often considered to be a form of land tenure more suitable for indigenous communities. Yet in Chiapas, as in most of Mexico, ejido endowments have made up the bulk of land reform even in indigenous regions.<sup>73</sup> Conventional statistics do not allow for a precise estimate of the number of Indians amongst the beneficiaries of land reform; statistics on land tenure such as the ten-yearly *Censo ejidal* do not specify the ethnic composition of the settlements involved, while the official population census – which does include data on ethnicity – does not report on the tenure system. Nevertheless it is quite clear that the *ejido* has become the dominant land tenure regime even in regions which are notably indigenous.

In Chiapas, some large *bienes comunales* have been instituted in indigenous regions. The 600,000 hectares given to the Lacandón community is a well known but rather unusual case.<sup>74</sup> Most other *bienes comunales* have been created in central Chiapas, for example in Chamula and Venustiano Carranza, involving 29, 000 and 50, 000 hectares respectively (Reyes Ramos 1992: anexo 12). In the Tojolabal Highlands, the *bienes comunales* are much smaller, usually several hundred hectares, with the exception of San Francisco, which has 2,200 hectares. As explained earlier, these were established as a reaction to the very limitations of the land reform process, which first, could not redistribute the established *pequeñas propiedades* for the benefit of the Tojolabal populations (who then bought them as *copropiedades*), and then lacked other mechanisms for protecting these *copropiedades* from claims by their *ejido* neighbours. The establishment of *bienes comunales* in the Tojolabal seems not to have been related to particular ethnic demands.

Land redistribution in the Tojolabal Highlands, then, implied a process of 'ejidalisation'. In other words, the ejido became the predominant form of land tenure in the region. Land reform, however, not only completely changed the land tenure situation in the region but also implied a social reconfiguration. The region became 'tojolabalised'. The hegemony of the fincas gave way to a domain of Tojolabal peasant communities, in which Tojolabal became the most important language and Tojolabal communities controlled land and resources. Though the establishment of *ejidos* placed the Tojolabal ejidatarios within a legal framework of the state, and to a some extent subjected them to the agenda for national development, in practice it allowed them considerable autonomy in the regulation of land tenure at the communal level. These changes will be substantiated in the following chapters.

## Notes

- 1 In Chiapas, the term *finca* for large, privately owned estates was more common than the term *hacienda* used in the rest of Mexico.
- 2 Further details on this simple neoclassic type of architecture can be found in Pulido, 1994.
- 3 Term to designate the non-indigenous, which has the connotation of rich.
- 4 Form of joint private property.
- 5 This contrasts with the region south of Comitán which has been most highly documented. In this rather flat region, with its mild climate, large estates were established by Dominicans in early colonial times. Conversely, the Tojolabal Highlands,, to the northeast of Comitán, are rougher, hillier, and —with altitudes between of 1200 and 1900 m above sea-level— colder.
- 6 A description of the information on pre-Hispanic populations in Chiapas is available in Tejada & Clark (1993). Sources related to the Tojolabal can be found in Martínez Lavín (1974). Some archeological findings from caves in the Tojolabal region, amongst which textiles, are recorded by Blom (1954).
- 7 Gerhard gives a population estimate for the province of Chiapa immediately prior to the conquest of 275 000; the number steadily declined until 1800, for which he mentions a total of 67, 000, 53, 000 of whom were Indian (1991 [1979]: 21, Table B).
- 8 A thorough account of the conquest of the Lacandona rainforest can be found in De Vos (1980).
- 9 In flatter regions, e.g. to the south and southeast of Comitán, Tojolabal may also have settled; their development there seems to have involved a higher degree of miscegenation.
- 10 The term *hacienda* can be taken as a synonym for 'fincas'; *ranchos* is a term used to refer to smaller properties, with no stone buildings – no church or *casa grande* – and sometimes an *anexo* to a *finca* proper.
- 11 Tello drew on statistical data published by the *Secretaría de Economía*; Benjamin based himself on statistical data from the state of Chiapas, the *Anuario estadístico de Chiapas* of 1903, and Wasserstrom (1983). It should be noted that the increase in the number of properties is not necessarily merely the consequence of expansion, but may also have involved the subdivision of large holdings.
- 12 Archivo histórico del Estado de Chiapas, Registro Público de Propiedad de Comitán 1904.
- 13 In this respect, the Tojolabal Highlands resemble Chiapas as a whole where by 1910 only 4% of the localities were independent villages and 88% were haciendas and ranchos; see Hernández Chávez (1979: 343, Table 3).
- 14 To give a few examples: Eleuterio Aguilar was 'Jefe político' of the Comitán Departamento, as I discovered in a reference from 1907; Fondo Secretaría de Gobierno, Sección de Fomento, 1907, Vol. I, AHECH. Reynaldo Gordillo León was topographic engineer and served as interim-governor of Chiapas in 1910, García de León (1985b: 23). Quirino Domínguez was 'Jefe de Comitán' (García de León 1985a: 169).
- 15 He also owned the finca La Soledad, in the valley region to the east, which falls outside of the scope of this study.
- 16 The reconstruction is based on information from the archives of the Chiapas division of the Land Reform Ministry in Tuxtla Gutierrez.
- 17 The view that the revolution was 'fundamentally popular and agrarian' is developed forcefully by Knight in his two volumes on The Mexican Revolution (Knight 1986: xi).
- 18 Womack gives a translation of the Plan de Ayala of 15 December 1911, I cite the most relevant passages:  
 Art 6 ...the pueblos or citizens who have the titles corresponding to those properties will immediately enter into possession of that real estate of which they have been despoiled by the bad faith of our oppressors....  
 Art 7 ...because lands, timber, and water are monopolized in a few hands, for this

- cause there will be expropriated the third part of those monopolies from the powerful proprietors of them ... in order that the pueblos and citizens of Mexico may obtain ejidos, colonies, and foundations for pueblos, or fields for sowing or laboring...(1969: 400-404).
- 19 For accounts of the passing of the carrancista troupes in the Tojolabal region, see the testimonies of Victoriano Cruz Vázquez and Enrique Espinoza Moreno, in Gómez and Ruz (1992: 124-126 and 170).
- 20 This is clear, for example, from the testimony of Enrique Espinoza Moreno, in Gómez and Ruz (1992: 171).
- 21 Alan Knight goes even further in stating that Carranza reversed the de facto land reform that had taken place during the Revolution and created barriers to further redistribution (1986b: 466).
- 22 The original text of this section of Article 27 reads:  
*Los pueblos, rancherías y comunidades que carezcan de tierras y aguas, o no las tengan en cantidad suficiente para las necesidades de su población, tendrán derecho a que se les dote de ellas, tomándolas de las propiedades inmediatas, respetando siempre la pequeña propiedad.* See, for example, Silva Herzog (1959: 250).
- 23 See for example Gutelman 1974.
- 24 The *caballería* corresponds to 42.8 hectares.
- 25 Archivo Histórico del estado de Chiapas, Registro Público de Propiedad de Comitán, 1892
- 26 RPP-O 1906-39; Adjudicación 1929.
- 27 RPP O1909-5.
- 28 RPP-O 1931-05, Adjudicación 1924.
- 29 RPP-O 1933-06
- 30 Here and in the remainder of the chapter the reader may note differences in the size of these large properties. Such differences are recurrent and are not always accounted for in the documents. In some cases, they may be related to new, more precise, measurements made as a result of transactions.
- 31 RPP-O 1955-018
- 32 RPP-O1955-018
- 33 RPP-O 1963-21
- 34 RPP-O 1963-21
- 35 ARA-TG 1358; by the 1940 census it is mentioned as a *colonia agraria*, indicating that settlement took place considerably before the Presidential Resolution.
- 36 Both the Presidential Resolution and the execution took place in 1951. The Presidential Resolution is an important step in the process of ejido endowments, which follows a sequence of petition, investigations, and provisional endowment. It states how much land will be given, of what type, where it is located, and lists the beneficiaries. In order to complete the endowment, the Presidential Resolution needs to be executed, a process which involves the physical location and measurement of the lands. The procedure is dealt with in more detail in the next chapter.
- 37 ARA-TG 1275; There is mention of 120 hectares of Honduras having been donated to the peon population previously; it is unclear whether these were included in the ejido-endowment or whether they were additional.
- 38 ARA-TG 480
- 39 RPP-O 1956-004; El Nantze was acquired as a *copropiedad*, which implies that a number of *socios* own the property in equal (*en partes alícuotas*) and undivided (*pro indiviso*) shares. Unlike the *ejido*, the *copropiedad* is a form of private property.
- 40 ARA-TG 1101
- 41 ARA-TG 1275
- 42 RPP-O 1964-03 and 1964-04
- 43 RPP-O 1977-09 and 1977-10
- 44 RPP-O 1983-256
- 45 RPP 1984-23; RPP 1985-226
- 46 RPP 1985-373
- 47 One in 1985 (RPP-O 1985-336); two in 1987 (RPP-O 1987-124; 1987-363); and the remaining three in 1988 (RPP-O 1988-517, 1988-518, 1988-519).
- 48 ARA-TG 480, 1665, including also one of the fractions of Cananea.
- 49 On such restrictions in the legislation of 1922 and 1929 see Ibarra (1989: 192-196). According to this same author the possibilities entailed in the *Código Agrario* of 1934 were still very restricted, and were only substantially broadened by Cárdenas' revisions to the *Código Agrario* in 1937 (Ibarra 1989: 196). In the case of the Tojolabal Highlands, however, the restrictions placed on *peones acasillados* seem

- not to have prevented their *de facto* inclusion in the endowment process.
- 50 Joint undivided property in which individual associates have a proportional right referred to as *parte alícuota* (Diccionario 1994: 750-1)
- 51 A radius of 7 km around the petitioning settlement was considered. Another way out was to form a new settlement in an area with available land, in the form of a *nuevo centro de población ejidal*.
- 52 Communal property, owned by a settlement or community (Diccionario 1994: 340).
- 53 Formally, such *excedentes* were considered untitled, hence national, land. In this study I have considered these areas as finca land, thus approaching the *de facto* situation.
- 54 These are Bajucú, Palma Real, Bahuitz, Vergel, Chibtik and Mendoza, San Isidro, Nantze and Santo Domingo Corona, respectively.
- 55 Later censuses did not provide data per locality, but only at the aggregated, municipal level. The 1990 census, however, simply lists all localities as *ejidos* (using this as a synonym for settlement) (INEGI 1995).
- 56 RPP-O 1974-006; 1974-105.
- 57 ARA-TG 735
- 58 RPP-O 1995-141
- 59 ARA-TG 576, 1728, 638, 3786/91
- 60 RPP-O 1970-106
- 61 RPP-O 1948-27; ARA-TG 964
- 62 A comparison of the maps from different periods and files at ARA-TG showed that their topological exactitude varied and that there were discrepancies between the maps. These errors are partly related to the inaccurate land measurements carried out in the 1940s and 1950s when ejido endowments were handed over to peasant groups and which in many cases have not been verified since. Certainly, some of these contradictions must have given rise to the inaccuracies in the RAN.
- 63 The maps were the numbers E15D73, E15D63, E15D64 and E15D74, scale 1: 50 000).
- 64 Whereas in other regions of Mexico earlier imprecisions have been corrected during the process of measurement and registration involved in the implementation of the PROCEDE-programme (*Programa de Certificación de Derechos Ejidales y titulación de solares urbanos*), this was not carried out in the region of study due to the political tensions after 1994.
- 65 My approach here differs from that followed by Reyes Ramos who, in her study of land reform in Chiapas, uses the date of execution of the Presidential Resolution, claiming that only then did the endowment become effective (1992: 19).
- 66 The governor's *mandamiento* was a kind of interim resolution to be confirmed by the Presidential Resolution, which made it possible to give the land to the peasants even before the time-consuming process of endowment was formalised.
- 67 This figure only refers to lands that have officially been transferred to *ejidatarios* or *comuneros*, who might actually control even more land (Villafrute et al. 1999 estimate 4.5 million hectares).
- 68 A vision found for example in García de León 1985, Reyes Ramos 1992, Wasserstrom 1983.
- 69 For the sake of clarity: for the region of study I have given the figure of about 93%; this is not a figure for the municipality of Las Margaritas or of Altamirano.
- 70 Cárdenas himself is said to have declared that: 'The Mexican Revolution does not seek to 'Indianise' Mexico, but rather to 'Mexicanise' our Indians' (Pátzcuaro 1940) (my translation): 'La revolución Mexicana no pretende indianizar a México sino mexicanizar a nuestros indios', Guillermo de la Peña (1994), cited in Flores Félix (1998: 40).
- 71 In view of such difficulties, the 'double way' of land redistribution was instituted, simultaneously promoting restitution and endowment procedures.
- 72 The procedure is known as RTBC: *Reconocimiento y Titulación de Bienes Comunales*
- 73 A notable exception is the state of Oaxaca, where communal tenure predominates.
- 74 Involving serious conflicts with *ejidos* on which the area was superimposed (see Leyva & Ascencio 1996; Legorreta 1998).



## Chapter three

# The intricacies of land reform

### Initial hesitations

"Look, why don't some of you stay here? Half of you could go, and half of you could stay. There is not much land [to be given away] and it will not be enough for all of you. Besides... you shouldn't leave your *patrón*, he will be so lonely. You'd better stay and keep him company."

Using similar wording the Mayor or municipal president (*presidente municipal*) of San Carlos (now called Altamirano) is said to have tried to persuade several of the *mozos* of Chibtik to abandon the idea of forming an *ejido* and to remain on the *finca*. This was in about 1940. For several years, the *mozos* of Chibtik had been petitioning for *ejido* land. Their original petition was submitted in 1933, but at the time they were visited by the municipal president the provisional endowment was still pending, and was eventually issued in 1942. A survey carried out earlier that year had indicated the liability of the Chibtik *finca* for land redistribution<sup>1</sup> and had confronted the landowner, don Pepe Castellanos, with the threat of losing a considerable part of his land. In view of this situation, he had called on the municipal president, hoping he could alter the course of events.

The words of the municipal president were not in vain. With some bitterness, *tatjun* Isidro – now one of the elder inhabitants of Chibtik, a boy at the time – recalls how about half the adult men of Chibtik decided not to press the *ejido* claim and to stay on with their *patrón*. Among them was his father. As a result, La Florida, as the new settlement was to be called, was created with 32 beneficiaries and 762 hectares.<sup>2</sup> The advantages to Don Pepe of the reduction of the number of *ejido*-claimants were obvious. Not only would he lose far less land than he would have if all the men had sustained the petition, the reduction of the area to be endowed also allowed him to retain an important area of intensive maize cultivation, located at a riverside (this area apparently comprised 226 hectares, which was large for the region).<sup>3</sup> Furthermore, in this way he was able to assure the labour that he needed to run the *finca*. But why did the *mozos* give up?

The land reforms under President Cárdenas offered the *mozos* of the Tojolabal Highlands the possibility of direct control over land and freedom from debt peonage. Few of the *mozos* had ever envisaged such a possibility. The rumour of land reform was brought into the region by those who had worked as seasonal hands in the coastal coffee *fincas*, where *ejido* endowments had already taken place. The promise



of land stirred hopes amongst the Tojolabal mozos, but also brought fears. The men that had known no other life than with their patrón worried how would they get along on their own, and could hardly imagine life without him. Although nowadays these fears are difficult to understand for the younger generation, they must have been very real at the time.

Don Pepe Castellanos must have sensed the fears of his mozos and turned them to his advantage. He realised that his main bargaining power lay in the social relations within the Tojolabal Highlands. In fact, given the political conjuncture at the time, the doubts of his mozos were his only hope of countering the threat to his property. His alliance with local power holders, in this case, the municipal president, was only effective at this level. Had the original land claim been sustained, he would have been unable to counter it. The land reform legislation itself did not offer much scope for safeguarding his properties, nor could he expect much support from the authorities at the national and state level. Examples of futile attempts to prevent *ejido* endowments abounded in the region. Don Pepe had every reason to believe that had all the mozos of Chibtik decided to press the *ejido* claim, he would have lost twice the amount of land given to La Florida. To prevent this, he not only called upon the municipal president, but also promised his mozos payment for their work.

Due to the doubts and fears of the mozos, in the Tojolabal Highlands the possibility of forming *ejidos* was initially received with some hesitation. This explains why several of the newly-formed ejidos were made up of only a part of the finca population, while part of them stayed on with the patrón.<sup>4</sup> However, as the positive results of the first ejidos were seen, petitions for *ejido* land appeared in quick succession. The Chibtikeros closely watched the experiences of the Jotaneros, who – as mozos – had frequently come to plough on the Chibtik finca and were amongst the first to receive their *ejido* (in 1938). They not only encouraged others to request their ejido, but also served as a living example that mozos could manage very well without the *patrones*.

### Land reform and processes of change

Land reform meant not only a spatial but also a social and political reconfiguration of the Tojolabal Highlands. Land reform altered social relations between *patrones* and mozos and drew Tojolabal land reform beneficiaries closer to the Mexican state. Before the land reforms, *finqueros* like Pepe Castellanos were the masters of the regional universe: their position in the social fabric was largely unchallenged. Land reform changed this. The process of land redistribution implied the unravelling of the multiple bonds between *patrones* and mozos and the loosening of the *finqueros'* grip on the region. Land reform thus contributed to the construction of a new social fabric in which the *finqueros* played a less significant role while state policies and state actors became more prominent than before.

Land reform became one of the most important realms in which state formation in central and eastern Chiapas took shape. Through land reform, the Mexican state became a rule-making and rule-enforcing political force in a domain that had previously been largely autonomous from it. The backing of the law and the support of the federal authorities gave land redistribution in the Tojolabal Highlands considerable momentum. As we have seen in the previous chapter, the dissolution of the

fincas was only a matter of time. Landowners managed to delay the break up of their properties, but could not ultimately avoid it.

For the Tojolabal land reform beneficiaries, the process basically implied their first awareness of and experience with the Mexican state. The state entered their lives as a provider of land and as a force that – at least initially – opposed landowners, but also as a rule-making body that mediated and conditioned their access to land. Land redistribution interacted in complex ways with the existing territorial configuration and rights of particular groups of people to land. It also implied the entanglement of the Tojolabal land reform beneficiaries in the web of bureaucratic procedures and the construction of new interfaces with government officials.<sup>5</sup> As noted by Nuijten (1998), experiences in this field are important in the construction of land reform beneficiaries' political imagery or 'idea of the state'.

Land redistribution has also become one of the main spheres in which the legitimacy of state intervention has been put to the test. In it, the federal state has sought to assert its power. However, new political forces arose in the arena of contention created by land redistribution – peasant organisations, political advisors – that challenged the power of the state. The 1970s saw the development of a second political momentum in Chiapas in which state intervention in the field of land redistribution became increasingly controversial as it became connected to factional struggles.

This chapter describes these processes of social and political change, bringing out some of the major contradictions and ambiguities it involved. The ground it seeks to cover is rather vast. It starts by examining the way land reform acted on the relations between landowners and *mozos* in the Tojolabal Highlands, before moving on to the intricacies of the land reform process itself. It discusses conflicts arising between groups of land claimants and the role of the land reform bureaucracy in the development of these conflicts. The chapter also discusses the politicisation of land redistribution since the 1970s. It offers several elements for assessing some of the implications of state engagement with Tojolabal land reform beneficiaries since the 1940s.

## The times of the *patrón*

### *Perspectives on peonage in Chiapas*

When asked about the start of land redistribution in the region, many of the elderly Tojolabal recall the fear they had of being 'abandoned', of facing life 'on their own'. They speak of 'how the *patrón* left' or 'when we left the *patrón*' rather than 'when we got the land' and stress the dependency they felt on their *patrón*, and their reluctance to sever that bond. Others on the contrary, especially but not only the younger Tojolabal, stress the exploitation their forefathers suffered from, the humiliation, the hard work and the poverty. For them, the times of the *patrón* represent the yoke from which they were liberated, the point of reference of 'never again'. The following statement was recorded in Chibtik:

"They [the *patrones*] regarded our grandparents as little more than puppets. That is why we do not want the *patrones* back. Now we don't want to return to the time of the *mozos*. Nowadays, in fact, what they did to our ancestors makes us angry." (from the testimony of tata Pedro, in: Van der Haar & Lenkersdorf 1993: 55).

Though other accounts have not disappeared, this latter vision on the finca past has now become dominant. It is a key element of what we might call the Tojolabal 'myth of origin' which centres on the creation of the *ejidos* and the exodus of ladino landowners. This latter view also resonates strongly with the way fincas in Chiapas are generally portrayed. Although in recent decades revisionist studies have added many shades of grey to earlier, overly negative views of haciendas in central and northern Mexico, the picture for southern Mexico, especially Chiapas, is still painted mainly in black and white.<sup>6</sup> Peonage in Chiapas is not only associated with extremes of barbarism and maltreatment, but also with blatant racism. Furthermore, the fact that peonage in Chiapas continued well into the twentieth century, seemingly untouched by the ideas of modernisation and civilisation that transformed the rest of Mexico, has given rise to much criticism.

Without denying that extremes of maltreatment have occurred, it also seems necessary in the case of Chiapas to add some shades of grey to our picture of haciendas, especially in the traditional finca belt in central-eastern Chiapas. Unfortunately, in-depth studies that would allow a more detailed assessment of the labour conditions and social relations on particular fincas are not available. Much of the view of fincas in Chiapas is based on the atrocities that have been reported for the *monterías*, the logging expeditions into the jungle. These correspond to what Knight has called 'classic debt servitude', characterised by coercion and with conditions approaching slavery (1986c: 46; 68-74). However, not all peonage in Chiapas should be classified under this heading. The coffee plantations of coastal Soconusco, for example, are regarded by Knight as 'proletarian' peonage, where forms of free wage labour were linked to the payment of cash advances (Knight 1986c: 46, 56). In my view, fincas in the Tojolabal Highlands may have come closest to a third form of peonage that Knight describes, that of 'traditional' peonage, "distinguished by the peon's voluntary commitment to the hacienda, debt often figuring as a perk rather than a bond" (Knight 1986c: 46). Under these conditions, indebtedness does not function as a coercive mechanism to tie people (and their offspring) to the properties against their will, but rather acts as a privilege for certain categories of workers, together with the possibility of subsistence farming, for example.

Hardly anything is known about daily life at the fincas in the Tojolabal Highlands, or central and eastern Chiapas in general. The fincas in the Tojolabal Highlands were organised broadly as is described for haciendas in general. The *patrón* was the owner of the land, which he worked with the help of a resident labour force, the *peones acasillados*. The latter lived on the finca (usually around the *casa grande*) and worked part of the time for the *patrón* and part of the time on their own plots. The peon families had the right to use parts of the finca property, not only for subsistence cultivation, but also for gathering firewood and other forest products. They used to be given advance payments in cash, which created a situation of indebtedness with the *patrón*. Women and children also provided labour. In addition to resident labourers, the *patrón* may have hired temporary labour for shorter periods (days, weeks, months) or for specific activities. An overseer or steward (called *encargado* or *mayordomo* in the Tojolabal Highlands) acted as the right hand of the *finquero* and 'disciplined' the work force.

All the entitlements the peons enjoyed depended directly on their relationship with their *patrón*, that is, were due to their being 'the men of'. The *patrón* was not

only the owner of the land and livestock, but also of the church. He was in charge of the religious celebrations. For All Saints' Day (November the 1<sup>st</sup>) he would provide the *mozos* with an animal to slaughter and share amongst themselves, a practice called *ko tak'in* and which, in different forms, is continued to this day. The *patrón's* wife, the *patrona*, is reported by some *fincas* to have led the sung prayers in church and often acted as a midwife.<sup>7</sup>

The relations between *patrones* and *mozos* in the Tojolabal Highlands may be described in terms of 'paternalism'. It was common for the *patrón* to be addressed as *kajwal*, which means 'my lord' and is the highest expression of respect now only used to address God in prayers. The *patrón* called his *mozos* 'my children' (*hijos*), and assumed paternal functions, such as giving consent for marriage. In the case of Chibtik I was told that the *patrón* would only give his consent for the marriage of one of his *mozos* after the latter had proven he could do hard work, such as bringing things over to Comitán by himself (which involved two days' travelling at the time).<sup>8</sup> The following account of a Tojolabal woman recalling how the *mozos* from Chibtik managed to buy the *finca* in 1963 highlights the paternalistic bond: "The one who was in charge [a lawyer] said to the *patrón*: Look, they are your children, they have lived here all their life, give it to them."

The 'old style' landowners of the Tojolabal Highlands shared a world with their *mozos*. Many of them had grown up on the property and had spoken Tojolabal since their childhood. They had known their *mozos* for a long time and shared fears and beliefs with them. A few married Tojolabal women and many had children with them. Many of these landowners were engaged in business or politics, and had houses elsewhere; their world was larger than just the *finca*. Yet many of them felt especially at home on their *fincas* and sensed that their fates were tightly bound to them.<sup>9</sup> It may be significant in this respect that both Don Pepe Castellanos senior and Doña Rosario Castellanos were buried in their *fincas* (from which they were removed decades later by their descendants).<sup>10</sup>

Social relations between *patrones* and *mozos* may be fruitfully studied from a moral economy perspective, as has been suggested by Bock (1993:231-2), Nickel (1997: 333-4) and Popkin (1979: 13-4<sup>11</sup>; see also Ouweneel 1996: 36-8). According to this perspective, drawing on the work of E. P. Thompson and James Scott, *patrones* experience a constant need to legitimise their claims to the labour and loyalty of resident peons, by offering protection and guarantees for subsistence. Besides crediting the peons with agency, the moral economy perspective has the advantage of pointing out the limits of exploitation. If certain limits of fairness and justice are overstepped, continued control over the peons is jeopardised. Thus, the *patrón* will need to avoid excessive workloads, will find it difficult to refuse to give loans, and will be unable to avoid numerous obligations (for example, curing the sick). This provides the peons with a certain amount of leverage over the *patrón*.

The story of the death of Don Pepe Castellanos senior in 1945, as it is told today in Chibtik, provides a good example of the way the moral economy operates at the *finca*. It not only relates one instance of protest when the criterion of fairness was being violated, but also testifies to the extent to which the *mozos* considered their *patrón's* existence and their own to be related. The Chibtikeros tell the story more or less as follows:

"We were allowed to have some horses, one or two, not more. And our horses had

to earn their own food. They had to carry loads for the *patrón*, which is how they earned their food. But he put very heavy loads on our horses, too heavy. Our horses would collapse under the weight of their loads. His own animals would go to El Tulipán [another of Don Pepe's properties, to the north of Chibtik] and rest for a day before returning, but our animals had to come back the same day. One day, one of the horses died because the load was too heavy. We got angry. And we told the *patrón*: Look, you are treating our horses badly. You will have to pay for the horse that died. Don Pepe was so upset by the way his men spoke to him that he died that very evening. He died from *koraja* (anger)."

For the Tojolabal, illness is closely related to strained social relations – such as anger (*koraja*), jealousy (*envidia*) and worries (*pensar, cham sk'ujol*) – and Don Pepe's death was interpreted as vulnerability on his part to his *mozos'* attitude.

The moral economy perspective also provides a good entry point for analysing the way the terms of power between *patrones* and *mozos* may change under the influence of wider political and economic processes.<sup>12</sup> In the case of the Tojolabal Highlands, land reform seems to have played a particularly important role in modifying the bargaining power of each of the parties. As I will show in the next section, the implementation of land reform interacted with and possibly also speeded up an ongoing erosion of paternalism and consequently of the moral economy.

#### *Land reform and the erosion of the moral economy*

The Chibtikeros's accounts contain several suggestions that Don Pepe junior disturbed the balance of the moral economy. To this day, Don Pepe senior is still referred to as 'the real *patrón*' (*el mero patrón*), to distinguish him from his son, the 'young Pepe' (*ya'axal pepe*). People recall that when he took over the reins of the property at the age of eighteen (several years after his father had died) he increased the workload considerably, overstepping the limits of what people considered fair.<sup>13</sup> To this day, the Chibtikeros resent the fact that 'the *patrón* cared more about his animals than about us'.<sup>14</sup> They were annoyed that he only let them have the meat of cattle that had been killed in the fields and my inquiry about his contribution to the feast of the Patron Saint (San Miguel, celebrated on May 8) aroused indignation:

"We had to work every day, and when there was celebration like today [the conversation took place at Easter], he would give us a little time off. And for May 8th he didn't give us anything, not a penny. But on the day of San José [the *patrón's* full name was José Luís], that's when he made a big celebration, then a lot of people would come to visit, he flew them in by plane".

A *patrón* that does not provide for the celebration of the Patron Saint of the locality, supposedly his as well as the *mozos'*, but prefers to organise 'his own' celebration, apart from that of the *mozos*, sounds like an eroding moral economy. This suggests that the time of Don Pepe junior marked the beginning of a clear distancing and opposition between *patrones* and *mozos*. Don Pepe junior laughed at the Chibtikeros' account of his father's death. He claimed that his father died 'quite simply' of a heart attack. This attitude is typical of the younger generation of landowners.<sup>15</sup> Unlike their parents, they were educated in town, did not speak Tojolabal and did not feel the same emotional attachment to the *finca* or the people living there. They were less inclined to respect the rules of the game of the moral economy than their fathers and viewed their properties more in terms of profitability. They

experienced the expected 'paternal' role as a burden and out of line with modernity. The avenue of land reform in the Tojolabal Highlands thus coincided with a generational change from 'traditional' to more 'modern' types of landowners. Both processes may have combined to erode the moral economy of the region.

Evidence from Chibtik suggests that the fissures grew as the first ejidos were being created. Whenever his *mozos* complained, Pepe Castellanos junior told them: "If you don't like it here, get out to the *nacionales* (national lands)". There is another element to this. As the people from Chibtik report, towards the end of the time they were working with Don Pepe junior (in the decade or so before 1963), they were increasingly unable to meet their subsistence needs for maize and beans. They had always combined work for the *patrón*, mostly three days a week, with work on their own plots. Since about the 1940s, but perhaps even before, they had been receiving payment for the days they worked for the *patrón*. As they began to work more and more days for the *patrón* in return for money, they neglected their own *milpas*. To meet their own needs for maize and beans, they bartered with some of the *ejidos* in the region. It seems that they were not forced to do this extra labour, although some mention the role of debts, but tempted by the possibility of earning cash. This might indicate that the relation between the *patrón* and his men began to be structured increasingly around wage labour while non-economic elements grew less important.

When Don Pepe junior appealed to the loyalty of his *mozos* in the early 1940s, in an attempt to prevent them from petitioning for an *ejido* endowment on his lands, he was – as I mentioned at the beginning of this chapter – partly successful. Twenty years later, however, he had lost whatever credit he had. The *ejidos* that had already been created in the region were flourishing. Maize production was booming, yet people had more leisure time than ever. The eroded moral economy that was still being sustained in Chibtik at the time, did not hold up to the comparison. In Chibtik as elsewhere, the *mozos'* initial hesitations gave way to the hope of a better life. The result was an increasing number of petitions for *ejido* endowments from which the landowners could barely defend themselves.

### The legal framework

In the early years of land reform in the Tojolabal Highlands, groups of former *mozos* were endowed with thousands of hectares. The creation of *ejidos* at that time enjoyed broad state support and the land reform legislation favoured the claims of the Tojolabal *mozos*. Nonetheless, land redistribution was a highly complex, lengthy, and often frustrating process for those involved. It was structured around constitutional provisions, legal norms and bureaucratic procedures with totally new rules. To understand the type of complications that arose, it is useful to examine the legal framework governing land reform.

Initially (in 1934) the relevant legislation was the *Código Agrario*, modified in 1940 and 1942. As of 1971, land redistribution was governed by the *Ley Federal de Reforma Agraria*.<sup>16</sup> These laws established criteria as to the settlements and individuals that could qualify as land reform beneficiaries. Settlements had to have existed at least six months prior to the request for endowment and they should comprise at least twenty individuals that qualified as land reform beneficiaries (*capacitados agrarios*). They had to have Mexican nationality, could not own more than a

minimum amount of land and should work the land personally. Men needed to be at least 16 years old (or of any age if they were heads of a household) while women (whether single or widowed) only qualified if they were heads of a household. As mentioned, since 1934, resident peons of haciendas could also initiate a request for endowment or be included in an endowment for another group on the basis of the lands of the hacienda to which they belonged.

Ejido endowments entailed a long and complex bureaucratic procedure that involved multiple actors (for a detailed description, see, for example, Ibarra 1989). The process of endowment (*acción agraria*) began with the request for endowment of a group of peasants – *mozos* in the case of the Tojolabal Highlands – made to the state governor, who was obliged to publish it and communicate it to the *Comisión Agraria Mixta* (CAM) or Joint Agrarian Commission, a state level agrarian authority with representatives from state and national governments as well as from the peasant sector. Once a request had been submitted, the CAM carried out a series of investigations to establish whether the petitioning group fulfilled the legal requirements. An 'agrarian census' was applied to verify whether there was *capacidad agraria*, i.e., whether the required minimum of twenty individuals that qualified for land endowment, was reached. Furthermore, a survey of the properties surrounding the settlement was conducted to verify their size, property regime, and land use.

Both national lands and private properties within the *radio legal de afectación*, that is the radius of seven kilometres around the settlement making the endowment request, could be used for the purpose of land redistribution. Not liable to redistribution (*inafectable*) were those properties that did not exceed 150 hectares of irrigated land (*riego*) or its equivalent in other land types, i.e. 300 hectares of rain-fed agriculture (*temporal*), or equivalent amounts of good quality pasture land (*agostadero*) or poor quality land (*monte*). These limits were later reduced to 100 and 200 hectares respectively.<sup>17</sup> In the Tojolabal Highlands this came down to areas of mostly around 300 hectares, although in one case it was raised to 600 hectares, reserved for the landowner. The landowner was free to choose which part of the property he would retain, usually the central area, which tended to be flatter and generally included the buildings.

Taking into account the number of petitioners and the characteristics of the land available, the CAM established the size and location of the endowment. A minimum of arable land (*cultivable*) should be available per individual beneficiary. The *Código Agrario* of 1934 set this amount at 4 hectares of irrigated land or 8 hectares of rain-fed land. Since 1942, these limits have been set at 10 and 20 hectares, respectively. In the Tojolabal Highlands, individual shares of cropland were usually 8 or 12 hectares, and 4 or 6 where wetlands (*de humedad*) were concerned, amounting to 20 hectares in only a third of the cases. In the region, these shares were not necessarily measured and set aside as individual plots, but in many cases they were simply portions of land deemed fit for agricultural production within the general area of the *ejido* endowment. In addition to the individual share of cropland, a similar amount of land was reserved for the school plot (*parcela escolar*) and, since 1971, for women's needs (*unidad agrícola industrial para la mujer*).<sup>18</sup> In addition to the individual shares of cropland, endowments included pasture and waste lands (*agostadero* and *monte*) for collective use.

On the basis of its investigations, the CAM issued a verdict (*dictamen*) and a

proposal for endowment. The proposal formed the basis of the state governor's formal decision concerning the endowment (*mandamiento*). A positive decision usually implied the provisional transfer of the lands to the petitioning group, awaiting the final endowment through the execution of the Presidential Resolution. This procedure was the rule in the Tojolabal Highlands. In only 8 out of the total of 38 ejido endowments in the region (including original endowments as well as other expanses of land) did no provisional transfer take place (see Table 3.1).

This first part of the procedure was carried out at the state level (*primera instancia*). After the governor's decision and/or the provisional endowment, the procedure would continue at the national level (*segunda instancia*). The so-called *Cuerpo Consultivo Agrario* (CCA) evaluated the case and issued a verdict on the basis of which the Mexican President would reach a Presidential Resolution. Usually, although not always, the Presidential Resolution coincided (in terms of the land to be endowed) with the governor's decision that had preceded it. This depended, among other things, on whether the investigations of the CCA had confirmed those of the first instance or whether new information had emerged or earlier mistakes were being corrected. With the execution of the Presidential Resolution, the procedure of land endowment was formally completed. The execution involved the formal transfer and demarcation (*deslinde*) of the lands to be endowed, by means of a document testifying possession and demarcation (*Acta de posesión y deslinde*). The process usually involved physical measurement and demarcation in the field by making a corridor or *brecha* through the vegetation, and/or the placement of boundary stones (*mojones*). However, I have also come across cases of a paper transfer (*entrega virtual*) which did not imply physical measurement. Bajucú, Lomantán, Yaxhá, El Rosario and La Piedad all received their endowments in this way, in a massive land transfer of over 160,000 hectares staged by then president Avila Camacho in Las Margaritas.<sup>19</sup> The physical demarcation of these endowments was carried out at a later date, with some difficulty. After the execution and transfer, what remained were the administrative 'details' to be arranged: individual certificates (*certificado de derecho agrario*) and maps indicating the location and size of the endowment (*plano definitivo*) would have to be issued to the beneficiaries. In many cases this seems not to have been done.

The process of land redistribution was a lengthy one. Even if everything went smoothly it would still take at least four years before an endowment request was rewarded with the execution of a Presidential Resolution. Tables 3.1 and 3.2 give an indication of how long the cases took in the Tojolabal Highlands. The first table concerns the numbers of years that elapsed between the request and the provisional endowment; the second the number of years to the formal completion of the endowment process, that is, with the execution of the Presidential Resolution. The average length of procedures from petition to execution for the Tojolabal Highlands was just over twelve years.<sup>20</sup> In two cases, the Presidential Resolution was apparently never executed (or at least the files did not contain any confirmation of this). Four out of the 38 acts of endowment were only partially executed, meaning that only part of the extension stated in the Presidential Resolution was demarcated and transferred to the beneficiaries.

At various stages of the land reform process, obstacles could, and increasingly did, arise. The legal framework itself, inaccuracies and confusions arising during



Table 3.1 Length of endowment procedures in the Tojolabal Highlands from petition to provisional endowment

no. of years	no. of cases	average length (in years)
more than 5	12	3
5 to 10	9	7.1
more than 10	3	19
no provisional endowment	8	
no data	6	
Total no. of cases	38	

Note: only *ejido* endowments are being considered (*dotaciones* and *ampliaciones*).

Table 3.2 Length of endowment procedures in the Tojolabal Highlands from petition to execution

no. of years	no. of cases	average length (in years)
more than 5	6	3.8
5 to 10	10	7.8
more than 10	20	17.2
no data	2	
Total no. of cases	38	12.4

Note: only *ejido* endowments are being considered (*dotaciones* and *ampliaciones*).

the course of the investigations, and ambiguities regarding land measurements were all factors that contributed to complicating and delaying the process. Other factors that should be mentioned are conflicts with landowners, the dissatisfaction of the petitioning group with the lands proposed for the endowment and overlapping claims. These ambiguities and lack of precision not only conditioned the land reform process, but also left their mark on the archive of the state division of the Land Reform Ministry in Tuxtla Gutiérrez (*Delegación de la Secretaría de Reforma Agraria*) that I consulted. Evidence of irregularities, differences between *de facto* and *de jure* land tenure, and disputes between various groups abounded. Moreover, the archive showed clear signs of having been intensively used. The documents within the files rarely followed a chronological order. In several files, important documents (such as a copy of the presidential resolution or *ejido* maps) apparently had not been returned after use or had been misfiled. Due to the loss of such vital documents, the files themselves created numerous ambiguities, complicating the land reform process even further.

## The resistance of the landowners

### *Buying time*

With the *Código Agrario* of 1934, the landowners in the Tojolabal Highlands faced a serious problem. In view of the legal criteria, their properties were evidently liable to land redistribution (*afectable*), exceeding the maximum limits for private property by hundreds or even thousands of hectares. Once the endowment procedure was set in motion by the formal request of a group of peons and the CAM started its investigations, there was relatively little the landowners in the region could do to avoid land redistribution. They could, however, try to obstruct the process of land redistribution. I found numerous traces of such attempts in the files at the state-level Land Reform Ministry. For example, landowners tried to invalidate the petitions for endowment by claiming that the settlement making the request did not exist, or that

a number of the land petitioners did not live there.<sup>21</sup> Or they claimed that the land of their property was not fit for agriculture and therefore would not qualify as an ejido endowment. Another trick, often reported in the literature on land reform, was to quickly divide up the property among one's offspring or relatives. The latter was rarely an effective strategy in the Tojolabal Highlands, however. With the exception of Bahuitz, a case that I will return to below, I found partitions that had been carried out after the request for land endowment had been issued, to have been declared invalid. In several cases landowners objected to land redistribution by means of a *juicio de amparo* or injunction (a constitutional remedy to guarantee the inviolability of rights and guarantees set forth in the Constitution), a recourse also used by peasant groups that were dissatisfied with the proposed endowment.

In general, the strategies employed by the landowners ultimately proved ineffective, though they did considerably complicate the land reform process. As is clear from the files, most of the landowners' objections were refuted. As it turned out, the landowners did not have a leg to stand on legally. So some resorted to other solutions, outside the legal framework. What if the topographical engineer surveying the properties happened to 'overlook' one of the properties so it would not appear in the CAM report as liable to land redistribution, or 'forgot' to consider the best part of the property? Apparently, a certain degree of short-sightedness on the part of the CAM officials could be purchased. This explains why properties were 'reconsidered' or miraculously appeared at later stages of the endowment process (though at the same time, the fact that the properties resurfaced suggests the limits of this strategy).<sup>22</sup>

The resistance of the landowners consisted of isolated actions, undertaken individually by each of the landowners. On the whole, the most they achieved was to delay the endowment process. It was with these experiences in mind that Pepe Castellanos of Chibtik tried another ploy (described at the beginning of this chapter) which proved relatively effective. By persuading people to refrain from claiming land, his loss of property was greatly reduced. Combinations of persuasion and outright threats were also used in a number of other cases. Yet all this amounted to most of the time, as in the case of Pepe Castellanos, was buying time.

The overall picture that emerges of the landowners' resistance in the Tojolabal Highlands is one of lukewarm, waning opposition. With notable exceptions, their attitude was one of pragmatic resignation rather than fierce opposition. This is not only suggested by evidence from the land reform files, but also by accounts from elderly Tojolabal and former landowners (a few of whom are still alive). An *ejidatario* from the Nuevo Mexico *ejido*, created with land from the Palma Real and Zaragoza fincas, recalls how their *patrón* reacted (in Tojolabal, since he had learned that language as a child) when they told him they had petitioned for an ejido: "Well, my children, if you don't want to stay with me, you are free to go". At times though, the land reform process was more antagonistic and involved violence. In Chibtik, for example, I was told that the *ejido* petition was drawn up without the *patrón's* knowing, during nightly secret meetings. When Don Pepe found out (probably because one of the *mozos* told him) he threatened the leaders.

Once the landowners realised that opposition to continued peasant insistence was futile, they tried to withdraw under the best possible conditions. They ensured the *pequeña propiedad inafectable* to which they were entitled by law, but in many cases

chose not to retain that either. When I asked Don Ricardo Castro (one of Doña Rosario Castellanos' heirs and brother of the late Rafael Castro that had inherited Chibtik) why he sold La Piedad – which had been respected when the neighbouring ejidos of Bajucú and Rosario were endowed with parts of his properties – he answered: “I said to myself, they have got the *ejido* now, but in some years, their sons will have grown up, and they will be asking for more land. They will not give up. It is better to get rid of it sooner rather than later”. In the same vein, Doña Lolita Albores, a landowner herself and niece of the former owners of the Santiago finca (now the Veinte de Noviembre *ejido*) said:

“Many of them [meaning the landowners] did not want to stay on the finca. You could stay, because they left you the *pequeña propiedad*, but many did not feel at home anymore, they felt very, very... surrounded (*rodeados*). This is why we sold the rancho ourselves: it was just my mother, my sister, and me. For some time, an uncle took care of the rancho, but afterwards my sister and I wanted to take charge. And we were there for a while. But my mum didn't feel comfortable there, she thought something might happen. Even though we never had any problems with them, and we locked up very well every night.”

These references reflect how, as the region became increasingly dominated by *ejidos*, landowner families felt vulnerable and came to fear peasant insistence.

A good example of how even land that could initially be retained by the owners eventually ended up in the hands of peasants from the region, is provided by the case of the San Antonio Bahuitz finca. In 1948, and probably in anticipation of expropriations, the owner (a woman) divided the finca into three sections, which were sold to two men with the same surname and a woman.<sup>23</sup> The men were probably the caretakers of the property and considered trustworthy by the owner; the woman was, judging from the surname, a relative of the seller. The subdivision was recognised as legal and a few years later, in 1954, the first two sections were sold to the nephews of the original owner, the still young children of her brother.<sup>24</sup> This does look rather like an attempt to avoid land redistribution. However, as the children grew up in Mexico City and reached adulthood, they each sold their section to groups of *socios* (associates), presumably the *mozos* of Bahuitz.<sup>25</sup> Together with the third section, also sold to a group of men from Bahuitz in 1961, these lands eventually constituted the *copropiedad* of San Antonio Bahuitz, which at the time of fieldwork, was being converted to the tenure regime of *bienes comunales*.<sup>26</sup>

### *Losing out*

Ultimately, the resistance of the landowners in the Tojolabal Highlands could not prevent the loss of their properties. The federal government was taking a hard line against landowners who lacked the means to oppose these changes. Their connections to the state government of Chiapas were of little avail, for the federal government overruled them when necessary. Although state governors played a significant role in the initial stages of the land reform process (the *primera instancia*), the involvement of the CAM allowed the federal government to follow the process closely. Furthermore, would-be beneficiaries of land reform could and did appeal directly to the federal Land Reform Ministry and the President in Mexico City.<sup>27</sup> Not all landowners had the political clout in the state capital that, for example, Pepe

Castellanos junior had. As mentioned earlier, many of the traditional landowners in the region felt more at home in the saddle than in a government office. They enjoyed the support of municipal presidents, but the latter could do little to stop the process of land redistribution once it was underway. Apart from lacking legitimacy in the eyes of the federal government, the apparent lack of support for the landowners of the Tojolabal Highlands may also have been related to factional struggles within the Chiapas elite, like those described by Schryer (1990) in Huejutla, where one faction of landowners (the *rancheros*) supported land reform as a means of settling accounts with their long-time political rivals.

Given the difficulties of retaining their properties, many of the owners decided to give up and devote their efforts to more profitable causes. Many landowners did not only have houses and business in Comitán, they also had properties elsewhere, in the warmer regions of Ocosingo and Las Cañadas. As they gave up the properties in the Tojolabal Highlands, some of them consolidated or expanded their properties in these regions, which were both suitable for stockbreeding and subject to much less peasant pressure on land (at least for the time being). Government incentives for ranching in tropical regions since the 1950s made this a sensible strategy (see Villafuerte, García & Meza 1997).

### Conflicts between communities

Once land redistribution had begun in the Tojolabal Highlands, there was no going back. The success of the first ejido endowments served as a powerful incentive to further claims. Maize production was booming in the new ejidos, thanks to the increased availability of land and abundant labour.<sup>28</sup> However, the formalisation of land rights for some meant the end to the usufruct of these lands by other groups. Securing these rights became another reason for requesting ejido endowments, in addition to the advantages in terms of access to land and control over labour. Land from one finca was sometimes endowed to groups of *mozos* from adjacent fincas. There were no provisions against the violation of user rights in the land reform law. The sense of ownership that Tojolabal *mozos* might have developed regarding 'their' fincas was not recognised by the land reform agencies nor given much importance in the design of ejido endowments. Something similar happened with the national lands surrounding the fincas. Although these were not officially titled, they were often utilised by adjacent fincas. *Mozos* from these fincas had developed use rights to such tracts that were not recognised by the land reform authorities. The above implied that the only way *mozos* could secure their historical use rights (both within fincas and on neighbouring national lands) was by receiving the land in the form of an *ejido* endowment. It soon dawned on them that unless they moved quickly, other groups would claim the land they had been working for generations. In order not to lose 'their' finca, they would have to play the land endowment game.

The people of Chibtik had a painful experience in this respect concerning a tract of land called Las Chicharras, a section of national lands between the Chibtik and Santiago fincas. Although not officially part of the finca Chibtik, this and other tracts of national land had been used for grazing, and the *mozos* had made their slash-and-burn *milpas* there. Gradually most of these untitled tracts of land had become enclosed by the new *ejidos*, each of which zealously enforced the new boundaries.

The people from Chibtik were particularly interested in Las Chicharras, but they lost it to the *ejidatarios* of Veinte de Noviembre who had it included in the extension to their *ejido*.

The Chibtikeros accepted the situation, but in other cases, such as the one involving the *ejidatarios* of Bajucú and Rosario, boundary conflicts could go on for years. The people from Bajucú opposed the projected endowment to the people of Rosario with lands that had *de facto* belonged to the Bajucú finca but which exceeded the titled area (the so-called *excedentes*, liable to land redistribution).<sup>29</sup> The people from Bajucú physically opposed the demarcation of these lands in favour of Rosario, an act that they justified in a letter to the state division of the Land Reform Ministry in Tuxtla stating that they had cultivated these lands "since time immemorial" and "needed them for subsistence". They argued that the lands they had received in the provisional endowment were mountainous and "unfit for cultivation" which is why in 1940 they had already requested the lands from the *excedente*. The people from Bajucú demanded the suspension of the demarcation in order to avoid conflicts between both *ejidos*.<sup>30</sup> Despite threats from the land reform office to enforce the demarcation through military surveillance, Bajucú continued to oppose it for at least another three years. (I am not sure how the matter was eventually settled.) A similar conflict arose between the Plan de Ayala (formerly Jotanán) and González de León *ejidos* (formerly Napité). The people from González de León opposed a projected extension to the *ejido* endowment of Plan de Ayala on lands of the former Napité finca (now *excedentes*) which they cultivated. As people from González de León continued to use the disputed area, the Land Reform Ministry labelled the act an "invasion"<sup>31</sup>

Conflicts such as these not only illustrate the sense of dispossession that certain groups suffered as a result of the land reform process, but are also indicative of the type of conflicts that increasingly arose between communities over the remaining tracts of land. As land reform advanced and less land was available for redistribution, competing claims became part and parcel of the process. Conflicts could drag on for years and the land reform authorities in general did little to effectively resolve such situations. In fact, they often made matters worse, adding to the confusion or causing further delays. It is often suggested, both in academic writing and by political actors, that the land reform bureaucracy intentionally fuelled conflicts between different groups of land claimants as part of a divide-and-rule policy (see for example Warman 1982 [1972], Dennis 1987, Benjamin 1995, Taller 1988). Although I agree that the land reform bureaucracy often complicated rather than resolved conflicts in the field of land redistribution, its role cannot accurately be described as a centrally orchestrated political manipulation. The picture that arises when examining concrete cases – as I will do below for Chibtik – is so complex and messy that it can hardly be attributed to an 'invisible hand'. Inaccuracies in the procedures, tactics such as counterclaims and land occupations of groups of land claimants, as well as the personal aspirations of several of the intermediaries involved all add to the confusion. Rather than being regarded as part of a master plan, the role of the land reform bureaucracy needs to be understood in relation to the limitations of the land reform procedures and the private agendas of the different parties involved.

## Conflicting claims: the case of Chibtik

### *Ejido: first attempt*

Following the creation of the La Florida *ejido*, approximately thirty Tojolabal families left the Chibtik finca. At about the same time, in the early 1940s, several other families moved from the finca to the nearby Puebla settlement, also engaged in an endowment procedure. In 1959, the remaining families of Chibtik launched a request for *ejido* land of their own. Published in the *Periódico Oficial del Estado* of May 13th 1959, it expressed their concern to safeguard their rights to the land of the finca Chibtik, which they had been working for many years but of which they possessed no title.<sup>32</sup> Their fear that the land might be given to another community as an extension to their *ejido* lands was based on recent bitter experiences. A Presidential Resolution of 1959 had endowed the Veinte de Noviembre *ejido* – established on the lands of the former Santiago finca – with the national lands known as Las Chicharras. The Chibtikeros' request may either have been an attempt to prevent that endowment by making a counter claim, or it may have been a reaction to it. In any case, the Chibtikeros lost the tract to Veinte de Noviembre and became convinced of the need to ensure *ejido* lands of their own, as is clear from the words of Virgilio, then a young man who would later become involved in the land claim:

"It was getting late, there was not much land left. ... They [the people at that time] were with the *patrón*, perhaps they did not think... but when they started to think of getting land, there was a problem. All of them – San Caralampio, Santo Domingo, Honduras [neighbouring communities] – they all had land already and there was not much left."

The CAM studies began in 1959. By 1961 it was clear that the Chibtikeros were not satisfied with the way their request had been followed up. In 1961, in a letter to the president they complained that they had had to go to Mexico City to promote their case, since it was being blocked at the lower levels: they had had to deal with unwilling and dishonest engineers of the land reform office in Tuxtla Gutiérrez, some of whom had been bribed by the landowner (Pepe Castellanos junior), who had accused them of being "land thieves" (*ladrones de tierra*).<sup>33</sup>

The main reason for the dissatisfaction of the Chibtikeros was the CAM's proposal to endow them with lands to the east of El Nantze, those of San José Quixthé (adjacent to the Chibtik finca), to be complemented with national lands. Apparently it was Pepe Castellanos himself who had made this suggestion, claiming that he was about to achieve an *inafectabilidad ganadera* for the tract of land the petitioners had in mind (the central area of the finca). This would exempt that area from redistribution.<sup>34</sup> In 1962 the proposed endowment on the eastern lands was confirmed by the governor. The Chibtikeros, who had been hoping for an endowment of the main area of the finca, far closer to their present settlement and with better quality land, were disappointed. Some of them moved to the eastern lands, but returned after a fortnight. They found the new place did not have a good water supply and was unsuitable for living. In 1962 the Chibtikeros rejected most of the proposed *ejido* endowment, accepting only the ninety hectares located on the copropiedad of El Nantze, meant to form a corridor from the main finca area to the endowment.<sup>35</sup>

### *A deal with the landowner*

In view of the failure of their attempts to obtain the *ejido* land, the Chibtikeros changed tactics. They tried to buy the main finca area, which they managed to do in 1963. This episode is described by one of the Chibtikeros as follows:

"The *mozos* had heard that there was a government that was giving away *ejidos*. Without [the *patrón*'s] knowing, they arranged to go to Mexico to ask for the land where they were living.

Gradually, the *patrón* found out that they were 'walking' [meaning: engaged in efforts to achieve a land endowment]. He, in his turn, started to look for ways to resolve this, in order that the people wouldn't achieve [what they were after]. But the people then tried even harder to find help in order to get the land. They found a man called Orico. This man knew how to fix land [problems]. This man agreed to organise it for them.

However, they did not get the land they were fixing as an *ejido*. Because the *patrón* destroyed [what they were achieving] because he did not want to leave his land. Slowly those that wanted the land were getting disorganised. The government asked the *patrón* whether he would sell. He said he would. That is why the government said they would give half the money. The other half had to be paid by the people who wanted the land. This is how they did it. The land of the community is bought land. In ten years they finished paying for it." (testimony of *tatjun* Pedro, in Van der Haar & Lenkersdorf 1998: 64-5; translated from the Tojolabal)

As can be seen from this and other accounts, the help of Rodolfo Orrico, who had also been assisting the community in the *ejido* claim, was vital in the transaction. This private lawyer travelled to Mexico City to talk to the authorities, and confronted Don Pepe junior. Rodolfo the lawyer still lives in Chibtik as a hero, almost a legend. Virgilio recalls:

"When the *patrón* understood what the people wanted, he said: 'Well, in that case, I had better leave. I'll go and live somewhere else.' This was Pepe Castellanos, the son of Don Pepe, the real *patrón*. He said: 'How much will you give me for the house? My father built that house.' To which the lawyer said: 'You should be ashamed of yourself saying that your father built this house: he didn't build anything, it was these people, their fathers, who built that house; they were forced to do so, they didn't even get paid, your father didn't do anything.' On hearing these words, Don Pepe felt ashamed and said to them: 'Well, then, give me 100,000 pesos for the 900 hectares and the house. But let me build a house nearby, so that I can live there; I will see which of you people will build it for me, but you will get paid.' The lawyer replied: 'If there is anyone who wants to work with you, that's all right, we'll give you some time.' That is how the *patrón* left. He went to live at the ranch at Yalchibtik."

In Pepe Castellanos junior's own version of the events, Rodolfo Orrico plays a somewhat less prominent role. According to Don Pepe it was his mother, Julia, who convinced him to sell the property: "They have the right to keep this, they have their plots here- and you, you want to go on [defending the land] until you get killed." He then offered Rodolfo Orrico, whom he calls an "independent lawyer only interested in making money" to sell the Chibtikeros half the property. Rodolfo Orrico accepted

on the condition that he would receive ten percent of the price for which the property was sold.

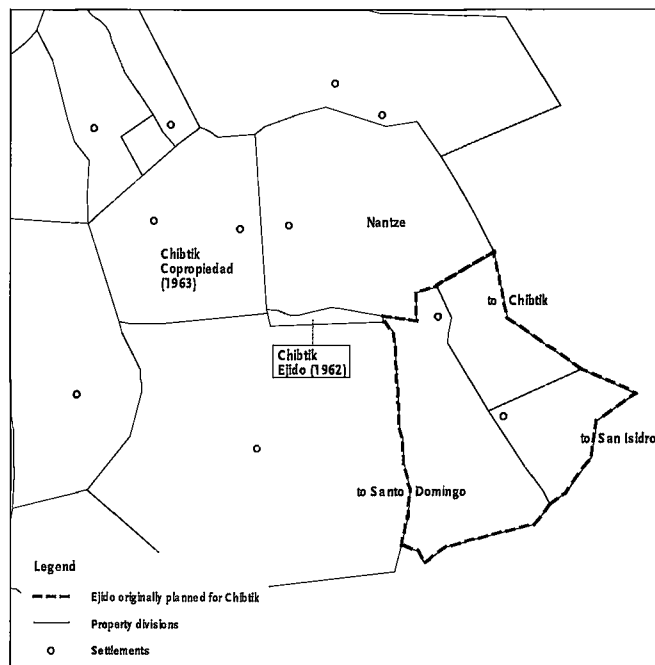
### *Ejido: new attempt*

After the victory of buying their finca, the Chibtikeros forgot about the *ejido* claim for a few years. But a number of them reopened the case in 1966. In 1967 a Presidential Resolution confirmed the governor's decision of 1962, and endowed 31 beneficiaries of Chibtik with a total of 1773 hectares: 90 hectares from El Nantze, 283 hectares from San José Quixthé, and 1400 hectares of national lands (round numbers).<sup>36</sup> But then the problems really started. The Presidential Resolution could not be executed because the endowment for Chibtik overlapped with other claims (see Map 3.1). While Chibtik's claim had been pending, other communities had submitted requests for *ejido* endowments on the national lands originally intended for Chibtik. The problem with Santo Domingo Corona turned out to be the most serious. This settlement had requested the national lands surrounding it since 1966, and had acquired provisional possession of these in 1969. In the mean time, the Chibtikeros – since the Presidential Resolution of 1967 – had been asking for the measurement (*deslinde*) and transfer of the *ejido* lands in vain. They had their doubts about the commitment of the Land Reform Ministry. They claimed in a letter that "certain elements of the [Comisión] Agraria Mixta" had encouraged "their neighbours" from Santo Domingo to submit a claim to the lands intended for Chibtik.

Official attempts at measuring the national lands for Chibtik began in 1970, but were interrupted time and again by opposition from Santo Domingo Corona and later from San Isidro. Santo Domingo filed an injunction against the demarcation in favour of Chibtik that the Chibtikeros subsequently managed to have repealed. On another occasion, in November 1972, the topographic engineer reported that "the inhabitants of San Isidro had interfered". They had accompanied the engineer and the representatives of Chibtik to a certain point "without saying anything, whereupon they suddenly disappeared into the trees and threatened to shoot if we proceeded any further because that land was theirs".

A suggestion by the CAM to prioritise the provisional endowment to Santo Domingo, on the grounds that the execution of the transfer to Chibtik had never become effective as it was "virtual" (the document confirming the execution was signed without the measurements having been taken) proved fruitless. Tensions grew and a violent solution seemed likely. In a letter the Chibtikeros warned about "bloody deeds". And people remember that the inhabitants of Chibtik and Santo Domingo were ready to "go at each other with machetes". The municipal president of Altamirano was willing to support the Chibtikeros with policemen (they speak of "12 judiciales") in order to take the measurements by force. What eventually calmed things down and made the Chibtikeros decide to respect the provisional endowment to Santo Domingo, as suggested by the land reform authorities, will probably never be entirely clear. One of the men from Chibtik that had been present at the time explained: 'we decided to let them stay there, because there is no point having poor people fighting amongst themselves'. The outcome was less satisfactory for San Isidro. Their provisional endowment was considerably reduced. San Isidro and Santo Domingo Corona had to wait until 1978 and 1983 respectively to have their provisional endowments confirmed by a Presidential Resolution.





Map 3.1 Ejido endowment to Chibtik

The *ejido* endowment was eventually measured and transferred to Chibtik in 1975 after many years of negotiation and pressurising, at a high financial and social cost to the community. Even then, it was only a partial endowment: 1050 of the promised 1773 hectares were not transferred for lack of available lands. Although legally entitled to a 'complementary' endowment to make up for the missing hectares, the Chibtikeros knew from the start that these would never be found. This situation of unresolved and half-resolved claims became more and more typical for the dynamics of land redistribution in the region from the 1970s onwards.

### *Obscurities*

Looking back at the case of Chibtik several things remain obscure. Why did the CAM initially choose to locate the endowment so far away from the settlement when the area of the Chibtik finca was far larger than the legal maximum (it was over 2000 hectares at the time), and the endowment could have been located there? Was this thanks to the political leverage of Pepe Castellanos junior – who was one of the landowners with the most political clout – or did he simply bribe the engineers? Was Pepe Castellanos really engaged in acquiring a certificate of *inafectabilidad* for the main finca area, as he claimed in a letter to the land reform authorities in Tuxtla or was he just bluffing? (The files contain no further reference to such a certificate.) On what grounds did the lawyer Orrico eventually manage to convince him to sell the main finca area? How did Santo Domingo's claim win over Chibtik's, when, by law, the latter should have had priority, not only because the request had been

submitted earlier but also because it had already obtained a Presidential Resolution? Why did the land reform officials in Tuxtla Gutiérrez wait so long to measure the *ejido* for Chibtik, allowing the lands to be given in a provisional endowment to Santo Domingo Corona in the meantime? Was it just the lack of co-ordination between different officials, who failed to crosscheck files? Were they unaware of the law, or was this differential treatment a reflection of the fact that Santo Domingo Corona had better political connections than Chibtik? To what extent was political clientelism involved? And what was the role of the various intermediaries mentioned in the archives (but conspicuously absent from the Chibtikeros' accounts) such as the *Vieja Guardia Agrarista* in Comitán (appearing as advocates of Chibtik's cause), or a Tojolabal man named Juan Gómez Gómez (not his real name), a supposed expert in agrarian matters?

Were the anomalies, inaccuracies, prolonged confusions and delays the intentional work of the engineers and other land reform officials? Did they, as the Chibtikeros suggest, take sides in the conflict, first supporting the landowner and later Chibtik's adversaries from Santo Domingo? This cannot be unequivocally established in the case of Chibtik, nor, I suspect, in many other cases. The complications experienced by the Chibtikeros do not seem to be the result of a centrally engineered strategy, but rather the outcome of de-centred processes of conflict, shifting alliances, and strategies based on incomplete information.

## Land scarcity and the cultivation of ambiguity

### *"Abuses and tricks"*

Anomalies and ambiguities such as those reported for Chibtik marked land redistribution throughout the Tojolabal Highlands. This earned land reform officials a bad reputation, as they were accused of corruption and abuse. I encountered numerous insinuations and complaints about land reform lawyers and engineers in the land reform files. In 1974, Carlos Martínez Lavín, a Marist priest based in Comitán, asked the *comisariados ejidales* in several Tojolabal communities to report on 'irregularities' involving land reform officials between 1960 and 1974. For the Tojolabal Highlands, six communities reported having paid money in 1965 to the same official in order to obtain their *certificados agrarios* which they had not yet received. Some of these same communities reported having paid money to another individual in order to secure permission for logging on their *ejidos*. Puebla, in the municipality of Altamirano, reported having paid money in order to achieve an extension to their *ejido*, which was eventually refused (Martínez 1974b).

The document in which Martínez Lavín recorded these findings was part of the preparations for the 1974 state-wide indigenous congress, commemorating the 500th anniversary of the birth of Bartolomé de Las Casas, the 'defender of the Indians'. During the congress itself, the Tojolabal delegation presented a document that underlined the failure of the land reform authorities to give "an effective answer to the petitions we make". Their statement continued:

"We see that our word carries no weight with the authorities. When we go to their offices they pay no attention to us, they scold us, they send us back and forth. But they give us no orientation on how to resolve our problems. Specif-

ically we note that the Joint Agrarian Commission seems to be functioning for interests definitely not Indian. So we simply waste our time and our money on trips, and the problems aren't resolved. [...] We want to denounce with all clarity the abuses and tricks [*abusos y engaños*] on the part of the authorities". (as translated by Womack 1999: 153; a Spanish version of the statement can be found in Morales 1991). (Other problems cited in the statement are the poor quality of their lands, conflicts with private landowners, and internal divisions within the communities.)

The Tojolabal did not stand alone in their appreciation of the situation, complaints about the land reform bureaucracy were widespread. Reviewing a number of cases in different regions, Gómez and Kovic report "false technical reports", "omission of forms", unfulfilled "promises of land endowment" and "duplicated titles to different groups" (Gómez & Kovic 1994: 85).

As mentioned earlier, such actions by lawyers and engineers in the land reform bureaucracy have been interpreted as part of an intentional policy by the Mexican government to cause conflict in the countryside, thereby preventing effective political resistance. As the cases mentioned above indicate, conflicts over land between different groups of claimants were in fact aggravated by the actions of the land reform bureaucracy itself, often with highly disruptive consequences, sometimes escalating into violent confrontations. It is also clear that land reform officials have not always done everything in their power to prevent or solve such problems, and in some cases have intentionally fuelled them. Yet, their role cannot be adequately explained as part of a divide-and-rule master plan. When conflicts are deliberately aggravated, this seems to be guided more by the desire for personal gain. However, incomplete information or lack of insight into the problem also seem to have conditioned the process. I propose, therefore, to understand the role of land reform officials, as well as that of other brokers in the land redistribution process, in terms of a *cultivation of ambiguity*.

The process of land redistribution provided ample scope for the various actors involved to exacerbate the ambiguities and confusions and capitalise on them. The complexity and opacity of the land reform machinery in combination with the evident need of the Tojolabal population to deal with it in order to get land, created ideal conditions for brokers, not only land reform officials, but also landowners, private lawyers, *comisariados ejidales* and other peasant leaders.<sup>37</sup> They had access to information and documents that were vital to groups of peasants and could relatively easily capitalise on their knowledge and access to important persons.<sup>38</sup> Tojolabal land reform beneficiaries had to move around in unknown bureaucratic spaces where semiliteracy and an incomplete command of Spanish could easily be used to their disadvantage. By cultivating ambiguity, the land reform officials and others who knew their way around – often young Tojolabal with a good command of Spanish building up their expertise in the field of land redistribution – could prolong the procedures to increase their leverage. Two circumstances favoured the brokers: on the one hand, the existence of conflicting interests between different groups of claimants and on the other, the existence of inaccuracies and delays in the land reform process. Both became even more important as land redistribution stagnated in the 1970s.

### *Ambiguities*

The ambiguities and contradictions that arose in the land reform process were directly related to the way land redistribution was designed. The procedure started on the basis of separate requests for endowments by specific groups of peasants. This could easily lead to complications. Both inaccuracies regarding the amount and type of land to be endowed and the existence of incompatible claims, only became formally visible at the end of the process, when the area was being demarcated. The land reform legislation entailed few provisions to avoid overlapping claims to the same land at an early stage nor did it offer mechanisms for the reconciliation of incompatible claims. Rather, it stipulated that in the event of incompatibilities arising during the execution, the first endowment for which the Presidential Resolution had been issued should have priority, while the other group should only be endowed with the remaining lands (see *Ley Federal de Reforma Agraria*, Art. 313).<sup>39</sup> In practice, various peasant groups could simultaneously be engaged in endowment procedures over the same land for years before a settlement was reached. As we saw, the response of groups sustaining competing claims often took the form of obstructing the demarcation process. This meant that the Presidential Execution could not be executed and could prolong the dispute considerably.

All these problems were reinforced by the procedural labyrinth of land redistribution, involving a multiplicity of bureaucratic levels and instances (state governor, CAM, state and federal divisions of the Land Reform Ministry, as well as local and regional offices of peasant organisations), and many (even to lawyers) complex juridical details. The length of time that elapsed between the different stages of the process and the fact that the various officials involved handled different parts of the information all complicated the process. Furthermore, there was the imprecision and incompleteness of information on the cases. A common confusion concerned the names of the petitioning settlements: old finca names and new names, assigned at the start of the endowment procedure were confused. Sometimes a group changed its name halfway through the process, with the land reform office taking this as a new petition, while common, recurrent names of private properties as well as settlements (e.g. San Miguel or Rosario) were easily confused. All this led to documents being misfiled and cases being mixed up. Data on private properties (drawn from the Land Registry Office) were sometimes outdated or incomplete. The areas mentioned in the Register were not always based on accurate measurements and usually needed to be adjusted when land measurements were eventually carried out, while maps drawn by the land reform topographers were riddled with errors. This implied that projected endowments needed to be adjusted when measurements in the field finally took place. The information on the *ejidos* in the files kept in the land reform office was often ambiguous and contradictory. The files did not clarify the state of affairs concerning disputes or when and how these were settled. Many cases seem never to have been officially closed.<sup>40</sup> It was sometimes impossible, therefore, for engineers or lawyers to know whether or not a certain tract of land could be included in a new endowment.

### *Land scarcity and the loss of legitimacy*

The irregularities and contradictions in the process of land redistribution, backfired at the land reform bureaucracy. In the eyes of the Tojolabal population, it lost legit-

imacy and came to be seen as part of the problem rather than part of the solution. Thus, the often frustrating experiences with the land reform bureaucracy contributed to the image of the Mexican state as oppressive and acting against the interests of the poor. Matters were only exacerbated as the amount of available land shrank and land reform stagnated.

The land reform bureaucracy was less and less able to respond to demands for land, while inaccuracies and inconsistencies multiplied. The number of half-resolved and unresolved land claims grew. As mentioned earlier, of the total of 38 ejido endowment actions in the Tojolabal Highlands, four were 'partial executions', in which the extensions demarcated and transferred were only part of what the Presidential Resolution stipulated. Officially, in these cases the ejidatarios were entitled to a complementary endowment, but in practice this was impossible owing to the lack of available land. Lack of available land – meaning that within the seven kilometre radius around the settlement, no national lands or private properties liable to land redistribution could be found – was also the reason why many petitions for extensions to existing *ejidos* were rejected. In addition, since more and more of the land had already been turned into ejidos, the possibilities of adjusting overlapping endowments due to inaccurate measurements or of compensating one of the groups of claimants with land elsewhere close by, were severely reduced. Overlapping claims thus became irreconcilable and involved lasting conflicts between groups.

Limited possibilities for further land redistribution, however, certainly did not mean the end to agrarian dealings (*gestiones agrarias*). On the contrary, they became more intensive, more time-consuming and costlier than ever. As the end to land redistribution came into sight, competition for the remaining land became fiercer and more obscure. The scarcer land grew, the more profitable the process of redistribution became to the engineers, lawyers and intermediaries dealing with the claims. Groups of peasants were prepared to invest considerably in alliances with certain authorities and intermediaries in order to obtain recognition of their claim to land. It was against this background that the political organisations being formed in the Tojolabal Highlands from the 1970s onwards became involved in land conflicts.

### The politicisation of land reform

Since the 1970s, land redistribution in Chiapas has become increasingly politicised. On the one hand, land redistribution became an important instrument in attempts to control rural unrest and land conflicts while on the other, land conflicts became increasingly linked to factional struggles. In the Tojolabal Highlands, newly created *ejido* unions took up some of the decades-old land conflicts in the region.

### *Rural unrest in Chiapas*

The 1970s witnessed a new political stage in Chiapas, marked by the articulation of political organisations adopting a critical position towards the Mexican regime, an intensified agrarian struggle and a climate of growing antagonism. In several regions, the Cañadas (Ocosingo) and the northern region (especially Simojovel), but also the western part of the central valley (Venustiano Carranza), the struggle for land became extremely violent (Benjamin 1995; Harvey 1998). Benjamin even

speaks of a "low intensity agrarian war" (1995: 256). Peasant groups, often supported by political organisations such as the CIOAC (*Central Independiente de Obreros Agrícolas y Campesinos*) and OCEZ (*Organización Campesina Emiliano Zapata*), invaded private coffee-plantations and cattle ranches (often alongside legal procedures for land endowment). In many cases, the land invasions involved violent confrontations with landowners that were not prepared to yield to peasant pressure. Land claimants confronted entrepreneurs whose properties represented considerable capital and, unlike the *finqueros* of the Tojolabal Highlands thirty years earlier, enjoyed considerable political leverage at the state level. The state government, apparently unhindered by national authorities, responded to the invasions with evictions and repression. The massacre at Golonchán (1980) where landowners and the army killed twelve peasants, was a dramatic example of this (Reyes Ramos 1992: 112; Benjamin 1995: 260). Governor General Absalón Castellanos (1982-1988) in particular built up an infamous record and is regarded as responsible for the deaths of numerous peasant leaders (Burguete 1994; Benjamin 1995: 275).

At the same time, however, unrest in the country side led to considerable activity in the field of land redistribution, which was used as an instrument in a policy of contention (Reyes Ramos 1998: 34). During Castellanos' administration, considerable expanses of land were transferred in the form of both provisional (360 000 hectares) and definitive endowments (450,000 hectares) (Villafuerte et al. 1999: 115). In addition, new land redistribution mechanisms were designed, which relied on induced sales. The state government either bought the land and sold it to groups of peasants or, as in the *Programa de Rehabilitación Agraria* (PRA) under Absalón Castellanos, facilitated transactions between landowners and the claimants, assuming the costs. Land acquisitions became an oft-repeated response to invasions in Chiapas. The PRA involved over 80, 000 hectares, most of which were concentrated in conflictive regions, particularly Simojovel, Ocosingo and Venustiano Carranza. Although it by no means put an end to land seizures (Villafuerte et al. 1999: 114), Castellanos' successor, Patrocinio González Blanco, continued the acquisition policy under the name of *Programa de Concertación Agraria* (Reyes Ramos 1998: 33).

The acquisition programmes have been highly controversial. Several sources report that they fuelled rather than resolved conflicts, especially between the state-endorsed CNC and independent organisations (Reyes Ramos 1992: 113-8; Harvey 1998: 153-5; Taller 1988). As I argued for land reform in general, it does not seem that this was the result of a master plan of political subordination. Rather, the same problems of inaccurate data, conflicting interests and key actors 'cultivating ambiguity' that complicated ordinary endowment procedures, seem to have complicated the acquisition programmes. Furthermore, if the acquisitions were intended to manipulate the peasant population, they were totally unsuccessful. The programmes failed to stop political opposition from growing and instead compounded the loss of legitimacy of state structures. This affected the state government as well as the land reform bureaucracy that did not retain its earlier control over the land redistribution process in the land acquisition programmes.

In the Tojolabal Highlands, land seizures and violent confrontations did not reach the extremes reported for some other regions. Similarly, there were only a few cases of state-assisted land acquisitions. This was linked to the fact that by the 1970s

private property had already been greatly reduced and most landowners had already left the region. However, in this region, the quest for land also acquired more explicit political dimensions. Groups of land claimants sought support in the recently created *ejido* unions to further their demands and longer standing land conflicts became caught up in political rivalries. Before presenting a few cases that illustrate this point, however, I will briefly discuss the process of political organisation in the region of study.

### *Political organisations in the Tojolabal Highlands*

As in the Cañadas region, in the Tojolabal Highlands political organisation began in the wake of the indigenous congress of 1974 (Legorreta 1998, Hernández Cruz 1999, Meyer 2000). The congress had been organised by the San Cristobal diocese, headed by Don Samuel Ruiz, at the request of governor Velasco Suárez. The congress became an unprecedented platform for the discussion and denouncement of the indigenous population's problems. Aware of his own limitations in the field of politics, the Bishop had involved young left wing intellectuals from the *Unión del Pueblo* (UP), an organisation from central Mexico (Legorreta 1998: 58). Other organisations followed soon after: *Política Popular*, which, together with UP formed *Línea Proletaria*, and later (in the 1980s) CIOAC and OCEZ. Bishop Ruiz had initially supported the young political activists in whose work he saw an important complement to pastoral work.<sup>41</sup> This synergy would, however, only last for a few years. In 1978, the Bishop ordered the 'expulsion' of the *Norteños*, as they were frequently called, from the Cañadas region (Legorreta 1998: 114). They returned, but relations with the diocese have remained strained ever since.

In the Tojolabal Highlands the *Norteños* promoted the creation of the *Unión de Ejidos Lucha Campesina* which comprised most communities in the Tojolabal Highlands.<sup>42</sup> *Lucha Campesina* was one of the members of the *Unión de Uniones* (UU), an umbrella organisation of which the full name was *Unión de Uniones Ejidales y Sociedades Campesinas de Producción de Chiapas*, known as ARIC *Unión de Uniones* as of 1988 (ARIC standing for: *Asociación Rural de Interés Colectivo*).<sup>43</sup> *Lucha Campesina* must have been an important member of the UU, because in 1980 the official constitution of this organisation was celebrated in Bajucú (Legorreta 1998: 60).

The *Norteños* coupled a strategy of political independence with negotiations with the government in order to create scope for demands, a policy known as *política de dos caras* (Harvey 1998; Flores Félix undated). Under their direction, the *ejido* union focussed on agricultural production and services, land issues being somewhat less important.<sup>44</sup> The union achieved a transport concession, credits, and the installation of *Conasupo* outlets (Flores Félix, undated).

By the early 1980s, the leadership of the *Norteños* was challenged by a group of young Tojolabal men, many of whom were members of the first generation of Tojolabal bilingual teachers.<sup>45</sup> In the opinion of one of the leading figures at the time, the *Norteños* were 'parasites' that profited from the organisation that the Tojolabal people themselves had created obtaining, first a road into the area and second, a transport concession.<sup>46</sup> The 'outsiders' only became involved at a later stage. Regardless of the factual correctness of this account, it clearly expresses the competition between the *Norteños* and the nascent Tojolabal leadership. The tensions within *Lucha Campesina* eventually led, in 1986, to a split of the union and the creation of

a second union, the *Unión de Ejidos Pueblos Tojolabales*, that included a good deal of the former bases of *Lucha Campesina* (Hernández Cruz 1999; Mattiace 1998). Although the split was caused by a conflict over the five busses *Lucha Campesina* controlled by that time, behind it lay more profound political differences. In 1982, the nascent Tojolabal leadership and the *Norteños* had chosen opposite sides in the elections for the municipal presidency of Las Margaritas. The *Norteños* supported the PRI (at the same time they also developed closer links with the CNC), whereas the group around the Tojolabal teachers supported the CIOAC and the PSUM (the forerunner of the present-day PRD).

The group around the teachers had already proven its strength when it had won control over the *Consejo Supremo Tojolabal* in Las Margaritas, set up several years earlier by President Echeverría.<sup>47</sup> For the municipal elections they joined forces with the CIOAC that had arrived in Chiapas at about the same time as the *Norteños*, but – despite the fact that one of its leaders, Margarito Ruíz, was a Tojolabal from Plan de Ayala – had focussed its efforts mainly on the northern region and the mestizo communities in the region around Comitán. Together with the PSUM, the CIOAC supported the candidacy of Alejandro Aguilar, a Tojolabal from Plan de Ayala, for the municipal presidency (see also Chapter Seven). As the Tojolabal candidate lost the municipal elections upon suspicion of fraud, the differences with the *Norteños* could not be reconciled and led to the creation of a rival *ejido* union, called *Pueblos Tojolabales* (Hernández Cruz 1999).

The association of *Pueblos Tojolabales* with the CIOAC stood for quite a different line from *Lucha Campesina*. The shift was away from negotiation with the government towards opposition and confrontation (Flores Félix, undated). It also allowed more scope for ethnic demands, which were to become central to the political project of *Pueblos Tojolabales* (an issue taken up again in Chapter Seven) (Burguete, pers. com.). *Pueblos Tojolabales* also paid more attention to the struggle for land, though this was never at the centre of the CIOAC's agenda in the Tojolabal Highlands (Burguete pers. com., Aguilar pers. com.). The CIOAC assisted groups in their dealings with the land reform office, for example, when the procedures had not been completed or documentation was lacking. It also promoted the conversion of *copropiedades* to *bienes comunales*.<sup>48</sup>

As of 1986, most communities of the Tojolabal Highlands either belonged to *Lucha Campesina* or to *Pueblos Tojolabales*. In the north of the region, part of the municipality of Altamirano, the OCEZ-CNPA and later ANCIEZ played a significant role. The fraction of OCEZ affiliated to the *Coordinadora Nacional Plan de Ayala*, whose original stronghold was in Venustiano Carranza, had spread to different regions of Chiapas, including Las Margaritas and Ocosingo (Collier 1994: 76). More radical than the CIOAC, it had rejected both the land acquisition policies of the state governments and maintained greater independence from political parties (Harvey 1998: 138-46; Benjamin 1995; Taller 1988). The two organisations frequently collaborated, however. Around 1991, the ANCIEZ (*Alianza Nacional Campesina Independiente Emiliano Zapata*) emerged, but little is known about its origins. It has been suggested that it had close connections with the clandestine FLN (*Fuerzas de Liberación Nacional*, the precursor of the EZLN) and may have been created as a cover for it (Womack 1999: 39; Harvey 1998: 195), but there are also suggestions that ANCIEZ was associated with the OCEZ (Collier 1994: 83).



### *Land and political rivalries*

With the creation of *ejido* unions in the region and their links to wider political organisations, land conflicts in the Tojolabal Highlands acquired new dimensions. Private properties on the wish list of neighbouring *ejidos* and unresolved controversies over certain tracts now became embedded in political rivalries. The CIOAC played quite an active role in this, as shown by the following two cases.

The Veracruz and Lomantán *ejidos* had been involved in a lengthy conflict over an area of about 1500 hectares, part of the San Mateo finca (from which land had also been taken to create the Veracruz *ejido* in 1937) and enclosed between the two *ejidos*. Both *ejidos* had requested the tract under dispute as an extension to their *ejido* lands, but the procedure had not yielded results for either of them. Supported by the CIOAC, a group of *ejidatarios* from Veracruz took possession of the area, not only arousing the anger of Lomantán, affiliated to the rival *Lucha Campesina*, but also antagonising factions within their own community. As an armed confrontation between Lomantán and the group from Veracruz approached, the CIOAC made an attempt to mediate, offering the group from Lomantán a quarter of the area. The group from Lomantán rejected the offer. Though the situation was never formally resolved, it ended in a *de facto* victory for the Veracruz group affiliated to the CIOAC.<sup>49</sup>

The second conflict in which the CIOAC became involved had a long history. The dispute between the communities of Buenavista Bawitz (an *ejido*, affiliated to *Pueblos Tojolabales*) and San Antonio Bawitz (a *copropiedad*, affiliated to the CNC)<sup>50</sup> regarding a certain fraction of land went back as far as the *ejido* endowment of Buenavista in the 1930s. The Buenavista *ejido* was to be created on the basis of lands from the Bahuitz finca. During the execution of the Presidential Resolution, land belonging to the *pequeña propiedad* set aside for the owner, Ofelia Gordillo, was mistakenly included in the *ejido* endowment. The owner contested this (through an injunction) and a judge ruled that the mistake should be rectified. But apparently this never took effect. Despite the verdict, the *ejidatarios* from Buenavista refused to abandon their claims to this land, which they continued to base on the map with the *projected* endowment, which included the lands under dispute. The problem was inherited by the new owners (*socios*) of the land when they bought it in 1968 after having already bought several other sections from the former Bahuitz finca (see also earlier in this chapter). The *ejidatarios* of Buenavista accused the associates of San Antonio of invading their *ejido* land. In the 1980s, the group from San Antonio Bawitz, supported by the CNC, confronted the *ejidatarios* from Buenavista Bawitz that were supported by the CIOAC.<sup>51</sup> The conflict claimed several lives, especially on the side of Buenavista (Burguete 1994).

A solution was found in compensating Buenavista with lands elsewhere, namely on three plots of land on the former Napité finca. Within the framework of the *Programa de Rehabilitación Agraria* (PRA), the state government acquired three sections from the former Napité finca, of about 100, 200, and 300 hectares respectively, to be transferred to 64 beneficiaries of Buenavista Bawitz.<sup>52</sup> The case provides a good illustration of how the acquisition program was used to deal with land conflicts but ended up creating new ones. The people from the González de León *ejido*, affiliated to *Lucha Campesina*, had been using the land in question and felt their rights had been violated. In a letter to the Land Reform Ministry in Tuxtla they

wrote that they were being wrongly accused of having "invaded" that land, adding that they had had it "in their material possession" ever since the *ejido* had been created.<sup>53</sup> They resisted the planned endowment to Buenavista for several years until the *Tribunal Agrario* finally agreed that they were in the right in 1994.<sup>54</sup>

In the meantime, in 1992, the state government had bought a piece of property of about 350 hectares on the south-eastern fringe of the Tojolabal Highlands on which to relocate the people from Buenavista. With this land a new settlement was formed that was named Nueva Nicaragua.<sup>55</sup> This time the acquisition was carried out under the *Programa de Concertación Agraria* of which only one other case was registered for the Tojolabal Highlands, namely the acquisition of part of Rancho Mendoza by peasants from Veinte de Noviembre, who were members of *Pueblos Tojolabales*.<sup>56</sup>

According to the *ejidatarios* of González de León, the conflict between Buenavista and San Antonio had been "provoked" by the CIOAC. This illustrates what I mean by the politicisation of land reform since the 1970s. The conflict over that particular piece of land, that had lingered on for decades by the time the peasant unions became involved, not only pitted one group of peasants against another, but pitched *Lucha Campesina* against *Pueblos Tojolabales*, CNC against CIOAC, PRI against PSUM. The struggle over land in the region became embedded in the political rivalries between organisations.

At the same time, state engagement in response to such conflicting claims acquired a political meaning. The land acquisitions always necessarily favoured one group over another (though compensations were made) and were interpreted by the interested parties in terms of factional conflict. It has been suggested that state intervention systematically favoured loyal groups and repressed or co-opted opposition groups. On the basis of my findings for the Tojolabal Highlands I find it hard to see state intervention as systematic. All land acquisitions by the state government were done to benefit groups affiliated to *Pueblos Tojolabales*/CIOAC; but was this co-optation or an *ad hoc* response to conflictive situations? The group from Buenavista lost the legal disputes with other groups, not affiliated to *Pueblos Tojolabales*/CIOAC. Was this repression? They only lost after lengthy procedures in which it was unclear for a long time who would eventually win. It should also be borne in mind that the *Lucha Campesina ejido* union kept a certain distance from both the PRI and the CNC and cannot be regarded as a warm supporter of the state government (Mattiace 1998). Thus, it may not always have been quite so clear in practice which groups were actually supposed to be considered loyal.

The state government of Chiapas has been associated with violent acts of repression. CIOAC activists in central and eastern Chiapas suffered numerous attacks and in 1985, Andulio Gálvez, a lawyer working for the CIOAC on land claims, was assassinated by Tojolabal gunmen from one of the Highland communities, apparently at the instigation of Ernesto Castellanos (the governor's brother) (Harvey 1998: 159; Burguete 1994). Although rightly condemned as an act of repression for which the state government was at least partly responsible, the assassination can hardly be understood outside the political struggles being waged within the Tojolabal Highlands at the time. It seems to me that state interventions interact with localised political rivalries in extremely complicated ways that we are only beginning to understand. Actors within the state government or the land reform bureaucracy may seek

to exploit local rivalries and conflicts politically, but they do this without complete knowledge of the situation or necessarily accurate assessments of local power relations and stakes.

### Discussion: the political consequences of land reform

From its inception, land reform in Mexico has been regarded as a political instrument. As mentioned in the previous chapter, to Lázaro Cárdenas, land reform and the creation of *ejidos* were instrumental to a project of nation building, centralisation of the state and the achievement of greater political control over the countryside. In this vein, land reform in Mexico is commonly understood as the corner stone of corporatist policies that allow for the incorporation and subordination of the peasantry. I find this perspective limited, however, for understanding the political consequences of land reform in the Tojolabal Highlands. The corporatist view of land reform draws on rather abstract notions of control and does not provide much insight into the workings of state engagement in particular regions or in the ways in which state actions shape concrete political processes. As I have tried to point out in this chapter, the use of land redistribution as a political instrument is highly complex. The land reform bureaucracy itself is a multi-layered, opaque machine that operates through de-centred dynamics. Furthermore, when land redistribution is employed to engineer political processes, its outcomes may be highly unpredictable, as it becomes caught up in the agendas of different actors and political rivalries.

However, regardless of whether state interventions in the field of land redistribution respond to a coherent political strategy, they may have important political consequences. Through land reform, interfaces were constructed between Mexican state structures and the Tojolabal peasant population that created conditions for the operation of a wide range of brokers and have been crucial to local political imagery. As Nuijten has so interestingly shown, understandings of state power take shape through experiences of land reform beneficiaries with the land reform bureaucracy (1998). She speaks in this regard of the state as a 'hope-generating machine'. However, in the context of Chiapas, I would add the image of the state as a 'fear-inspiring machine': a powerful but potentially harmful, often inimical force. The state represents a highly contested force that competes with other 'hope-generating machines'. A characteristic of eastern Chiapas is precisely the lack of state hegemony, since the diocese and peasant organisations form rival political structures. In Chiapas, land reform cannot simply be equated with the effective establishment of state control. Rather than assuming that land reform ensures peasant compliance, we may understand it as generating complex combinations of compliance and resistance.

There are only a few studies that document the political consequences of state engagement in land redistribution ethnographically. For Chiapas, we have the insightful work of Rus on the Tsotsil municipality of San Juan Chamula in the Central Highlands (1994). Rus found that in Chamula, the Cardenista reformers involved with rural communities "had managed to co-opt not only the native leaders [...] but also, ironically, the very community structure" (Rus 1994: 267). State engagement here implied "the centralisation of political and economic power within

communities and the tying of that power to the state" (Rus 1994: 267). As a *comunidad revolucionaria institucional* Chamula testifies to the success of the corporatist project under particular circumstances. Amongst other things, the institutional presence of the federal state, especially through the *Instituto Nacional Indigenista* (INI) was crucial to organising political control and re-engineering local structures of authority and power relations (also Collier 1987).

However, eastern Chiapas presents quite a different picture. As Harvey notes, in Chiapas' periphery "the role of federal agencies was much more ambiguous than in the core area of the central highlands." (Harvey 1998: 66). The same held for the Tojolabal Highlands that, like the Cañadas, retained considerable autonomy "vis-à-vis the mechanisms of control and political mediation created by *indigenismo* in the Highland region ... [remaining] on the edge of forms of corporitisation exercised by the state" (Flores Félix undated: 8; also Hernández Cruz 1999). Between 1940 and 1970 state institutional presence was extremely limited. State engagement in land reform had, of course, been crucial to the establishment of the *ejidos* in the region while land endowment had been conditioned by the state's legal framework. The Tojolabal were required to use state procedures and channels to further their land claims and, particularly during the early decades, to depend on intermediaries linked to the CNC (the *Vieja Guardia Agrarista*). But once the *ejidos* were established, the land reform bureaucracy seemed a rather distant actor, and one whose role was limited to interference in land conflicts. Beyond land redistribution, institutional presence was practically nil (Hernández Cruz 1999). For example, in 1974 Martínez Lavín found only 15 teachers for the whole Tojolabal region (to put this figure into perspective: in the same year the *Kastalia* and the Marist *Misión de Guadalupe* supervised 150 catechists in the region; Martínez 1974). The INI, so important in the Central Highlands, was only installed in Las Margaritas in the 1970s.

Until the mid-1970s, bloc votes to the governing party PRI were common (Martínez 1974), but it is rather unclear in what ways and how tightly the Tojolabal *ejidos* were incorporated into wider structures of political control. I have the impression that what Jan Rus concluded for Chamula by the end of the 1930s, namely that "no one had bothered to organise them politically" (Rus 1994: 274) was true for the Tojolabal region until the mid-1970s. But unlike in Chamula, it was not the governing party that undertook this endeavour, but the diocese and leftist political organisations. This is why we may conclude with Teresa Fernández, involved with Línea Proletaria and the ejido union Lucha Campesina in the region, that: "First the Church arrived, then we did, the political organisations, and finally the state" (pers.com.).

The situation in the Tojolabal Highlands resembled that of the Cañadas, where the diocese and the *Unión de Uniones* had constructed a 'domain of sovereignty' which mediated and resisted state presence (see also Legorreta 1998, Leyva 2001).<sup>57</sup> That is, when the Mexican state tried to establish greater political control over the region, it encountered political structures that were so strong that it could not replace these but was forced to compete with them. Following a Chiapas-wide development, state institutional presence increased considerably in the 1970s and 1980s, especially in the fields of schooling, health care, infrastructure and support to agricultural production (Harvey 1998, Ruz 1982).<sup>58</sup> However, the Mexican state never managed to build an uncontested hegemony.

The fate of the regional office of the INI in Las Margaritas makes this quite clear. Like the *Consejo Supremo Tojolabal* it was established as a channel through which the PRI and the CNC sought to increase their control of the Tojolabal region, but without much success.<sup>59</sup> Like in the Central Highlands, the INI started with the training of Tojolabal bilingual teachers, but unlike their Tsotsil counterparts earlier in Chamula, these did not ensure control over Tojolabal communities (Rus 1994; Ruz 1982: 255-256). On the contrary, they posed a definite challenge to the PRI by taking over the *Consejo Supremo Tojolabal* in 1981 and then almost sweeping the opposition party PSUM to victory in the elections for the municipal presidency of Las Margaritas in 1982 (Flores Félix undated). (This victory was the reason why the INI stopped subsidising the *Consejo Supremo*, which then became self-financed by the Tojolabal communities, an experience I will return to when discussing the constitution of autonomous municipalities after 1994.)

The increase of state presence took place within a highly politicised context. Political identities were taking shape that in many cases distanced themselves from or even explicitly opposed state action. As I said of land conflicts, state intervention in general became caught up in political rivalries. The coupling of state intervention with selective repression in the 1980s further polarised the rural population. The association of the expanding institutional presence of the Mexican state with political factionalism has marked the meanings attached to state engagement with the region. The state has thus come to be regarded as a highly controversial force. What legitimacy it has is at best fragile and contingent on the 'victories' it achieves for different political factions.

It is against this background of highly contentious state involvement that we can see how more recently, under Zapatismo, oppositions and conflicts have become arranged along the axis of being 'with the government (*con el gobierno*)' or 'against' it. This discussion is taken up again towards the end of this book. In the next two chapters, I will explore the ways in which the state reached into the communities of the region, affecting notions of property, community membership and authority structures.

## Notes

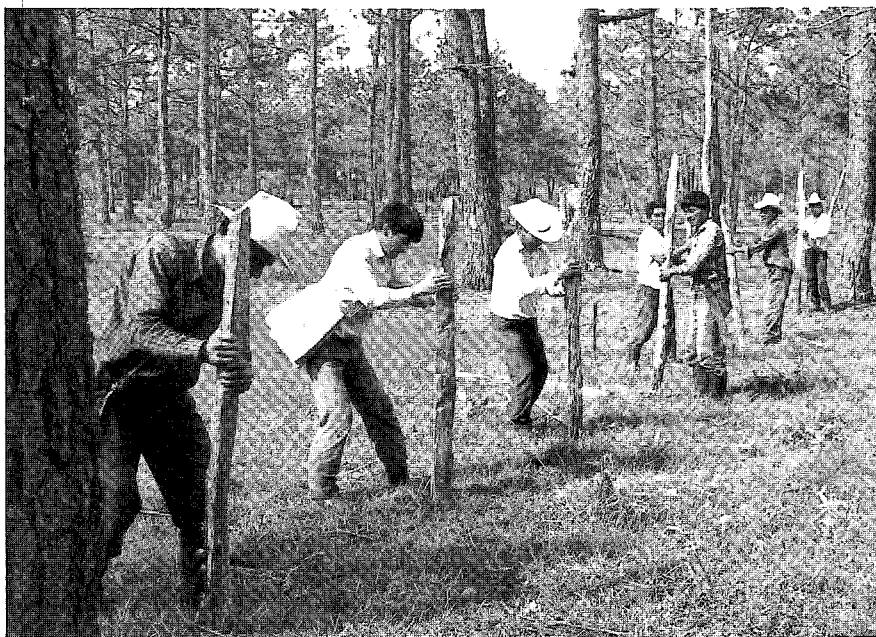
- 1 ARA-TG 480
- 2 Presidential Resolution in ARA-TG 480
- 3 ARA-TG 480
- 4 This was the case, for example, in Nuevo México/Palma Real, Buenavista/San Antonio Bahuitz, Vergel/Vergelito, Veracruz/San Mateo, Florida/Chibtik.
- 5 On the concept of interface see Long 1989.
- 6 For the revisionist perspective, based on empirical research into the archives of particular haciendas, see Bock (1993: esp. 203-6); Nickel (1997: esp. 11-20). For a critical review of revisionism, see Knight (1986c); part of the article discusses peonage in southern Mexico.
- 7 This was confirmed by Doña Lolita Albores from Comitán, a midwife herself.
- 8 In this way, a connection was established between adulthood defined on the basis of work and specific entitlements (in this case marriage), that still plays a role in present-day entitlements.
- 9 A fictionalised account of such entanglement is given by Rosario Castellanos Figueroa in the novel *Balún Canán*, based on her own childhood (her family owned several properties in the Tzeltal region).
- 10 Until recently, a plaque with the name of Don Pepe and the date of his death (1945) could be seen in the wall of the church of San Miguel Chibtik.
- 11 Though Popkin adopts a critical stance towards the moral economy approach, he provides a useful summary of it.
- 12 Such as the growing presence of the national state, commercialisation of agriculture and population growth (see Ouwenneel 1996: 54-6; Popkin 1979: 15).
- 13 For example, he increased the load of maize that had to be carried from his maize fields to the settlement from 1 \_ to 2 *zontes*, which meant four trips a day.
- 14 Their accounts convey a clear antagonism between *mozos* and cattle, possibly related to the increasing presence of cattle in the 1950s and 1960s. They seem to exaggerate the number, mentioning 2000-3000 head of cattle. A source from 1959 reports a much lower number, namely 457 animals (ARA-TG 1275), which in turn may be an underestimation. In any case, the presence of cattle may have been highly disruptive for the *mozos*.
- 15 Schryer (1990) describes a similar change from 'old style' to 'new style' landowners that were more educated, more businesslike and did not speak the native language. His connection of this process to the demise of the moral economy (see esp. Chapter 10), inspired me to view the changes in the Tojolabal Highlands from a similar perspective.
- 16 This law was replaced by the Agrarian Law (*Ley Agraria*) of President Salinas de Gortari in 1992.
- 17 Expanses of land of lesser quality are derived from those of irrigated land, at a ratio of one of irrigated land to two of rainfed land to four of good quality pasture land to eight of pasture land in dry areas or waste land (*monte*). Pasture lands should not exceed the amount necessary to sustain 500 head of cattle.
- 18 Although I found school plots in most communities, the first UAIM in the region was only created in 1987 (Plan Comitán 1988).
- 19 ARA-TG exp. 569
- 20 This compares rather unfavourably with the average length of endowment procedures for Chiapas as a whole for the period from 1920-1984, as computed by Reyes Ramos at 7.36 years (1992:102). In Appendix 14, she provides figures for the municipalities of Altamirano (9.2 years) and Las Margaritas (5.6 years).
- 21 This was attempted, for example, in the case of La Ilusión (ARA-TG file 1324).
- 22 In the case of the *ejido* endowment to Puebla, for example, it was initially stated that the private properties found in its surroundings would not be analysed because they 'were not going to be affected'. This was an anomaly: liability or non-liability is supposed to be established on the basis of analysis, not *a priori*. At a later stage, two of these properties were still included in the *ejido* endowment. (ARA-TG file 1101).
- 23 RPP-O 1948-27, 28, 29

- 24 RPP-O 1954-4, 1965-09,10
- 25 RPP-O 1967-033; ARA-TG file 776
- 26 RPP-O 1961-02, ARA-TG file 776
- 27 See also Benjamin on the role of the CNC, overriding the state government as the main channel of communication between state and national levels (1995: 226).
- 28 The maize boom seems to have been of a temporary nature, subsequent decline probably being related to soil exhaustion.
- 29 ARA-TG file 569
- 30 Letter of September 19, 1943, ARA-TG file 569
- 31 ARA-TG file 815, 554
- 32 ARA-TG file 1929
- 33 ARA-TG file 1929
- 34 Under certain conditions, a *certificado de inafectabilidad ganadera* could be issued to protect property from further liability to land redistribution. Such *inafectabilidad* was limited to the land needed to maintain 500 head of livestock, which could vary from 300 to 50,000 hectares depending on the conditions of the vegetation. These certificates are often thought to play a major role in the protection of cattle ranches in Chiapas (see, for example, Reyes Ramos 1992: 118-121). I did not find them to play a similar role in the Tojolabal Highlands, where the reference mentioned above was one of the very few I encountered in the files.
- 35 ARA-TG file 1929
- 36 ARA-TG 1929; the remainder of this section is also based on this file.
- 37 Especially those attached to agencies like the *Vieja Guardia Agrarista* or the *Liga de Comunidades Agrarias* (attached to the *Confederación Nacional Campesina* or CNC, created by Cárdenas in 1938).
- 38 See also Nuijten 1998, especially chapters 8 & 9.
- 39 The same criterion could be applied in the case of provisional endowments (after the governor's decision concluding the first stage of the procedure). In practice however, when serious complications occurred, provisional endowments were often not executed, thus postponing the problems until the second stage.
- 40 In view of the neo-liberal reforms to land tenure in Mexico, the Land Reform Ministry defined this as a serious problem and attempted to resolve this, among other things, by informing communities of the status of their requests.
- 41 Since the II Vatican Council (1962-1965) and the General Conference of Latin American Bishops in Medellín (1968), the diocese had intensified and re-oriented its work with the communities. The 'preferential option for the poor' – as the policy of the diocese came to be called – inspired a reflection with the communities on their (harsh) reality in the light of the word of God (*la Palabra de Dios*). Samuel Ruíz realised, however, that pastoral work was limited in terms of offering real alternatives for the current conditions in which people lived.
- 42 With the exception of Veracruz that was part of another union, Tierra y Libertad, also belonging to the UU; and Chibtik that became involved with the OCEZ at some point.
- 43 The UU split up into two factions, the Unión de Crédito Pajal and the Unión de Uniones around 1982, the latter subsequently becoming the ARIC-UU. Lucha Campesina continued with the Unión de Crédito Pajal Ya Kactic. After 1994, ARIC-UU split up again.
- 44 This despite the fact that agrarian matters were initially at the heart of the organisation in the Cañadas region. The mobilization against the threat of eviction of several *ejidos* due to the superimposition of the *bienes comunales* granted to the Lacandón Indians, served as a catalyst for the formation of Quiptic and UU (Legorreta 1998; Leyva & Ascencio 1996). A decree issued by President Echeverría in 1972 granted 66 families a total of 614,321 hectares, ignoring the rights of over 30 *ejidos* established there. The *ejido* union Quiptic Ta Lecubtesel formed in 1974, was used to counter the threat of eviction. Also in the Cañadas, however, a great deal of emphasis was placed on productive matters.
- 45 Partly as a result of the Indigenous Congress of 1974, in 1976 the *Instituto Nacional Indigenista* (INI) set up an office in Las Margaritas to attend the Tojolabal region. The INI began with the training of young Tojolabal men as bilingual teachers, as had been done previously in

- the central Highlands of Chiapas. New schools were opened in the Tojolabal Highlands and an increasing number of already existing ('federal') primary schools were converted to the bilingual system (see also Van der Haar 1993: 23-6).
- 46 According to his account, several communities joined to trace the best route, then obtained government support, and jointly purchased a bus together. These forays into the field of transport drew the Tojolabal into a violent clash with transport entrepreneurs from Comitán eager to retain their monopoly who seized the bus in Comitán. The communities mobilised and broke the blockade. On the basis of these experiences it was decided to formalise the organisation as an ejido union and it was only then that outside political advisors became involved. Interview with Alejandro Aguilar, February 2000.
- 47 In 1975 a total of 56 of such supreme councils were created that in most cases had little to do with existing forms of ethnic organisation but were rather attempts to pre-empt independent forms of organisation that were gaining strength at the time (also Mattiace 1998).
- 48 This might explain why Chibtik, not being associated with Pueblos Tojolabales, did not adopt this solution.
- 49 In 1994, without further justification, the claimants from Lomantán were notified by the federal Land Reform Ministry that their request for extension did not proceed (*improcedente*), ARA-TG file 638. It is unclear whether the Veracruz group ever obtained formal recognition of their possession of the area.
- 50 I am not sure whether it was part of *Lucha Campesina* at the time.
- 51 ARA-TG file 776
- 52 Confirmed by a document by ARA-TG 1986: *Relación de predios liquidados por el Programa de Rehabilitación Agraria*; this was the only case of acquisitions within the framework of the PRA in the region of study.
- 53 ARA-TG file 815
- 54 *Diario Oficial de la Nación*, May 4, 1994: 28-31.
- 55 ARA-TG file 3786; the land had formerly belonged to the San Mateo finca.
- 56 ARA-TG file 156-nitre
- 57 The term is from Rubin (1997) who uses it to describe the control of the COCEI in Juchitán.
- 58 The rural development programme PRODESCH, initiated under Velasco Suárez in 1970 (see Cancian 1972) also played some part in the Tojolabal Highlands (Martínez 1974).
- 59 The *Consejo Supremo* was controversial. Its members had been picked by the INI itself and were said to use the institution to further their own interests alone (Ruz 1982: 255).









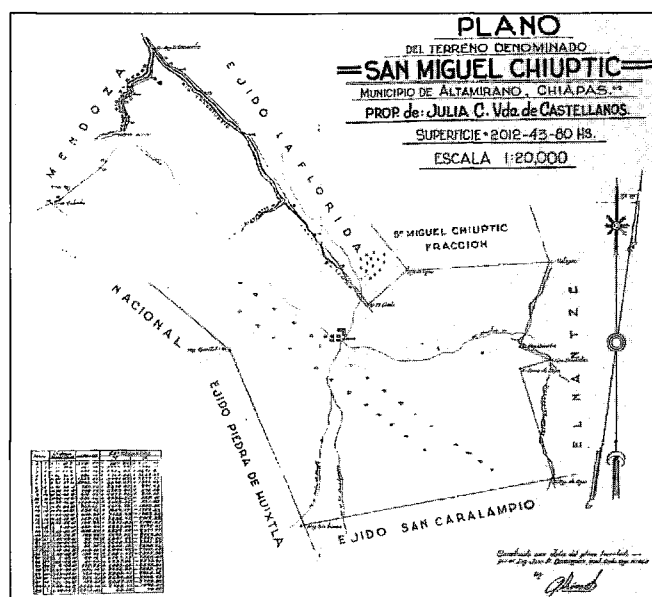
## Chapter four

# Land reform and the constitution of community

### Introduction

In the introductory chapter to this book I discussed how I encountered 'community' in the Tojolabal Highlands as a structure of control and as a central social referent without which it would be difficult to talk about the region in general or land tenure in particular. I proposed to study communities in this region as historically constituted social configurations and pointed to the particular relevance of land reform in this regard. In the previous chapters we saw how *ejidos* and *copropiedades* were created with groups of former finca labourers on land that had previously belonged to fincas as well as some national lands. It became clear that land reform was more than a shift in land distribution and had important social and political consequences. I outlined how communities of land reform beneficiaries were constituted as territorial and organisational entities linked to the land reform bureaucracy. The present chapter focuses on this process of community formation in San Miguel Chibtik. In 1963, the Tojolabal mozo families of the Chibtik finca acquired the central part of the property to which an *ejido* endowment was added almost ten years later. It will become clear that these processes reshaped the patterns of identification and commitment of the former mozos, and implied redefinitions of group membership as well as the reorganisation of authority and decision-making structures. This part of the analysis is based primarily on fieldwork, combined with a few historical documents produced in the course of the struggle for land in Chibtik.

The case of Chibtik highlights some of the ways in which social configurations in the Tojolabal Highlands were reworked in the process of land redistribution. As mentioned earlier, the new communities of land reform beneficiaries were created out of the communities of mozos that had existed under the finca regime, with which they showed considerable continuity. However, especially as regards land rights, community membership, and structures of governance, land redistribution involved considerable re-arrangements. Although these were partly minor adaptations to the new conditions, significant discontinuities were also involved. A main point developed throughout the chapter is that the particular acceptance of the *ejido* institutional model in the Tojolabal Highlands, involving its almost complete 'ejidalisation', is related to these discontinuities. By this, I mean the fact that not only most Tojolabal communities have come to display all the formal characteristics of *ejidos*, but also that notions from the *ejido* model have become central to definitions of land



Map 4.1 San Miguel Chibtik c. 1950  
Old map of the property (courtesy of the Castellanos Macal family)

rights and community membership. A second point that I develop on the basis of the analysis of Chibtik is that the communities of land reform beneficiaries – or collectivities of right-holders to land, as I also call them – asserted themselves as structures of governance, exercising control over the definition and allocation of land rights.

#### From finca to community

During the time of the *patrón*, the centre of the finca Chibtik was formed by a small hill on which the main buildings were located. These used to be the *patrón's* house (*casa grande*), the church dedicated to San Miguel, together with a kitchen, a granary, stables and a house for the caretaker or *mayordomo*. Nowadays, the church, the *casa grande* and the kitchen are still there (the latter transformed into a school and a *Conasupo* outlet respectively), but the other buildings have given way to a communal health post, two co-operative shops (one run by the men, the other run by the women), and a basketball pitch (*cancha*). The peon families used to live at the foot of this hill, next to the fruit gardens of the *patrón*, in small huts with walls of wooden sticks and thatched roofs.<sup>1</sup> Since 1963, when the remaining *mozo* families bought 900 hectares of the finca, including the *casa grande* and their own settlement, the housing area has expanded considerably and the quality of the houses improved. But these are only some external manifestations of the transformation that has taken place as a result of the acquisition, which – though another 900 hectares were retained by the landowner in private property – really put an end to the Chibtik finca and made it as a community in its own right.

In the case of the Tojolabal Highlands, it is difficult to speak of the finca and the community as separate entities. As mentioned in Chapter Two, the Tojolabal settlements in the region developed as part of the expanding landholdings. Although we may speak of 'communities of mosos' within fincas, linked by kinship ties and religion, it is also important to bear in mind that these communities were in many respects indistinguishable from the fincas of which they were an important constituent part. This section is dedicated to providing some insight into the kind of 'social whole' that the fincas constituted, the linkages between the mosos and between the latter and the landowner. Land redistribution implied that new social configurations took shape, in which the landowner played a much more marginal rôle and in which the former mosos were positioned towards one another in new ways. Thus, as a result of land redistribution, a process of community formation took place.

#### *The central role of the landowner*

Under the finca regime, the landowner or *patrón* played a central role in the organisation of property, production, and labour. He made the decisions concerning the transfer, division or expansion of the property and was in charge of overall management and investment decisions, including the management of labour, fencing, road maintenance, and cattle trading. The landowner delegated a number of tasks to the overseer, called an *encargado* or *mayordomo*, who was directly responsible for the daily management of labour and livestock. The *mayordomo* acted as the representative of the *patrón*: "the *mayordomo* is like the *patrón*; he gives orders about the work and when the *patrón* is not there, he behaves as [if he were] the *patrón*", I was told. He called the people to work by means of blowing a horn (*cacho*) and sometimes inflicted physical punishment.<sup>2</sup>

The entitlements of the mosos derived from their relation to the *patrón*, from their condition as 'the men of...'. The *patrón* granted the peons the right to live on the estate, to cultivate the hillsides for subsistence, to extract firewood and building materials from the forests, etc. Most families owned some poultry that they kept in the small plot surrounding their house, and a cow or a horse, provided that the *patrón*, who sought to limit the pressure on grazing land, granted them permission. As the feeding of the peons' animals was seen as directly competing with the grazing of the *patrón's* cattle, this had to be compensated for.<sup>3</sup> The peons' animals received the branding (*hierra*) of the *patrón*, indicating that inasmuch as the mosos were 'his', so were their possessions. The entitlements of the mosos were a consequence of their relation to the *patrón* and 'earned' through their labour service to him. The entitlements extended to the women and children of the family, who were also required to provide labour services (see also next sub-section). As boys grew up, they could be admitted as 'men' in their own right. Just as for their fathers, their rights were derived from the relation with the *patrón* and directly dependent on labour service. From the accounts of the elder Chibtikeros about finca times, I inferred that some moso families received what seemed to be extra privileges or a preferential treatment from the *patrón*. I came across references to a family being allowed to fence a plot of relatively good land for maize cultivation, and another one being given permission to keep more animals.<sup>4</sup>

The landowner was thus central both in granting rights and in the overall

management of the finca. Furthermore, he acted as the highest authority in many matters concerning the mozos, including giving consent for the marriages of the mozos, accepting boys as full labourers, but also in conflict resolution (see also Montagú 1990 [1970]). When, as a consequence of the land acquisition of 1963, the 'patrón left', a certain institutional vacuum was created in all of these fields, prompting considerable re-arrangements.

### *Labour and differentiation*

Although the mozo families forged a common identity based on being 'the men of' and their residence at the finca, the 'community of mozos' constituted a differentiated social entity. Labour served as an important structuring principle at the finca. Tasks were differentiated by sex and age (see also the description in Ruz 1982: 234-36). Children and women of the resident families mostly performed tasks related to the *casa grande*. Young boys took turns as *porteros* (literally gate-keepers), fetching water and fire wood and feeding the domestic animals. The women worked in the kitchen of the *casa grande* grinding corn on stones and baking tortillas. Besides the *patrón* and his family, extra labourers or visitors (for example the so-called *partideños*, cattle traders) also needed to be fed. One of the women's other tasks was to grind the salt for the cattle.<sup>5</sup> The women also participated in agricultural work, such as harvesting coffee on another property belonging the *patrón*, but this work was seen as additional to their 'services' and was paid for on a daily basis.

The literature on fincas in Chiapas contains fairly detailed descriptions of the different types of labourers and the stratification amongst them (see for example García de León 1985a: 119-23). As I compared my own findings, based on interviews with elderly Tojolabal<sup>6</sup>, with the accounts by García de León and Gómez & Ruz (1992) and the description of the neighbouring Tzeltal region by Montagú (1990 [1970]), I was confronted with what seemed to be considerable variations in labour arrangements from region to region, from finca to finca, and apparently over time. The meaning of the terms to indicate different categories of workers (*baldíos*, mozos, peons, *semaneros*, vaqueros, *caporales* etc.) shows considerable variation. García de León for example distinguishes between resident labourers (mosos or *gañanes*) and day labourers (*naboríos*) (García de León 1985a: 119). To one of the elder men of Chibtik (*tatjun* Isidro) mozos were those who worked for the *patrón* everyday and were given 'rations' (*raciones*) of maize and beans. He distinguished them from the *baldianos*, who worked for three days a week for the *patrón* in return for permission to make their *milpas* on the land belonging to the finca, but received no food rations. Most other people of Chibtik did not make such a distinction and generally referred to all resident labourers as mozos. Many people mentioned the occasional hiring of day labourers for specific tasks.

Among the resident peons, two categories were distinguished. On the one hand, there were the *macheteros* (literally machete-boys) who did mainly agricultural work – that in those days was heavily dependent on the machete for weeding and harvesting – in the *patrón's* fields. The vaqueros (cowboys) on the other hand, took care of the cattle herds. *Macheteros* and vaqueros on the Chibtik finca each had their own labour dynamic. The vaqueros worked in groups of three: they worked one week 'with the *patrón*' and then 'rested' a week (i.e. were free to work for themselves). Apparently, three such groups existed. They were supervised directly by the

*encargado* or *mayordomo*. The *macheteros* were organised in *pandillas* or *tandas*, which could be translated as something like 'work shifts'. Each of these groups was headed by a man appointed for this task from among them, the *caporal* or foreman.<sup>7</sup> The foreman 'pulled' the men, I was told, and was responsible for mobilising and co-ordinating them. The agricultural work was done by *tarea* (in Tojolabal called *tarega*), which literally means task. In weeding, for example, the *tarea* was '20 *brazadas*', that is an area 20 *brazadas* long and 20 *brazadas* wide.<sup>8</sup> This usually meant working from dawn to dusk (see also Van der Haar & Lenkersdorf 1998: 54-5). Other tasks, such as the transportation of maize from the maize fields near the river to the granary at the *casa grande* was also done by *tarea*, in this case of 1 1/2 *zontes*<sup>9</sup> to be carried on a person's back in several trips.

García de León (1985a: 120) discusses a distinction similar to that between *vaqueros* and *macheteros* I found at the Chibtik finca. He follows Waibel (1926) who refers to two "completely distinct classes" of labourers, the *vaqueros* and the *milperos*, and suggests that the former enjoyed a higher status and better position. I have not been able to confirm such a status difference between *vaqueros* and *macheteros* for Chibtik. Most Chibtikeros shrugged their shoulders when I asked them whether one of the categories had been 'better off' than the other.<sup>10</sup> In fact, many people could hardly remember whether their fathers had been one or the other. If differences in status and entitlements did in fact exist between *vaqueros* and *macheteros*, they do not seem to have translated into different entitlements or status positions within the *copropiedad* in any systematic way.

Apart from differences in the type of occupation, socio-economic differentiation between *mozos* was related to economic success and the relation between specific families and the landowner. Extra labour in a family (from children and young women) was a source of extra income since it could find an outlet as wage labour through the *patrón*. In addition to their work for the *patrón*, many Chibtikero families were involved in economic activities of their own, notably raising and selling poultry and pigs. As I already mentioned, some families enjoyed special privileges from the *patrón* that also contributed to their economic success.

I have not been able to obtain a clear picture of how differentiations based on labour or economic success translated into the 'new' landholding community. I have the impression that some of these differences were levelled out or de-emphasised in the process of land acquisition. Privileges derived from the relation with the *patrón* seem to have been discontinued and the distinction between different categories of labourers lost its relevance after the *patrón* left and all adult men became right-holders to land. As we will see later on in the chapter, in the allocation of land to the new owners, new criteria were developed in which there was no place for distinctions and privileges that had derived from the relation with the *patrón*, thus levelling the playing field somewhat.

### *Kinship and religion*

Kin groups played an important role in the identifications and loyalties of *mozos* and remain important today. In Chibtik, a few family names predominate at present – Alvarez, Santiz, Vázquez and Morales – which are found in all possible permutations.<sup>11</sup> The organisation of labour groups ran mostly along kinship lines. The *pandillas* mentioned above, often comprised a father and his sons or brothers or



cousins.<sup>12</sup> Apparently, each kin group had some respected elderly men or women, referred to as *ancianos*. They played a role in settling minor conflicts and giving advice to their family members. The existence of such authority figures amongst the Tojolabal *mozos* attenuates the centrality of the *patrón* somewhat and indicates a realm from which a more autonomous organisation could be sustained.

I have the impression that in the religious organisation involving the patron saint the role of the landowner was less central than in, for example, the organisation of labour. The cult of the patron saint seems to have provided a space where the community of *mozos* took shape independently from the *patrón*. Montagú's account on the fincas of Ocosingo with a predominantly Tzeltal population suggests a certain independence of the *mozo* population in their religious organisation, which showed some similarity with the *cargo* systems in the Central Highlands (Montagú 1990 [1970], see also Leyva 1995). I have not been able to obtain a very clear picture of the types of religious *cargos* that existed in the fincas of the Tojolabal region. Nowadays, such *cargos* are only identified with regard to the organisation of the celebration in honour of the patron saint, the maintenance of the churches, and the music and rituals performed; these are hardly hierarchically ordered (also Montagú 1969). I have not encountered references to *principales*, of central importance in the Central Highlands of Chiapas and also mentioned by Montagú (1990 [1970] and 1969).

The organisation around the patron saint appears to have become a focus of common identification as *mozos* started distancing themselves from their *patrón*. A telling anecdote in this regard involves San Miguel, the patron saint of Chibtik. The owner of the Chibtik finca is said to have made a deal with the owner of Yaxhá to exchange their saints, San Miguel and Santa Catarina respectively. However, San Miguel returned to 'where he belonged' - he was found by the *mozos* near a water source just outside the settlement area. Another time he was moved to Yaxhá, and again he returned. Then the landowner gave in and kept him at the finca. The *mozos* clearly claimed San Miguel as 'theirs'; remember that they regarded him as their patron saint whereas the last owner, Don Pepe junior, had preferred San José, which he took with him when he sold Chibtik.<sup>13</sup> In other cases, landowners and *mozos* fought over ownership of the image of the patron saint when fincas were being dissolved. Next to kinship, ties of common identification with the patron saint were mobilised in the process of land redistribution and reworked to sustain a more explicit opposition to the former *patrón*.

### Organising to obtain the land

The Chibtikeros only obtained the land they now regard as theirs after a long process with several ups and downs. Trips to the state and federal capitals to mobilise support from government institutions meant continuous financial contributions, without any guarantee of success. Strategies were redefined according to changing circumstances and involved the regrouping of people around the different options. Obtaining the land therefore not only required sustained, co-ordinated efforts by the people of Chibtik, but also entailed a process of coalition formation and re-formation. It re-channelled people's loyalties and contributed to the forging of a new identity around the property. During the process, forms of co-ordination and decision making began to take shape that became more elaborate and institutionalised when the *patrón* left and the former *mozos* took over the property.

### *Ejido prelude*

In the previous chapter I discussed the numerous problems with both the landowner and neighbouring communities which the Chibtikeros encountered in their efforts to acquire land. In the present section, emphasis will be on the internal dynamics of this process. Whereas in the earlier chapters I treated Chibtik mostly as a whole, now some of the different positions and strategies will become visible. To begin with, it is useful to recall the background to the sale of the main finca area to the Chibtikeros in 1963. Since the early 1940s, several of the families of *mozos* resident at Chibtik had left the finca to settle on *ejido* land. Some of them founded La Florida, on the former lands of the Chibtik finca; others settled on national lands and saw their possession formalised through the San Caralampio and Puebla *ejidos*. Seeing that more and more land was being endowed to surrounding groups, the families remaining in Chibtik also petitioned for *ejido* lands. Obtaining these, however, proved to be a complicated matter.

The request for an *ejido* endowment was published in 1959 and listed 39 petitioners; two of whom were women, presumably widows.<sup>14</sup> The *comité ejecutivo agrario*, appointed by the petitioners and in charge of representing them in their dealings with the land reform bureaucracy, consisted of two elderly Chibtikeros, who were *presidente* and *vocero* respectively, and a younger man who acted as secretary. In the original petition the 39 Chibtikeros asked to be endowed with 962 hectares of the Chibtik finca which they had "in their possession" without however, "being legally protected" (*posesión ... no amparada por la ley*).<sup>15</sup> What area of land they were referring to exactly is not clear from the document. Most people were interested in the central area of the finca that included the church and the *casa grande*. Apparently, some other people hoped to get the tract known as Yalchibtik, the part of the property bordering the La Florida *ejido*, later to be retained by the last private owner of the finca, Don Pepe Castellanos junior. The project for the endowment drawn up by the CAM, however, included neither of these possibilities. Instead it proposed to create an *ejido* endowment on the basis of a piece of property called K'iste or Quixthé, adjacent to Chibtik, to be complemented with national lands. The projected endowment was a mountainous area to the south east of the central finca area (the reader is also referred back to map 3.1). The Chibtikeros were not satisfied with this outcome for they considered these lands unfit for either settlement or agriculture, and too far away from the existing settlement. Although some families moved to the projected *ejido* lands – only to return soon after –, others were determined to obtain the main finca area.

The Chibtikeros' attempts to buy the main finca area should be seen in the light of this prelude: they were a reaction to the unsuccessful attempts to obtain the land they wanted in the form of an *ejido*. When a deal was struck with Don Pepe Castellanos junior in 1963, with the help of the lawyer Rodolfo Orrico and a young man named Juan Gómez (about whom more later on), the claims on the projected *ejido* endowment were given up. The would-be beneficiaries only accepted the 90 hectares to be taken from the El Nantze *copropiedad* (meant to form a corridor from the settlement to the *ejido* land) and rejected the rest (adding up to more than 1,700 hectares). This was confirmed by a topographical engineer from the CAM who wrote that "the inhabitants refused to accept the other lands which they consider too far from their settlement". The CAM was of the opinion that such a rejection lacked any

"legal foundation" and apparently, though the land was not accepted by the Chibtikeros, the case was never closed.<sup>16</sup>

At the time, Virgilio had been a young boy, too young to be registered as a petitioner, but he has a strong opinion about what happened:

"... the men were stupid!... they said they didn't want the land anymore. The engineer came and wrote down that they don't want the land. They said: there is no *cedro*, no this no that, just *ocote* (pine tree); that's why they didn't want it, the fools."

He explained that the men at the time did not see the value of pine forests; they were interested in mixed forest (*k'ul* in Tojolabal, also referred to as *monte*), where they could practice slash-and-burn cultivation of maize. Several years after the first attempt had foundered, Virgilio, barely twenty, mobilised the men to take up the *ejido* claim again. Having discussed the ins and outs of the sale, I will return to the continuing story of the *ejido* endowment.

### *Buying the finca*

The efforts first to obtain the *ejido* and then to buy the finca were supported by most adult men in the community. Three men (and their families) "stayed [with the *patrón*] a bit longer", as the daughter of one of them told me. Indeed, their names were not included in the 1959 request for *ejido* land. These men did, however, join the others in lobbying for the sale and made the necessary financial contributions. They probably overcame their initial hesitation, which made them refrain from signing up as petitioners in 1959, when they saw that there was a genuine possibility of buying the finca. When it was finally decided that the property would be sold to the Chibtikeros, these men were given the choice of either going with the landowner (who was retaining part of the property) or remaining in the community and joining the *copropiedad*. They chose the latter.

The transaction of the main area of the Chibtik finca between Julia Castellanos (represented by her son, Don Pepe Castellanos junior) and 51 *socios* – all of whom were natives of and lived in the San Miguel Chibtik community – was registered in the Public Property Register of Ocosingo in 1963.<sup>17</sup> The 51 associates were represented in this sale by a young man from the Tojolabal community of Veracruz, called Juan Gómez Gómez, whom they had authorised to arrange financial matters for them (*poder amplísimo para créditos y cobranzas*).<sup>18</sup> Throughout the whole process Juan Gómez had acted, together with the lawyer Orrico, as an intermediary between the Chibtikeros and the land reform authorities in Tuxtla Gutiérrez and Mexico City. By his own account<sup>19</sup> the Chibtikeros had asked him to assist them as they knew he had had considerable experience in agrarian affairs. He also claims it was he who had drawn licenciado Orrico, with whom he had worked on previous occasions, into the case. In order to defend the interests of the Chibtikeros, he says, he obtained accreditation from the *Vieja Guardia Agrarista*, part of the CNC. The Chibtikeros paid his expenses and apparently agreed to give him a share of the land. Juan also married a girl from Chibtik, although subsequent problems forced him to leave the community. Perhaps these problems (which involved a division of the community and will be discussed at length in the next chapter) help explain why Juan Gómez's role is minimised in the present accounts of the Chibtikeros – to the point of being almost completely erased.

The buyers authorised Juan Gómez to act as their representative in the sale. The document giving this authorisation lists the names of the 51 *compradores* (buyers).<sup>20</sup> Most of these names had also appeared on the list of petitioners in the 1959 *ejido* request. Indeed, 33 out of the 39 *ejido* petitioners reappear in the 1963 list of buyers. Some of the new names on the 1963 document (18 in total) are those of men that had been too young to be included in the 1959-petition.<sup>21</sup> The 1963 list of buyers also includes the names of the three men that had initially hesitated to support the *ejido* initiative. We can assume that the 51 buyers included all the men over sixteen years of age that were living in Chibitk at the time.

The 900 hectares of land from the Chibitk finca, including the buildings, were sold for the sum of 100,000 pesos of that time.<sup>22</sup> Payment of this sum involved a great deal of confusion, if the fragmented and sometimes contradictory accounts I was given of the issue can be taken as an indication. Apparently, the initial arrangement was that half the money (50,000 pesos) would be paid by a logging company that would be entitled to extract wood for a number of years. The other half would be financed by a loan from a bank in Comitán. This account is confirmed by Juan Gómez. The logging company never came to get the wood it was entitled to (100 thousand trees) and after ten years the contract was rescinded.

The loan with the bank ended up in a rather obscure episode that almost cost the Chibtikeros their land. According to Juan Gómez, the debt was condoned after a few years and the Chibtikeros never had to pay anything out of their own pockets. But Virgilio gives quite a different story:

"We didn't bother to pay. People forgot about it. And then, when the time [for paying the loan] was over, we not only owed the 50,000 but much more, we owed another 150,000 in interest."

How this could have happened is not entirely clear. While Virgilio stresses ignorance and neglect, other people claim the problem was due to a set up of the man that was the representative of the *copropiedad* at the time, Fernando A..<sup>23</sup> Fernando was one of the buyers himself and had been appointed by them. He had told the people that the sum of 50,000 pesos had been condoned, but this turned out to be a lie. When Fernando died, the people looked for the property titles (*escritura*) and couldn't find them: they then found out he had pledged them. Things very nearly went wrong. The title together with the map of the property were kept at the bank. Another ladino landowner had already entered into negotiations with the bank: he would pay the whole 200,000 pesos debt and become the owner of Chibitk. Virgilio recalls how terrible a perspective this was: "We would be *mozos* again!" People were discouraged. They thought they would never be able to pay the sum and felt it was better not to pay at all. Some people fled to the *montaña*, as the national lands towards the east are referred to: "You see how you manage, but we are not going to pay for this!", they are supposed to have said. They came back again later, however.

Again with the help of the lawyer Orrico a solution was found: the 150,000 pesos of interest were condoned and the remaining 50,000 of the debt were to be paid over a period of 10 years. It was told that the lawyer went to Mexico City to arrange this, so it is not unlikely that the national government assumed part of the debt. As a result of this deal, each of the 51 *compradores* would have to pay 100 pesos per year to raise 5,000 pesos each year. A treasurer was appointed whom people could pay to bit by bit, by selling a chicken or eggs etc. After ten years all the payments had

been fulfilled. Paying for the property was no easy task. As one woman recalls:

"We all suffered to pay for the land: it was hard to pay; people didn't have clothes to wear, there was no money to celebrate the 8th of May."<sup>24</sup>

To ease the burden more *compradores* joined in, in addition to the 51 original ones. It was decided to include younger men and even children. It was explained to me that they "entered into the account [*entraron en la cuenta*] to help them [the original buyers] pay it". Apparently this was a suggestion of the lawyer Orrico who had pointed out that, since this land was not an *ejido*, the minimum age of 16 to be entitled to land need not be respected: as co-owners of a *copropiedad* they were free to admit whoever they pleased. In total some five or six 'late buyers' were included. Some boys entered right in the beginning, when the debt was being restructured and paid their share each year, just like the original buyers. Others entered later and had to pay an *entrada* (literally: admission fee) to bring them up to an equal level with the other buyers (more about the phenomenon of *entrada* later in this chapter). A man called Silvio, for example, was one of the last ones to enter as a buyer, and told me he had to pay 600 pesos at the time, for which his family had to sell two bullocks. A somewhat different case was that of Humberto Castillo who came to live in Chibtik with his family. He was a mestizo, born on one of the other fincas of the region, who at the time was working as an *encargado* on Mendoza, close to Chibtik. The Chibtikeros invited Humberto Castillo to join in as a *comprador*. He was a respected and feared man in the region as he was a traditional healer (*ajnanum* in Tojolabal, *curandero* in Spanish) upon whom the Chibtikeros often called. According to Virgilio, some of the people did not agree with him coming but they were afraid to say anything, probably out of fear of his power to do harm. Lola, Humberto's widow, the mother of many children and at the time of the fieldwork one of the most important midwives in Chibtik, recalls: "The people from the community told my husband that he could take part in buying the finca". She herself was afraid that she would not feel at home in Chibtik, but she agreed to go as she wanted her sons to have some land. Thus, Humberto Castillo as well as some of his sons became 'late buyers' in the *copropiedad*.

#### *Resuming the fight for the ejido land*

Several years after the Chibtikeros bought the main finca area, some men took up the claim on *ejido* land on neighbouring national lands that had been abandoned on the acquisition of the *copropiedad*. Virgilio headed this struggle together with Humberto Castillo whose command of Spanish was considered very useful when dealing with the land reform authorities in Tuxtla Gutiérrez. Rodolfo Orrico also supported them this time. As the *ejido* claim was revived, a serious problem emerged which I have also mentioned in the previous chapter: the projected endowments for two other settlements, Santo Domingo Corona and San Isidro, partly overlapped with the area originally assigned to Chibtik. All these communities were determined to defend their claims, if necessary with violence. Santo Domingo and San Isidro impeded the work of the topographic engineer sent by the land reform office to measure the over 1700 hectares in favour of Chibtik. A violent clash was avoided, however, and a partial endowment of 722 hectares in favor of Chibtik was achieved.

When problems arose over the *ejido* land, several of the men from Chibtik wished to drop the claim. According to Virgilio, about thirty of them dropped out and the

process was continued by only twenty. When those who had dropped out saw that a topographic engineer was actually coming to the community, however, they signed up again. Apparently eventually all 51 buyers of the *copropiedad* were involved in the renewed *ejido* claim. As Virgilio remarked: "The 51 *compradores* entered the list to petition for the *ejido*". This is why, in his view, the number of *ejido* beneficiaries should have been 51. However, when the Presidential Resolution endowing Chibtik with 722 hectares of *ejido* land – the rest remaining pending – was published in 1972, it listed only 31 beneficiaries. The number of petitioners more than a decade earlier had been 39, but in a 1962 CAM report the number of 31 was already mentioned, the reduction being justified on the basis of the limited availability of arable land.<sup>25</sup> The ARA-TG file on the *ejido* endowment to Chibtik does not contain a different list of petitioners from the original one in 1959, yet Virgilio's words suggest that a new list may have been drawn up when the petition was renewed (remember that the endowment procedure was abandoned in 1963 following the acquisition of the *copropiedad* and then taken up again a few years later). What seems to support the existence of such a 'new' list is the fact that the names of the 31 beneficiaries listed in the Presidential Resolution correspond with the first 29 names included in the list of associates of the *copropiedad*, albeit in a different order (and one of these 29 does not reappear in the Presidential Resolution). Three new names appear on the Presidential Resolution that did not occur on the list of associates, which may correspond to the heirs or successors of original buyers that had already died. The fact that the list of associates was largely respected up to a number of 31 beneficiaries, omitting the rest, lends some credence to the suggestion that the remaining 20 "had been taken off the list" or that "their names had been erased". The hypothesis put forward in Chibtik is that this was a ploy by Pepe Castellanos junior to safeguard the rest of his property. In view of the irregularities of the endowment procedures involving Chibtik and the political connections of Pepe Castellanos, this is at least a possibility. In any case, contrary to what the Chibtikeros had hoped, 22 of the original buyers were not included in the *ejido* endowment of 1972, nor were their heirs. (I will come back below to how this situation was resolved later).

When the Presidential Resolution concerning the *ejido* endowment to Chibtik was finally executed in 1975, it was a partial execution of only 722 hectares. The 1050 hectares that could not be given to the Chibtikeros due to the claims of San Isidro and Santo Domingo, remained unavailable to them. Although legally entitled to a complementary endowment for these 1050 hectares, nobody really counted on that. The hope of obtaining extra land remained, however. In 1977, another endowment request was submitted, this time for an extension to the *ejido*. The request was turned down by the CAM due to the lack of land available for redistribution. The petitioners from Chibtik suggested the property of Yalchibtik (retained by the former owner of Chibtik), but it was considered *inafectable*, not liable to land redistribution since it did not exceed the limits to private property. In 1980 the request was sent to the second level (the federal CCA), which confirmed the negative judgement without further investigation. In 1992 this was confirmed again, and supposedly definitively.

The list of petitioners for the extension comprised 71 names, including 7 women. Although the petition never had any effect, it contains some interesting information. Legally, all men over 16 years of age and women that acted as heads of households, who had not received rights in the original *ejido* endowment, could be listed

as petitioners in an extension. In the case of Chibtik, the list of petitioners included the right-holders in the *copropiedad* – *compradores* or their heirs— that had not been included in the first *ejido* endowment as well as heads of households (men and women) with no rights in either the *copropiedad* or the first endowment. The petition of 1977 gives a rough indication of the extent to which an ‘unsatisfied demand for land’ existed, that is of the presence of people who would qualify as land reform beneficiaries but could not be endowed with land.

### The question of leadership

I want to make a brief parenthesis at this point to consider the role of the different people that played a key role in the process of land acquisition and endowment of Chibtik. The previous chapter discussed the fact that different kinds of brokers – lawyers, engineers but also peasant leaders and *ejido* representatives – may play crucial though not always favourable roles (see discussion on the cultivation of ambiguity). Here I am interested in portraying particular leadership figures within Chibtik. Unfortunately, the way the Chibtikeros talk about their recent history provides little to go on in this regard. Their accounts contain some fascinating biases and lacunae. Whereas the role of some key figures is highlighted, others are downplayed or ignored. The accounts often describe a specific individual’s role as a collective effort and people talk about ‘we decided to...’ or ‘the people managed to...’.

The lawyer Orrico who assisted the Chibtikeros in their dealings is portrayed as nothing less than a hero (though as mentioned at an earlier stage, Pepe Castellanos junior had a less favourable opinion of him). Within Chibtik, he constitutes perhaps the only undisputed protagonist: he stands out as the one who secured their land for them. But what about Juan Gómez, the young man the Chibtikeros called upon to assist them in their dealings? I understood from the files and from the account of former landowner Pepe Castellanos that his role was at least as important as that of his ‘learned’ counterpart, but he was almost totally absent from the Chibtikeros’ accounts. He was only mentioned when I explicitly asked about him and even then with some reluctance. I suspect that his later problems that ended his involvement with Chibtik partly explain the current silence.

A similar omission from recent local history obtains with regard to Fernando A., the first representative of the *copropiedad* of Chibtik. Then landowner Pepe Castellanos described him to me as “the leader of the Chibtikeros”, but nowadays he is portrayed – if at all – as the ‘bad guy’. He became thoroughly discredited as the person responsible for the irregularities in the debt payment that almost cost the Chibtikeros their property (see above). He became reduced to a villain, whose achievements were forgotten. The role of Humberto Castillo, who joined Virgilio in the struggle for the *ejido*, is also missing from present-day local accounts (by the time of fieldwork he had been dead for over ten years). Humberto Castillo was probably Fernando’s main adversary. Piecing together different parts of the puzzle and relying especially on an account by Pepe Castellanos of his violent death, I have come to the conclusion that Fernando may have been the victim of a power dispute with Humberto Castillo. According to Pepe Castellanos, a young Chibtikero man had a severe nose bleed. He went to see the *ajnanum* Humberto Castillo, who “did not see eye to eye” with Fernando. “Out of revenge”, according to Pepe Castellanos,

Humberto Castillo told the sick man that it was Fernando who was "eating him", thus accusing him of being a witch. (It should be noted here that 'being eaten' means being consumed by a witch, usually until one dies.) Humberto told the sick man to kill Fernando if he wanted to be cured, and this is what happened. This suggests to me that Humberto must have had a certain power base. It is unlikely that the assassination of Fernando would have been carried out otherwise and it certainly would not have gone unpunished by the community, as it did in this case.

Perhaps the silence on controversial leaders is part of some kind of tension management, a way of overcoming divergences and contradictory positions on issues that made different people in the community confront each other. Leaders must have a certain group of adherents and their failures could be highly disruptive for the community as a whole. Omitting the role of leadership figures is perhaps a way of continuing as a group and preventing friction from recurring. With the exception of Virgilio, who is also the sole survivor, none of the Tojolabal leaders in agrarian matters have been able to avoid a fall from grace. After Fernando A.'s death, Virgilio succeeded him as representative of the *copropiedad*, a position he has held ever since.<sup>26</sup> Although his position has not always been undisputed (see also next chapter), he seemed to enjoy general recognition at the time of the fieldwork. His decisive role in arranging the eventual payment of the finca land and in reviving the *ejido* claim is recognised by many. I was told, for example, 'Virgilio has been the representative ever since he fought for the property and we have left it that way because there have never been any problems with him.' At present, Virgilio's position is backed by an official authorisation to represent the co-owners in legal matters and credit.

The suspicion, voiced in the previous chapter, that peasant leaders capitalise on their roles as intermediaries seems confirmed in the case of Chibtik. The lawyer Orrico received a percentage of the sum for which the main area of the finca was sold, totalling approximately 10%. Both Juan Gómez and Fernando A. also seem to have received a certain percentage. Juan Gómez also sought further compensation for his services, though he may not have been entirely successful in doing so. In his home village Veracruz (where he had achieved an *ejido* endowment) he had people build him a brick house, a great luxury in Tojolabal communities, and in another community he was given a share of the land. He also claims to have been included amongst the petitioners for *ejido* land in Chibtik, and to have obtained his share when the lands were finally bought, comprising a housing plot as well as land. His name, however, is not included in the 1959 request for *ejido* land, nor is he listed anywhere as an associate to the *copropiedad*. Whatever arrangement existed, it was not made official. He says he started using a pseudonym to avoid problems with the landowners, but his pseudonym did not occur on the list either. When he subsequently left the community, he must have lost whatever land he held.

In much of the literature on the Mexican land reform, a central role is attributed to local bosses or caciques that enrich themselves and concentrate power on the basis of their involvement in the land reform process (see also Nuijten 1998: 190). Such local bosses also appear in the ethnographies on the Central Highlands in Chiapas (on Zinacantan see Edel 1966; Vogt 1969; Wasserstrom 1983). In the case of Chibtik however, or more generally, the Tojolabal Highlands I have not come across caciques with the degree of power with which they appear in the literature.



However, in this region certain key figures in agrarian matters also managed to consolidate a power base. Virgilio's words on Fernando A. – "he behaved like an *ajwalal* (lord, *patrón*) himself" – contain a suggestion that the latter did hold a powerful position. Certain 'abuses' by *comisariados ejidales* have also been reported for other communities of the region, such as enriching themselves on the basis of their strategic position vis-à-vis the land reform bureaucracy or through logging contracts. In the Piedra Huixtla *ejido*, adjoining Chibtik, the Pérez brothers were the local bosses. One of them was the presumed gunman for a brother of governor Castellanos in the mid-1980s (see also previous chapter) and his brother was *comisariado ejidal* of Piedra Huixtla. The case of that community also illustrates the consequences of the fall of such a leader: when I first visited Piedra Huixtla in 1986, all adherents of the Pérez clan had left the community with him, reducing the community to half its previous size.

However, one should be careful not to overstate the power of the *comisariados ejidales* or other brokers in the land reform process (also Nuijten 1998). The *cacique* of Zinacantán consolidated his position by controlling both the *ejido* and the municipal government (Vogt 1969). Such a connection was absent in the Tojolabal Highlands and reduced the scope for potential leaders. Furthermore, the extent to which the position may provide access to power depends crucially on the conjuncture, the gains at stake, as well as the extent to which state interventions create the conditions for brokerage. Power holders in indigenous communities may in fact be rather vulnerable to state action. For the Central Highlands, Collier (1987) argues that the state undermines indigenous leadership as it closes avenues for brokerage or withdraws its support of particular leaders. I also have the impression that there are effective checks by community members on power abuse by local *ejido* authorities, perhaps more so now than in the 1970s and 1980s when the greatest abuses were reported.

If there are any *caciques* in Chibtik today, one would assume Virgilio to be ideally placed, with his permanent position as representative of the *copropiedad*. Yet I have found no indications that he or his family enriched themselves as a result of his key role in the land acquisition or his current role as representative of the *copropiedad* (which does not, of course, preclude the possibility of my having overlooked some of these indications). His house looks more or less the same as other houses and it is located on the outskirts of the community in what does not seem to be a particularly attractive place. On the other hand, however, he, his brothers and his father are among the better off families of Chibtik, which is reflected, for example, in the amount of livestock they own. Although this is resented by poorer inhabitants of Chibtik, they have made no suggestion that Virgilio may have enriched himself making use of his position as power holder. Possibly, however, as reported for *cargo* systems in the Central Highlands, the occupation of certain key positions re-enforces stratification between families (Cancian 1989).

It must be said in Virgilio's favour that he spent considerable time, energy, and money in taking up the *ejido* claim with no guarantee he would be rewarded. He (or rather his father, with whom he was still living at the time) did eventually receive some compensation for this, as the following anecdote illustrates. One day Virgilio explained to me how he got the tiles for the roof of his house (tiles being a relatively expensive alternative to grass). Originally, the tiles had been part of the finca stables

(*caballeriza*). At the time when he was "fighting for the land", he had still been living at his parents' house. Virgilio's father had paid a considerable share of his son's travelling expenses to Tuxtla Gutiérrez incurred during the course of the process and amounting to a considerable sum (Virgilio speaks of about 300.000 pesos). This money was considered a debt the community had to Virgilio's father, and in return the community let him have the tiles. "If it had not been for the debt, the community would never have let him have the tiles," Virgilio explains. His father's house used to be fairly large, but when his younger brother left the house (with his family) it was made smaller. Consequently, there were some tiles left, which Virgilio's father gave him for his own roof. Through this anecdote, Virgilio underlined his pro-active role in the struggle for land in Chibtik. But I have also mentioned it here because it points to a concern with nobody being unduly privileged – during or after the land acquisition – that is quite common in the communities of the Tojolabal Highlands and that I will return to in the remainder of this chapter.

### The allocation of land rights

As noted, under the finca regime, the Chibtikeros' rights to cropland, living space, pasture, forests, water and other resources had been derived from their relation to the *patrón*. He was also the highest authority in overall management, improvement of infrastructure and conflict resolution. Because of the landowner's centrality in administration, property rights, and the organisation of authority, his departure created somewhat of a vacuum in this sphere. Consequently, in the communities of land reform beneficiaries as well as the *copropiedades* that arose out of the fincas, property rights and authority structures had to be re-arranged. This was done partly by drawing on institutions and organising practices that had existed during finca times, and partly by adopting elements of the *ejido* model of land reform. In the process, the community asserted itself as a control structure, assuming a major role in the allocation of rights to individuals.

### *Rights to the copropiedad*

With the acquisition of the *copropiedad* the Chibtikeros gained direct rights to land and other resources. Formally, the *copropiedad* is a form of undivided, joint private property in which the co-owners, or *socios*, hold equal shares.<sup>27</sup> As mentioned earlier, the Public Register of Property listed 51 such *socios* for the *copropiedad* of Chibtik in 1963, comprising all adult men in the community.<sup>28</sup> In Chibtik, the *socios* of the *copropiedad* are usually referred to as the *compradores*, literally meaning 'buyers'. In response to problems arising from the payment of the loan with which the property was financed, a number of 'late buyers' – mostly younger men and boys – joined the existing group of 51 original *compradores*. As mentioned, some of these joined when the debt was being re-structured, while a few more bought themselves in later. The inclusion of more buyers was a necessity, as the original group was unable to pay. The late buyers had to pay an *entrada*, a sum to compensate for the efforts and sacrifices of the original buyers. It was thought that the original buyers had taken the risk of investing time, money, and creativity in acquiring the land, without knowing whether, when, and at what price they would succeed. Conversely, the late buyers knew precisely what they were getting into. The *entrada* was, therefore, not only a

financial compensation, but also a recognition of the efforts made by the longer-standing members.

'Late buyers' were given the same rights as the original buyers, but this was not uncontested. One of the original buyers argued that the latecomers' efforts were much less than those of the original buyers: "the ones that entered later on got the land almost as a gift". According to him, this should have been reflected in their entitlements. In spite of the opposition of some, the late buyers were, however, admitted to the *copropiedad* as full right-holders. A document drawn up in 1986 confirms this equal footing.<sup>29</sup> This document authorises Virgilio to represent the signatories in matters concerning the *copropiedad* (*poder general para pleitos y cobranzas, actos de administración, y de dominio*) and is signed by 60 men, whose full names appear in the document. The difference in number between 1963 (51 *socios*) and 1986 (60 men that authorise Virgilio, totalling 61 when the latter is included) is ten, and can be taken to account for the late buyers.<sup>30</sup> Since it is customary to inherit each share of the *copropiedad* undivided, the number of shares remains constant unless new right-holders are admitted. I was able to identify at least eight late buyers among the 60 names. Of the 51 original buyers, 26 also appear in the 1986 document. The rest had either died or left the community: their shares had either passed on to their successor or been allocated to someone else.<sup>31</sup>

Unlike the first fifty-one buyers who were listed as *socios* of the *copropiedad* in 1963, the late buyers have never been officially registered as such in the Land Registry. They have, however, been included in a local list, referred to in Tojolabal as *lista* or *cuenta* (from the Spanish for 'list' and 'account' respectively). Such lists are essential in backing property rights locally. To 'be on the list' or 'to have been included on the list' (*och lista, ti ayon lista*), or to 'enter into the account' (*och kwenta*) means being a recognised holder of rights to a specific patrimony and a part of the group of right-holders. So far, we have talked about the *copropiedad*, where the right-holders are called 'buyers', but similar terminology is also used for *ejido* land and for associations such as the women's co-operative shop. In Chibtik there was also a list of all the adult men in the community. I must admit that in the case of the *copropiedad* I have never actually seen the list of right-holders to the *copropiedad* or of all adult men, except at a distance. The lists were used at meetings where activities such as communal labour were organised and were often referred to when people talked about their situation (the types of rights they had). These lists seemed, together with certain other documents, to have a great symbolic value. Having the list and the knowledge of who is on the list, was associated with power and the possibility of controlling the community.

Initially, the legal registration of *socios* in the Land Registry Office had coincided with the local attribution of land rights to individual right-holders but the parallelism between the two was not maintained for long. We have already seen that rights were extended to more right-holders than those officially registered. Furthermore, official registrations are rarely up to date. In Chibtik, the local list of right-holders includes the names of the successors of the original (or late) buyers, but most of these changes have not been registered at the Land Registry Office. I was told that once ten young men were officially registered as their fathers' successors. This turned out to be an expensive exercise, since it involved a public notary, and was not repeated.<sup>32</sup>

### *Rights to the ejido*

With the *ejido* endowment, a process of inclusion of right-holders similar to that of the *copropiedad* took place. In addition to the *ejidatarios* that were officially recognised by the land reform bureaucracy, a considerable number of other men were also included. As I mentioned in a previous section, the Presidential Resolution of 1972 concerning the *ejido* endowment to Chibtik listed fewer names than those that had appeared in the 1959 request and were far less than the number the Chibtikeros thought should be included. According to the Chibtikeros, all the 51 associates of the *copropiedad* should be beneficiaries of the *ejido* endowment, because all of them had supported the renewal of the *ejido* claim.

To resolve this situation it was decided in Chibtik to recognise all the men that had supported the request for *ejido* land as right-holders to the *ejido*. In the words of Virgilio: "the agreement is that anyone that has paid his contribution can work there [on the *ejido* land]". As in the case of the *copropiedad*, where the fact that they had 'helped pay' underpinned the rights of the late buyers, here, too, 'efforts' made to obtain the *ejido* land are portrayed as crucial in local recognition of property rights. As with the *copropiedad*, official registrations are corrected and amended at the level of the community in view of the 'injustices' they contain. For the allocation of rights within the community, the local registration has primacy. This does not mean, however, that official registrations are not important. On the contrary, there is considerable concern about who is or is not listed, since official registration is crucial in the defence of land rights vis-à-vis the land reform authorities. Bringing official registration in line with locally recognised rights involves particular difficulties, however, while extending the number of right-holders is extremely complicated if not impossible. As mentioned earlier, for *copropiedades*, transferring rights to heirs involves considerable costs. For *ejidos*, a periodical update (*depuración censal*) is supposed to register transfers of *ejido* rights. These updates do not involve direct costs but, in the Tojolabal Highlands, seem to have been carried out rather irregularly.

### Notions of property

#### *'Right' and 'right-holder'*

Having described how the Chibtikeros allocated rights to the *copropiedad* and the *ejido* endowment amongst themselves, I shall now briefly address how land rights are conceived of amongst the Tojolabal. I found that the Tojolabal of the Highland region understood rights as a package of entitlements and obligations, referred to as *derecho* or 'right'. This package is vested in or conferred on an individual, usually an adult male,<sup>33</sup> but extends to his dependents, generally the wife, children, retired parents, unmarried brothers and sisters, and possibly others. A man with this 'right' is said to 'have a right' (*ay sderecho*), used as an equivalent of 'having land' (*ay slu'um*). With local variations, such a man is generally referred to as *derechero* or *básico* (the *ejidatario básico* being the original land reform beneficiary). In Chibtik, the term *derechero* is used interchangeably with *comprador*. I have opted to use the concept of 'right-holder' as a translation for these local terms and to refer to the *derecho*, the package of entitlements and obligations, as a 'right' (singular).<sup>34</sup> The entitlements range from private rights to housing and cultivation plots to a number

of rights in the common grazing and forest areas. Duties may comprise physical tasks such as fencing, but also participation in meetings in which rules for use and distribution of land are designed and enforced.

A right may be transferred to another individual, usually a successor to the original right-holder or another non-right-holding adult. Alternatively, it may be 'kept' by the community until a suitable purpose arises. Amongst the Tojolabal, ultimogeniture predominates, that is, the youngest son – designated by a special term, *k'ox* or *xut* – succeeds the father as the right-holder.<sup>35</sup> It is common for newly married couples to live in the paternal house for several years before they set up an individual household (initial patrilocal residence). During those first years they are seen as dependents of the parental household and are gradually prepared for their future independent status. The youngest son, however, does not leave the parental house, but inherits it from the parents, also acquiring the duty to take care of them in their old age. In this pattern of ultimogeniture, the youngest son 'takes the place of the father'. He not only lives in the parental house, but also keeps the land titles and other documents, and replaces the father in his duties to the community. In practice, another of the younger sons may also take on this role.

Although there is only one successor, parents pass on certain resources to their other children as well. When a married son leaves the paternal house to set up his own household, he usually receives financial support in the construction of his house as well as some animals and land for cultivation from the father's share. Such transfer of resources is called *herencia*, which literally means inheritance. Daughters also receive such an *herencia* when they leave home to marry, but in their case it is usually limited to animals. In some communities, the intergenerational transfer of property approaches that of partible inheritance, each child receiving a share of the parents' resources, the youngest receiving the paternal house and housing plot (see Ruz 1982: 169). In Chibtik, however, I found a more ambiguous situation. Although those sons that do not succeed their fathers receive plots of land, their rights to land continue to be seen as deriving from their father's right.<sup>36</sup> Ideally, they should arrive at a status similar of their fathers, with a right of their own, but the stagnation of land redistribution has made this difficult.

#### *The collectivity of right-holders*

Amongst the Tojolabal, land rights are closely related to group membership. A *derecho* or 'right' as I have described it, is understood as a share in the patrimony of a circumscribed group. This notion of property fits in with Hann's characterisation of individual property as being 'expressed in degrees of responsibility for and enjoyment of the group property' (Hann 1998: 26). Individual rights to land derive from having shared in the burden of the group – 'fought for', having made financial contributions – to acquire a particular tract of land. I have chosen to call such a circumscribed group comprising the sum total of right-holders as recognised at the level of the community, the 'collectivity of right-holders'. In Tojolabal communities, property of land is ultimately vested in such a group. It is the collectivity that 'governs' the rights to land within the community. Although specific rights (especially to housing and cultivation plots) are assigned to individuals, the collectivities of right-holders control the terms of access to such land and regulate the duties to be fulfilled to maintain or improve the resource. They also define what entitlements and duties make up the 'right'.

The collectivity of right-holders is best described as a corporation, defined by Eric Wolf as "an enduring organisation of rights and duties held by stable membership" (1966: 86). The corporate nature of the *copropiedad* of Chibtik is clear, for example, from the fact that later buyers were said to have been 'admitted' by the existing group, and had to pay an *entrada*, an 'entrance fee'. When outlining the basic features of a specific type of peasant community that he called the 'corporate community', Wolf concluded that "The community, rather than the individual, has the ultimate domain to land" (1966: 68). In doing so, he rightly pointed to an important feature of such communities, namely that land rights fall into the collective rather than the individual domain. Insofar as their landholding capacity is concerned, then, current Tojolabal communities are correctly understood as corporate, that is *ejidatarios* and *copropietarios* have organised around land in a corporate manner. However, two points need to be made in this regard. First, community and corporation should not be equated. The corporation or, as I prefer to call it, the collectivity of right-holders, is not simply 'everybody' or 'the whole community'. Collectivities of right-holders are circumscribed groups within communities; they are sub-sets within the population as a whole. Being a right-holder also implies a specific status within the community. This brings me to the second point, that of the presumed boundedness of the collectivities of right-holders. These are certainly bounded groups, not only in terms of their controlled membership but also in terms of the resources involved. As in the case of Chibtik, some men are right-holders in the *copropiedad*, others in the *ejido* endowment, some in both and others (a growing number) in neither. Though critics of the concept of the corporate community have rightly pointed to the fluidity of such group boundaries, boundedness remains a basic feature of collectivities of right-holders. The importance attached to the local registrations or lists I mentioned above testifies to this. However, the boundaries are not simply there but continuously constructed. Where the boundaries are drawn, who is included and who is excluded from the collectivity and why, is not a given but rather the subject of negotiation and contention at critical junctures. Talking about land rights thus implies talking about group boundaries.

In this chapter I have made a start with showing how such boundaries have been drawn in the case of Chibtik. This is to be followed – in the next chapter – by an analysis of how boundaries change in relation to community dynamics, especially internal conflicts and population growth. That discussion will underline the importance of distinguishing between collectivities of right-holders and the community as a whole. When the Chibtikeros bought the *copropiedad*, in 1963, all the resident adult men became right-holders, and subsequently some of the younger boys. Since all women, children and elderly were directly related to a right-holder, there was a symmetry between the resident population as a whole and the collectivity of right-holders. In other words, community membership and right-holdership were not clearly distinguished. At present, however, this has changed with the collectivity of right-holders becoming a restricted sub-set of community-members.

Most of the Tojolabal communities in the region of study acquired land rights due to support of the Mexican state. This was not only true for *ejido* endowments, but also for the acquisition of *copropiedades* that, as in the case of Chibtik, were settled through intermediation and sometimes the financial support of the land reform authorities. This situation does not imply that the Tojolabal see their land

primarily as a 'favour' from the state. As mentioned earlier, under the finca regime, resident families had considered the finca already 'theirs' though their rights were mediated by their relation to the landowner. A sense of property also derives from the sacrifices made to get the land, which – as I pointed out – was a costly and time-consuming affair. It is important to underline this at this point, since it explains why the collectivity of right-holders asserts its dominion, its capacity to control land rights, not only in relation to its own members but also vis-à-vis state structures, such as the land reform bureaucracy.

#### *The role of the land reform legislation*

Land reform in Mexico contains a clear claim to re-stating property rights. The Mexican state claims ultimate control over land as well as the right to define criteria and procedures by which individuals may establish property rights. Article 27 of the Mexican Constitution states that ownership of land rests originally with the nation and the land reform legislation regulates the conditions under which individuals may retain land in private property or are entitled to request land endowments. Furthermore, extremely detailed regulations exist regarding the administration of land rights within *ejido* endowments, including matters such as inheritance, suspension and re-adjudication of rights to individuals, and conflict resolution. The *asamblea de ejidatarios* has a certain importance in these issues, but ultimate authority rests with the land reform authorities.<sup>37</sup> This means that in line with the formal design of the *ejido*, the autonomy of land reform beneficiaries in the internal allocation and administration of rights is curtailed and subject to state control. This situation has been heavily criticised by several authors (see specially Gordillo 1992) who advocates greater autonomy of the *ejidos* vis-à-vis the state. My aim in this section is not to enter this debate but rather to look at the ways in which state control enters into the definition and allocation of land rights in Tojolabal communities of land reform beneficiaries in practice. My conclusion is that although several of the criteria and procedures stipulated in the land reform legislation have been adopted by Tojolabal communities in the region of study, the extent to which the land reform bureaucracy controls the allocation and administration of land rights is far more limited than the legal statements suggest. In this region, land reform re-defined property rights in crucial ways, but even here it *interacted* with existing definitions of property rather than *replacing* them. As I pointed out in a previous chapter, Tojolabal *mozos* had developed a sense of property towards the lands of 'their *patrón*' and generally fought state actions that sought to allocate these lands to other groups (with varying success). As regards the internal regulation of land rights, the collectivity of right-holders played a far greater role than that allowed for by the land reform legislation.

I described above that the Tojolabal understanding of land rights is related to group efforts to acquire specific tracts of land. This contrasts somewhat with the primacy of the Mexican state in the definition and allocation of rights as it formally exists. In practice, however, the two conceptions of property have been compatible to a certain degree. The legal figures of *copropiedad* and *ejido* both recognise the existence of circumscribed groups of people that hold rights to an at least partly, shared piece of property. The *copropiedad* is a somewhat ambivalent form of property which in fact gives the *copropietarios* considerable scope for organising property rights

among themselves as they see fit (note that the *copropiedad* is not a juridical person and therefore does not require legal representation, according to De Pina 1998). Though the *ejido*, on the other hand, is curtailed by a host of regulations regarding internal administration, in practice the Tojolabal *ejidos* have also been able to organise property rights much in line with their own understanding. That is, control over the entitlements and obligations of the individual right-holders has largely rested with the collectivity.

This does not mean that land reform legislation has not informed local property arrangements. As mentioned earlier, local registrations of right-holders were generally developed on the basis of formal registrations generated in the course of the land reform process. Some criteria for allocating land rights or procedures for internal administration have been incorporated into local institutions. This holds especially for regulations that were systematically enforced by the land reform bureaucracy during the process of land endowment, such as having to be at least sixteen in order to be considered as land reform beneficiary, the creation of a school plot, and the appointment of a *comisariado ejidal*. The concept of right-holder itself fits in very well with, and may indeed be partly derived from the formal definition of *ejidatarios*. In land reform legislation the *ejidatario* is the one who holds the right, the *derecho agrario*, on behalf of his wife and children too.<sup>38</sup> The practice of the youngest son's inheriting the father's right-holdership combines the emphasis in *ejido* regulations on undivided inheritance with the pattern of the youngest son taking over the parental home. The land reform model possibly reinforced prior conceptions of right-holdership, such as the attribution of rights under the finca regime, where being a full 'man' was associated with a package of entitlements and obligations.<sup>39</sup> Even in a *copropiedad* like Chibtik, elements of the *ejido* legislation have been adopted. I have already mentioned the use of the word *derechero*, obviously borrowed from the *ejido* model. Though the legal definition of associates in a *copropiedad* is gender-neutral and contains no requirements as to the associate being a head of household, right-holders in the *copropiedad* are mostly males just as in the *ejidos*. The age limit of sixteen for considering a boy as a potential right-holder to land was also applied in Chibtik until a lawyer pointed out that they were not required to do so.

Thus, land reform has decisively shaped property arrangements in Tojolabal communities. However, we also saw that local listings increasingly diverged from formal ones and local listings had primacy for internal purposes. Furthermore, many of the detailed regulations of the land reform law play no role in internal administration of land rights. On the one hand, they are unknown to Tojolabal land reform beneficiaries (which is hardly surprising since the 1971 law consists of 480 Articles). On the other hand, most of these regulations have not been enforced. As Bouquet & Colin (1996) concluded for Oaxaca, I found that many of the possibilities contained in the land reform legislation to exercise direct control over the allocation of rights within *ejidos* were not actually used. (Though, as we will see in the next chapter, state authorities could and did interfere at critical junctures.) My view is that the land reform bureaucracy simply did not have the manpower necessary to monitor practices within *ejidos* closely let alone bring them into line with formal legal principles.



### The development of governance structures

The land reform process also had a powerful impact on the way authority and decision-making were organised among former *mozos*. As I did for property rights, I will now show that the development of such structures of governance both drew on and diverged from official regulations. As mentioned, the *patrón* had played an important role in the organisation of authority on the *fincas*, creating a certain vacuum when he left. The existing structures of authority among the *mozos* could not simply be transplanted to the new situation.

#### *The organisation of authority*

During the land reform process, the authority structures operating in the communities of the Tojolabal Highlands suffered considerable changes. In order to petition for land and carry out dealings with the land reform offices, a *comité agrario ejecutivo* had to be formed, which was later turned into the *comisariado ejidal* after the endowment was a fact.<sup>40</sup> The land reform communities in the Tojolabal Highlands adopted this authority structure, which included, in addition to the *comisariado ejidal* and several other officials (referred to jointly as the *autoridades*), the *asamblea*, the regular meeting of right-holders. Both have become crucial to the organisation of decision making, authority and representation in the Tojolabal communities and have developed a sphere of competence far beyond the agrarian issues for which they were originally devised. Nowadays, these institutions are seen as highly characteristic of Tojolabal communities, insofar as they are currently considered 'traditional' authorities.

The authority structures that existed amongst the *mozos* under the *finsa* regime, only partly continued in the new situation. The *caporales* had only had limited tasks (in the organisation of labour) and their authority had derived directly from the *patrón*; their position seems not to have served as the basis for leadership under the new conditions. Similarly, the religious organisation that had existed around the Patron Saint, was maintained but did not develop into a real power structure. Rather than pre-existing structures, the authority structure required by the land reform bureaucracy itself provided the basis for the organisation of authority and leadership in the Tojolabal communities. I found it difficult to develop a good understanding of precisely how this happened and how much conflict the process involved. It has been suggested that the traditional systems of authority that operated in the Tojolabal communities, especially those that centred around the *ancianos* or elders, were displaced as the *ejido* model was imposed (Hernández Cruz 1999: 171-91). This account contains the suggestion that the land reform bureaucracy refused to accept the leadership of the elders. I have found it difficult to gauge either the degree of leverage of the elders under the *finsa* regime or the degree of coercion involved in the appointment of the representatives of the Tojolabal would-be land reform beneficiaries vis-à-vis the land reform bureaucracy.<sup>41</sup> If councils of elders indeed existed in Tojolabal communities, as Montagú (1969) has suggested, by the 1980s these had disappeared- virtually without leaving a trace (also Ruz 1982: 192). It is unclear to what extent the land reform bureaucracy directly influenced the appointment of specific agrarian representatives or whether its influence was mostly indirect. We can assume that the land reform process created conditions for a new leadership to emerge, mostly from amongst the somewhat younger men, who saw opportunities

in the new conjuncture and had more of the skills required for dealing with the land reform bureaucracy. Most of the elderly were not able to provide the necessary leadership, though they may have played an important backstage role in supporting particular initiatives. To date, the elderly in Tojolabal communities enjoy considerable prestige and perform important tasks in religious rituals. They do not, however, 'govern' and remain rather marginal to the authority structure centred on *autoridades* and *asamblea* (see also Leyva 1994 who reaches similar conclusions for the Cañadas).

The adoption of the *ejido* model in the Tojolabal Highlands seems to be related on the one hand to the need for accreditation by which the leaders of the endeavour acquired recognition vis-à-vis the land reform bureaucracy. On the other hand, however, the Tojolabal communities of land reform beneficiaries took up the *ejido* model for authority and decision-making in the context of the institutional vacuum that had been created by the departure of the *patrón*. Coming from a situation of peonage, in their new condition as direct controllers of land, the Tojolabal were in need of a model on which to build their institutions for internal co-ordination and representation to the outside. The *ejido* provided such a model at least partially.

In the Tojolabal Highlands, in addition to the *comisariado* and his two 'companions' (*secretario* and *tesorero*), the local authorities include the *comité de vigilancia* (the surveillance committee required by the land reform regulations to check up on the *comisariado ejidal*), the *agente municipal* (the representative of the municipality at the community level) and possibly others, such as the *representante de la copropiedad* in Chibtik. They are referred to as *autoridades* or *ja ma ay sch'ol*, the latter literally meaning: those that are entrusted with something, that have an office or assignment (*ch'ol* translates as *cargo* in Spanish). As is common in other indigenous regions of southern Mexico, authority is thus conceptualised as a 'service' to the community. There is a certain 'division of labour' between the different authorities, but the system is flexible and it is not always clear exactly what issues correspond to which of the *cargo*-holders.

The appointment by the community (for three years, in keeping with official regulations) takes place through the *asamblea*, to which the authorities remain accountable. Thus, the collectivity bestows authority on individuals, which is why we may speak of 'delegated authority'. As a symbol of authority the *comisariado ejidal* and the *agente municipal* possess the *cacho*, the instrument by which the *mozos* used to be called to work in the days of the finca. It is the *cacho* that gives the authorities the power to convoke the people. Accreditation by the land reform bureaucracy is also of course important, especially in relation to the representation of the community. The *comisariado ejidal* keeps the seal of the community required to endorse any letters or petitions to government agencies. In the local conception, however, the authorities are ultimately answerable to the *asamblea*, understood as embodying 'the community'. To cite a religious leader from the neighbouring Cañadas region: "I am just the authority, I don't rule" (*yo sólo soy autoridad, no mando*) (in Leyva 1995: 399). That the *asamblea* is the highest authority not only in name is underlined, for example, by the fact that the authorities cannot use the seal without prior permission from the *asamblea*. In one community in the region of study, the *comisariado ejidal* paid for his use of the *ejido* seal without such prior consultation, with two days of confinement in the community prison.<sup>42</sup>

The workings of this authority structure differ in many respects from the civil-

religious *cargo*-system as it has been described for the Central Highlands. First, *cargos* in the Tojolabal Highlands are not arranged in a definite hierarchy, though some *cargos* are considered more important (more 'burdensome') than others. The *secretario* and *tesorero* are perceived as 'helpers' of the *comisariado ejidal*. I had the impression that the *agente municipal* (who is also appointed by the community) was considered a lower position than that of the *comisariado*, expressed in the fact, for example, that men who could not read or write were often appointed to this post, which is highly unlikely to happen in the case of a *comisariado*. In addition to these important posts, there are several other minor positions, such as serving on one of the numerous committees concerned with health care, education or specific projects. The performance of particular individuals in these roles certainly serves as a test of their suitability for a future role as *comisariado* or *tesorero*. Second, among the Tojolabal, the traditional religious *cargos*, such as *alféreces* (in charge of organising the celebration in honour of the patron saint) and musicians, are not counted as *autoridades*. Elderly people, including women, play a relatively important role in precisely these roles. A third difference with the Central Highlands is that the authority structure in the Tojolabal Highlands does not include municipal government, which restricts the extent to which the authorities may concentrate power. Fourth, as mentioned earlier, the authorities are accountable to the *asamblea*. This is a feature the communities of the Tojolabal Highlands share with the Tojolabal and Tzeltal communities of the Cañadas region (see Leyva 1994). Finally, expenditures of the authorities as well as religious celebrations are typically co-ordinated through *asambleas* and paid through contributions from all the families of the community. The people in charge of organising the feast (*alféreces*) are exclusively responsible for the logistics, but the financial burden is shared.

In addition to the *ejido* authorities, the catechists, trained by pastoral teams from the San Cristóbal diocese, and people holding certain posts within the *ejido* unions, should also be mentioned. They can develop considerable power within communities. Leyva has grouped them with the authorities (1994: 382), but I myself tend to see them rather as parallel to these, since they deal with different issues and address a somewhat different constituency. Generally speaking, the *comisariado* deals with land matters (broadly defined), including only men, whereas catechists address issues concerning Catholic religious organisation, including both men and women. In practice, though, the dividing lines are not always clear. Mending fences or organising upcoming baptisms provide no room for confusion, but internal conflicts are likely to involve both (it is also important to bear in mind that different arrangements may exist in different localities). In any case, catechists as well as the community representatives vis-à-vis political organisations are both appointed by and accountable to the *asamblea* and act as intermediaries between their constituencies and wider structures (the diocese and peasant organisations). They also have a considerable voice in community affairs.

Quite outside the authority structure described so far are individuals believed to control supernatural powers, most importantly the *ajnanum* or *pitachik*, like Humberto Castillo in the case of Chibtik (for a more detailed description of healers, see Ruz 1982: 196-99). They escape the control of the *asamblea* (they are not 'delegated authorities') nor are they accredited by larger institutions, but they can accumulate considerable power. In some cases, as we saw, for example, with Humberto

Castillo in Chibtik, they may also seek to hold some formal office, which increases their power.

### *The asamblea*

The *asamblea*, an important element of the model for *ejido* administration, became a crucial institution in communities in the Tojolabal Highlands. In the *ejido* model, the *asamblea* – comprising all the *ejidatarios* – nominally figures as the highest authority, although executive power rests with the *comisariado ejidal*. Stipulations concerning *ejido* administration are, as I mentioned, quite detailed and cover both the procedures by which *asambleas* are to be held and its sphere of competence, notably the election of *ejido* authorities, assigning private plots within the *ejido* domain, inheritance, and conflict resolution (see also Land reform law Articles 22-50). In the Tojolabal Highlands I found the *asamblea* to play a crucial role in land tenure matters. It is through the *asamblea* that the collectivity of right-holders organises and exercises control over individual members. Through the *asamblea*, right-holders define what a 'right' entails, condition membership, co-ordinate duties and enforce sanctions.

Though the Tojolabal have adopted the *ejido* nomenclature for local decision-making procedures and authorities, these labels tell us little about how either are organised in practice. The regulations as laid down in the land reform law regarding when to call *asambleas*, how to organise them, and when to involve higher authorities are somewhat irrelevant to governing practices in Tojolabal communities. The importance of the *asamblea*, or *junta* or *tz'omjel* as it may also be called, in most Tojolabal communities goes far beyond that attributed to it in the *ejido* model. Whereas land reform legislation requires the *ejidatarios* to hold one *asamblea general* per month, in most Tojolabal communities they are held far more often and may involve all adult men rather than *ejidatarios* only. The scope of the issues which Tojolabal *asambleas* (and the *ejido* authorities) attend, extend far beyond 'ejido matters'. In fact, their authority extends to virtually anything defined as a common concern. Furthermore, they govern 'the community' comprising the totality of the resident population, rather than the *ejidatarios* per se.<sup>43</sup> The authority positions and decision-making procedures for administration of the *ejido* have been appropriated and re-signified in Tojolabal communities. In view of their scope and importance, the governance structures developed in Tojolabal communities, with the *asamblea* as the centrepiece, constitute a *de facto* local government.

### The workings of *de facto* local government

The structure of authorities and *asambleas* in Tojolabal communities is best described as a local government. It is more than the sum total of different forms of mutual assistance such as labour exchange or pooling arrangements. Whereas such arrangements belong to the private sphere, the authority and decision-making structures described in this chapter assume public functions at the community level. In other words, they contain claims to governance both vis-à-vis individual members and vis-à-vis state structures such as the land reform bureaucracy. To a certain extent, the governing capacity of communities of land reform beneficiaries is formally recognised, but only insofar as administration of land tenure is concerned.<sup>44</sup> In

practice, however, governance structures operating at the communal level go beyond land matters to all issues that are somehow defined as being of public concern within or between communities. Because of the importance of such structures of governance for understanding the dynamics of Tojolabal communities, I have decided to devote a few pages to their workings, focussing especially on the *asamblea*. I speak of *de facto* local government because local structures of governance are not formally recognised as such. The Mexican constitution establishes three levels of government: federal, state, and municipal.

### *Governing through the asamblea*

Many observers have been struck by the importance of the *asamblea* in Tojolabal communities, in terms of the many issues considered to be of its concern as well as the coercion it exercises over individual community members. Martínez Lavín, a Marist priest working in the area, wrote, for example:

"The force that the community exercises over individuals is very noticeable in the *Macizo Tojolabal* [roughly coinciding with the Tojolabal Highlands as defined in this book]. [...] The community decides upon the type of religion of its members, the admission of a stranger that wishes to spend the night, the sending of young men to receive some technical training, the sanctions to be applied to the juvenile delinquent that lets his cattle into neighbouring fields, the trips that need to be made by the authorities, the use to be given to the water sources, any assignment received from the outside system, such as [appointing someone to] be in charge of the water, the school, preparing food for visitors, the contributions to a celebration, the place where a hydrant should be installed, the number of benches that the school needs to have, how visitors should be treated, what is to be done with a mentally ill person, the entrance of a doctor, the installation of a mill, etc. [...] Power does not lie in the individual but in the community. The mission of the authorities, the *comisariado*, is simply to convoke a meeting and enforce the decisions made at the *asamblea*" (Martínez Lavín 1975: 8,9).

In a similar vein, Leyva and Ascencio wrote of communities in the Cañadas, where *asambleas* play a similar role to the one they play in the Tojolabal Highlands:

"[it is] the totality of inhabitants of a settlement that, gathered in a meeting, dictate the norms that govern every sphere of local social life. For example, the meeting programs the work in the communal *milpa*, the construction of public buildings (*casa ejidal*, *casa de salud*, classrooms, etc), and creating or cleaning footpaths; and it designates civil and religious authorities." (1996: 161).

These authors' appraisals coincide in several regards with my own experience. Like them, I was astonished by the sheer scope of matters considered to be of communal concern and dealt with at the *asambleas*. This includes many issues that outside observers like myself would consider personal (like the choice of religion), but also several that could be considered the province of public administration, such as the provision of services such as schooling and the administration of justice. In the Tojolabal Highlands (as in many other indigenous regions of Mexico) community competence stretches far into the personal sphere and encompasses much of what in other contexts makes up the domain of government agencies. I also agree that

the community may be understood as a control structure (though I would not go as far as Leyva does for the Cañadas region, equating *asamblea* and community, or *comón* as she calls it, using the Tzeltal/Tojolabal term; Leyva 2994: 382). Amongst the Tojolabal, there is an understanding that the community 'governs' and that it does so through the *asamblea*. Statements such as 'the community decided' or 'the community did not want it' usually refer to the outcome of an *asamblea*. The *asamblea* can be understood as some sort of instantiation of community, where the 'public opinion' is formed and expressed and the 'collective interest' is being defined. This also makes the *asamblea* a space where community itself is being defined, performed, and contested.

However, several points need clarification. The relation between *asamblea* and authority is not as unproblematic as Martínez Lavín suggests, nor can the *asamblea* be equated with the 'totality of inhabitants' as Leyva and Ascencio maintain. To assume that authorities simply 'execute' the will of the community overlooks the facts that different ideas or factional interests may exist within the community and that, as local power holders, the authorities may also pursue personal interests. Furthermore, assistance to *asambleas* is mostly restricted to adult males and may be even further conditioned. The *asamblea* needs to be problematised to a greater extent than it has been so far.<sup>45</sup> To make a start with that, I propose to understand the *asamblea* as an arena in which decision-making takes place but meaning is also produced. I use the concept of arena as it has been defined by Long who speaks of arenas as "social locations or situations in which contests over issues, resources, values, and representations take place" and "where actors confront each other, mobilise social relations and deploy discursive and other cultural means for the attainment of specific ends, including that of perhaps simply remaining in the game" (2001: 59). Although the *asamblea* is not the only arena of relevance to Tojolabal communities, it is certainly a central one.

During my fieldwork in Chibtik, it was not uncommon to see the men summoned to meetings two or three times a week. Any of the authorities, the *representante* of the *copropiedad*, the *comisariado ejidal* or the *agente municipal*, could convene a meeting. Members of the community or outsiders can ask the authorities to call for such a meeting when they have a certain issue (*punto*) they want treated. In Chibtik, meetings were mostly called in the early morning, before people left for the fields, or in the late afternoon, as they were returning. Blows on the *cacho* warned the men that something was up or reminded them that a meeting had been set. After the first or second call of the *cacho*, the men slowly gathered in front of the church or – if it was raining – in the corridor of the school.<sup>46</sup> They formed small groups and chatted, or just sat and waited. This time might last up to an hour and a half or so. After the third call and when the person who had convened the meeting saw that quite a few men were there, he would start it by saying 'Well, it seems that quite a few of us are here. Maybe we should start'. Some others would confirm: 'Yes, quite a few of us are here, why not start?' The authority that had called the meeting introduced the issue to be dealt with. If outsiders like myself were involved, they would be introduced and the background to the issue provided. Some people would ask for clarification, others would repeat some of the points raised, and still others might give their point of view. If the point were of any interest, a great deal of discussion would ensue. To me, the dynamics usually seemed disorganised and non-

transparent. Everybody talked at the same time, with the volume rising and then again falling. Points of view were being suggested, repeated, added to, appraised, and possibly confirmed. In the midst of this decentralised confrontation of opinions and weighing up of pros and cons, a pause would sometimes be made and a point put forward forcefully by someone, after which the discussion would resume. At some point someone, usually the person who had convened the meeting, would phrase an agreement that might be acceptable to many of the men present. He would ask for explicit confirmation of this agreement by saying "akwerdo ma" '[is there agreement?]'. This would then be answered by an affirmative "akwerdo" [there is agreement!] of the part of those present. Decisions so taken are called *akwerdo*, from the Spanish *acuerdo*, meaning agreement.

The above is no more than a rough sketch of the dynamics of meetings in Chibtik. The *asambleas* would certainly warrant more detailed study than I have been able to conduct at this stage. I have only been present at meetings where I had a point to raise, and then, only for as long as my own 'point' was being discussed. Yet, even if I had been present at more of the meetings, I probably would still have felt the process escaped my understanding. With many things happening at the same time it would probably be difficult (even for those present) to trace exactly how decisions had been reached. Asking various people what had happened at an *asamblea* sometimes elicited quite different versions of the events.

As in other arenas, in *asambleas* in Tojolabal communities, forces are measured and interpretations constructed, in ways never entirely free of a degree of manipulation and coercion. None of the people involved in making decisions is not also an interested and affected party, tempted to use every possibility of reaching a favourable outcome. In the process of decision-making, certain objections will be marginalised and eventually overruled, certain alternatives may be ignored and others promoted. Those other than the official authorities may exercise power during the meetings, which is reflected in the attention paid to their suggestions and the degree to which they are supported. It would, however, be inaccurate, to my mind, to view the meetings as mere rituals for legitimising decisions already made by small cliques. Disagreements did arise and sometimes prolonged the meetings for hours. Real confrontations did take place. Controversial issues sometimes remained unresolved and pending, to be returned to at a later stage. Issues that strongly divided people sometimes postponed decision-making for some time.

The fact that decision-making is couched in consensual terms, and labelled as 'agreements', does not mean that people have a naïve belief in consensus or collective interest. On the contrary, people are acutely aware of the politics of decision-making. Consensual language does not mean that everybody agrees with everybody else, or that people all necessarily accept a certain decision with the same enthusiasm or for the same reasons. Neither does it prevent differences from resurfacing at a later stage. *Acuerdos* are probably best understood as 'accorded coercion'. Though considered legitimate, they are clearly understood by the individual members of the community as constraints on their behaviour and may be experienced as impositions. It is important to bear in mind though, that whereas it is true that people may agree to certain decisions because they feel forced to agree, not because they think the agreement is the one most in line with their individual interests, it is also true that giving in to a reasonably acceptable agreement may be preferable to lasting disagreement, the outcome of which cannot be predicted.<sup>47</sup>

Through the *asamblea*, the community appears as an externalised, objectified instrument of authority and discipline. In line with the disciplining force that Sabeán found property to exert in his historical study of family and property, one can understand the Tojolabal community as a 'disciplining' regime (Sabeán 1990; also De Vries & Gilvonio 2001 for a similar use of the concept). Such 'disciplining' may involve outright coercion, but it also operates in more informal ways, through self-constraint and by influencing people's aspirations and expectations. Property 'disciplines' in the sense that the prospect of acquiring, the fear of losing, or the need to legitimise claims to property, condition people's behaviour. I have already pointed out that the community exercises an important degree of control over land rights, which gives it its disciplinary power. Agreements have a law-like status at the communal level; they are binding and enforceable rules. They are also often referred to as *orden*, or 'order', which underlines this law-like status. I have encountered frequent references to restrictions and prohibitions that were an outcome of *asambleas* in terms of *mey orden*, meaning 'it is not allowed'. It is interesting to note that people refer to prohibitions from state agencies in these same terms, suggesting a certain equivalence or commensurability between the two types of regulation, which points to the existence of a certain degree of legal pluralism. When community level decisions are considered very important, they may be put in writing in *actas*. A full *reglamento* may be produced, outlining some of the most important prohibitions and their corresponding sanctions.

The most common form of sanctions in Chibtik is that of the *multa*, a monetary fine. The *multa* is a payment to the community for infringing its rules.<sup>48</sup> The money from *multas* generally goes into a *caja* (box, or fund) and is used, for example, for trips by the *comisariado ejidal* to arrange certain matters for the community. Specific fines are stipulated for specific infractions (for example letting one's pigs to escape or failing to attend an assembly without a legitimate reason). In other cases, the fine will be negotiated at the *asamblea*. Let me provide a brief account of my own experience when I was working as a schoolteacher in Piedra Huixtla more than ten years ago to illustrate the issue of fines. When I told the men at a meeting that it was very difficult for me to work with the children being absent so often, they decided that there should be an *acuerdo* for everyone to send their children to school. A fine was set (I found the idea of a fine appalling until I discovered that this type of arrangement was very common). The fine was paid to the *community*, rather than the teachers, since not sending children to school constituted an infringement of a *community* regulation. The agreement did not improve the situation greatly, since the children's labour was greatly needed at home. In an attempt to comply with the agreement, however, some mothers sent another child instead of the one who usually attended school. This solution was perfectly in line with how meeting one's obligations is understood. (In view of the situation, I never insisted on compliance with the new agreement.)

The *asamblea* also plays a role in the construction of boundaries between inner and outer spaces. It marks the boundary between those who are community members and those who are not. Establishing the recognised constituency of *asambleas* is a way of defining community membership, which operates next to a definition on the basis of land rights. In Bajucú, for example, all 16 year old boys were enrolled on the list of *asambleistas* giving them the right to participate in the meetings but also obliging them to contribute to all sorts of communal duties and



expenses. In Chibtik a list of 'men' was drawn up next to a list of 'right-holders'. In principle, attending *asambleas* is both a privilege and an obligation for all adult male members in the community. Women, like outsiders, only take part in the meeting when (and only for as long as) they wish to discuss a point or at the explicit invitation of the people.<sup>49</sup> *Asambleas* are thus constructed as an insiders' sphere, a realm protected from outsiders. This is at least partly due to the fact that people are well aware that their capacity for collective action lies largely in these meetings. The power to influence decisions, the advantage of knowing what these decisions are and what one may expect from the behaviour of those present, is restricted to insiders. To open up this arena would also mean making it vulnerable to manipulation by outsiders, and giving up one of the greatest advantages communities have in their dealings with government representatives, for example. The meetings give the Tojolabal the power to act quickly and unitarily. Accorded action would be far less effective if it were known to outsiders beforehand. Furthermore, at the meetings, internal tensions are brought into the open that could easily be exploited by 'interested outsiders' (read: actors with a political agenda). In situations of political tension, protecting the insiders' sphere becomes more important than ever.

I have stressed the fact that being part of the meeting's constituency is a privilege. It should also be noted, however, that it is often experienced as more of a burden. Although meetings may deal with issues of crucial concern, on many other occasions they deal with extremely routine, tedious matters, such as the co-ordination of communal labour (e.g. maintenance of fences or roads) or some minor problem that nonetheless needs to be resolved. It is not always a pleasure to have to spend hours in the cold or darkness when one could be sitting at home by the fire. Furthermore, one always runs the risk of being enrolled for some 'commission' or other to resolve a particular issue in town, to co-ordinate an event, or to accompany one of the authorities on a trip to a government office. People's natural reluctance to come to meetings is perhaps the reason why attendance at meetings is one of the obligations right-holders have, while in some cases, non-attendance is sanctioned.

#### *The role of religious and political organisations*

*Asambleas* have not always had the central role I found them to have. When Montagú described Tojolabal social and political organisation in her contribution to *The Handbook of Middle American Indians* in 1969, she did not mention the importance of meetings of adult men (1969). She speaks of a so-called *junta* but defines this as a group of about five individuals appointed by the adult men to attend to local affairs. Montagú's account was not based on thorough research and she may have overlooked the role of community meetings. The importance of the *asambleas* may also have increased since the time of her work. As a result of the engagement of the diocese and the *Norteños* with the Tojolabal communities since the 1970s, structures of authority and decision-making have been slightly re-structured.

Both organisations tried to introduce more participatory methods of decision-making and more horizontal forms of organisation within communities (Leyva & Ascencio 1996: 153-166; Harvey 1998). Legorreta describes how within the framework of the *Lucha Campesina ejido* union and in line with the idea of working 'from the base upwards', attempts were made to strengthen the *asambleas* and make leaders more accountable (Legorreta 1998). This may have contributed to *asambleas*

acquiring a more central role. On the other hand, however, attempts to 'democratise' *asambleas* by dividing the community up into sections with their own *asambleas* or the inclusion of women, were not very successful (Teresa García, pers. com.). According to Leyva (1995), the participatory methods pastoral workers applied in the training of catechists were introduced by the latter into *asambleas* in communities in the Cañadas. A similar development may have taken place in the Tojolabal Highlands. Furthermore, the pastoral workers and catechists attempted to turn the Sunday church services into forums for reflection and discussion. Contrary to the *asambleas*, in the church services, women are also present and have a voice. The involvement of pastoral teams may thus have pluralised the spaces for decision-making and the construction of meaning. It has also been suggested that pastoral work may have strengthened community discourse (Legorreta 1998, Meyer 2000 Leyva & Ascencio 1996: 161). This has led some observers to suggest that the community is a creation or invention of the diocese (e.g. Legorreta 1998). In my view, this misconstrues the process of community formation in which several processes played a role and in which the intervention of the diocese, like that of the political organisations, built upon already existing structures of governance and constructions of collectivity rather than creating them. The invention of community had begun long before these organisations entered the scene in the 1970s, through experiences of collective action in the process of land reform and the formation of collectivities of right-holders to land.

An important result of both the religious and political organisations in the Tojolabal Highlands was to open up more channels for leadership, in addition to the existing *ejido* authorities: catechists, deacons (*koltanum* in Tojolabal, *tu'unel* in Tzeltal), representatives and delegates. This implied a pluralisation of the leadership-base and it became quite common for the same individuals to alternate between the different posts. However, the process was not free from antagonism. According to Legorreta, the catechists developed into caciques resisting the formation of leaders within the structure of the peasant unions that might challenge them (Legorreta 1998). Hernández Cruz (1999) claims that both the new religious and political leadership discredited the mystical and spiritual sources of power and thus antagonised the elderly Tojolabal that had previously taken up leadership positions. I tend to interpret these accounts in the light of the political agendas of both authors, who have been stakeholders in the process of political organisation themselves. I have the impression that the different channels for leadership were dealt with as much as possible as parallel (rather than as mutually exclusive or antagonistic) options by the population concerned.

#### *Principle of equal shares*

The *asambleas* in Tojolabal communities are concerned with the administration of shared resources and the provision of collective goods such as infrastructure, services and conflict management. One important mechanism is what I have called 'the principle of equal shares'. Fencing as it is organised in Chibtik provides a clear example: each right-holder is required to contribute a set amount of money, the same for all right-holders, barbed wire, a number of poles (to be fetched from the woods) and a number of days of work. All this is carefully registered, usually by the authorities or a special commission. In the case of fencing, book-keeping of mone-

tary, material and labour contributions is carried out on the basis of right-holder-ship. In other situations, for example, maintenance of a water source, all adult men will have to contribute. Failure to comply with these obligations will usually incur sanctions. A record is kept of contributions that have not been made, which are conceptualised as a 'debt' to the community or the collectivity of right-holders. In extreme cases of failure to comply with regulations, a person jeopardises his rights, and may ultimately be expelled from the community (this issue will be taken up at length in the next chapter).

Such strict regulation may be understood as a means of limiting free-riding, that is of reducing the chances that individual members might enjoy the benefits of shared resources without sharing in the efforts of provision and maintenance, and avoiding friction over allocation and provision dilemmas. Free-riding, or more precisely the fear that others might free-ride, has been identified as one of the major obstacles to co-operation and pooling (see Ostrom 1990, Popkin 1979, Baland & Platteau 1996). As we saw, in Chibtik, men other than those 'listed' could only acquire rights to the *copropiedad* if they were admitted by the existing group of right-holders and upon payment of a compensation for the efforts made, the *entrada*. Conditioning membership and payment of an *entrada* are measures that seek to ensure that the efforts of those that took the risk are not simply given away. It also serves as an incentive for people to be 'on the list', for if they do not share in the efforts, there is a distinct risk that they will not be able to join in later, or only at a high cost. If provision is costly, as in the case of Chibtik, when the debt had to be re-structured, admitting new members is attractive to the existing collectivity of right-holders. If a resource is scarce, membership is likely to be restricted (examples of which we will see in the next chapter).

The 'principle of equal shares' is a procedure for organising the allocation of benefits and the provision of goods which is best understood in relation to the possibility of conflicts arising over these issues, as has been suggested by Popkin in his study of village institutions in Vietnam (1979). To limit such conflict, Popkin argues, "criteria that are highly visible and easily defensible" and "fixed ascriptive rules" (1979: 41; 57) do the job best. Popkin develops this point in relation to taxation, but it is also valid for other situations where the burden of provision or maintenance of shared resources is to be distributed over individual families. An example involving land distribution will be discussed in the next chapter; here I will give an example of cattle slaughtering for November 1st, the so-called *ko tak'in*. Nowadays Tojolabal families pool their resources to buy an adult animal to slaughter, once provided by the *patrón*. This can be done on a community basis, but is more often done by groups of people within a community. I witnessed such a slaughter once in the Veracruz community, where about twenty families shared one animal. Three men had been commissioned to buy it (it had cost almost 3000 pesos), and the price per share was established.<sup>50</sup> It should be noted that it was possible for a man to buy more than one share. The animal had been killed by the men appointed for the task on a field just outside the settlement. All the families that had bought shares sent someone with a bucket; one bucket per share. First everyone got a share of the blood, which children ran home to deliver to their mothers. Then, the people with the buckets formed a circle around the animal and butchers and an elaborate procedure began whereby each part of the animal (good meat, poorer quality meat, offal) was

cut up into as many pieces as there were shares and thrown into the buckets; once clockwise, then anti-clockwise. It took hours under the hot sun. The experience (as I sat there with my own bucket) made me realise more clearly than ever what pains people take to prevent anyone from feeling disadvantaged, for it is precisely this sensation that can give rise to frictions. The dividing up of the animal reflected the concern with avoiding suspicions of anyone being favored over others. When inequalities do occur, they can be attributed to 'fate' (*le tocó*): nobody but chance (*suerte*) can be blamed. Success of the method is never fully guaranteed, as I established later that day. That afternoon in several kitchens I could hear critical discussions about the quality of the share that they had received in comparison to what they felt others had received.

If distribution cannot be fair, for example because a resource cannot be split up, another solution has to be found. The buildings formerly belonging to the finca, the *casa grande* and the church, have been turned into public buildings, rather than allocated to a particular individual. In fact, it would have been inadmissible for any one individual family to appropriate something like the *casa grande* to which none of the former *mozos* was any more entitled than anyone else. Humberto Castillo and his family stayed in the *casa grande* for a while, when he became a late buyer in the *copropiedad*. Unlike the Chibtikeros, they had no house of their own in Chibtik, for they had never lived there. "When we came, we didn't have a place to stay. For several months we stayed at the *casa grande*, where the school is now", Lola, Humberto's widow, recalled this episode. I joked – pretending I did not know I was suggesting an 'impossible' solution to the problem of where they should live – "You should have stayed there, it is a nice house." She answered: "No, no, the community wouldn't have wanted that! No, they told us where we would stay and made us the house."

The procedures in line with the 'principle of equal shares' do not mean, as Popkin has also pointed out, that greater equality in endowments is promoted or that existing differences between families are levelled out (1979). He argues in the case of taxation in Vietnam that the equal shares being paid by each of the adult male villagers implied that tax was in fact regressive, implying a relatively higher burden on the poorer members. In Tojolabal communities, the principle of equal shares may produce similarly 'unequal' effects. The same financial contribution is more costly to families with less cash than others. A day's work is more costly to those with fewer adult men. Furthermore, equality is related to shares or, in the case of land, to the 'right' attached to a right-holder. In the case of the cow-slaughter, families with enough cash to buy two or more shares were allowed to do so. In the case of the Chibtik *copropiedad*, the decision to open up the possibility of buying a share to young boys led to a situation where some families ended up having two or three or more shares where others only had one, which became the basis for further differentiation.

### Discussion: the constitution of community

In this chapter I have described several of the ways in which land reform has shaped the communities of land reform beneficiaries in the Tojolabal Highlands of Chiapas. Summing up the main findings, we may conclude in the first place that land linked groups of people that often shared a history of living on a particular finca as well as

kinship ties, in concentrated settlements with contiguous, exclusive territories. They were given direct control of this land though they were also subjected to a number of rules and procedures. Second, some of these rules and procedures permeated the institutional repertoire of the communities of land reform beneficiaries. Third, old distinctions between the *mozos*, derived from their labour relation to the *patrón* or from special privileges assigned to them, were eliminated in the process. The playing field was levelled somewhat as they were all treated as land claimants with equal rights by the land reform bureaucracy. The assignation of land rights itself became a source of further differences. Fourth, the land reform process promoted the emergence of new types of leadership figures, namely the *ejido* authorities, acknowledged by the land reform bureaucracy as representatives of the collectivity of right-holders. In addition to the regular meetings of adult men, these authorities dealt with matters other than those of land and function as *de facto* local governments. To conclude this chapter I shall address the issue of why the *ejido*, as a construct of state policy, was able to structure the identifications and commitments of the population of the Tojolabal Highlands so strongly and how such structuring is best understood.

#### *The centrality of community in the Tojolabal Highlands*

I mentioned in the introduction to this book that 'community' is an important reference in the Tojolabal Highlands, without which it is difficult to speak about land rights but also more generally about social organisation, conflict and change. Although the *ejido* model is a policy construct, it has become central to the way the Tojolabal identify and organise themselves. It has been observed by several authors that the Tojolabal have constructed their identity around the *ejido*, in much the same way as they did around the *finca* (Flores Félix undated.; Hernández Cruz 1999; Mattiace 1998). Elements of the *ejido* model have become identity markers, within communities as well as for outsiders. Inside the community, different categories of members are distinguished on the basis of 'agrarian' categories (*derechero* or *ejidatario*). Maps and official documents drawn up in the course of land redistribution are central to the construction and re-affirmation of a community in relation to other communities. The commitments of the Tojolabal in the region of study are also tightly structured around the community. Vital entitlements (and their corresponding duties) derive from community membership, including not only access to land, but also access to a number of other resources and services, political representation and having a say in local matters.

The community of land reform beneficiaries created in the process of land redistribution is more than a land holding collectivity, though this capacity gives it great strength. It is also locality and local government. The land endowments and acquisitions of communities not only constitute the patrimony of a specific collectivity but also constitute a domain or sphere of influence. In other words, 'community' in the Tojolabal Highlands is a social configuration in which territorial, juridical, administrative and social boundaries largely coincide. It should be added that the community does not enjoy undisputed hegemony over any of these dimensions. Juridical and administrative boundaries may be challenged by higher level state structures; different land endowments may correspond to different, only partly overlapping, sets of right-holders within a locality; social boundaries may at times

crosscut territorial boundaries, when families within a community organise around a factional interest or when several communities join together in a peasant union. Nonetheless, overall the community remains the principal referent of identification and local government.

This is particularly clear when contrasting the Tojolabal Highlands with the Central Highlands of Chiapas where both higher and lower levels of association and governance play an important role. Family groups and municipal structures, rather than localities, have been identified as crucial to identifications and commitments. For example, the localised patrilineages of Zinacantán described by Vogt (who called these *sna*) control land which they allocate to their members over whom they also have juridical authority (Vogt 1969: 140-44).<sup>51</sup> Although among the Tojolabal household and family groups (especially groups of brothers) are important, for example in the organisation of agricultural labour and certain pooling arrangements, these are subjected to the level of the community as far as their control over land and conflict settlement are concerned. In the Central Highlands, small settlements (usually called hamlets or *parajes*) exist that resemble the communities of the Tojolabal Highlands somewhat, but do not control land independently in the way communities in the Tojolabal Highlands do: most *parajes* do not coincide with *ejidos* or land acquisitions but are part of larger *ejidos* or *bienes comunales* (this holds, for example, for Zinacantán and Chamula). Furthermore, through the *cargo*-system, the *parajes* are integrated into the municipal structures in ways quite unknown to the Tojolabal (see Vogt 1969). In fact, most scholars writing on the Central Highlands have used the word 'community' to refer not to individual localities but rather to the municipality, governed by the ceremonial and government centre, the *cabecera*. This holds for most of the Americans working in the Harvard project as well as Mexican scholars attached to the INI, such as Aguirre Beltrán.<sup>52</sup> The situation in the Tojolabal Highlands is quite different. Whereas it may be common to speak of Zinacantecos, referring to inhabitants of any of the settlements that pertain to the municipality of Zinacantán, it makes little sense to talk, in analogy to this, about the people of the Tojolabal Highlands as Margaritenses. Instead, people identify themselves as Jotaneros, Bajukuberos or Chibtikeros. Systems of governance amongst the Tojolabal in this region are built up around and between communities but have not, until very recently, included municipal government (for recent developments see Chapter Seven).

The centrality of the community in the Tojolabal Highlands resembles the Cañadas region somewhat. This is not surprising, for many of the settlers – in Leyva's estimate up to 80% (Leyva 1995: 376) – came from the Tzeltal and Tojolabal finca belt. Leyva's description also stresses the central role of *asambleas*, the delegated nature of authority, and the far-reaching competence of local governance structures (1995). In both regions, the association between control over land (notably *ejido* endowments) and locality is very strong and links to the municipality are weak. In both cases, land redistribution acted as a structuring element in the organisation and governance of groups of people emerging from fincas. Leyva as well as others have related the type of community as it developed in the Cañadas with the process of 'exodus' from the fincas and the creation of a 'new social order' (1995: 401). A similar 'remaking of community' – as Harvey (1998) has called it – took place in the Tojolabal Highlands. There, former *mozos* were confronted with the need to re-

invent community under new conditions in which they directly controlled the land and the landowner was no longer a central authority.

#### *An institutional vacuum*

In the Tojolabal Highlands as in the Cañadas, the figure of the *ejido* was quite easily accepted by the population. The *ejido* never had the connotation of 'imposition' or illegitimate form of 'state domination' that Nugent and Alonso registered for Namiquipa, in the north of Mexico (Nugent & Alonso 1994). On the contrary, to the Tojolabal the *ejido* was associated with 'liberation', the end of subordination to the landowners and a means by which they could claim what they considered, in some ways, already theirs. I mentioned the fact that in many cases land redistribution had not given the former *mozos* exactly the land they wanted, in terms of location or size, and in other cases involved an experience of dispossession. Nonetheless, the figure of the *ejido* has been widely accepted in the region of study, without producing a sense of submission to the state.

For an explanation of such an acceptance of the *ejido* model we probably have to look at the finca context in which the new *ejidos* were created. Schryer's (1990) findings on Huejutla (Huasteca region) support this idea. In the northern half of Huejutla, previously dominated by haciendas, Schryer found 'real *ejidos*', created by transferring hacienda land to former peons. This contrasted with what obtained in the southern part of the region, where powerful authority structures and communal land tenure existed prior to land reform and the *ejidos* were only 'virtual', that is, existed only on paper without altering the previous organisation of land tenure. Land reform thus had quite a different impact in various regional contexts. In the Tojolabal Highlands, land reform was so successful that it entailed its almost complete 'ejidalisation'. It 'produced' real *ejidos*, with all their attributes: *ejidatarios*, *comisariados ejidales*, *asambleas*, *actas*, etc. Reviewing the case of the Tojolabal Highlands, I suggest that the adoption of elements from the *ejido* model is probably related to the discontinuities involved in land redistribution, as fincas were transformed into *ejidos*. Indeed, present day communities in the Tojolabal Highlands also continue to draw upon organising practices from finca times, especially where the organisation of communal labour (*komon a'tel*), related to the maintenance of common property resources or the provision of collective goods, is concerned. The men are now called to meetings with the same *cacho* which summoned them or their grandfathers to work during finca times, and communal labour is co-ordinated by means of *tareas* now as it was then. But the *mozo* families had no 'tradition' of allocating rights amongst themselves or of organising authority beyond the level of the family group on which to fall back in the new situation. The land reform legislation furnished them with a basis to develop these.

I distinguish two different elements that contributed to the acceptance of certain criteria and procedures for the distribution of entitlements, the co-ordination of duties and the organisation of authority. The first relates to the nature of the relations between the Tojolabal land reform beneficiaries, the other to the collectivist orientation of land reform policy. Starting with the latter, we can conclude that the Mexican state only partially filled the institutional vacuum created by the departure of the landowners. Land reform was organised to deal with would-be beneficiaries as a group with elected representatives and placed the responsibility for *ejido* admin-

istration on the collectivity. Despite what land reform legislation suggests, little control was exercised over the allocation of land rights within communities or the functioning of *ejido* authorities. The new ejidatarios were only vaguely familiar with the detailed regulations that existed for *ejido* administration and land reform officials paid little attention to them. Consequently, especially those criteria and procedures that played a role during the endowment process became incorporated into local institutions. Many other elements of the *ejido* model as it existed on paper, however, never actually played any role. Land reform thus regulated property rights to some extent, but in practice left the land reform beneficiaries to govern themselves as they pleased.

The impact of the *ejido* as a model of land tenure and local organisation on the communities of the Tojolabal Highlands is probably primarily explained by the advantages it offered in terms of presenting certain standards that could be used as a starting point for organising entitlements and procedures for regulation and less by the efforts of the land reform bureaucracy to forcefully impose it on them – though the land reform legislations left room for such imposition. My hypothesis is that the acceptance of the *ejido* model was related to the fact that the new communities of land reform beneficiaries emerged from the fincas as ‘communities of equals’, that is, they approached what Elisabeth Colson has called ‘a society of equals’ (1975). I have already mentioned that the new communities began by levelling the playing field in several regards. The earlier distinction between *vaqueros* and *macheteros* was not maintained and the special privileges granted by the *patrón* were largely abolished. As far as allocation of land rights in the finca domain was concerned, nobody could claim *a priori* authority over others. Earlier differences may further have been de-emphasised in view of the need to form the coalitions necessary to acquire the land. (All this did not preclude, as we will see, the possibility of new differentiations occurring.) Colson argues that among such ‘societies of equals’ there is always the threat that conflict will become uncontrollable and different mechanisms are employed to prevent friction from getting out of hand. The (almost obsessive) concern with nobody being advantaged over others expressed in the rigid application of the principle of equal shares, together with, for example, the role of envy, resonate with Colson’s description of societies of equals (1975). If my hypothesis is correct, the need to agree on some rules and criteria to be able to live together as a group among the Tojolabal land reform beneficiaries must have been particularly pressing.

### *Endowment and appropriation*

In this chapter I have shown how notions of property and governance in the Tojolabal Highlands reflect concepts from the *ejido* model, but I have also shown that behind the *ejido* labels lie institutions that have assumed a much broader sphere of competence than that of *ejido* administration. The communities of land reform beneficiaries in the Tojolabal Highlands have developed forms of local government in which elements of the *ejido* model have been incorporated but which are not limited to this model. The role of the *ejido* model is, in my view, best understood as a point of departure in the definition and allocation of property rights as well as in the development of authority structures and decision making procedures. It informed local institutions, but did not prescribe them. In the partial institutional



vacuum that occurred with the dissolution of the *fincas*, the *ejido* model offered certain elements, certain criteria and procedures for the distribution of entitlements and the co-ordination of duties, that were re-tooled and re-signified by the former *mozos* as they developed new notions of property and authority. The process of endowment within the framework of land reform then also implied a process of appropriation of the *ejido* model. For Chibtik I discussed, for example, how rights to the *copropiedad* and the *ejido* were extended to others than those formally registered. I also showed how the model for administration of the *ejido* was reworked into a much more all-encompassing local government. This is how the *comisariados ejidales* and the *comités de vigilancia* could become the Tojolabal 'traditional authorities' as much as the *síndicos* and the *jueces* are for the Tzotziles (see Vogt 1969).

A last important point to be made in this chapter is that Tojolabal communities of land reform beneficiaries assert themselves as governance structures, both in relation to their own constituencies and vis-à-vis state structures. This governing capacity is exercised especially in the fields of granting or withdrawing entitlements, the organisation of authority and decision-making and conflict resolution. Although the land reform bureaucracy formally has considerable control over these issues – see the section regarding the election of the *ejido* authorities and the internal allocation of rights in the 1971 land reform law – a policy of non-enforcement was generally adopted. As a form of local government, the Tojolabal *ejidos* maintain a certain degree of autonomy vis-à-vis the state at the same time as they are linked to it in many ways. Local government does not necessarily challenge the authority of the land reform bureaucracy. It often simply takes on tasks of regulation and co-ordination that no other institution performs. However, at critical junctures, community level governance and government agencies may enter into opposition. This is explored in the next chapter.

## Notes

- 1 Rosario Castellanos' 1924 will speaks of "26 houses for servants (*servientes*)", Testimonio 1929.
- 2 People remember several *encargados* having worked at Chibitk, all of whom were mestizos, though most of them spoke Tojolabal. In general, *encargados* usually came from smaller rural settlements or poorer, urban populations.
- 3 In the previous chapter, the Chibitkeros tell how their horses had to 'earn [work for] their own food', by carrying produce for the *patrón*, and relate the death of Don Pepe senior to a conflict over this issue.
- 4 Granting such privileges would seem in line with what Popkin has noted about the need for the *patrón* to keep relations dyadic and prevent collective bargaining on the part of the *mozos* (1979).
- 5 References were made to reddish lumps of salt.
- 6 See also Van der Haar & Lenkersdorf 1998: 53-8.
- 7 Montagú found a similar arrangement in the Tzeltal fincas of Ocosingo (1990 [1970]: 350-351).
- 8 The *brazada* is measured from the fingertips of one hand to the fingertips of the other with the arms stretched.
- 9 A *zonte* is a measure of 400 ears of maize.
- 10 Someone answered, after a moment's thought: "Well, I guess the *vaqueros* were worse off, because they had to get up very early, while it was still dark".
- 11 Endogamy is notable in the present-day communities; it has been suggested that this may be traced back to the finca era when landowners sought to retain their labourers.
- 12 The Tojolabal terminology does not differentiate between brothers and cousins, though it does reflect the age difference to *ego*.
- 13 Leyva notes in the same vein how people migrating from the finca region into the Cañadas brought the patron saint of the finca with them (1995).
- 14 ARA-TG file 1929. Women could only be legally accepted as *ejidatarias* when they were heads of households. Although as we will see below the Tojolabal generally only consider men as right-holders, they must have understood that the inclusion of widows was a means of obtaining more land as a group.
- 15 Solicitud 13-05-1959, ARA-TG, file 1929
- 16 ARA-TG file 1929
- 17 RPP-O 1963-021
- 18 RPP-O 1963-005
- 19 In an interview conducted in 1998 by Martín de la Cruz López Moya, who generously shared it with me.
- 20 RPP-O 1963-005
- 21 The minimum age to be considered as an *ejido* beneficiary was 16, which in our case means that the petitioners on the 1959 list must have been born in 1943 or before. I am certain that six of the men newly included on the list reached the age of 16 after 1943, but this may hold for others too. I could only establish dates of birth for people that appear in the 1997 community census, which does not include those that had died or left the community in the mean time.
- 22 RPP-O 1963-021
- 23 In one version, Juan Gómez and Fernando are depicted as being jointly responsible for the situation, having used the people's contributions for their own advantage.
- 24 The celebration in honour of the patron saint, San Miguel.
- 25 ARA-TG file 1929
- 26 In contrast with the *ejido*-authorities there are no legal impediments to the office of representative of the *copropiedad* remaining with the same person.
- 27 For a legal treatment of the issue, see, for example De Pina 1998: 107-19.
- 28 RPP-O 1963-021
- 29 The document, entitled *Testimonio de la escritura pública*, drawn up in Comitán, 07/01/1986, by Fernando Reyes Cortes was found among Don Pepe Castellanos junior's papers. I have no idea why it was there; he himself is not mentioned in it. Perhaps the document was related to sale of timber and Pepe Castellanos acted as an intermediary.
- 30 In my talks with the Chibitkeros 56 -

rather than 60 – was the number that came up time and time again. I think I can explain this by the fact that a conflict in the late 1980s and early 1990s, involved several families leaving Chibtik; at least 4 of them were *compradores*, so the figures seem to tally.

- 31 Establishing this was quite difficult: comparing names was complicated by inheritance and the transfer of 'rights' as well as different spellings of names. I was able to establish the deaths of ten of the original buyers, the rest must also have died or left since they do not appear on the 1997 Chibtik census, drawn up by local health workers.
- 32 A probate proceeding was used to decide on the inheritance.
- 33 The Tojolabal generally see only men as 'right-holders' though there are some indications that this has changed in recent years, due amongst other things to growing importance of male migration (see also Córdova 2000) and human rights discourse.
- 34 I use prefer the concept of 'right-holder' to the more common 'rights-holder' because the former brings out more clearly that rights are conceived of as a package and that who holds such a package enjoys a specific status.
- 35 The pattern of ultimo-geniture and patrilocal residence seems to be widespread amongst the indigenous population in southern Mexico (see also Córdova 2000). Amongst the ladino population inheritance patterns are quite different, however, and partible inheritance to all children, male and female, is the rule.
- 36 It is important to note that the intergenerational transfer of resources is governed by affinity and specific circumstances as much as it follows certain rules. As Sabeán has noted (1990) 'care' may serve as a means of claiming property. Though there is no room to go into detail about these issues here, it is important to bear in mind that inheritance is somewhat more complicated in practice than I have described it here.
- 37 The definitive withdrawal of *ejido* rights (*privación*), for example, needs to be confirmed by the Mexican president, according to the 1971 land reform law.
- The land reform bureaucracy is also involved in the updating of the census, the inspection of the use of private plots, the settlement of conflicts, and the election of the *ejido* authorities.
- 38 The original male bias of land reform legislation was subsequently corrected somewhat as the possibilities for women's recognition as heads of household were extended.
- 39 Amongst the Tojolabal, the status of right-holder is linked to notions of masculinity (see López Moya 1999).
- 40 The *comisariado ejidal* is a council that consists of three members, *presidente*, *secretario* and *tesorero*. As is not uncommon in Mexico, in the Tojolabal Highlands the term *comisariado* is used to designate the *presidente* rather than the committee as a whole.
- 41 That Hernández Cruz regards the *ancianos* as the 'real' traditional authorities is best understood, to my mind, in the context of a political project which centres on a more explicit ethnic or Indian profiling of the Tojolabal (Hernández Cruz 1999).
- 42 With thanks to Martín de la Cruz López Moya.
- 43 In some communities different meetings attending to either the population as a whole or to right-holders only may be held (see also later chapters). Arrangements may vary from one community to the next.
- 44 In Article 23 the Land Reform Law grants *ejidos* and communities legal capacity (*personalidad jurídica*).
- 45 Studies of the workings of *asambleas* are rare, the analysis by María Teresa Sierra of an Otomí communal *asamblea* being a fortunate exception (Sierra 1987).
- 46 Unlike several other communities, Chibtik had no *casa ejidal*.
- 47 I often encountered a fear of uncontrollable conflict related to the 'lack of agreement', resonating with the work of Colson on conflict and friction in societies with minimal or diffuse government structures (1975).
- 48 When damage to one or more persons is involved the sanction will involve paying compensation to the victims.
- 49 Schoolteachers working in the community are not generally admitted to *asambleas*. Apparently cases of abuse have reversed

- the earlier practice of admitting them.
- 50 After subtracting the revenues from the skin that was sold separately.
- 51 Collier (1975) describes the *sna* as a cluster of about four to six domestic groups, usually sons of one father, and finds it a central unit in organisation and factionalism.
- 52 It was precisely this association between

community and municipality that allowed Cancian to speak of a 'decline of community' in Zinacantán, referring to a loss of control of the municipality as individual localities became strengthened (1992). Aguirre Beltrán (1991 [1953]) quite consistently equates community and municipality in his work on indigenous governments.



## Chapter five

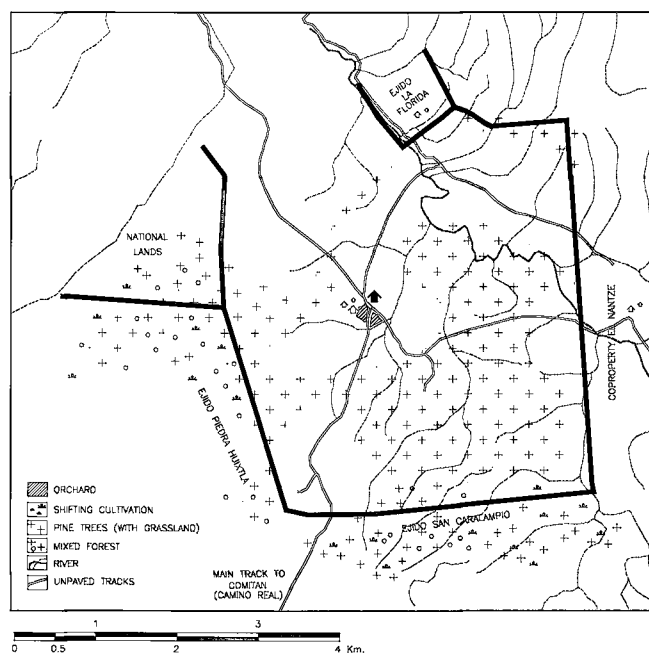
# Privatisation and conflict in Chibtik

In the previous chapters I have outlined how the process of land reform took place in the Tojolabal Highlands and how it re-configured not only the land tenure situation but also patterns of identification and commitment amongst former *mozos*. In this chapter, the focus remains, as in the previous chapter, on the internal dynamics of the communities of land reform beneficiaries, again with special reference to Chibtik. The chapter explores the processes whereby tenure arrangements were privatised against a background of continued population growth and the stagnation of land reform. The material on Chibtik also indicates some of the repercussions privatisation and exclusion have on the constitution of community itself, especially the growing differentiation between right-holders in *copropiedad* and those who are not. In Chibtik, more privatised arrangements have been associated with critical junctures of conflict and factionalism. This is why the two are addressed together here. The conflict discussed also sheds light on the way state structures and state legislation come to play a role in internal power disputes. Privatisation thus provides a vantage point from which to appreciate the contours of community control over land, which is being claimed by communities as their province and defended as such vis-à-vis the state. The chapter ends with a critical reflection on evolutionary perspectives on land tenure change.

### Shares and measures

#### *General rights to the copropiedad*

The Chibtik finca had been organised around extensive livestock ranching. When the *mozo* families of Chibtik acquired the *copropiedad* in 1963, it consisted of 900 hectares of apparently rather degraded land that contained no fenced sub-divisions, except for two walled fruit gardens and an enclosure for livestock. Grazing had resulted in a rather open landscape of grassland with some thorny bushes and further off, some scattered pine trees, a landscape locally referred to as *agostadero*, meaning summer pasture.<sup>1</sup> The area allocated for housing the *mozo* families was considerably smaller than it is today. After the acquisition, each family was free to choose the location of their housing plot and although some remained where they were, others moved into the former landowner's fruit gardens and the surrounding



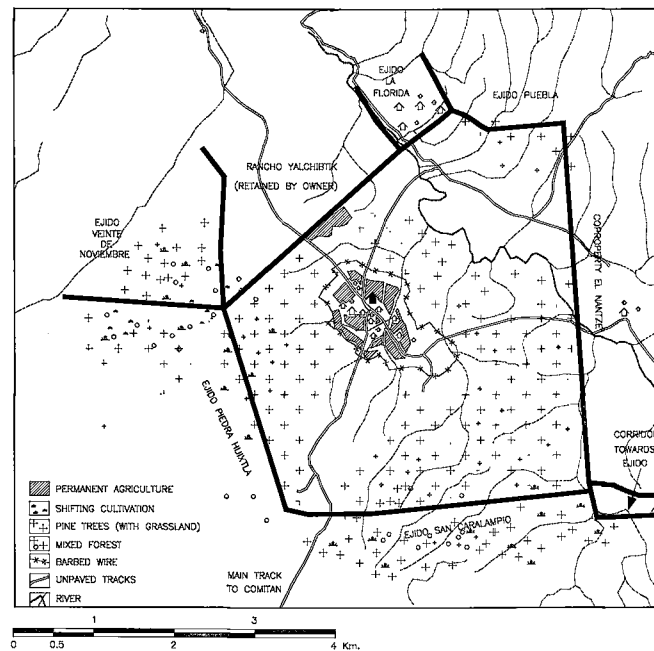
Map 5.1 San Miguel Chibtik before 1963

pasture lands. The expansion of the housing area allowed for bigger plots around the houses (the *solar* in Spanish or *maka* in Tojolabal). During the time of the *patrón*, maize cultivation of the *mozos* had been limited mostly to slash-and-burn cultivation on the hillsides since they had not been allowed to cultivate the flat lands surrounding the settlement. With the acquisition of the *finca*, people began to make their maize fields in this flat, open area surrounding the houses. This involved clearing, burning the grasses, and fencing the plots with sticks. Maps 5.1 and 5.2 indicate these changes before and after the sale of the Chibtik *finca*. The expansion of the housing area and the creation of maize fields around the settlement can be seen.<sup>2</sup> (The house in black indicates the location of the *casa grande*). On the second map one can also see also the barbed wire fence erected around the settlement area, designed to keep the cattle out. I was told why:

"In former times, the cattle destroyed everything. The animals turned the streets into pure mud. The cattle were everywhere, they destroyed everything. You couldn't leave any clothes hanging on your fence to dry, because the cattle would eat them. When we bought this [property], we did it differently; we said to each other: so the cattle will stay out of the community, let us fence it, so that they will not be inside."

Although the presence of cattle had been greatly reduced by the departure of the *patrón*, the former peons had some livestock of their own, cows as well as horses, that made this measure necessary.<sup>3</sup>

Individual families had already held private rights to housing plots under the



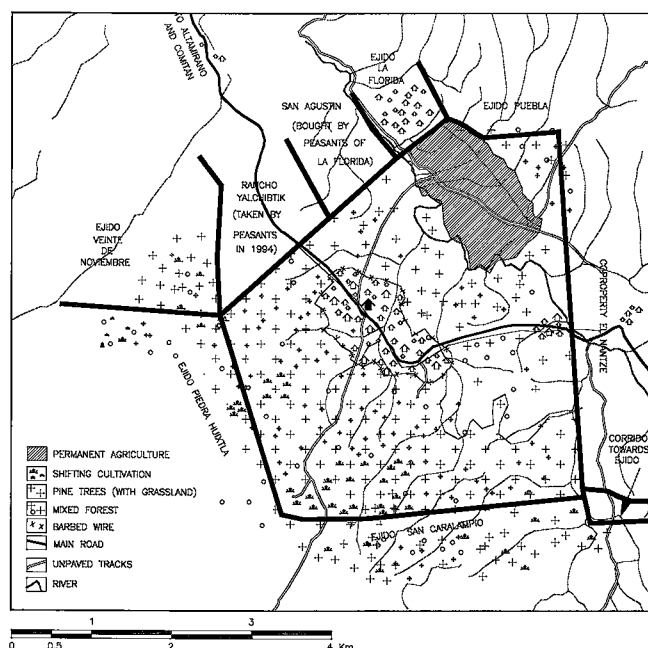
Map 5.2 San Miguel Chibtik c. 1970

finca regime. However, no private rights to particular plots had existed to the remainder of the area of the *copropiedad*, with a few exceptions – some small areas having previously been fenced for cultivation. General (to borrow a term from Boserup 1993 [1965]) rights predominated in most of the area during the first decade after the acquisition. People were free to make their maize fields ‘wherever they wanted’ and the remainder of the area could be used without restrictions for grazing, fetching firewood, collecting mushrooms, extracting building materials, etc. Since then, property arrangements have been modified in a number of ways, with entitlements becoming more precisely circumscribed geographically and attached to individual right-holders. I refer to this process from more general to more specific rights (the latter term is also from Boserup) as privatisation. My use of the term therefore differs from more formal definitions of privatisation implying the establishment of freehold tenure through private titles. Privatisation is linked to growing pressure on land related to population growth, but (as I will argue towards the end of this chapter) not always in linear ways.

#### *Measuring plots*

The first move towards privatisation of property arrangements came some 15 years after the acquisition of the *copropiedad* – in about 1978 – and was related to private plots for maize cultivation. The existing arrangement in which everyone was free to clear and fence as much land for cultivation (in suitable areas) as they could, had become unsatisfactory in a number of ways. Fencing each plot was extremely time



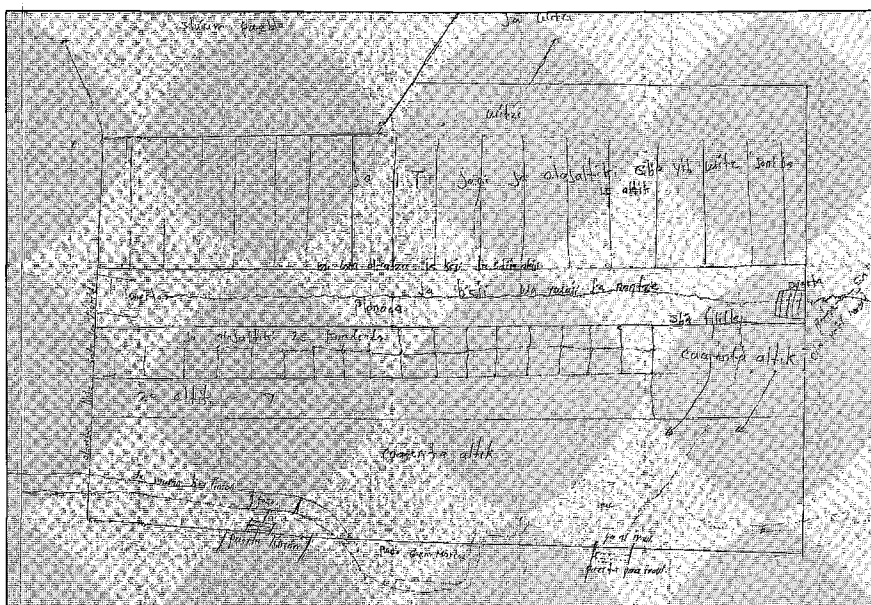


Map 5.3 San Miguel Chibtik around 1996

consuming – the wooden sticks had to be replaced every two or three years and needed constant repairs – and production levels were dropping as the soil was exhausted. However, another problem was perhaps even more important. The arrangement created conflicts as inequalities between families became evident and problematic. Families that had a large number of young adult males were at a distinct advantage as regards clearing and fencing more land, or were able to do so faster, than others. As one woman told me:

“At that time, you could make your plot wherever you wanted, it [the land] was not measured yet (*mi to b'isub'al uk*).<sup>4</sup> You made it however big you wanted it, but a man who did not have grown up sons to help him, couldn't clear a big area.”

To solve the problem, permanent maize cultivation was transferred to an open area previously used as grazing land and known as *la Planada* or *niwan job*, which translates as the Plain or the Great Grassland. The area set aside for maize cultivation is some 300 hectares in size; map 5.3 shows its location in the northern part of the *copropiedad*. At a number of stages different areas were measured, beginning with the fertile land at the foot of the hill (*yib witz*), followed by the land adjacent to the river. At that stage, two plots were measured for each right-holder, including both the original and the late buyers. Gradually, the other parts were also measured and each right-holder was assigned an equally sized plot in each area. By the time of the fieldwork (1997), each right-holder possessed seven different plots of different sizes and soil qualities, adding up to some five hectares.<sup>5</sup>



Map 5.4 Private plots of the Planada  
 Drawn by young men from Chibtik 1997

The 'measurement of the Planada' – as it is referred to in Chibtik – followed the principle of equal shares outlined in the previous chapter, not only in the allocation of plots but also in the costs of measuring and fencing. Each right-holder participated in the measuring and contributed to the fencing with a certain number of rolls of barbed wire and a number of poles. With the help of a rope, quadrangular and rectangular plots were set out, separated by small ditches. The plots assigned to a right-holder are referred to as *ración*, or portion, a term that is used in Tojolabal for equal shares of something. Those that spoke to me about this emphasised that the division was done in such a way as to give each man an equal share "in order that there would not be any problems later on". Because people like to work in couples (e.g. two brothers or father and son), the plots were allocated in pairs (by *cuadrilla*); the allocation itself was settled through negotiation.

The measurement of the Planada was clearly an endogenous process. It was defined by locally identified needs and criteria, and was carried out with locally available means. The measurements were made without the intervention of an official engineer, and using the locally common standard, the *brazada* (literally meaning 'arm's length').<sup>6</sup> The re-allocation of maize-cultivation rather neatly solved the problems of conflicts over unequal access to crop land. But it had further implications. With the measurement, what had been a general right – being able to clear a field somewhere in the *copropiedad* – became a more clearly defined right attached to specific, standardised plots. Since the plots in the Planada were reserved for original and late buyers only, the new arrangement drew a sharper line between right-holders

and those who were not. Thus, the contours of later differentiation had already begun to emerge.

A similar process of individual allocation and measurement that reinforced this differentiation was used for the housing plots. It was established that there could only be one plot per right-holder and that it would no longer be permitted for young couples to establish new housing plots on the outskirts of the settlement. The size of the plots was fixed at one hectare. People whose housing plots were smaller than this but were locked in by other housing plots, were assigned a 'complementary plot' (*smojol*) elsewhere. Again the Chibtikeros carried out the measurement themselves with a tape measure. One account of the process is as follows:

"We did it ourselves, 100 square meters [by which he means 100 long, 100 wide]. For many people, it did not come out complete and they got another bit somewhere else. My *maka* [housing plot] for example, is only half a hectare. That of Santiago [brother of the one who speaks] is complete, but that is because he is up there in the open. My *mojol* is close to Santiago's *maka*. We did this [measurement] because some people were angry that some had a bigger *maka* than others, and it was better to make it even. It was also agreed that everybody would make the pigsty in their own *maka*, because they were making it anywhere, but that shouldn't be the case anymore."

As for the Planada, measurement of the housing plots highlighted the difference between right-holders and others. Until then, any of the Chibtikeros had been free to build a house anywhere within the settlement area, regardless of whether they were right-holders or not. Many younger families constructed their houses on the outskirts of the locality, causing the house area to expand (visible on map 5.3). From the measuring of the housing plots onwards, however, adult children could only build their houses on the plot belonging to their father or another relative. The complementary plots were often used to accommodate elder sons, i.e. those that would not succeed their father. The new arrangements had the advantage of reducing friction over resources to which claims became increasingly conflictive, but the more unequivocal circumscription of rights to some implied limiting the rights of others. The new arrangements were not only more spatially circumscribed but also more exclusionary, that is, after access to maize fields now the right to a housing plot had also become restricted to right-holders. The common area of the *copropiedad* and that of the *ejido*, however, was to remain unaffected by such privatisations for a while and open to all residents of the community. Although it was divided into 60 individual sections or strips (*fracciones*), one for each right-holder, about ten years ago, it was not until very recently that grazing and fire wood collection were limited to people's own strips.

### Splitting up

How could the refusal of some families in Chibtik to contribute to the fencing of a common grazing area (*potrero*) eventually lead to the segregation of the community and the creation of a separate settlement? This is the question I attempt to answer in this section. The conversion of some families to Adventism, the division of the *copropiedad*, and the creation of the small settlement Nueva Jerusalén on the edges of the *copropiedad*, were different aspects of one of the most penetrating and violent conflicts that Chibtik has known. Although a certain political rivalry seems to have

been involved, the conflict is basically framed as being over entitlements and obligations. In this section, I explore how the conflict led to the division of the *copropiedad* and the segregation of the community. In the next section, I provide a broader discussion of the conflict, relating it to understandings of community and to factional struggle.

### *Accounts of the conflict*

I encountered different accounts of the conflict between Adventists and Catholics. What is clear, however, is that the tensions between families that had converted to Adventism and the Catholic majority of Chibtik escalated about ten years ago, and led to the division of the *copropiedad* and the segregation of the settlement. Two accounts of the conflict are as follows. The first is from Pedro, one of the leading Catholics, who had played a mediating role at the time; the second is from a woman in her late fifties, born in Chibtik but now living in the new settlement Nueva Jerusalén. Pedro told me the following:

"They [the Adventists] had a lot of days of debt to the community, 120 days!, from when the *potreros* were established. And they were indebted in terms of money also, they did not co-operate for the barbed wire, nor for any of the *fiestas*. This man Oscar<sup>7</sup> really misbehaved. The community got angry and they [the Adventists] were almost going to get killed. But I calmed the people down, for by that time I already had my *cargo*. Then they left with their things. As the people saw that they had not destroyed their houses, they set these on fire. They did set them on fire, yes, but the people were already out then.

They [the Adventists] came back with the *Seguridad Pública*, but then the people told the police about the debts and how they didn't want to pay. Oscar said that that was a lie, that these *potreros* were not his. But then [who would believe him, for] his own cattle was walking there!

The *judiciales* said they could not do anything because of the debts. They said to them [the Adventists]: 'The rules of the community have to be respected and you violated them'. But Oscar wasn't satisfied and they came back again with the *Seguridad Pública*, and three men were taken to prison, for one month."

On a visit to Nueva Jerusalén, I asked a couple why they were no longer living in Chibtik. The man answered first: "Well, everybody...the point is that our fraction ended up here, and we decided to come over here." A little while later his wife came back to the subject:

"We left [Chibtik] due to some sort of problem. Oscar, the one married to Refugia, started with the *Palabra de Dios*. The community got angry, they kicked him out, they burnt down his house. He left, with one of his brothers, to Puerto Rico [a neighbouring community]. But it wasn't right [*mey orden*] that they kick him out, because he was on the list [of associates of the *copropiedad*; she literally said: *och kwenta*], he had paid for the land! So he came back and lived there for another few years, and then the problem flared up again. So, we came to where we are now. Julio [her husband] did not approve of the way they were treating Oscar – Oscar was a relative of his – and so he decided to come over here as well".

By piecing together the different accounts I outlined the developments as follows. Catholicism was the dominant religion throughout the Tojolabal Highlands – Chibtik had become involved with the pastoral workers of La Kastalia in Comitán in the 1970s – but Protestant churches were actively engaged in gaining converts. Oscar, whose wife Refugia was from another *ejido* where the Adventist church had already managed to establish itself, became one of the first converts in Chibtik. As a result of his proselytism Oscar elicited the anger of the Catholic Chibtikeros: they threw him out of the community and burnt down his house.<sup>8</sup> After the situation calmed down, however, he returned, claiming his rights.

A few years later the trouble started again. Perhaps the problem was, as Pedro and others claim, that the Adventists refused to do their share of the fencing of one of the common grazing areas. Perhaps the refusal of the Adventists to co-operate in the communal work (*komon a'tel*) and to pay their contributions, led to an intolerable situation (remember the discussion on the need to limit free-riding in the previous chapter). Perhaps also, there were more profound differences and rivalries behind the immediate conflict. The fact is that the tensions led to the expulsion of the Adventists from the community in – as Pedro noted – a rather violent way. They were threatened and their houses were burnt down.

The Adventists left, but the expulsion did not fully succeed, however. Oscar and his men were determined to defend themselves. They managed to earn the support of the municipal president of Altamirano and came back, accompanied by the police (*Seguridad Pública* or *judiciales*). The Adventists argued that their expulsion was illegitimate in view of the fact that four of the Adventist men were associates of the *copropiedad*. As one woman said:

“When the community evicted the Adventists they wanted to evict them once and for all. But the municipal president of Altamirano did not permit this, because the land had been bought”.

The Catholic Chibtikeros in turn argued that they had every right to evict the Adventists: having failed to contribute to the fencing of a grazing area and to comply with other community obligations, they had jeopardized their rights. Although the police initially agreed that ‘the rules of the community must be respected’ and withdrew, Oscar returned once again with police support. This time the leaders of the Catholic majority were sent to prison for about a month.

### *Segregation*

The Adventist faction was too powerful to be evicted from Chibtik, but their continued existence in the community would have been very difficult after the confrontations, and would probably have led to continuous friction. A solution was therefore found in the spatial and organisational segregation of the rival factions, into two different settlements, each with their own share of the *copropiedad*. In fact, two new groups of right-holders were created, each with their own circumscribed membership and their own territory – a solution very much in keeping with the institutional repertoire of the region.

Following complicated negotiations involving both factions and the municipal president, the following deal was struck: the whole *copropiedad* area would be measured and divided into 60 narrow strips or sections (*fracciones*), one for each right-holder (note that this includes late buyers). The strips run from north to south but

respect the Planada and the settlement area and have been numbered from west to east. A professional topographic engineer did the job, paid partly by the municipality of Altamirano, partly by the right-holders. Four adjacent strips on the eastern extreme, closest to El Nantze, were allocated to the Adventist right-holders, who created a new settlement there called *Ranchería Nueva Jerusalén*. It is a twenty minutes' walk from the original settlement of Chibtik. The rest of the strips, 56 in total, were allocated to the remaining right-holders. They were randomly allocated or as the Chibtikeros say: "where chance fell (*ko swerte*)" – in order "to avoid problems". As in the Planada, the plots of land were assigned in pairs.

By means of this arrangement, the Adventists secured their share of the *copropiedad*. They were, however, forced to give up their housing plots as well as their plots in the Planada, the maize growing area. A propos of this, César, a Catholic, remarked:

"They lost their rights to the ejido and the Planada. They did not want that, but that is how it was settled. They said: But how will we eat? And the other people replied: you can make your *milpa* on your own piece of land (*pedazo*) [referring to the divisions]".

Cecilia told me how her parents, both Adventists, lost their housing plot:

"When they were evicted, my father's *maka* became the community's. That was how the community ruled: that the lands of those that are evicted will be the community's. Before he left, my father said to me: 'they will throw me out, we will have to leave; but you will stay here because you are married here, you will stay where your husband is. I want to leave you my *maka* because I don't have any male children that are going to stay here, and your husband doesn't have land. But the community refused. The coffee on the plot was harvested and sold and the money was for the community."

She finds it hard to accept: "the community is so tough [*jel tzatz ja komoni*]." The housing plot was not assigned to anyone in particular, but subsequently used for common purposes, first the collective vegetable gardens of the women and later (during the time of my fieldwork) for the construction of a secondary school.

The Adventist families were compensated for the loss of their housing plots and maize fields by the Altamirano municipality in the form of fifty sheets of galvanised iron (*lamina*) for each family; "this was the payment for the land they left behind". The Adventists also had to give up their claims to the ejido land. Unlike the *copropiedad*, the *ejido* was not divided and remained controlled as a whole by the Catholic Chibtikeros. They decided to incorporate six other people among the right-holders to the ejido, mostly young men without land rights of their own, to take the place of the Adventist men. This situation was never formalised, however, at the Land Reform Ministry in Tuxtla Gutiérrez.

The division of the *copropiedad* into individual strips did not take full effect, however, for a number of years. The dividing line between the 56 Catholic and 4 Adventist plots of land was fenced, but within each of these domains the individual strips were not fenced- although the dividing lines between them were marked by signs such as stones or trees (difficult to see for an outsider, but clear to the Chibtikeros). Until very recently, the Catholic area was still managed much as before, with general rights predominating. In spite of the involvement of the municipal authorities, the division has not been translated into legal terms. Had the division

been registered at the Land Registry Office, this would have meant the end of the *copropiedad* as such: formally, the division of a *copropiedad* converts it into a number of individual private properties (Diccionario 1994: 751).<sup>9</sup> Legally therefore, the whole area acquired as a *copropiedad* in 1963, continues to be a single property.

### Conflicting claims and definitions of property

The way the conflict between the rivalling factions in Chibtik was resolved, brings to mind some of the elements of the institutional repertoire outlined in the previous chapter. To recapitulate, property is conceived of as a share in the achievements of a circumscribed group, and definitions of property are tied up with concerns over group membership and the fulfilment of obligations. Expulsion is the 'ultimate' sanction of non-compliance with community regulations, forcing one to give up all one's rights, including residence. One reading of the conflict in Chibtik, that is dominant in the accounts of the Chibtikeros, is precisely that the refusal of the Adventist families to comply with their obligations, jeopardised not only their rights, but also their membership of the community. In this section, I reflect on this reading by looking, first, at the way the conflict has been cast in a property idiom, as a confrontation over rights and duties, and second, by bringing out other possible dimensions of the conflict.

#### *A property idiom*

In the Chibtikeros' accounts, the struggle between the two different factions in Chibtik was staged as a conflict over rights and obligations. What we see happening here is the use of a 'property idiom' (Sabeau 1990: 418) to understand and describe the multiple contestations between the two factions. In his account, Pedro summarised the contention over entitlements and obligations into which both parties entered. He attributed the problems to 'debts' the Adventist families had to the community (in terms of money and days of work) and has Oscar, the leader of the Adventists, counter that argument in the same terms, stating that he had no obligation to contribute to the fencing of the *potreros* that 'were not his'. This argument is then ridiculed by Pedro who points to the fact that his livestock were still grazing there, for all to see and which is why Oscar could be obliged to fulfil his obligations. These arguments were also reported to the police officers, who – in Pedro's account – approached the dispute on the same terms: on hearing that the Adventists were indebted to the community, they assumed that there was nothing they could do for them.

The accounts of the episode provide other examples of social interaction being inscribed in a property idiom. Pedro cites the fact that the first time the Adventists left, they did so without destroying their houses as a provocation to the Catholics. By leaving their houses intact they challenged the expulsion (which, as mentioned, implies the loss of the right to residence) and, by his account, it was this provocation that triggered the violent reaction of the Catholics. Just as the act of the Adventists contained the message 'we might come back', the burning of their houses was a clear statement of the opposite, 'you are not coming back'. Conversely, some accounts dignified the departure of the Adventists by attributing it to the fact that that was where their strips happened to be. Cecilia, whose parents moved there,

claims: "They went where they have their plots of land". And César said: "They were lucky to get the land there, and that's where they went to live".

### *Factionalism and political rivalries*

The conflict between Adventists and Catholics in Chibtik has been framed as a struggle over property, rights and obligations. Although the Adventists' refusal to comply with their obligations was central to the conflict, it appears that it also had other dimensions. The refusal may have served as a means of challenging community rulings and the leadership of the *copropiedad*, and it was also understood as such a challenge. As Baland and Platteau have noted, complying with community regulations is a testimony to the individual's "willingness to share the life of the group and his understanding that everyone has to participate at some level in collective efforts to make the group viable." (1996: 119). Refusal to comply with community regulations can therefore also be understood as a way of making it clear that one lacked such 'willingness' and no longer shared that 'understanding'. It is likely therefore, that the conflict over the monetary and labour contributions was more than just that. Let us consider the terms of the dispute. It is plausible that contributing to the *fiesta* in honour of the patron saint was incompatible with the new religion of the Adventist families. But does the same hold true of their refusal to participate in communal labour? The Adventists could not participate on Saturdays because this is their day of rest. But why would the Catholics insist on setting communal labour on Saturdays if this caused such problems? Any other day of the week, except Sunday, would have solved the problem.<sup>10</sup> And how does one explain the refusal of the Adventist families to contribute to the fencing of the *potrero*, what religious objection could there be to that? The conflict that was fought in terms of property arrangements is likely to have entailed a struggle over community control itself. Contesting regulations (such as the fencing of the *potrero*) can then be understood as a means by which Pedro contested the dominant position of certain leaders and perhaps also the course community affairs were taking. Likewise, conversion to the Adventist religion can be understood not as the *cause* of the problems in Chibtik, but as part of a power struggle between two factions, each with their own ideological label. Note how in his account Pedro had recourse to a hegemonic actor, 'the community' which a small group, 'they', contravened. He thus de-legitimises the Adventist families as representing a factional interest, while at the same time exonerating the Catholics from representing similar factional interests. The Adventists under Oscar, however, challenged the hegemony claimed by the Catholics and denied their control over land rights.

Although I have not been able to grasp all the dimensions of the conflict, it seems to me that the struggle over the Adventists' land rights was linked to a power struggle. The conflict involved, for example, mutual recriminations between Oscar and Virgilio over having lost the map of the *copropiedad*. Furthermore, there were frictions in Chibtik over political affiliation. Although explicit references to this issue are absent from local accounts of the conflict, the following letter from April 27, 1990, suggests that they played a role. Several men from Chibtik (who, judging from their surname, belonged to the Adventist faction) wrote to the then governor of Chiapas, Patrocinio González Blanco, for his support in view of the threats of expulsion:

"We have all been born here and have lived in peace but one day, when the



majority of our *compañeros* came to the agreement that they would start to take part in the organisation *Unión de Pueblos Tojolabales* and because that organisation belongs to the *Partido del Frente Cardenista de Reconstrucción Nacional*, and because we have resolved not to affiliate ourselves to that organisation, in view of the fact that we are of another conviction where parties are concerned, they have given us a date to leave the *ejido*,<sup>11</sup> or otherwise they will evict us [*nos desalojarán*] on May 7 of this year."<sup>12</sup>

The existence of such political opposition and more particularly, the move on the part of the Catholics to affiliate with the *ejido* union *Pueblos Tojolabales* would help to explain why the municipal president acted in support of the Adventist fraction. As discussed in Chapter Three, the political situation of the time was marked by the advance of leftist peasant unions and opposition parties in the Tojolabal Highlands. *Pueblos Tojolabales* was involved with the CIOAC and, as also mentioned in the letter, opposition political parties. Furthermore, the OCEZ was extremely active in the Tseltal region bordering Chibtik. Supporting the Adventists may well have been a ploy intended to secure political support for the governing party at those critical times. It is in this light that we should also interpret the repression of the Catholic faction, three of whose leaders were imprisoned.

#### *Contested definitions of property*

The Catholic Chibtikeros justified their attempts to evict the Adventist families on the grounds of the latter's failure to comply with community rulings, drawing on an understanding of individual property rights derived from community membership. In this understanding, rights to the *copropiedad* are based on having taken part in efforts to acquire the land, but need to be constantly legitimised by participating in the maintenance and improvement of the resources shared and adhering to community regulations. The Adventist families opposed the attempts to evict them by resorting to a different definition of property rights, based on legal norms, according to which the expulsion was an unlawful deprivation. They contested community rulings on the basis of property definitions contained in civil law (had it been an *ejido*, land reform law would have applied). However, though different norms were confronted in the process, the conflict between Catholics and Adventists in Chibtik was not primarily a conflict over norms or definitions of property rights, but rather a conflict between groups of people using different norms as one of their resources in the struggle.

Irrespective of the legal basis, the Adventists could not have overruled the Catholics had it not been for the support of the municipal president of Altamirano. To my mind, the intervention of the municipal authorities in defence of the Adventist families needs to be interpreted more as a political than a legal act. That the municipal president choose to 'enforce the law' against community rulings, must be understood within the context of ongoing political struggles. In fact, the development of the conflict supports my earlier suggestion that what were defined as 'internal affairs' of communities were respected to a considerable extent by higher level authorities (at the municipal level or at the level of the land reform office in Tuxtla). Consider the initial reaction of the policemen, when they agreed that 'the rules of the community have to be respected'. Only later did the municipal president contest the expulsion. As long as conflicts were solved internally, even in ways not

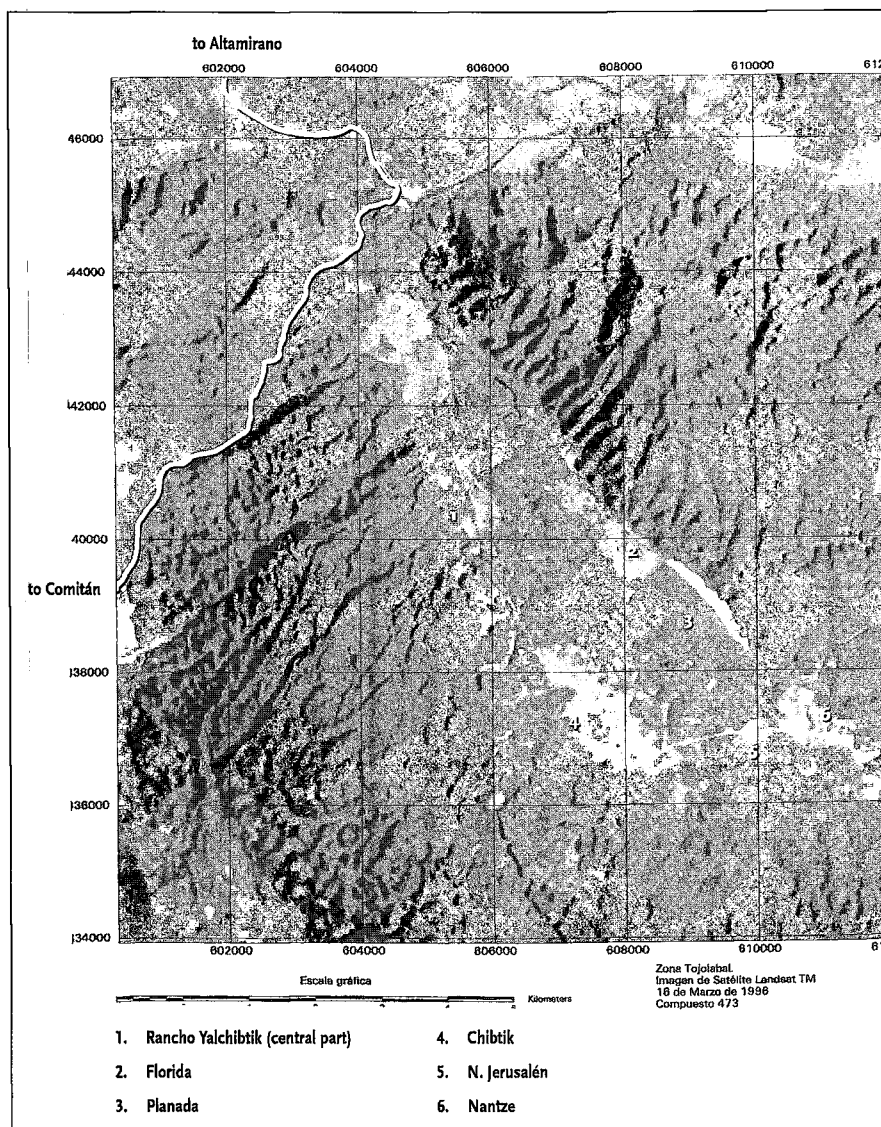


Figure 5.1 Satellite image Chibtik 1996

It is possible to distinguish settlements, roads and rivers. Also the area known as La Planada is clearly visible. Note the former airstrip on rancho Yalchibtik.

in accordance with civil or *ejido* legislation, higher authorities had little reason to enforce the law. Their ability to do so was also extremely limited as long as communities closed ranks. It was precisely when one of the factions in the conflicts called on them for support, that they were given an opportunity to intervene.

Even then, the municipal authorities were less interested in the defence of the Adventists' property rights *per se* than with the maintenance of public order and the possibilities the situation offered for political clientelism. The intervention of the municipal authorities must have involved some concern with bringing local practices in line with legal norms, but finding a legally perfect solution does not seem to have been a priority. The conflict was resolved through the use of force: by sending in the police and the imprisonment of several men, the Catholics were forced to abandon the expulsion and enter negotiations. Furthermore, the municipal authorities showed no interest in formally registering the division of the *copropiedad*, and the question of the *ejido* was completely overlooked. They may, in fact, even have preferred a certain degree of ambiguity. As Jones (1998) has suggested, ambiguity creates scope for settling a conflict in a way in which nobody is a total loser and nobody is a total winner, which is more likely to be acceptable to the various parties involved.

#### *The pending issue of the ejido*

As mentioned earlier, the whole *ejido* was claimed by the Catholics who transferred the rights of the Adventists to the same number of young men with no land rights. This transfer of *ejido* rights was never officially registered, possibly because the Land Reform Ministry was never involved in the settlement of the conflict. In 1998, however, a lawyer was involved in trying to achieve such formalisation. I met her in Chibtik and later had an opportunity to interview her. She confirmed my understanding of the situation: several people had left the community "due to problems of religion"; they retained their rights in the *copropiedad* but "do not work the *ejido* any longer". Other people had taken over their rights, but without this being officially confirmed. She was involved because the Chibtikeros wanted to formalise the situation, that is, to obtain a certificate of *derecho agrario* for the 'new' right-holders. Legally, one possibility would be to strip the previous *ejidatarios* of their rights and assign these to other people.<sup>13</sup> Such a procedure could be justified on the basis that the original *ejidatarios* had not worked the *ejido* all this time, a fact that classified as 'abandonment' and is specified as a reason for the loss of rights. However, the lawyer was afraid that stirring up the case again would entail certain risks. The deprivation/adjudication procedure necessarily involved the *ejidatarios* that had left and might encourage them to take up the issue again to try and reclaim their rights. She came up with a safer option, namely that of adding the six new men to the existing *ejidatarios* (raising the official number of *ejidatarios* from 31 to 37). This procedure could be carried out without either the presence or the consent of the *ejidatarios* of Nueva Jerusalén, who had been evicted but were officially still registered.

#### *Fencing the strips*

Dividing the *copropiedad* into two different communities was a way of neutralising tensions between two rival factions in Chibtik. Although it involved the creation of

individual strips it did not entail the privatisation of property arrangements as the measurement of the Planada had. When I began my fieldwork in Chibtik (in early 1997) the remaining (Catholic) families continued to manage their part of the *copropiedad* largely as commons, that is, the division of the *copropiedad* into separate plots of land remained largely 'unconsummated' or 'virtual'. Livestock could graze anywhere and people were allowed to fetch wood anywhere. I was told that "It was decided that not everyone would have his own *potrero*, but it would stay like it was" and "There was an agreement that the animals could walk over the whole *potrero*, and in the whole *potrero* you could search for firewood". And when in 1998 a logging company began its activities, it was agreed that the revenues would be split equally between all 56 right-holders irrespective of whether the trees were felled on 'their' section. In 1997, only a few entitlements to the *copropiedad* had been privatised, most importantly, the slash-and-burn cultivation of maize.<sup>14</sup> Also a few people had small, fenced, coffee plantations on their plots of land.

The creation of individual strips had been designed as a form of privatisation. Each individual right-holder was given a map of his plot of land and people recall that the engineer involved in the measurements told them: "it is important that everybody fences his part, that everyone makes his own *potrero*, and that each one have water so that the animals can drink". This was why he designed the sections as strips, with each one including access to a river. But although the fence between the area allocated to the right-holders of Nueva Jerusalén (four strips), and the remainder of the area in the hands of the right-holders of Chibtik was drawn up quickly, by 1997 none of the individual strips had yet been fenced, either in Chibtik, or Nueva Jerusalén. Possibly the fact that there were no immediate management problems – as had been the case for the Planada – explains why the division of the *copropiedad* failed to translate into a similar privatisation of rights. Identifying the plots of land did however bring privatisation through fencing closer. By the end of 1999, the fencing of individual strips had begun.

#### *Controversies over livestock*

The fencing of strips in 1999 was related to controversies over livestock. Debates over changes in the institutional arrangements concerning communal pastures had been at a standstill for several years. The available grazing land consisted of 'natural pastures', which were partly open, partly forested, with undergrowth. In the rainy season the ejido lands were also used for grazing. Since the late 1980s, the *copropiedad* area had already been subdivided into several large sections, called *potreros*, in order to allow for better rotation of the cattle (see map 5.5). The conflict with the Adventist families had occurred while these sub-divisions were being created. The creation of the sub-divisions was not a form of privatisation: cattle continued to be moved jointly according to the necessities and possibilities of the pastures and on the basis of agreements reached in the *asamblea*. But pressure for more privatised arrangements in livestock management was recurrent.

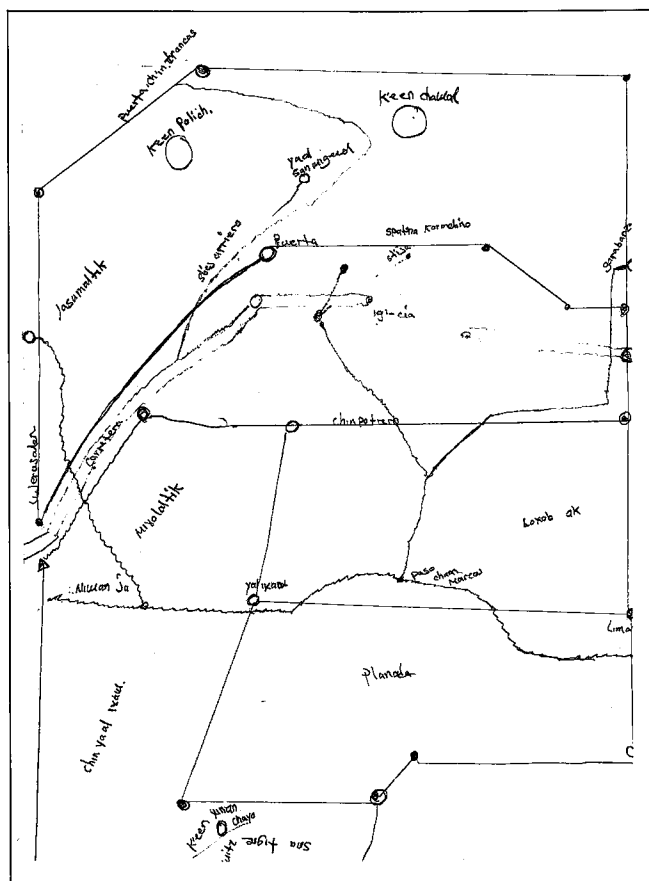
A first step was the creation of a number of *corrales*, enclosures for cattle instead of the large, communal one that had been left by the patrón. It had been maintained jointly by the Chibtikeros for decades, but when major repairs were needed, some men preferred to build separate, smaller enclosures, in groups of five or six men. The majority, however, constructed a joint enclosure although on a different site

from the previous one. Virgilio and his brothers, who together own a considerable number of cattle, were pushing for further privatisation: they wished to fence their own plots of land in order to be able to sow improved pastures.<sup>15</sup> They did in fact fence part of their strips (*fracciones*), but the experience was short-lived. The remainder of the community obliged them to provide for passages for the other cattle, thus practically boycotting the privatisation. Consequently, they were forced to take the fences down again.

The existing system of common grazing lands, however, created tensions. The main controversy revolved around the share of work to be done in the maintenance of the fences of the sub-divisions. The prevailing arrangement was that every adult man was obliged to join in the communal work (*komon a'tel*) regardless of the number of animals he had. It had been discussed in *asambleas* whether those that had more animals should do more work and those that had no animals at all would not have to join in the work, but an agreement had not been reached. The discussion was not totally new. Suggestions about making contributions to fencing dependent on the number of animals had been recurrent. When the outer limit of the *copropiedad* was being fenced (in conjunction with the neighbouring communities) a similar debate had taken place. Some men had proposed that the work done on the fencing should be proportional to the number of animals one owned, meaning that those that had none would work for one day and those that had ten should work for ten days. Isidro, Virgilio's father, owned a considerable number of animals himself and had opposed this arrangement, arguing that no one should be 'punished' for having more animals than anybody else because they had achieved what they had as a result of their efforts.<sup>16</sup> Furthermore, he argued, others might have more animals in the future and would then benefit from the work of others. Either his arguments were sufficiently convincing or else no one had dared to oppose him. In any case, it had been agreed at the time that everyone would contribute equally to the fencing of the *copropiedad*.

This did not mean that tensions related to the differences in possession of cattle – which make up a large portion of people's wealth – had been resolved. In fact, in 1997 such tensions had been rather pronounced. Apparently, many of the Chibtikeros had sold their animals in anticipation of the Zapatista uprising, some because they needed to buy weapons;<sup>17</sup> others because they were afraid that if anything went wrong and the Mexican army came in, they might lose their animals (it is easier to run with money in your pocket than dragging cows along). In 1999, several families had no animals at all or had just been buying one or two, while a few families had over twenty animals. There was a particular shortage of draft animals which take years to train. The year I did my fieldwork in Chibtik, many people had to plant maize on their plots on the Planada without having been able to plough. The field had just been burnt to remove the vegetation remaining from the year before and the maize was sown with a digging stick directly into the relatively soft earth amongst the previous year's stems (the surrounding earth was as hard as stone). Only those who owned draft animals, such as Virgilio and his brothers, were able to plough in time. They were said to be reluctant to hire their animals out.

When I left Chibtik by the end of 1997, the impasse over livestock management had still not been broken. But when I returned for a brief period in the beginning of 2000, the northern half of the plots of land of the *copropiedad* were being fenced



**Map 5.5** Sections of grazing land in the copropiedad  
 Drawn by young men from Chibtik in 1997 (before the individual strips were fenced). The picture shows a sub-division in several sections indicated by the straight lines with the open circles. One may distinguish the following names for the different *potreros*: *Jasamaltik*, *mixolaltik*, *loxob ak*, *ch'in ya'al ixaw*. Also note the *Planada* in the lower part of the picture. The picture points southward.

with barbed wire. Again, Virgilio had been one of the initiators of this privatisation of grazing land. Although his earlier attempt had failed, this time he had managed to drum up support.

Drawn by young men from Chibtik in 1997 (before the individual strips were fenced). The picture shows a sub-division in several sections indicated by the straight lines with the open circles. One may distinguish the following names for the different *potreros*: *Jasamaltik*, *mixolaltik*, *loxob ak*, *ch'in ya'al ixaw*. Also note the *Planada* in the lower part of the picture. The picture points southward.

### *Fences at last*

Several factors combined to bring about the agreement to fence the individual strips. As mentioned earlier, Virgilio and several others had been interested in establishing private pastures for several years to ensure better livestock management but had not been able to gather enough support. What helped break the deadlock was that several people whose plot of land was located near the settlement began to support the idea of fencing as a result of their 'annoyance' at the depletion of the firewood on their plots of land. Another element, however, spurred the agreement on fencing. In 1998 a new schism had occurred in Chibtik over the adherence to the Zapatista movement. About half the people opted out of 'the organisation', as it is commonly called, and 'returned to the government' or 'became PRI'. As a result of this schism, the need to avoid friction was more pressing than before. Given the political tensions at that time, any conflict could potentially lead to uncontrollable violence. Both factions within Chibtik now began to hold separate *asambleas* on a number of issues. Fencing the plots of land facilitated that arrangement: it reduced the need for both groups to hold joint meetings and thus served as a measure for avoiding or containing conflicts arising between them. For different reasons then, various people supported the fencing of the strips. The inclination in favour of fencing was possibly also influenced by the fact that people had more cash at that time, since they were earning income from wood sales. In many cases fathers and sons, or brothers, fenced their adjacent plots of land together and have sown improved pastures.

As a result of fencing, grazing became partly restricted to the individual strips. By early 2000, however, grazing was also still permitted on the *ejido* lands and the (smaller) southern part of the strips (which are still unfenced), albeit with some restrictions.<sup>18</sup> Several other entitlements that had been joint before, also became restricted to the plots of land, perhaps most importantly, the collection of firewood. And although revenues from wood sales to the logging company were still being evenly split by all right-holders – as had been agreed prior to the fencing – people could buy planks for construction only from wood extracted from their own section.<sup>19</sup>

An interesting side effect of the fencing of the strips was that chronically unsuccessful attempts to enclose the pigs could finally be effectively enforced. For several years local health workers (who had been trained by the nuns of Altamirano) had tried to get people to prevent pigs from walking around freely. Pigs are a crucial link in the spreading of intestinal infections and parasites and the health workers argued that children's health in particular would greatly improve if the pigs were enclosed in pens. They never managed to gain enough support, however, and although a fine of 50 pesos had been agreed upon, non-compliance was rarely sanctioned in practice. This changed when the strips were fenced, although it was related less to concern over parasites than over pigs ruining pasture lands. Pigs had ruined pastures also before, but now this directly affected the interests of the owner of the section in question. The fine was now being seriously enforced and people had begun to keep their pigs penned in. As a result keeping pigs became much less attractive and the number of pigs had sharply declined.<sup>20</sup>

Table 5.1 Population growth in Chibtik

Locality	1910	1920	1930	1940	1950	1960	1970	1980	1990
Chiptic	178	220	124	137	86	152	n.d.	269*	435
la Florida			19	187	75	106	n.d.	n.d.	176
Puebla				77	108	232	n.d.	n.d.	144

For 1970 and 1980 no census-data at the level of individual localities are available. The figure given for 1980 is approximate, it derives from a census carried out by the *Comisión Agraria Mixta* in 1978 (ARA-TG file 1929).

### Privatisation and processes of exclusion

With the fencing of the strips, the process of privatisation that had begun with the measurement of cultivation plots in the Planada, was carried even further. After the right to cultivate plots for maize and beans, to occupy housing plots (determining the possibility of building a house, but also of cultivating fruit trees and animal husbandry), the rights to cultivate slash-and-burn *milpas*, to keep livestock, to extract wood for construction, and finally, to collect fire wood, became restricted to people's 'own' section. Thus, an increasing number of entitlements stopped being general and instead became more precisely defined geographically and restricted to individual right-holders (buyers, late buyers, or their successors). Privatisation thus implies that entitlements are shifted from the communal domain to the domain of individual right-holders.

### Land scarcity and privatisation

In other communities of the Tojolabal Highlands, similar processes of growing specificity and individual ascription of land rights have taken place. Such privatisation seems to be a response to continued population growth in the region together with the stagnation of land reform. In the Tojolabal Highlands, population growth has shown a fourfold increase from 1940 (when land redistribution started) to 1990, from around 3,700 to over 15,000.<sup>21</sup> In Chibtik, population grew from 152 in 1960, to around 500 in 1996 (see table 5.1).<sup>22</sup> At the same time, the possibility of obtaining extensions to *ejidos* or colonising national lands towards the eastern regions, had become limited. The new, more privatised, property arrangements in Chibtik and other communities have to be understood in the light of the growing number of people depending on the land.

In Chibtik the changes added up to limiting an increasing number of entitlements to right-holders only and have an exclusionary effect especially on adult men who are not right-holders. As mentioned earlier, upon acquisition of the *copropiedad* all adult men in Chibtik were right-holders. As long as this was the case and many crucial entitlements were general to all residents, right-holders barely stood out as a group different from the community as a whole. This has changed, however, and nowadays Chibtik – like several communities in the region – distinguishes between right-holders and those who are 'just residents', generally referred to as *vecindado*, from the Spanish *avecindado*, which means resident. In 1997, there were almost as many *avecindados* in Chibtik as there were right-holders. The right-holders were 56, the total number of 'men', was 102. In certain other communities *avecindados* were a majority.



In most communities, privatisation has implied a differentiation of rights between different sets of people. In Piedra Huixtla, for example, a community close to Chibtik with only a small portion of flat land, the remainder being mountainous, all adult men have been internally listed as *ejidatarios* and no *avecindados* exist. Concomitantly, slash-and-burn cultivation is open to all men. However, when a decade ago small individual plots for permanent maize cultivation were created, these were assigned only to the adult men listed at the time and it has proved impossible to open up more land for their sons. In Bajucú, all men reaching the age of 16 were listed as *asambleistas* which meant they were obliged to pay a certain contribution as well as being entitled to rights to the commons, including a share in the revenues from logging. However, this arrangement came under increasing pressure.

As more and more entitlements are restricted to right-holders only, *avecindados* become directly dependent on a related right-holder (in most cases their fathers or brothers) for an increasing number of entitlements. This situation does not mean that men without a 'right' of their own no longer have any access to housing or can no longer keep cattle or grow crops. The point is that they will have to build their house on their father's housing plot, keep their livestock on his fraction and cultivate his land. In this way, resource scarcity is partly privatised, making individual access to vital resources less of a communal concern and more a matter to be arranged by individual families (compare Netting 1993: 167). The right-holder is expected to share his rights with his dependants and is free to allocate parts of his land to them as he wishes.

#### *Transfer of property and pooling arrangements*

The new, privatised arrangements in Chibtik imply that men that are not right-holders are more heavily dependent than before on their fathers' land. This continued dependence on their fathers is locally defined as problematic. As pointed out in the previous chapter, young married couples live in the house of the paternal parents for several years before they set up an individual household. During those first years they are seen as 'dependants' of the parental household, yet preparing for their future independent status. The process of growing independent is gradual, starting with the young couple's own cow, a plot they are assigned to work 'for themselves', and possibly their own house next to the parents'. However – with the exception of the would-be successor – the dependence of adult men on their fathers is seen as a temporary condition. Eventually, they should achieve a status similar to that of their fathers: with their own house, their own plots and their own livestock. Ideally, the sons should become right-holders on their own behalf, for example through an extension to the *ejido* endowment. The stagnation of land reform, however, left little hope for non right-holding men to become land reform beneficiaries of their own.

In practice, ways are found to accommodate the non-right holding men, both at the level of individual families and at the level of the community as a whole. Though the position of right-holder is only transferred to one of the sons, certain entitlements may be given to the other sons, which provides ways of ensuring access to housing and crop or grazing land for the other sons. Furthermore, a wide variety of pooling arrangements between relatives mitigates the effect of privatisation. The housing plot may be divided up, parts of the crop land may be given to sons or

worked in a joint fashion, grazing land may be shared. Consequently, for many families the *herencia* has been transformed from 'help' in getting started to the main means of access to land.

Sergio, for example, built his house on the edge of the settlement area, on the complementary plot of his father who also gave him some *milpa* to work and harvest for himself. Manuel lives with his wife and two daughters on his father's complementary plot, where he also grows some maize and has planted banana trees. Manuel, his brothers and his father work the latter's land together. The father gives them a share of the harvest so that they can feed themselves, and all share in the cost of chemical fertiliser. José has been luckier. The eldest of several sons (in his mid-twenties at the time of fieldwork) he inherited the 'right' of one of his father's brothers who died without leaving a family, and became right-holder on his own account. In his house, he told me, it had been decided that the second youngest brother would take over the father's right. As for the other boys, they "will take my father's land together, they will work it together. This is also what we do now: we work our father's land together. From that, they will eat."

Pedro had similar luck. Both his parents died young and the father's 'right' was transferred to one of the elder brothers, César (currently one of the two health workers). Being the second last son, Pedro himself had no 'right', but he inherited that of an elder brother who died. The eldest brother, Santiago, was one of the late buyers of the *copropiedad* and therefore is a right-holder himself. Only Miguel, the youngest, has no right. Pedro:

"We are working together (*en komon*); we work our milpas together, and we eat from them together. Just because you had the bad luck of getting bad land, does not mean you will not eat: we're in this together. That is how we work, we the Mendez (*mendesaltik*). But not everybody is like that, there are others who work individually, each one on their own. If you are lucky to have something, you work, if not, you don't work."

The pooling arrangements are partly prompted by the fact that two of the brothers (Pedro and César) have a job that takes up a large amount of their time. The other brothers help them out with the work while they, especially César, share some of their monetary income with the others. It would be wrong, however, to conclude that Pedro and his brothers do everything together. In practice, a whole set of pooling arrangements operates between the brothers, some involving them all, some pairing the families two by two, and others involving other families next to them. Pedro and César work their fields together, for example, but do not share their livestock.

These examples show that pooling arrangements are flexible, often temporary solutions for dealing with particular combinations of endowments and limitations. Apart from maize cultivation, many of the pooling arrangements centre on animals. Pooling serves as an important means of providing for the *avecindados*. Nonetheless, there is no doubt that their position is viewed as problematic, both by themselves and by the rest of the community. They are referred to as 'the landless ones' and are said to 'eat from their fathers' table'.

The existence of men 'without land' is a matter of concern in Chibtik, as in other communities of the Tojolabal Highlands. As mentioned, the rights of the Adventist families that left Chibtik to settle in Nueva Jerusalén, were transferred to several 'landless' young men. Where once access to more land had been a frustrated aspi-

ration for some twenty years, it suddenly became a real possibility with the Zapatista uprising of 1994. The Chibtikeros co-operated in the seizure of the adjacent rancho Yalchibtik, which has remained under Zapatista control. The land on this and other occupied properties was reserved for the men without land rights of their own.

### *Differentiation*

The arrangements based on stricter allocation of rights to individual right-holders has not only created a sharper division between right-holders and those who are not, but also tends to reinforce socio-economic differences between families with more and those with less right-holders, depending on how many of the men and boys had purchased their share in the *copropiedad*. Unequal numbers of 'rights' increasingly translate into differences between families, the resource-base of families with only one 'right' being clearly limited in comparison with families with several right-holders.

The differentiation in entitlements between right-holders and *avecindados* is also reflected in their participation in *asambleas* and communal labour (*komon a'tel*). Since the individual strips have been fenced, the *avecindados* no longer join in communal labour for maintaining the fences in the *copropiedad*. In view of the link discussed earlier, between entitlements and obligations, their exclusion can be understood as a means of underlining the differentiation in entitlements. *Avecindados* are not excluded from meetings, but unlike right-holders, they are not obliged to attend. Their presence is allowed, but they are not supposed to speak when matters regarded as solely concerning right-holders to the *copropiedad* are brought up. In *asambleas* then, a difference has begun to be established between matters of concern to all, to the 'whole community' and matters of concern to right-holders alone.<sup>23</sup> The problem is that what right-holders define as being exclusively their concern also affects others. The fencing of the strips is a case in point. The *avecindados* were not supposed to express their views on the fencing or to challenge the proposed arrangements, yet the restriction of grazing and firewood collection to individual strips directly affected them. Privatisation has therefore also limited *avecindados'* possibilities of contesting arrangements that are unfavourable to them.<sup>24</sup>

### *Land rights and community jurisdiction*

Despite the successive privatisations in Chibtik, community jurisdiction over land has been maintained. Individual rights continue to be understood as deriving from membership to a circumscribed group, while the collectivity remains the ultimate authority on withdrawal and adjudication of rights. On the other hand, however, people seek to assert their private rights to plots. The balance between private and communal control over land is not given, but negotiated at particular junctures. This is particularly evident in cases where succession is complicated and the community demands a degree of control over the allocation of land. The current prohibition in Chibtik on selling land attests to the ways in which community control is maintained.

### *Complicated re-allocations*

Community intervention in land allocation usually occurs in situations where succession is ambiguous or when a right-holder leaves the community. When a man

dies without leaving a male son, his right is usually transferred to a male relative without land rights of his own (I mentioned the cases of José and Pedro, who both inherited from their uncles). Another example from Chibtik is that of Cecilio who inherited his grandfather's right in the *copropiedad*, when he was killed after being accused of practising witchcraft. The couple had six daughters, but their only son had died when he was still a child. Thus, Cecilio – a grandson – took on the role of the youngest son. He lives with his grandmother and 'takes care of her'. Cecilio had in fact been born in his grandmother's house – shortly after her marriage, his mother had moved back home where she gave birth- and lived there ever since.<sup>25</sup> Cecilio's case was fairly clear-cut and his claim to his grandfather's right was not disputed. In view of the fact that women usually have great difficulty claiming the land rights of their deceased husbands on their own account, the arrangement was also favourable to Cecilio's grandmother.

Anticipating a possibly more controversial case, Isidro (Virgilio's father) is making claims on the housing plot of his sister, Maria, who is single and has only one daughter (already married). An adopted son – who has now left the community – left her a housing plot but according to Isidro, she is unable to take care of it properly. This is risky, he argues, for it might give someone in the community the idea that the land is 'abandoned' meaning that it could be given to some one else. "Since I do not want the land to remain abandoned, then it is better that one of my grandsons gets it, when she dies". Maria, however, wanted to keep the plot for her grandchildren.

A general understanding in Tojolabal communities is that leaving the community means giving up one's rights, which is justified on the assumption that a person who no longer lives in the community is unable to meet all his obligations. The land the person leaves behind is given to the collectivity who may decide on its fate. As we will see in the following examples, this principle leaves some room for manoeuvre, although it does condition people's options when leaving.

Humberto Castillo and two of his sons had become late buyers of the *copropiedad*. When Humberto died, he was succeeded by his youngest son, with whom his widow, Lola, now lives. The other two other sons, Arturo and Remigio, had left Chibtik, and Lola explained what had happened to their land:

"They lost it, the community didn't allow them to keep it... to avoid problems they had to leave it. They wanted to pay for the land. [They recognised that] It had been costly to put the fence all around the Planada and they wanted to pay the community [compensation]. But the community didn't accept this, they said: you had better leave all together."

Another member of the family confirms this: "the plots in the Planada went to the community." And, talking specifically about Arturo:

"It was his own decision to leave [meaning, he left because he wanted to, he was not expelled], and he said he had no intention of coming back. So the community decided the plots would be theirs."

The housing plot was allowed to be kept by his mother. Arturo was a much loved man in Chibtik, yet when he said that he had no intention of returning to the community in the future, he forfeited his rights to the plots in the Planada.

Lola's other son, Remigio, caused considerable controversy. One of his cousins explains:

"He left his housing plot to his sister Sylvia, because her husband Gustavo doesn't have any land. This way, they would have a means of feeding themselves. However, this was not done through an *acuerdo* and they say the plot will be measured again, and Gustavo will only keep part of it, because there are a lot of people who do not have land. Other houses could be built on the plot."

As for Remigio's plots in the Planada:

"Gustavo works some, but not all of them. The community didn't allow it. They say: How can he have it all, if there are many who don't have land?"

The woman speaking acknowledges there is a problem with Gustavo's occupation of the plot: "There are many people without land here, and where will they find it?" Here, Remigio's decision to give his land to his sister and her husband has been contested on the grounds that the latter has no more right than the other men without land. Although there was genuine concern about families with no land rights of their own, the dispute was also about control. Remigio treated his land as if it were private property and tried to avoid a community claim on it by giving it to his sister and her husband, but this challenge to community control did not go unanswered. The collectivity is clearly confirming its jurisdiction regarding the plots of land belong to that leave the community.

The allocation of rights is not a matter of merely applying established norms regarding community membership and the justification of claims. Rather, particular cases are solved after considerable negotiation in which such norms do play a role, together with other considerations. Similar cases may be brought in, but the reputation of the person is also involved. Just how the different elements come into play is also related to people's perception of their own interest. Several people may have deemed it undesirable to tolerate Remigio's challenge to the rules for setting a precedent. Possibly too, they were annoyed by the fact that he single-handedly decided to benefit his sister and her husband, while their own sons or brothers have no such access to land. Perhaps some people had already thought who they would give part of the housing plot to. Personal interests are bound to play a part in such processes of re-allocation and some people come off with better deals than others.

The flexibility of the arrangements in particular circumstances is well illustrated by the case of Carmelina, a widow from Piedra Huixtla who now lives in the town of Las Margaritas with her children. Several years before our conversation took place, her husband had been murdered after a violent fight. She left the community shortly afterwards and moved to a small Tojolabal neighbourhood on the outskirts of Las Margaritas. During that time she had been allowed to retain the right of her late husband. Her eldest son, Miguel, had been about 12 when his father was killed, and the idea was that he would succeed his father when he reached the age of sixteen. When he turned sixteen, however – a couple of months before our conversation took place – he decided he did not want to go back. Carmelina was unsure as to what would happen to the right. People from Piedra Huixtla had advised her to restore the house on the housing plot, to make clear that she had not abandoned the idea of coming back. Perhaps she could claim the right for her youngest son Juanito, now ten years old, some time in the future. On another occasion Carmelina told me that the community agreed to reserve the land for Juanito provided she took care of her housing plot. Her land has been registered in Procampo (the national program

to support maize growers, amounting to several 100 pesos per hectare) and she was getting half the money, while the community was getting the other half. I asked her if she had not thought of selling her land, to which she replied that in fact her *compadre* Nicolás was interested in buying it, but that "the community didn't want that".

Because Carmelina left her community due to tragic circumstances, the norm that leaving implies losing one's rights has not been strictly applied. Instead, the rights of her late husband are being 'reserved' for her son. However, she is required to prove that she has not abandoned the community completely, by keeping her housing plot in order. As the arrangement concerning the Procampo revenues shows, she finds herself in an intermediate position. The case also illustrates how the community's restrictions on sales operate.

### *Restrictions on land sales*

Private rights to land in Chibtik do not include the right to sell. Chibtik – and the Tojolabal Highlands in general – thereby confirms the general picture for indigenous communities and *ejidos* where land sales, not only to outsiders, but also internally, are restricted. (In contrast with what has been reported for other regions of Mexico, where legal restrictions on the sale of ejido land had become a dead letter long before president Salinas issued his reforms to the *ejido* in 1992). Conversely, temporary land leasing occurs with some frequency. I was told that for a while the Chibtikeros rented land from San Caralampio, a small, adjacent community with lots of mountainous forest land. The Chibtikeros paid San Caralampio (not anyone in particular, but the community as a whole) by the *almud*<sup>26</sup> cultivated, but they stopped doing this as it became too expensive. When possible, the Chibtikeros cultivate slash-and-burn *milpas* on their own property. This had happened about two years before my arrival. A considerable area (then referred to as *wayum alaj* – 'sleeping milpa' or *acahual* in Spanish) had been cultivated by about 30 people, in areas of 20 by 20 *brazadas* that had been measured.<sup>27</sup> The use of this area was limited to those whose 'section ran there', but I was told of people, not interested in cultivating it themselves, renting it to others.

Compared to most communities in the region, in Chibtik, theoretically there are relatively favourable conditions for land sales. For land in *copropiedad* there are no legal prohibitions regarding sales of people's rights while the creation of individual strips brought the possibility of turning the land into a number of private properties even closer – although, as I mentioned earlier, the partition was never formally registered. Nevertheless, after the creation of individual section, it was agreed to maintain the previous restrictions on selling. Apparently, there had been considerable discussion over the issue. One person remarked :

"At first we thought that whoever wanted to sell could do so, but then, nobody does... And then they thought it better not to permit it, because the money [from a sale] doesn't last and it is better to have land."

Somebody else answered my question about whether it would be possible for him to sell his land if he wanted: "No, well... it is partitioned now, but still...you see... everybody worked for those lands." And Virgilio had definite views on the matter:

"Who would want to sell? They know it is difficult to get another piece of land. We don't like people to sell their land, because the kids are growing up.

Whoever sells his land will go back to being a mozo again! Where will he live? He will have to build his house in the middle of a road!"

The possibility of allowing land sales had been considered, and eventually rejected because of the risk of dispossession. Developments in the neighbouring village of El Nantze, where the *copropiedad* was in fact split up into separate private properties, may have played a role in this: some families there sold their land out of necessity and now own nothing, not even the housing plot, where they are only allowed to live because of a concession by the new owner.<sup>28</sup> To most Chibtikeros the lesson to be drawn from El Nantze is clear: if land sales are permitted the richest are able to concentrate land at the expense of the most needy. Allowing land sales means that land rights are no longer derived from group membership, but dependent on the purchasing power of the individual. Yet land sales also reduce the community's patrimony and hence the possibility of covering future needs (note Virgilio's reference to the coming generation). Furthermore, with land sales, rights to land would start to escape community jurisdiction, thus completely changing the terms on which community governance operates.

### Reworking notions of community

Though privatisation in Chibtik shifted crucial entitlements from the communal domain to the private domain of individual right-holders, a considerable number of entitlements remains general to all community members. *Avecindados* and right-holders alike are entitled to enjoy all the services that the community offers – school, road, health care, but also the administration of justice, mediation, and representation vis-à-vis external agents – as well as participation in community-wide pooling arrangements such as the shop or truck. Although this was to change later as Chibtik split over affiliation to the Zapatista movement, at the time I did most of the fieldwork (1997) both the shop and the truck were endeavours in which 'all men' (and not just the right-holders) participated. As far as the organisation of such services and benefits is concerned, the distinction between right-holders and *avecindados* was considered irrelevant. They are defined instead as achievements of the community as a whole. Rather than seeing a need to apply an exclusionary criterion, it is felt that, on the contrary, community-wide participation is beneficial to the kind and quality of services and goods that can be provided.

The provision of collective goods for the community as a whole is run along similar lines to those established earlier (in the previous chapter): there is control over membership through lists of all those that hold rights to and hence need to share in the provision or maintenance of such an asset. Taking the co-operative shop as an example: right-holders in the shop are called *socios*, each of whom was required to contribute the same amount of money at the beginning and to comply with a rotating scheme for attending the shop (two men a day). A president and a treasurer were appointed at an *asamblea* to co-ordinate and oversee the management of the shop. Likewise, the assortment and acquisition of products in Comitán were organised through *asambleas*. The women adopted a similar structure and have their own shop, their own meetings and their own *presidenta*. Their constituency originally consisted of 'all women', meaning all resident women and teenage girls (*solteras*).

Similarly, services such as infrastructure and education are also regarded as

collective goods, as the 'achievements of a circumscribed group'. The communities of the Tojolabal Highlands tend to see these not as *public* goods provided by the government, but as *collective* goods for which they have had to make many sacrifices. This probably derives from the fact that most of these services have indeed been the result of active lobbying with government agencies and were invariably built with the work of people from the community. This gives people a sense of ownership as well as a degree of control over, for example, the school and the road. To take an example from the realm of education: in many Tojolabal communities it had been common for the people to provide food for the schoolteachers, sharing the burden among the community. This changed as people realised that the schoolteachers were receiving a salary from the government, a substantial amount by their standards, and most communities agreed to have schoolteachers pay for their food (Van der Haar 1993).

The processes of privatisation in Chibtik however, also acted on the constitution of community itself. Recalling with Sabeau that "society and property are constituted in the same act" (1990: 17), we may expect to find changes in property arrangements have repercussions on social configurations. If property is a relation "between people about things" and – as Sabeau states, following Rousseau (1990: 18) – fences are meant not to lock land in but to lock the neighbours out, we may expect processes of privatisation to affect people's commitments and sense of identification.<sup>29</sup>

Above all, the collectivity of right-holders has started to manifest itself as something different from the community as a whole, comprising the totality of residents. I expect contradictions between different categories of community members to arise especially along this divide. Furthermore, as the family (especially parents) become a more important source of property rights for such crucial entitlements as housing and cultivation land, the family might become a more important arena than before – as compared to the community – for claiming and contesting entitlements. This might also imply that people become less willing to submit to community control. More detailed research than I have been able to do might perhaps shed light on the ways in which the transferral of significant benefits from the realm of the community to the realm of the more exclusive collectivity of right-holders, affects people's loyalties.

Yet, the consequences of privatisation cannot merely be equated with the 'erosion' of community. Rather, the dissociation between the community as a whole and the collectivity of right-holders, – a process that is still underway – provides scope for attaching new meanings to community. Definitions of community centred on land tenure are challenged especially from the edges of the collectivity of right-holders, from the side of men without land rights of their own, and from the side of women. In ways that are still incipient, they rework notions of community that displace land tenure somewhat and instead place services, organisation and representation at the centre of community.

### Discussion: land scarcity and privatisation

I have shown in this chapter that since the acquisition of the *copropiedad* in 1963, changes in property arrangements in Chibtik have taken the form of gradual and partial, yet progressive privatisation. This pattern is repeated for the Tojolabal High-



lands as a whole, although the rate and nature of changes in property arrangements are specific to each community, and linked to its particular combination of resources, the make-up of its population and specific social processes. Privatisation takes place against the background of population growth and reduced possibilities of finding more land to accommodate sons with no land rights of their own. Thus, the dynamics in the Tojolabal Highlands seem to follow the pathways of privatisation under conditions of increasing land scarcity, such as those that have been outlined in evolutionary perspectives of land tenure change. To conclude this chapter, a critical reflection on this issue seems in place. I will first address the question of how land tenure change may be related to land scarcity, and then turn to the involvement of state agencies in bringing about new property arrangements.

#### *Evolutionary perspectives on land tenure change*

In both Esther Boserup's theory of agricultural intensification (1993 [1965]) and the school of thought that has been labelled the 'evolutionary theory of land rights' (ETLR) population growth figures as a cause of land scarcity and more private land tenure arrangements. Esther Boserup stresses land use changes (intensification) as the prime mover behind privatisation, a perspective also adopted by Netting (1993; especially Chapter 6). The ETLR, as summarised by Platteau,<sup>30</sup> emphasises the conflicts that arise over allocation. Both perspectives agree on this point: as people use more land or use land more permanently, this increasingly involves overlapping and conflicting claims. Both approaches explain changes in tenure arrangements on the basis of relative costs and benefits. In short: a more private arrangement may (but does not necessarily) come about when the existing arrangement becomes 'costly' in terms of management or litigation, and the benefits expected from a new arrangement are estimated by those involved to exceed the costs of bringing it about (these costs including coming to an agreement, measuring, fencing and externalities produced).

The evolutionary frameworks seem quite useful for understanding some of the land tenure changes in the Tojolabal Highlands. The measurement and individual allocation of plots for maize cultivation on the Planada, the restrictions on housing plots and the more recent establishment of private grazing areas ('fencing the strips') in Chibtik can be at least partly explained by management problems, frictions over allocation, and an evaluation of the costs and benefits of the new arrangements. However, although the perspectives are right about the general tendency towards privatisation under population growth, they are less able to explain when and how new property arrangements are developed.

The division of the *copropiedad* in Chibtik is a clear example. A crucial step in the process of privatisation in Chibtik, it cannot be accounted for on the basis of the evolutionary perspective. First, it is impossible to reduce the conflict between the Catholic and Adventist factions, which gave rise to the division of the *copropiedad*, to 'competition over scarce resources'. Rather, as I have argued, the conflict seems to have involved a more complex struggle over leadership and the make-up of community. Second, the measurement of individual section did not in itself produce more private arrangements and people continued to manage the land largely as commons for another ten years.

The process by which the individual strips were eventually fenced, follows the general pattern predicted by the evolutionary perspectives, while indicating some of their limits. Though related to resource scarcity, fencing was embedded in complex processes of negotiation and contestation. The already existing preference of some of the people with the most livestock to improve the pastures (which had not gained support earlier), coupled with the annoyance of others over the fact that the firewood on their strips was being depleted (which in itself would have been insufficient reason to fence), against the background of the deadlock over the distribution of work on the communal fences for the *potreros*, had paved the way for a change in existing arrangements. Furthermore, as a result of the schism that took place over the adherence to the Zapatista movement, the need to avoid friction became stronger than before, and with the revenues from logging activities, people were more able to afford barbed wire. The fact that the strips had already been measured facilitated the fencing. Without this, the cost of the complicated measurements might have been prohibitive; as it was, only the fencing itself needed to be financed. A different combination of factors might have changed the timing of the fencing or resulted in a different arrangement, not centred on geographical circumscription, but on the regulation of extraction. The scarcity of firewood in another community, for example, involved limiting the number of donkey-loads of wood each right-holder was allowed to collect. This arrangement also implied a cost, of vigilance, but was easier to achieve with existing resources.

Institutional change thus appears to be embedded in complex social processes and related to critical junctures. New institutional arrangements are not a linear response to increasing scarcity; they may involve incremental changes but also sudden shifts. When and how existing arrangements are modified depends not only on problems of declining productivity or increasing conflicts, but also on factors such as the differential effects of the existing and proposed arrangements on different users, the ability of these different sets of users to influence decision-making, the degree of support for the proposed arrangements, and the need to control or solve conflicts. Less than an institutional optimum, land tenure change reflects a compromise between different options, drawing on a hybrid institutional repertoire and responding to several problems at once. This embeddedness of privatisation in complex social processes makes it difficult to isolate land scarcity as the single factor directly accountable for more private arrangements in Chibtik. On the basis of scarcity alone, it would be difficult to explain when new property arrangements are developed and what these look like.

It is clear from my description of tenure change in Chibtik that I do not regard private and common rights as mutually exclusive. Privatisation is a gradual and partial process, relating to certain entitlements but not to others. Multiple arrangements of general and specific entitlements co-exist (see also Netting 1993; Hann 1998). Private rights exist within a situation in which property is seen as a share of a pool of benefits offered by the collectivity. Settlement of inheritance disputes and long-term alienation of land continue to be a community responsibility, rather than a private one.

It has been noted by a number of authors that changes in tenure arrangements have varying effects on different sets of members in the user community, being especially unfavourable for those with subsidiary rights (e.g. Platteau 1996).

Changes in property arrangements have been particularly unfavourable to *avecindados* who have also been marginalised from the decision-making process. Right-holders have safeguarded their own access to and control of vital resources, limiting the options of their sons and daughters. It is important to stress at this point that land tenure change involves conflicts of interest and reflects power differentials.

*The presumed necessity of state involvement*

The material I have presented on the privatisation process in Chibtik suggests that people were quite capable of designing and enforcing privatised tenure arrangements in response to locally defined problems and within the prevalent institutional repertoire, displaying a capacity for endogenous institutional change as noted by Boserup (1993 [1965]), Netting (1993), and Ostrom (1991). The evidence in this case clearly defies the necessity of state involvement to bring about privatisation, which is one of the central tenets of the evolutionary theory of land rights (Platteau 1996; Jones 2000).<sup>31</sup> Following Platteau's summary, only "supply of land titling or registration by the state" can resolve land disputes under conditions of increasing scarcity (Platteau 1996: 35, Figure 1). However, privatisation in Chibtik did not critically depend on state interference. Contrary to what ETLR holds, tenure security, especially regarding the allocation of rights within the community domain, relies primarily on community governance. Although state legislation does, as we have seen, play a role in the norms and criteria employed, people have not sought direct state involvement to bring about more private arrangements, or the legal confirmation of these arrangements.

State intervention in the division of the *copropiedad* might seem an exception, but it was not. As I have argued, the intervention of the municipal president was explained less by a concern for establishing private property than by the need to restore order and, probably, to further a political agenda. In stepping in on behalf of the Adventists and defending their interests, the municipal president's role was far removed from that of the neutral arbiter envisaged by the ETLR. Rather, his involvement should be understood in the light of factional struggles. State intervention appeared as a direct challenge to community rulings regarding internal allocation of land rights. The confrontation that took place between community rule and state authority in Chibtik is best understood in terms of competing claims to governance, that is, exerting control over resources and people. In episodes such as the one discussed here, the contours of community governance in relation to state control of land tenure are drawn more clearly than before. Internal allocation of land rights was clearly being claimed as falling within the field of community jurisdiction, based on a practice of considerable autonomy in internal affairs. In the dispute, this competence was now defined in explicit opposition to state control. At the same time, an understanding of state legislation as different from and at critical points incompatible with local definitions of property was formed.

# Notes

- 1 An aerial photograph of 1973 shows rather open vegetation, probably the result of the degradation of the forest cover due to over-grazing prior to the transfer. The Chibtikeros attribute the open landscape that had existed to the yearly fires to stimulate the growth of young grass. See also Van der Haar (2000b).
- 2 These fields are clearly visible on the 1973 aerial photograph. A report from 1982 mentions, probably in reference to those same fields "70 hectares of cropland (*temporal*): maize, beans, banana," (ARA-TG file 1275).
- 3 For a time the community had an arrangement with a cattle-owner allowing his livestock to pasture there.
- 4 In Tojolabal the verb *b'isa* which I have translated as 'to measure', combines the meanings to measure and set aside, to divide and partition.
- 5 The plots are referred to by their size: the *veinticinco* or the *cuarenta*.
- 6 The *brazada* was a fairly common measure throughout Central America (Esther Roquas pers. com.), but was not used in official land redistribution procedures, where the hectare was the standard measure.
- 7 I have used pseudonyms.
- 8 This explains why he does not appear in the 1986 document that lists all right-holders in Chibtik, authorising Virgilio as their representative; see previous chapter.
- 9 This happened, for example, in the case of neighbouring El Nantze, bought in 1955 by 38 individuals as a *copropiedad*, and divided into that number of individual properties in 1970.
- 10 To my knowledge communal labour can indeed take place on any day of the week.
- 11 Note that the term *ejido* is used here as equivalent of settlement or locality.
- 12 Cited in Nuñez Rodríguez, 1999.
- 13 A procedure officially called *privación de derechos agrarios* followed by *adjudicación*, 1971 Land reform law, Art. 426- 429.
- 14 The fact that slash-and-burn cultivation was one of the first entitlements to be restricted to one's own section, probably reflects its scarcity: slash-and-burn cultivation was highly valued – being less labour intensive and yielding specific products such as native varieties of pumpkin and beans – while the possibilities in Chibtik were extremely limited.
- 15 Two types of grass known as *jaragua* and *estrella*, commonly used for improved pastures in the region, were mentioned. Note that separate grazing would also allow for better breeding control.
- 16 He had said to the other men: "Look, do not think badly of those that have animals. Use your heads: buy yourself an animal, like we do, when we sell a pig, we use the money to buy a calf, even if it's just a small one, it will grow if you take care of it."
- 17 This has also been reported for Zapatista sympathisers in the Cañadas.
- 18 It was not permitted, for example, to have *novillos* -young bulls – graze there.
- 19 Logging activities in a community typically also lead to people renovating and enlarging their houses, or young families constructing new ones, in which case the wood does not have to be paid for. Only the work of the person operating the wood-saw – not from Chibtik – has to be paid for, rather than the wood itself.
- 20 Many women told me the pigs died as a result of being penned in, possibly because this made them more vulnerable to disease.
- 21 Corresponding to a population density of roughly 25 inhabitants per square kilometre for the region as whole.
- 22 The official census for 1990 cites 430, but a count by the women in 1997 came to 520.
- 23 Chibtik, unlike certain other communities, does not have different types of *asambleas* for different kinds of issues, where some are open to all men and others are restricted to right-holders.
- 24 Likewise, the women's exclusion from *asambleas* puts them at a disadvantage. Since they are responsible for most of the firewood collection, they were directly affected by the new arrangement. For some women the distance they have to

travel to fetch firewood increased considerably, though they got around the new rules by going to fetch wood together on the plot of land of only one of the women, which was the closest one. Also the decision to enclose the pigs, affected women strongly.

25 Such arrangements whereby one of the grandchildren stays on with the grandparents, are quite common in Tojolabal communities.

26 The *almud* is a volume measure often used when talking about slash-and-burn milpas.

27 This roughly corresponds to one *almud*, the measure for slash-and-burn cultivation.

28 The vast majority of the over 30 *copropietarios* of El Nantze were mestizos, several of them had other houses and sources of income besides what they owned in El Nantze. Rather than favouring a communal regime, as in Chibtik, most people from El Nantze probably regarded

the *copropiedad* as a temporary solution, until they were able to afford separate shares (most of them had been in debt to the leading figure in El Nantze who had lent them the money).

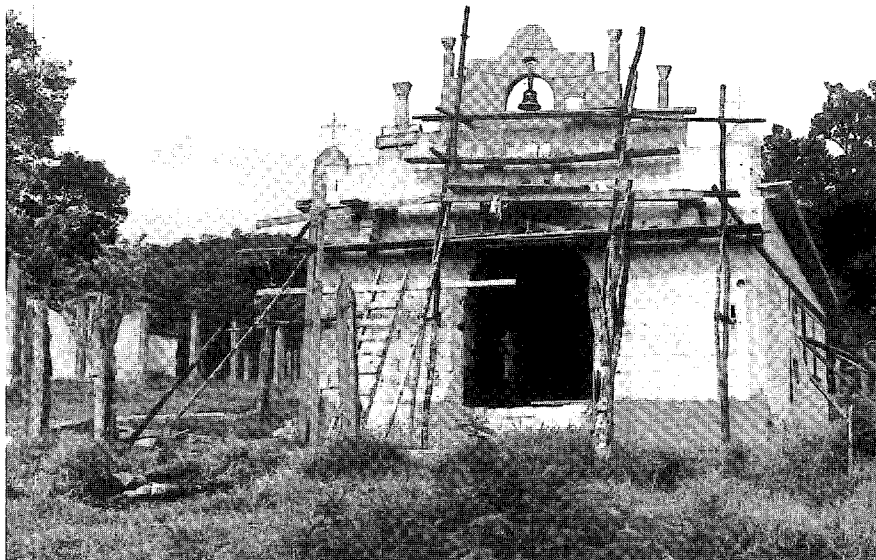
29 A similar perspective on property as central to identity construction is developed in Hann (1998).

30 For my analysis of the ETLR I rely on the summary provided by Platteau (1996). Although he focuses on Africa in this article, his discussion of ETLR is of a more general nature. In his summary, ETLR predicts that increasing scarcity of land as a consequence of either population growth or increased market opportunities, prompts more individualised land tenure arrangements; I only consider population growth here.

31 Though the more dynamic version of ETLR allows for some endogenous innovation of land tenure institutions, according to Platteau, these also regard state enforcement of private property as indispensable.









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## Chapter six

# Land occupations under the banner of Zapatismo

Since the 1970s, the continued demand for land in the Tojolabal Highlands had focussed on the few remaining private properties. Although there were some successes, most of these attempts failed. However, with the Zapatista uprising of 1994, acquiring land became a real possibility. The uprising unleashed a wave of land occupations all over Chiapas and entailed a *de facto* land redistribution that has probably been one of the most tangible and far-reaching effects of the uprising within Chiapas.

### The uprising

#### *Background*

The repercussions of the Zapatista uprising – which started with the occupation of four towns (San Cristóbal, Ocosingo, Altamirano and Las Margaritas) by insurgents calling themselves the *Ejército Zapatista de Liberación Nacional* – have been felt at different levels. Nationally, the uprising added considerably to the discredit of the PRI and boosted the cause of indigenous peoples' rights. Internationally, the uprising shattered Mexico's democratic, progressive image, exposing poverty and human rights abuses. The Zapatistas thus became an important symbol in the disputes over the Mexican national project, in the defence of indigenous rights, and in struggles 'against neo-liberalism'. Within Chiapas, the consequences of the uprising were contradictory. Many families finally saw their chance to acquire some land of their own, but many others fled their communities – fearing the Zapatistas, the Mexican army, or both – and settled at the fringe of urban centres such as Comitán and Las Margaritas.<sup>1</sup> The peace dialogues of 1995 and 1996 brought hopes of a considerable improvement in the living conditions of Chiapas' rural poor and an end to repression and exclusion, but these hopes vanished as talks collapsed and militarisation progressed. The uprising occasioned an unprecedented flow of resources to the state, but government involvement only added to the hardening of political differences in the countryside. The political landscape of Chiapas became extremely complicated and increasingly fragmented. Peasant unions such as the ARIC-Unión de Uniones and the CIOAC experienced serious divisions, while new organisations mushroomed, some of them paramilitary. In the indigenous regions

of Chiapas, struggles broke out over the control of municipal government.

In this chapter and the next, I focus on the local dimensions of the Zapatista uprising, leaving their overall treatment to others.<sup>2</sup> I discuss cases of land occupations in the Tojolabal Highlands, placing them in the larger context of Chiapas. Drawing on the case of Yalchibtik, in particular, I address the embeddedness of the invaded properties in the Zapatista autonomous municipalities (*municipios autónomos*) which imply a reframing of the regulation of land tenure and a displacement of the land reform bureaucracy. I begin the chapter with a short discussion of the ways the communities of the Tojolabal Highlands were involved in the Zapatista movement.

### *'The organisation' in the Tojolabal Highlands*

When on January 1 1994 the organisation calling itself the *Ejército Zapatista de Liberación Nacional* (EZLN) erupted onto the public scene – with a declaration of war on the Mexican government and the seizure of four towns – it had already existed clandestinely for some ten years. Its leadership, influenced by Maoist ideas and promoting a revolutionary agenda, became involved with a group of settlers with considerable experience of political organisation that had suffered from marginalisation and numerous hardships. Capitalising on the work of both the San Cristóbal diocese and the *Unión de Uniones*, the 'armed movement' (first called FLN – *Fuerzas de Liberación Nacional* – and then EZLN) increased its presence throughout the Cañadas region, its stronghold to this day (Legorreta 1998, Harvey 1998, Leyva & Ascencio 1996).

To my knowledge, most of the Tojolabal Highlands had not been involved with what is regionally referred to as *la organización*, prior to 1994. Chibtik's engagement with ANCIEZ – recognised by most authors as the legal arm of the EZLN with links to the OCEZ (see also Chapter Three) – was an exception to the region as a whole, though common to the region around Altamirano. A few men from Chibtik had become interested in 'the organisation' that recruited people through the existing channels of the diocese, such as courses and catechists' meetings. They subsequently drummed up support for 'the organisation' within Chibtik.

Like several of the neighbouring communities, Chibtik became a 'civil support base' (*base civil de apoyo*) for the EZLN, comprising what Leyva has called the 'political structure' of the EZLN as distinct from the 'military structure' (Leyva 1998: 78). During my fieldwork, the Chibtikeros never referred to themselves as Zapatistas – that label was only used by outsiders. Their adherence to 'the organisation' was reflected in many ways, however. Most notably, Chibtik had taken part in the occupation of nearby Yalchibtik and was making claims to that property to accommodate families with no land rights of their own. Moreover, Chibtik became embedded in Zapatista governance structures, particularly that of the autonomous municipality '17 de Noviembre' (named after the founding date of the FLN in 1983). The headquarters of this autonomous municipality were located in Morelia, an ejido to the north of Chibtik, then a stronghold of the EZLN.

In 1994, the communities grouped together in the *ejido* union *Pueblos Tojolabales* embraced the Zapatista cause and became civil support bases. However, the EZLN interacted with ongoing political processes in highly complex ways and created further conflicts. My own research has only dealt with these developments tangen-

tially so I can provide no more than a very rough outline. Unlike *Pueblos Tojolabales*, the other ejido union, *Lucha Campesina*, had, like the ARIC-Unión de Uniones in the Cañadas region, opposed the EZLN prior to 1994 and continued this opposition after January 1 (see also Legorreta 1998: 284-94).<sup>3</sup> Some communities thus clearly sided with the EZLN. Other communities, such as Santa Rita Sonora – one of the sites I had had in mind for fieldwork – were divided (and in fact it was the faction supporting the EZLN that had opposed my coming, as discussed in the introduction). For *Pueblos Tojolabales*, affiliation to the EZLN entailed a confusing process of conflicts, fissures and re-alignments.<sup>4</sup>

At some point, supporters of the Zapatista movement in the region had enough leverage to create an autonomous municipality. A sign along the road from Comitán to Altamirano showed where to enter the dirt road that would take one to the headquarters of the *municipio autónomo Miguel Hidalgo*, just south of Nuevo México (one of the leading communities in *Pueblos Tojolabales* and another possible location for fieldwork that was rejected). This autonomous municipality never seems to have gained the strength of '17 de Noviembre', however, and when I returned to the region in 1998 the road sign had gone and 'Miguel Hidalgo' seemed to have disappeared without a trace.<sup>5</sup> *Pueblos Tojolabales* split over the issue over adherence to the EZLN. By the spring of 1997, the internal division had resulted in the occupation of the CIOAC-offices in Comitán by one faction, to the exclusion of the other. The faction that broke away from the EZLN formed a new organisation, apparently called either *Nueva organización Pueblo Maya* – which is what I was told during my fieldwork – or *Tzomanotik sok ja yajk'achil k'iptiki* (meaning *Nueva Fuerza Tojolabal*) (Salinas & Moguel n.d.).

## Reviving Zapata

### *Rewriting the land reform law*

In 1994, several communities affiliated to the EZLN, including Chibtik, occupied the Yalchibtik *rancho*, which had remained in the hands of private *ladino* landowners. This was just one of many land seizures that took place in the wake of the Zapatista uprising and of which the municipality of Altamirano obtained a considerable share. Land occupations were an integral part of the Zapatista insurgents' agenda. Their revolutionary agrarian law (*Ley agraria revolucionaria*) proclaimed expropriations of private property. It was published together with a number of other revolutionary laws in the document through which the EZLN first addressed the public, *El Despertador Mexicano*, dated December 1993. This document also contained the well-known 'Declaration of the Lacandona Rainforest', the first of a regular flow of communiqués and declarations by the EZLN.<sup>6</sup> The revolutionary agrarian law takes the persistent demand for land as a point of departure and redefines the rules of the game called land reform. It starts as follows (in Womack's translation):

"The struggle of poor peasants in Mexico continues to claim land for those who work it. After Emiliano Zapata and against the reforms to Article 27 of the Mexican Constitution,<sup>7</sup> the EZLN takes up the just struggle of rural Mexico for land and liberty. With the purpose of establishing a general rule

for the new agrarian redistribution of land that the revolution brings to the Mexican countryside, the following REVOLUTIONARY AGRARIAN LAW is issued." (Womack 1999: 253).

The law claims validity for all properties throughout national territory. The third article stipulates which properties are liable to redistribution and reads:

"All tracts of land that are more than 100 hectares of poor quality and fifty hectares of good quality will be subject to revolutionary agrarian action. From landowners whose properties exceed the aforementioned limits, from them the excess land will be taken away, and they will be left with the minimum allowed, so that they can stay as small landowners or join the peasant movement of cooperatives, peasant societies or landed communal associations." (Womack 1999: 253).

The fourth article exempts communal lands, *ejido* lands or lands held by co-operatives from affectation. The articles that follow stipulate how the land shall be used – namely collectively and geared to subsistence production – and who is entitled to receive it – namely landless peasants. I will come back to these stipulations and their impact on the properties seized by the Zapatistas later in this chapter.

The Revolutionary agrarian law is clearly modelled on the official land reform legislation as most land reform beneficiaries of Mexico had known it (before it was thoroughly revised in 1992). Like official land reform legislation, the revolutionary law sets criteria for liability of private properties, though these are considerably lower than in the original law (about half the amount permitted in the land reform law of 1971). Like the official legislation, the revolutionary law allows some land to be retained by the landowner, sets criteria as to who may be considered beneficiaries of land reform, and determines how the land should be used (the latter in more exclusive terms than the land reform law). This indicates that the land reform legislation as issued by the Mexican state is an important reference in the ways the indigenous peasants of eastern Chiapas – who drew up the text – conceive of land tenure, though also other influences are present (most notably, the Maoist emphasis on collective agriculture). At the same time, however, the revolutionary law defies the exclusive capacity of the Mexican state to legislate over matters of land tenure and carry out land redistribution, thereby testifying to the ambitions of the EZLN in the field of land tenure regulation.

I do not know how far the possibility of land seizures had been a crucial element in the Zapatista project prior to 1994, but it should be noted that the EZLN was especially appealing to young men with no land rights of their own, who had much to gain from the occupations. It is likely therefore, though I have no direct evidence of this, that the Zapatista project included an explicit promise of land, to be taken from neighbouring landowners.

#### *Land occupations in the Tojolabal Highlands*

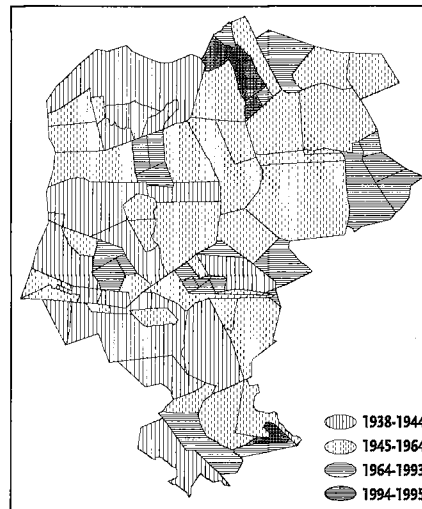
In the Tojolabal Highlands virtually all properties that still remained in the hands of non-indigenous landowners were occupied after January 1 1994. (They are all indicated on map 6.1 below.) These included the lands known as Yalchibtik, retained by Pepe Castellanos junior after he sold the central area of the Chibtik finca in 1963, sold several times and fragmented since (see Chapter Two). By 1993, 6 sections registered by different owners, comprising a total of 650 hectares, constituted a co-

operative society named 'Yalchiubtic'.<sup>8</sup> As mentioned in previous chapters, requests by neighbouring communities, including Chibtik and La Florida, to affect these properties for land redistribution, had been turned down. The land reform authorities regarded them as unsuitable for redistribution since they were under the maximum limits for private property. By 1994, Yalchibtik – as I will continue to call the properties that make up the cooperative society – was devoted almost exclusively to livestock raising and included a number of improved grazing lands.<sup>9</sup> None of the owners lived on the property. There was a rather modest house that Pepe Castellanos had built, together with a smaller one for the caretaker.

The caretaker of Yalchibtik, fearing what might come, abandoned the property in early January 1994. The owners denounced the occupations but were unable to do anything about it. According to one of the Chibtikeros: "[The owners] wanted to send in the army, but this could not be done since we are in the conflict zone."<sup>10</sup> In 1995 the owners wrote to the land reform office in Tuxtla Gutiérrez that when they bought these lands they "could not have imagined that these would become part of the conflict zone and denounced having been the "victims of robbery and plundering" as a result of which they are "suffering from a brutal economic crisis" for which no solution has been found.<sup>11</sup>

On the property of Mendoza, bordering on Yalchibtik to the north, the *Diez de Abril* settlement (called after the day Emiliano Zapata was assassinated) was created by Tzeltales who were subsequently joined by Tojolabal families. This militant Zapatista community eventually played a significant role in the conflict and a civil peace camp (*campamento civil por la paz*) was installed to protect the population from military incursions. In El Nantze, east of Chibtik, land occupations also took place, but here the situation was somewhat different. This former *copropiedad* had been split up into individual private properties, each section totalling approximately 30 hectares. Prior to 1994, the population of El Nantze had been divided in political and religious terms: only a minority was Catholic and supported the Zapatista movement, the rest was Protestant, affiliated to the PRI, and had opposed it. Most members of the latter group had abandoned El Nantze after the uprising, and were waiting for the situation to calm down. Their land was claimed in 1994 by the Zapatista families of El Nantze.

All the occupations mentioned here were carried out under the banner of Zapatismo. They were characteristic of the first wave land occupations, beginning immediately after the uprising and particularly affecting eastern Chiapas (Villafuerte et al. 1999: 131). But the wave of land occupations that swept over Chiapas was not the work of Zapatista supporters alone. During the second wave, groups of a variety of political sympathies used the opportunities at the time to acquire lands once out of their reach (see also Villafuerte et al.: 1999: 132). This was the case of *rancho San Mateo*, located on the eastern fringe of the Tojolabal Highlands, in the municipality of Las Margaritas. It was taken by a group of Tojolabal peasants from the Veracruz *ejido*, with links to the CNC. They had not supported the EZLN, but told me they were 'grateful to those that had had the courage to stand up to the government'. Like Yalchibtik, San Mateo had remained in the hands of private ladino landowners despite the insistence of groups of Tojolabal *ejidatarios* to obtain the land as an *ejido* extension. As recently as 1993, the property had been affected for an endowment to the newly created Nicaragua *ejido*, leaving San Mateo with an area of some 230



**Map 6.1** Culmination of land redistribution in the Tojolabal Highlands  
The areas marked under 1994-1995 represent the invasions.

hectares. The property included a rather large, well kept *casa grande*, was devoted to fairly intensive livestock ranching and contained a share of irrigated land.

Occupation by the CNC-group – locally referred to as *pri-istas* – was arranged with the landowner who, given the threat of land occupation, preferred to lose his land to a group with which he could negotiate. The other faction present in Veracruz, affiliated to the CIOAC, was also interested in San Mateo and contested the occupation. They re-invaded the property by forming a circle of tents around the already existing camp. The state government intervened to avoid an escalation of the conflict and bought the CIOAC-group out by giving a fixed sum to each of the ‘invaders’. The claim of the *pri-istas* was respected and as of 1996, the families comprising this group began building houses there.

As can be seen from the map, land occupations in the Tojolabal Highlands completed the process that state-led land redistribution had begun in the 1940s. As of 1994, private properties that had survived land redistribution were also brought under the control of Tojolabal communities. The seizures were justified on the grounds of the increasing number of adult men who did not have land rights of their own. In view of their dependence on land for subsistence, the Tojolabal argued that they needed the land more than ladino landowners who had other economic options. In the eyes of the Tojolabal, the need of landless families weighed more heavily than the law, but they could only really challenge that law within the new context that arose in 1994, with widespread support for the EZLN and the need to contain conflicts in the countryside.

Land seizures also provided an opportunity to settle accounts between rival factions in the region. In many cases, an element of revenge seems to have been

present, against landowners that had mistreated the peasant population, but also among different groups within communities (see also Legorreta 1998 for the Cañadas region). One case that attracted the media's attention was that of general Absalón Castellanos (governor of Chiapas from 1982-1988) whose properties in the valleys of Las Margaritas were occupied, he himself being taken hostage by the Zapatistas who judged him guilty of severe crimes, but released him after 45 days (Tello 1995: 194-5; Benjamin 1995: 281). But accounts were also being settled with opponents of a quite different calibre. As Burguete notes:

"The Zapatistas not only distributed large properties and small ranchos, but also the smallholdings of other peasants that had been their opponents, rewarding their supporters with these lands. Success in obtaining a piece of land from the Zapatista government was reason enough to remain loyal to the Zapatista cause." (1998a: 260).

To the *pri-istas* of the Veracruz *ejido*, the occupation of San Mateo was also a way to outmanoeuvre the faction aligned with the CIOAC that had occupied and claimed for themselves an area of 1500 hectares of mountainous land (this case was discussed in Chapter Three). In El Nantze, families that opposed the EZLN paid for the initial triumph of the Zapatistas with their houses and land (though some of them returned to the settlement later). Although there was a certain socio-economic inequality between Tojolabal and mestizo families in El Nantze, some of the latter having houses and other properties elsewhere, they could hardly be regarded as 'large landowners' in the way Absalón Castellanos, the owners of Yalchibtik, or the 'big ladino' (*niwan jnal*) of San Mateo could.

#### *A wave of occupations*

Land occupations such as those described above took place throughout the conflict zone (which comprises the municipalities of Altamirano, Ocosingo and Las Margaritas). Altamirano was one of the municipalities most heavily affected by land occupations. Villafuerte *et al.* report a total of 199 occupations for Altamirano, totalling more than 19 200 hectares, which account for more than 80% of the total area held by properties larger than 5 hectares in size (1999: 354, 135). One of the affected landowners was Pepe Castellanos junior. He lost his *El Tulipán* ranch, located north of Chibtik, where he had concentrated his livestock activities after selling first Chibtik and then Yalchibtik. Ocosingo was also severely affected, with 298 occupations totalling almost 22 800 hectares. Las Margaritas underwent 57 occupations, some 5 400 hectares in total. In Chiapas as a whole, there were over 1,700 occupations, totalling nearly 148 000 hectares (Villafuerte *et al.* 1999: 134). About 60 000 hectares were occupied during the first half of 1994, mainly in eastern Chiapas. As of August 1994, land occupations also reached the coastal regions and central valleys. Venustiano Carranza for example, was another municipality that was heavily affected.

Although the figures presented above are likely to contain numerous inaccuracies, they give some indication of the scope of the phenomenon. Land invasions were hardly new in Chiapas – they had been resorted to previously as a means of making claims to land or even of speeding up the endowment process – but what happened in 1994 and 1995 was unprecedented. Never before had land invasions occurred on this scale, either in Chiapas or in Mexico as a whole.<sup>12</sup> Although previ-



ously, in the 1970s and 1980s, occupations had also been part of the broader political agendas of peasant organisations, they had been far more incidental and localised. The wave of invasions now sweeping Chiapas threatened virtually every single private property. Data on the properties occupied indicate that most of these properties were smaller in size than the maximum established by official land reform legislation. The average for Altamirano was 85 hectares while for Las Margaritas and Ocosingo the figure is 95 and 76 hectares respectively (Villafuerte et al. 1999: 354). For Chiapas as a whole, half the properties seized were less than 50 hectares in size, a quarter were over 100 hectares while only 4% exceeded 300 hectares (Villafuerte et al. 1999: 136). In fact, land occupations in Chiapas went even further than the Zapatista revolutionary agrarian law had foreseen. Many of the properties seized were smaller than the areas stipulated by the Zapatistas (50 hectares of good and 100 hectares of poorer quality land) and only by exception did landowners retain some of their land. De la Grange and Rico refer to several of these cases (1997: Chapter 16) while Legorreta reports the dispossession of *ejidatarios* that had opposed the EZLN in the Cañadas region (1998: 294-301).

## Land redistribution under siege

### *Renewing an old recipe*

Land occupations confronted the state and municipal governments as well as the land reform authorities of Chiapas with a serious problem. Affected landowners were calling for evictions, with violence if necessary. However, official reaction to the occupations was guided mainly by the need to avoid an escalation of the conflict and to keep the situation under control. The cease-fire declared unilaterally by President Salinas on January 12 1994 limited the type of intervention that could be carried out in the conflict zone. Violent evictions would only exacerbate the situation and were avoided where possible.

In view of the need for contention, policies were geared to compensating landowners for the loss of their property and regularising the invasions. This formula was somewhat similar to earlier land redistribution policies, when, through the *Programa de Rehabilitación Agraria* and the *Programa de Concertación Agraria* (discussed in Chapter Three), properties that were not liable to land redistribution were acquired and financed by the state government in response to peasant pressure, though this was contingent on the landowner's willingness to sell.<sup>13</sup> Along similar lines, an initial scheme for the acquisition of occupied properties (technically referred to as *vía subsidiaria*) was launched in April 1994. Some 40 000 hectares were bought in this way (Villafuerte et al. 1999: 139-40). The scheme was an emergency solution which led to serious irregularities and political favouritism (see also Harvey 1998: 211-17).

This first scheme depended critically on negotiations with the CEOIC (*Consejo Estatal de Organizaciones Indígenas y Campesinas*), created in early 1994 as a broad coalition of social and political organisations in Chiapas. The CEOIC had experienced acute internal tensions ever since it was formed and broke up over the state level elections in the summer of 1994. The organisations aligned with the Zapatista project formed a new organisation, the AEDPCH (*Asamblea Estatal Democrática del*

*Pueblo Chiapaneco*), in support of the opposition candidate Amado Avendaño (Villafuerte et al. 1999: 166-69; also Legorreta 1998). Avendaño's loss of the elections (together with the threats on his life) gave rise to considerable popular indignation and a variety of forms of 'civil resistance' as well as a fresh wave of land occupations (Villafuerte et al. 1999: 166-169). In view of this situation, towards the end of 1994, a second measure for the acquisition and regularisation of occupied properties was implemented, that has become known as the *Acuerdos Agrarios*.

### *Acuerdos Agrarios*

Like earlier schemes, the *Acuerdos Agrarios* centred on the acquisition of properties in favour of land occupiers while incorporating a new instrument, the *fideicomiso* or trust (for technical details see Villafuerte et al. 1999: 140-42).<sup>14</sup> Negotiations over the properties to be acquired began in 1995 and were led by an inter-institutional commission, consisting of the state-level delegate of the Land Reform Ministry,<sup>15</sup> a representative of the *Procuraduría agraria*<sup>16</sup> and the state ministry of agrarian development.

The agreements took the form of contracts with specific groups of land claimants. Interested peasants could apply through an organisation or as an independent group. Negotiations took place directly with the applicants in an attempt to circumvent possible manipulations by the leaders of peasant organisations. The agrarian history of the group of applicants was thoroughly investigated, and, in order to avoid the mistakes of the past, an effort was made to reduce the possibilities of 'cultivating ambiguity' that had become common in agrarian dealings (see also Chapter Three). In the framework of the *Acuerdos*, a maximum of five hectares could be granted per individual claimant, with a maximum price of 4,000 pesos per hectare (approximately \$500-600 USD at the time). The *Acuerdos* allowed for the legalisation of invaded properties, but could also be used to acquire unaffected properties. The applicants themselves were required to identify a piece of property they were interested in and to negotiate the sale with the legal owner. The costs of acquisition were to be paid by the *fideicomiso*. Originally the scheme envisaged the use of PROCAMPO-subsidies to cover about half the credits, but this was later abandoned with the costs of land acquisition being fully assumed by the *fideicomiso*. After ten years the beneficiaries would be able to select the tenure regime of their choice.<sup>17</sup>

With the *Acuerdos*, the Mexican authorities sought not only to regularise land occupations but also to prevent further invasions. They were meant to settle and put an end to land redistribution in Chiapas (the so-called *finiquito agrario*). The negotiations would deal with all reasonable demands, but no further land claims would be allowed after that. Peasant organisations entering the negotiations were forced to agree to refrain from new occupations and to vacate any land they might have invaded that was not covered by the agreements. They were also expected to acknowledge the end of land redistribution. In the words of Becerra O'leary: "They signed for the yes, but also for the no." This orientation initially dissuaded most organisations in the AEDPCH from entering the negotiations but they eventually came around in late 1995 and early 1996. One reason was that other negotiations with the government had failed to yield the desired results, but the organisations also felt forced to join in view of the increasing number of evictions (Villafuerte et al. 1999: 189).

Within the framework of the *Acuerdos* over 2000 cases were considered,

amounting to about 500 000 hectares. Eventually, after the investigations and negotiations, the *Acuerdos* covered around 240 000 hectares, approximately two-thirds of which had been formally transferred by May 1998. Sixty agreements were signed with peasant organisations and ninety-five with independent groups. The total number of groups attended was around 1,200, totalling 60,000 people (Villafuerte et al. 1999: 147).

In March 1996, following the signing of the last set of *Acuerdos*, President Zedillo declared that "The struggle over land has now ended" (*La disputa por la tierra quedó superada*) expressing his confidence that the *Acuerdos Agrarios* would 'fully re-establish legality in rural Chiapas' (La Jornada, March 20 1996). However, his declaration was premature. As Reyes (1998) has pointed out, the limitations of the programme were spelt out daily in the newspapers, since despite the efforts to create clarity, the implementation of the agreements involved considerable confusion. It proved rather difficult to circumvent the leadership of traditional peasant organisations and deal directly with the groups of beneficiaries. Throughout the process, groups of peasants switched between organisations or opted for independence. The possibilities of providing tenure security and restoring a climate of legality were clearly limited by the political conditions of the time. Though a reduction in land occupations was reported – by 1997, some 120 properties (about 10%) outside the conflict zone continued to be occupied – this was only achieved through evictions by force (this held for about one third of the properties according to Villafuerte et al. 1999: 146). Invasions could not be stopped and re-invasions by competing groups were recurrent (Reyes 1998: 42,43). Peasant organisations tried to work their way around their commitment to refrain from further occupations and to abandon those lands not covered by the *Acuerdos*. The CIOAC, for example, one of the principal beneficiaries of the acquisitions, refused to abandon a number of other properties, which seriously strained relations with the land reform authorities and jeopardised the process of acquisition. The land reform authorities stopped the acquisition procedure for groups linked to the CIOAC and the threat of violent evictions was used.

Another problem was that a large number of the properties occupied, especially within the conflict zone, were outside the scope of the *Acuerdos*. The EZLN refused to enter into any kind of negotiation over the properties their adherents had occupied, numbering between 300 and 400 and covering a total of approximately 60,000 hectares. This explains why in Altamirano, for example, with its high incidence of land seizures, only about 560 hectares (out of more than 19 000 hectares reported occupied) were included in the *Acuerdos Agrarios* (Villafuerte et al. 1999: 363).

#### *Properties out of reach*

The *Acuerdos Agrarios* were seen by many landowners as the best way out in view of the circumstances. Entering the agreements at least ensured them some money for the land, though not as much as they considered fair, and allowed them to retain a basis for negotiation, such as being able to take out cattle and machinery. San Mateo is a case in point. But for landowners whose properties were located within the conflict zone and seized by Zapatistas, selling property was not an option. Yalchibtik provides a good illustration of the situation such landowners are in. The owners of Yalchibtik attempted to settle the matter by trying to sell their properties to people

from one of the adjacent communities. Had they agreed to the deal, they would have been able to claim all the property for themselves rather than having to share it with other Zapatista communities. There seems to have been some interest in this at first, since the files of the land reform office in Tuxtla contain a request by the group to the state government to purchase Yalchibtik and Mendoza.<sup>18</sup> They later withdrew, however, as the EZLN hardened its position and forbade negotiations with the government over invaded properties. The owners of Yalchibtik attributed the withdrawal to "intimidation" from the adjacent communities that were "sympathisers of the armed group"<sup>19</sup> – but the situation is likely to have involved more complicated considerations. Accepting the offer of land acquisition would have jeopardised their position as a civil support base of the EZLN.

Landowners like those of Yalchibtik had been entitled to a certain compensation payment in early 1994, but this scheme was larded with irregularities. In keeping with the same strategy of containment that had given rise to the *Acuerdos Agrarios*, the state government and land reform authorities came up with an ingenious solution, a credit scheme called FIAPAR (*Fideicomiso de Aparcería Bovina y Proyectos Productivos*) (Viñafuerte et al. 1999: 144-6). Working its way around the impossibility of buying the properties, FIAPAR involved pledging land and using it as collateral for credit to be used for buying livestock in a sharecropping arrangement. The credit scheme, formalised in 1996, consisted of a payment of 4,000 pesos per hectare (the same standard as used in the *Acuerdos*) spread out over four years. If the conflict with the EZLN were resolved within that time and the land vacated or sold (which nobody expected to happen), the credit could be paid and the owner would recover his or her land. However, it was far more likely that the debtors would not be able to pay the credit, and would therefore have to forfeit their land to the trust. In Becerra's words: "This way we will have something to negotiate with the EZLN when the time comes". The programme covers about 400 landowners, who together own about 40,000 hectares. The money was spent on livestock kept on ranches in Chiapas itself as well as several other states in southern Mexico.

As I was writing this, 'the time' to which Becerra referred had not yet come. After a promising start, peace talks between the EZLN and the governmental negotiation commission COCOPA broke down in 1996. The first round of debate had dealt with the issue of indigenous rights and resulted in the San Andrés Accords. However, as President Zedillo refused to support a proposal for legislative reform based on the San Andrés Agreements, the EZLN withdrew from the peace talks, implying that the round on land matters would also be postponed indefinitely. Consequently, no solution to the properties occupied by Zapatista groups seems likely in the foreseeable future.

### Land tenure under Zapatismo

In this section we will take a closer look at the occupation of Yalchibtik, especially at the way property rights were defined and allocated. To recapitulate briefly: the occupation was jointly undertaken by a number of Zapatista communities around Yalchibtik. Two or three other communities apart from Chibtik and La Florida, which both border directly on the property, also participated. When I began my fieldwork in Chibtik, a number of families from Chibtik and La Florida were moving to

Yalchibtik, which was renamed *Nueva Esperanza*. The occupation had taken place under the banner of Zapatismo and the property was embedded in the governance structures that Zapatistas were developing in eastern Chiapas, known as autonomous municipalities. This also meant that, in principle, the revolutionary laws drawn up by the EZLN were to be respected. This section explores what this situation implied for the ways in which land tenure was organised and some of the tensions this involved. It is important to note that I never had access to higher levels of the movement and my account is based primarily on the preoccupations and considerations at the local level.

### *The ejido-model again*

During the early years of the occupation of Yalchibtik, 1995 and 1996, the property had mainly been used by people from La Florida and Chibtik for slash-and-burn cultivation and grazing. By early 1997, some of the *milpas* from the previous year had become favourite sites for gathering firewood. They were close by, with the half-burnt remains of trees felled providing a readily available source of firewood. The more open areas near the road were used as pastures. In 1997 a number of families from Chibtik and Florida settled on the property, on either side of the road, around the remains of the former owners' buildings.

The new settlement was called Nueva Esperanza, but was often referred to simply as *nuevo centro*, meaning 'new settlement', echoing the term *nuevo centro de población ejidal*, which is what new settlements of land reform beneficiaries are called in the *ejido* jargon. There were a total of about thirty families in Nueva Esperanza, two thirds from Chibtik, the rest from La Florida. Most of them were young families, all of them without land rights of their own in their home communities. This was in keeping with the agrarian revolutionary law, which states in Article 6 that "PRIMARY RIGHT of application [for expropriated land] belongs to the collectives of poor landless peasants and farm workers, men, women and children, who duly verify not having land or land of bad quality." (Womack 1999: 253). I will return to the way allocation was organised; at this point it is important to recognise that reserving the occupied properties for the 'landless' families fitted in well with the conception of legitimate land redistribution as found in the Tojolabal communities. The latter considered it a priority to accommodate the *avecindados*, whose lack of land rights of their own was seen as a problem. The practice also coincides with the formal exclusion of previous land reform beneficiaries from further endowments, as stipulated in the land reform legislation.

The properties seized were regarded by the Tojolabal population much as *ejido* endowments which was reflected in the way Nueva Esperanza was organised. Strictly speaking, Nueva Esperanza was not an *ejido* of course: the land had not been regularised in any way by the land reform authorities. But despite the fact that the settlement operated completely outside the reach of the *ejido* regulation, the endogenous *ejido*-model of land tenure and governance found in Tojolabal communities was transferred to the occupied property. The occupied properties, however, were embedded within the governance structure of the EZLN, which challenged the *ejido* model on a number of points. The tensions created by this situation illustrate the extent to which the *ejido* model and the resulting notions of property had been appropriated by the Tojolabal, as I argued in Chapter Four.

Nueva Esperanza was organised much like the *ejidos* in the region. Housing plots of a standard size were assigned to individual families. In addition, the right-holders to this new land acquired a general right to grow crops, keep animals and otherwise use the forest in Yalchibtik, much like the situation would have been had the land been an *ejido* endowment. Likewise, a *comisariado* and other authorities were appointed and regular *asambleas* were held.

The families settled in Yalchibtik sought to establish themselves as the exclusive right-holders to the property, on equal footing with adjacent communities such as Chibtik and La Florida. However, their autonomy was curtailed in a number of ways as the other Zapatista communities asserted their right to intervene in the definition and allocation of rights within the property, which people were not used to. This intervention was contested by the new right-holders to Yalchibtik.

Yalchibtik/Nueva Esperanza was embedded in the autonomous municipality of '17 de Noviembre', the headquarters of which were located in Morelia. More specifically, the *Comisión de Tierra y territorio* administered the allocation of land rights to the properties invaded under the banner of Zapatismo. This commission monitored the selection of possible beneficiaries wishing to move to the new settlements, reviewed their requests and checked whether they genuinely had no land rights in the community of origin. Such a regulation of would-be beneficiaries was quite acceptable to the Tojolabal families involved and resembled the situation obtained under the *ejido* system, where land reform officials had taken on that role. The fact that the autonomous land commission also specified the size of the housing plot strained the limits of what people found acceptable, however. Under the usual regime in Tojolabal *ejidos*, such a specification would have been the joint decision of the right-holders, rather than imposed from above. The autonomous land commission restricted the size of the plot in view of later generations that might also be in need of land. The families in Yalchibtik would have preferred larger housing plots than the thirty by thirty meters that they were allowed to claim now and which were rather small when compared to the one hectare plots in Chibtik.

A serious point of contention arose over the fact that the autonomous municipality continued to lay certain claims to the resources present in Yalchibtik/Nueva Esperanza. The autonomous municipality justified its claims by arguing that the occupied properties had been a joint effort of the Zapatista civil support bases and should therefore not be fully monopolised by particular groups of beneficiaries. As I heard in Chibtik: "That land is not just theirs, but belongs to many people, because many joined in the occupation," and "They are only taking care of it, it belongs to the whole *zona*,<sup>20</sup> because there are many people without land." The autonomous municipality also badly needed the revenues that could be generated. Initially, cattle from the occupied ranchos served to cover operational expenses, while logging also provided a significant source of income. In Nueva Esperanza, logging became an issue over which the strength of the new right-holders vis-à-vis the autonomous municipality was put to the test. Under the usual regime, as we saw in Chibtik for example, all revenues from wood sales would be distributed amongst the right-holders. In Nueva Esperanza the autonomous municipality claimed part of the revenues. Eventually, the issue was settled by giving a certain percentage of the revenues to the autonomous municipality.

The above highlights how the Tojolabal both adjusted to and challenged the aspi-

rations to governance and land tenure regulation of the EZLN in the new settlements. They did this drawing on the notions of property and institutional arrangements that had been developed in Tojolabal communities, incorporating a number of elements from the *ejido* model. This was also clear in their reaction to the proposed collectivisation of agricultural production.

### *Collective agriculture re-worked*

The Zapatista agrarian law, to which I referred earlier, stipulates that all property redistributed under the new revolutionary conditions be managed collectively. Article five reads as follows: "The lands affected by this agrarian law will be redistributed to landless peasants and farm workers who apply for it as COLLECTIVE PROPERTY for the formation of cooperatives, peasant societies or farm and ranching production collectives. The land affected must be worked collectively." (Womack 1999: 253). The emphasis on collective land tenure and production appears in a number of other articles as well. Article 7 provides for the means of production of the properties affected by the revolutionary agrarian law, such as machinery and fertilizers, to be given to "poor peasants and farm workers, with special attention to groups organized as cooperatives, collectives and societies." (Womack 1999: 253) Article 8 states that "groups benefited by this Agrarian Law must dedicate themselves preferentially to the collective production of foods necessary to the Mexican people" (Womack 1999: 253). And Article 10 states that: "The purpose of collective production is to satisfy primarily the needs of the people, to form among the beneficiaries a collective consciousness of work and benefits, and to create units of production, defense and mutual aid in rural Mexico." (Womack 1999: 254).

This collectivist orientation probably reflects the Maoist background of some of the EZLN leaders, notably *subcomandante* Marcos, and may have drawn on some earlier experiences with collective production in the Cañadas region, fostered by pastoral teams from the San Cristóbal diocese. The practice of collective agriculture diverges rather widely, however, from land use practices in the Tojolabal Highlands and failed to gain wide acceptance in Nueva Esperanza. In Nueva Esperanza the property arrangement common for most communities in the region was reproduced, combining individual rights to cultivation plots with general rights to the rest of the territory. Rather than full collectivisation of agricultural production, the 'collectives' became an activity carried out in addition to rather than instead of, people's own production activities.

In Nueva Esperanza, a collective *milpa* as well as a collective vegetable garden were created with the help of a regionally operating NGO. The collective fields were managed in ways similar to the so-called school plot (*parcela escolar*) that had been introduced with the creation of the *ejidos* and were present, though not necessarily operative, in most communities. As with the school plots, the collective fields were worked on a rotational basis by all the right-holders (vegetable growing usually being the responsibility of women). I was told in Nueva Esperanza that the collective fields were meant to generate funds to finance some of the community's operating costs. This made the scheme acceptable to people since it implied contributing with work to generate money for collective expenditures. This is more attractive to many people than having to make direct financial contributions. However, in Nueva Esperanza the collective fields were not an unqualified success. The collective vegetable garden was

only taken care of as long as the NGO mentioned was directly involved and monitored the work. In 1997 the collective *milpa* was not worked at all. I encountered similar problems with collective agricultural production elsewhere. In actual fact, collectives were not only a requirement in the occupied properties, but in all localities that were Zapatista civil support bases. In Chibtik, too, attempts had been made to create a collective *milpa*, but were later abandoned. This suggested that the arrangement had inherently unattractive features, since the collectives could hardly have failed due to a lack of experience in pooling and co-ordination, of which I had seen so many examples. Rather, if the collectives foundered, there must be other reasons.

The collectives had an important symbolic function, since they represented a community's commitment to Zapatismo. Not wishing to oppose the collective paradigm directly, people opted to undermine collective fields through 'benign neglect'. The collective maize fields provide a case in point. In Nueva Esperanza people told me it had proved impossible to mobilise tractors in time to prepare the field; elsewhere, the collective maize field was abandoned because people had failed to collect the money needed to buy fertiliser. As the reader may recall from the earlier discussion of privatisation in Chibtik, maize cultivation is one of the first domains in which private rights are developed in Tojolabal communities. Apparently there are good reasons for organising maize cultivation that way. In private cultivation, higher and more timely labour investments and management translate into higher production levels, which is more difficult to achieve through collective labour. Collective maize cultivation provides no economies of scale, unless tractors are used, but that, like fertiliser, requires financial contributions which people are reluctant to make. Furthermore, maize does not yield high financial revenues. Another reason people may not have been very interested in collective maize cultivation may have been the fact that it was likely to conflict with labour requirements in people's own maize fields. In short, the collective milpas were far removed from what people regarded as a logical and profitable arrangement. This probably explains why most of them were short-lived.

Collective vegetable gardens and chicken keeping were somewhat more successful, as were collective cattle (often the cattle that had been on the property when it was occupied) and coffee and fruit plantations. In Nueva Esperanza the collective herd (*kolektivo wakax*) totalled more than a hundred heads in 1997.<sup>21</sup> The most successful collective enterprises, however, were the co-operative shops similar to those that had existed before the uprising. These are a good example of a pooling arrangement that provides a benefit or service that would not otherwise have been provided (not only the availability of products, but also lending facilities). It does not compete with subsistence activities and, after an initial contribution, supports itself financially (money generated is re-invested in the shop).

## Old and new communities

### *Moving out*

The creation of new settlements on the occupied properties met the need for land for landless families in Tojolabal communities. At the same time, however, settlement was promoted by the EZLN leadership as part of their political strategy. As the



Chibtikeros told me: "they are looking for people". During my fieldwork, especially in 1997, the possibility of moving to one of the seized properties kept the Chibtikeros fairly busy. A number of young families had moved to Yalchibtik, but there were other options. One particularly choice site was the El Tulipán ranch, which had belonged to Don Pepe Castellanos junior, the last owner of Chibtik, until 1994. Several of the Chibtikeros knew the property, where they once went to earn money harvesting coffee. El Tulipán was located on the other side of the Tzaconejá river and could be reached by horse in about four hours. Several of the Chibtikeros had gone to visit the new settlement that had been established there, called *Ocho de marzo*. Others were considering a property called *San Marcos*, somewhat further away. Both settlements were located at a lower altitude than Chibtik (*tierra caliente*) allowing for higher yields, as well as coffee growing. People invariably told me: "Over there, the maize grows on its own, you do not have to use fertiliser. The land is very good there, it produces much more than the land here."

In spite of the temptation, making a decision was not easy. For several months, the decision about who would go remained pending. Every time I asked people, I was given a new number of families that would move. Apparently, people were signing up and then removing their names from the list. The receiving settlement was exerting pressure on the Chibtikeros to join them soon, but people were hesitating, trying to weigh up the situation. In Chibtik, several families decided not to move despite their desire to acquire land, or came back after a first attempt. I found the process interesting, as it showed what people valued about Chibtik. The attractions in the *nuevos centros* were clear, but leaving Chibtik implied giving up not only personal support networks, but also the services the community provided: school, church, water, road, transport etc. Moving would mean starting all over again and building up many things virtually from scratch. People weighed up the costs, risks and benefits of moving very carefully. Proximity to Chibtik was an important reason why some people opted for moving to Yalchibtik, rather than to *tierra caliente* which was a better option in terms of production. Eventually, only four people moved to Ocho de Marzo, of the thirty that had signed up initially. A totally different situation obtained for San Isidro, located not far from Chibtik. This small community that lacks several of the services that Chibtik has and has only mountainous land witnessed a veritable exodus to the new settlements. It should also be stressed that moving did of course imply a considerable risk. Although evictions had been rare in the conflict zone, no-one could tell whether the lands seizures would eventually be respected by the government.

#### *Drawing boundaries*

Moving meant becoming part of a new community and leaving the old one. It meant giving up the old collectivity of right-holders, its resources and its rules, and becoming part of a new collectivity of right-holders, with its own resources and rules. It was in this light that moving was handled as a community affair, rather than as a purely individual choice while community membership was quite strictly regulated. Efforts were made to regulate the transition from one community to the other and to avoid ambiguity over 'where people belonged'.

In principle, it was agreed in Chibtik that only the *avecindados* could move to one of the new settlements, but there was considerable flexibility in the arrangements.

It was agreed, for example, that Simón, a man in his mid-forties, could move to one of the settlements in *tierra caliente* provided his son took his place in Chibtik, instead of having the landless son himself move (who in any case did not want to leave Chibtik). The case of Catarino, a widower and one of the oldest catechists of Chibtik, is also interesting. In spring 1997, he was living together with one of his sons and his family, as well as his youngest daughter, who was about 17 years old.<sup>22</sup> With his son taking over his *derecho* in Chibtik, Catarino had wanted to move to *Ocho de marzo* together with his daughter, but as she refused, he decided to go alone. He had negotiated his situation with the people of the new settlement, he told me, and they had agreed to the following arrangement. He would live in *Ocho de Marzo* but would be allowed to go to Chibtik every weekend for food (his daughter would make him a lot of tortillas to last him several days) and get his clothes washed. This would also allow him to continue to play a role in the Sunday morning church service in Chibtik. It soon turned out that the arrangement involved too many tensions, however. He had been asked to serve as a catechist in the new settlement which was very hard to combine with his continuing attachment to Chibtik. After several months he moved back to Chibtik.

Catarino's continued attachment to Chibtik had, at least initially, been tolerated because of his difficult position as a widower. Ramón and his wife met with less understanding. He and his family had officially moved to Nueva Esperanza, but ran into trouble as they kept on tending their house and housing plot in Chibtik and often spent the night there. In order to bring this to a halt, Nueva Esperanza fined them for every night they spent away.

A good deal of boundary drawing was going on between Chibtik and Nueva Esperanza. For example, the women split up the co-operative shop in Chibtik. The women that left were compensated for their share and started up a shop of their own in Nueva Esperanza. Whereas this was done in a way that proved satisfactory to both groups, other issues created considerable friction. As I mentioned earlier, before new families had settled in Yalchibtik and founded Nueva Esperanza, use of the property had been open to people from Chibtik and La Florida. As families settled there, it was agreed that the right to cultivation and grazing would be restricted to them, though the Chibtikeros were allowed to gather the produce from the slash-and-burn milpas they had staked out there earlier. Contention arose over firewood collection. The Chibtikeros liked to gather firewood in Yalchibtik, where it was fairly abundant. Conversely, the families at Nueva Esperanza were pushing for an agreement to put an end to this. Whereas the people from Nueva Esperanza were in fact defending a right that would have been perfectly acceptable had it been an *ejido*, the Chibtikeros based their claim on the fact that the occupation had not been their achievement alone, but that of a far greater number of people.

### Risks

1997 was a year of construction in Nueva Esperanza. With money from a German foundation Nueva Esperanza erected its own church, inaugurated in autumn of that year. Violent conflict seemed remote. In fact, in 1997 I was able to go in and out of the region without passing military checkpoints and without seeing army or police presence. But a military excursion in the first days of 1998 proved just how vulnerable the families on the occupied properties were. The year of construction that 1997

had been, came abruptly to an end. People took down their houses and moved back to their communities of origin, some for good, others in anticipation of better times. In the summer of 1998, only the pink-and-white church recalled the existence of Nueva Esperanza. By the end of 1999, however, some families had moved back, though far fewer than in 1997. In early 2000, Yolanda and her family were staying with her mother-in-law and wondering about whether to go back to Nueva Esperanza. She and her husband wanted to, because "we have no land here and there is plenty over there, if my son grows up, he can get his own land there". What is holding them back is that the children got very scared. Also, her mother-in-law prefers to have them with her.

### Discussion: taking land reform to its limits

The land occupations I have examined in this chapter are a testimony to the limitations of state-led land redistribution in Chiapas. With the occupations, groups of peasants took the process of land redistribution beyond the point where the Mexican state had left it. Defying the 'end to land reform' as declared at the formal level, they took up the initiative, drawing the state government and the land reform authorities into a new phase of land reform. Land occupations were not in fact the land reform 'that never was', but rather a way of pushing land redistribution beyond the limits the state had set.

### *Pending issues*

It has been known for some time that the land reform process – not only in Chiapas, but in Mexico as a whole – had a lot of 'loose ends', unanswered requests, persisting ambiguities, un- or half-resolved conflicts. Chiapas had a particularly bad record in terms of such 'loose ends' or *rezago agrario* as they were officially labelled, the backlog in agrarian matters.

With the reforms in agrarian legislation in the beginning of the 1990s, the loose ends in the files of the Land Reform Ministry became the list of 'things-to-do' to be resolved as soon as possible. What was classified as the 'administrative backlog' only required completing the administrative procedures: sending beneficiaries the individual agrarian certificate they had never received, adding missing documents to the *ejidos'* basic file (*carpeta básica*), issuing an official rejection of certain petitions that had never received an answer.<sup>23</sup> The more complicated cases involving conflicts and controversies could not be resolved by a stroke of the pen and instead were referred to the newly created tribunals for agrarian matters, the *Tribunal Agrario Nacional*. In 1992, Chiapas had almost 800 files to be transferred to the *Tribunal Agrario* (Villa-fuerte et al. 1999: 139).

Although politicians stated that land reform in Mexico had been completed, the backlog was still clearly felt in many regions, and further commitment of the Mexican state was demanded. Chiapas provided a case in point. Conflicts had been re-channelled rather than resolved,<sup>24</sup> the unsatisfied demand for land persisted, while land occupations brought the land reform machinery back into full swing. Having unilaterally declared land redistribution to be over, the Mexican government was unwittingly drawn back into it.

Were the land occupations in Chiapas the grassroots answer to the backlog in

agrarian matters? Possibly, thought the agrarian authorities in Chiapas as they embarked on the negotiations for the *Acuerdos Agrarios*. Definitely not, they concluded after having researched the cases under consideration. Their investigations revealed an astonishing number of irregularities and inconsistencies in the files of the Chiapas division the Land Reform Ministry, but the exercise also made it clear that the vast majority of claimants were 'new' to the bureaucracy and had no prior record as land claimants. The groups wishing to be included in the agreements were made up mostly of young men without land rights of their own and with little hope of ever getting these through the land redistribution system. The agreements thus revealed the contours of the unsatisfied demand for land in Chiapas yet since these were 'new' demands, rather than 'old' mishandled ones, they were officially not regarded as part of the backlog. This contrasts with the way the backlog is defined in practice, namely as the continued responsibility of the Mexican state to find a solution to the unsatisfied demand for land.

The Mexican state has not provided any real answer to the unsatisfied demand for land in Chiapas, particularly in regions where land redistribution took place in earlier decades. The *Acuerdos Agrarios* do not provide an answer either. The land acquisitions in favour of groups of young peasants are at best a means of buying time. Or, as Becerra O'leary put it: "we bought peace for another 15 years."

#### *The land of our ancestors*

With the Zapatista uprising, land occupation – not in itself a new phenomenon – acquired new dimensions. The land question became framed in an ethnic discourse related to the demand for indigenous autonomy. In *Diez de Abril*, for example, a few kilometres away from Chibtik, the land occupations were presented as 'recovering the land of our ancestors'. In the words of one of the leading figures in that community: "These lands belonged to our ancestors (*abuelos*), it was taken from them and they were sent into the mountains. This is ours, because we are Mayas."

References to the 'recovery of ancestral territory' have become quite common in Zapatista official discourse and are best understood, to my mind, in relation to the increasing role of the EZLN in defence of the indigenous cause. In their earlier discourse, the emphasis was somewhat different. A communiqué from early March 1994,<sup>25</sup> for example, is written in a more 'agrarian' spirit, calling for "the big tracts of land that are in the hands of finqueros and national and foreign landlords and others who occupy much land but are not peasants, to pass into the hands of our peoples who totally lack land" (in Womack 1999: 271).<sup>26</sup> This is closer to the discourse I encountered at the local level.

The Tojolabal frame land invasions primarily in relation to their needs and the shortcomings of the land reform process. They justify the invasions by arguing that state-led land redistribution did not complete the task it began with *ejido* endowments in the 1940s, namely, to transfer the land in the region to the peasant population most in need of it. The emphasis on subsistence needs and incomplete land reforms is not incompatible with the discourse that stresses ancestral rights, but it is important to bear in mind that the 'ancestors' the Tojolabal identify are the *mozos* that lived on the *fincas* and were able to assert their rights to land through the land redistribution policy of the federal government. Likewise, the notion of 'territory' they use is a territory constructed from the *fincas* through land redistribution, a territory dominated by Tojolabal *ejidatarios*.

The EZLN's introduction of the ethnic perspective and the use of the term 'recovery' might lead one to understand indigenous land claims in Chiapas primarily in relation to their ancestors having been driven off their land by Spanish conquistadors or land hungry ladinos in the 19th century. This is what 'recovery' traditionally refers to in Mexico. To my mind, however – and in keeping with the early statements – it is not the displacement of the original population through colonisation or the liberal reforms that are the crucial issues at stake here, but rather the impact and limits of land redistribution. Experiences of dispossession, injustice and neglect – to name but a few of the central grievances voiced by the Zapatistas – are closely linked to the process of land redistribution they experienced.

#### *Land redistribution and beyond*

In my view, land occupations in the context of the Zapatista uprising are best interpreted as a reaction to the limits of state-led land reform in Chiapas. Although land reform was widespread in eastern Chiapas too, it stagnated and had certain, though not always definite, limits. As I have argued before, within the confines of the land reform legislation, there was little hope of adding properties still in private hands to the existing *ejidos*. Nevertheless, it is also true that every now and then peasant insistence managed to push land reform beyond its own limits and every now and then landowners agreed to sell their property as part of a scheme supported by the government. The land occupations in the wake of the Zapatista uprising are another instance of such a pushing of state-led land reform beyond its limits, in defiance of the end of land redistribution as announced by the Mexican state. In the Tojolabal Highlands land occupations constitute the culmination of land reform, leaving no more properties to occupy.

Since 1994, the idea that land redistribution in Chiapas has been largely ineffective – diverted by powerful landowners, twisted by corrupt officials – has gained renewed currency. The struggle against land concentrations provided a logical (and easily defensible) explanation for the uprising. The EZLN itself strengthened this idea by referring, as in the quote used above, to large landowners holding on to land that peasants need. But the *lack of land* for peasants without other economic options should not be confused with the *lack of land reform*. Land scarcity in eastern Chiapas may certainly have fuelled the uprising, but it can hardly be sustained that no land reform took place in Chiapas. On the contrary, as I have also pointed out in Chapter Two, land reform in Chiapas has been considerable, as reflected in the fact that over 50% of the land currently belongs to *ejidos* and communities. In fact, the data on occupied properties support this: the properties involved had an average size of less than 100 hectares. These are certainly considerable areas when compared with what the average *ejidatario* owns, but well within the limits set by land reform legislation. Larger properties exist, such as those that once belonged to Absalón Castellanos, but they are the exception rather than the rule. Insisting that land reform has not taken place in Chiapas gives the erroneous impression that poverty and marginalisation could simply be solved by further land redistribution.

Though the uprising can hardly be explained by the *lack of land reform* does not mean that land reform has been irrelevant. On the contrary, the process of land redistribution in eastern Chiapas contributed to the uprising in a number of ways. Paradoxically, the problem of unsatisfied demand for land was particularly acute in

eastern Chiapas, where land redistribution has been considerable. It was there that it was most clearly felt that the Mexican state had no answer to the demands of the landless sons and grandsons of the original land reform beneficiaries, certainly not within the confines of the land reform legislation. However, rather than land scarcity in itself, a crucial element in the gestation of the Zapatista uprising has been the increasing lack of legitimacy of the Mexican state. Communities in eastern Chiapas had, of course, relied directly on the land reform bureaucracy to ensure their land rights, but (as I pointed out in Chapter Three) that institution increasingly lost legitimacy as it turned down new requests for land, failed to resolve incomplete endowments and lasting conflicts, and became involved in the political strategies of the state government.

It was against this background of an unsatisfied demand for land, a deadlocked process of land redistribution, and a severely delegitimised and controversial state apparatus, that the peasants in eastern Chiapas received President Salinas' declaration of the end to land reform. The message was clear to the Tojolabales and Tzeltals of eastern Chiapas: they had nothing to expect from this government (see also Mattiace 1998: 137-8). It may have been realistic to recognise the limited possibilities of the state to provide land for the sons and grandsons of *ejidatarios*, but it also meant giving up what had been the main 'offer' of the Mexican state to peasants in eastern Chiapas. No longer able to rely on the state's services to confront private landowners or settle conflicts, they no longer felt bound by its laws. Never having been particularly concerned with following the land reform law to the letter within their communities – though recognising its validity in defending their boundaries – they could now do away with the land reform legislation of the Mexican state. The land invasions discussed in this chapter are of course related to the political conjuncture that arose with the uprising and the understanding that the occupations were probably the last chance to get any land for some time to come. But it was also significant that under Zapatismo peasants chose to cast aside official laws and make their own instead.

The EZLN has made its ambitions in the field of government quite clear and it confronts the Mexican state as the source of legislation and governance. The revolutionary agrarian law, in fact, claims land tenure as a field of autonomous government, challenging the power of the state to govern people and resources. This is not just discourse. The Zapatista uprising has clearly set limits on the ability of the Mexican state to regulate land tenure in Chiapas, as shown not only by the land occupations but also the fate of PROCEDA, the programme intended to carry out the titling and registration of *ejidos*, allowing for their eventual conversion to private property. Preliminary interviews with *ejidos* in eastern Chiapas had begun prior to the uprising but were immediately suspended in the conflict zone. Modification of Article 27 was put on the negotiation table, but the EZLN failed to secure its inclusion in the San Andrés Accords.

## Notes

- 1 There were about 30,000 of such *desplazados* or *refugiados* in Chiapas.
- 2 More general descriptions of the uprising can be found in: Collier 1994, Harvey 1998, LeBot 1997, Latin American perspectives special issue March 2001- all of whom write about Zapatismo with considerable sympathy; more critical standpoints are adopted by Tello 1995, Legorreta 1998, and De la Grange & Rico 1997.
- 3 Though by 2000, their position was described to me as 'neutral'.
- 4 The picture of organisations splitting up is repeated for Chiapas as a whole: the ARIC-Unión de Uniones, the CIOAC, but also the CNC split up (Villafuerte et al. 1999: 174, 175).
- 5 Burguete 1998b refers to the split in the CIOAC, mentioning a *CIOAC-histórica* and a *CIOAC-Zapatista*.
- 6 For an English version and comments, see Womack (1999).
- 7 The reforms referred to not only paved the way for the privatisation of the ejidos, but also abolished the constitutional obligation of the Mexican state to provide land for landless peasants.
- 8 The *sociedad cooperativa de producción rural agropecuaria* Yalchiubtic was registered in 1989 (ARA-TG 480).
- 9 ARA-TG 480; an inspection report from 1993 found relatively good pastures, including *jaragua*, *estrella* as well as natural pastures (*pasto común de la región*). A total of 523 animals were registered, all *suizo-cebú* (common in tropical areas).
- 10 The 'conflict zone' as it has been called since 1994, is usually taken to include the municipalities of Ocosingo, Altamirano and Las Margaritas.
- 11 Letter from September 1995, in ARA-TG file 480.
- 12 By way of a comparison, the land occupations in the 1970s in Huejutla on which Schryer has reported, amounted to only 23, 000 hectares (Schryer 1990: 209).
- 13 On the continuities and discontinuities between the different programmes, see Reyes 1998.
- 14 The measure was first implemented on a minor scale, involving only the CNC and SOCAMA and subsequently generalised.
- 15 In January 1995 this post was occupied by Becerra O'leary, who provided much of the information on which this section is based during a meeting in October 1997 at the CESMECA in San Cristóbal. See also Becerra, Castañares and Pérez 1996.
- 16 A new organization with responsibilities in the field of land rights and land conflicts, which could be translated as Prosecutor's Office for Agrarian Matters.
- 17 By 1999, many of the copropriedades were already being converted to the *ejido* regime (Marta Díaz, pers. com.)
- 18 ARA-TG file 480; letter from March 1994. In the letter, it is also recalled that an earlier request to use these lands for an extension of the *ejido* endowment had been turned down in 1981.
- 19 ARA-TG file 480, letter dated September 1995.
- 20 Subdivision within the autonomous municipality.
- 21 Note the use of the word *kolektivo* here, instead of *komon*, that is used for animals jointly owned by two or more families. Some problems were mentioned with the care of these animals, the breeds being different from the local breeds and needing more intensive care (such as food and vaccinations).
- 22 His other sons had left Chibtik.
- 23 I found several examples of the latter in the ARA-TG files, straightforward letters informing people that their case was closed.
- 24 Reyes (1998, note 5) reports over 600 cases involving boundary conflicts being submitted to the *Procuraduría Agraria* in Chiapas during 1992-1993.
- 25 The *Comunicado del CCRI-CG, Pliego de demandas 1 marzo*, closing statement of the first round of peace talks in the San Cristóbal Cathedral.
- 26 They are presumably referring to figures such as Absalón Castellanos, but also to smaller private landowners.

## Chapter seven

# Autonomy at the margins of the law

At the national level, the resolution of the conflict in Chiapas reached an impasse towards the end of 1996. Peace talks between the EZLN and the Mexican government were broken off after President Zedillo refused to support the initiative for the recognition of indigenous rights that had emerged as a result of the negotiations. Hopes were renewed with the election of opposition candidate Fox, but the impasse continues at the time of writing. In the mean time, in Chiapas itself, a number of developments have taken place. In eastern Chiapas, the Zapatista structures for autonomous government, the 'autonomous municipalities' (*municipios autónomos*), were consolidated at the same time as they became the focal point of counterinsurgency measures. In this chapter, I first outline the background to the autonomous municipalities and then focus on *17 de Noviembre*, the autonomous municipality which first the whole, and later only part of the population of Chibtik supported. I also discuss the ways 'autonomy' is being implemented in practice and some of the tensions it entails. The autonomous municipalities deserve a closer look in the framework of this book for a number of reasons. First of all, they act directly on land tenure in the occupied properties, as I made clear in the previous chapter. Furthermore, they are built on earlier experiences in local governance and testify to the capacity of indigenous communities in eastern Chiapas to devise and organise governance beyond state structures. Finally, the autonomous municipalities bring out the kind of confrontations that occur between the autonomous governing structures and different state agencies. Where we saw earlier that Tojolabal communities had a certain degree of autonomy *in practice*, such autonomy is now explicitly claimed and defended as a *right*.

### The deadlock over indigenous autonomy

The first round of peace talks between the COCOPA (*Comisión por la Concordia y la Paz*) – the negotiating commission created by the Mexican federal government – and representatives of the EZLN began in April 1995 in San Andrés Larraínzar (renamed *San Andrés Sakamch'en de los pobres*) and dealt with the issue of indigenous rights and culture. It resulted in the so-called San Andrés Accords, signed on February 16 1996, promising greater autonomy to indigenous communities, granting them rights in the fields of local government and political organisation, administration of



justice, but also education and the media (Hernández Navarro 1998, 1999).<sup>1</sup> It also allowed for re-municipalisation in municipalities with a sizable indigenous population. The Accords had been regarded by both the Zapatistas and their sympathisers as an important step forward in the recognition of indigenous rights and enjoyed the support of important sectors of indigenous movements all over Mexico. United in the CNI (*Congreso Nacional Indígena*) a broad range of indigenous organisations decided to embrace the Accords on their first congress (12 October 1996).

In 1996, though a second round of talks had started on democracy and justice, serious doubts arose as to the federal government's commitment to the San Andrés Accords. For months, no moves were made to install the COSEVER (*Comisión de Seguimiento y Verificación*) supposed to monitor compliance with the agreements, or to translate the agreements into the legal plane, which was necessary to make the proposed indigenous rights effective. Meanwhile, tensions in Chiapas grew as land evictions were carried out and two supporters of Zapatismo were incarcerated (Hernández Navarro 1999, 1998). In September, the EZLN suspended their participation in the negotiations. To solve the crisis the COCOPA drew up a proposal for constitutional changes, known as the 'COCOPA proposal', based on the San Andrés Accords. After initially positive signs from the federal government, President Zedillo, however, refused to underwrite the proposal, claiming that it needed to be 'adjusted' on a few minor points before it could be considered for legislative reform. What he called 'minor points' was understood by the Zapatistas and many others sympathetic to the indigenous cause as completely voiding the proposal of its meaning. Feeling betrayed by the government, the EZLN withdrew from negotiations in January 1997.

As a result, the peace dialogue and the issue of legal recognition of indigenous rights reached a deadlock. The situation generated heated debates on the issue of indigenous autonomy at different levels of society. The main points of contention were the recognition of indigenous communities as entities of public law, the recognition of autonomy beyond the level of the community, land tenure regimes, and the linking of indigenous administration of justice to official systems of jurisdiction. In attempt to force a breakthrough and in need of "some good press" after the Acteal massacre (Womack 1999: 308), President Zedillo launched a counter-proposal for legal reforms in March 1998, but this died a silent death. The deadlock was passed on to his successor, Vicente Fox, elected as president in July 2000 and installed December 1 that same year. Although Fox boasted during his campaign that he would solve the Chiapas problem in fifteen minutes, he has not been able to get the COCOPA-proposal through the federal congress. After a mobilisation of the Zapatistas that achieved worldwide media coverage, in April 2001 a reduced version – containing none of the highly controversial points – was passed that was unacceptable to the EZLN and the indigenous movements united in the CNI. As a result, peace negotiations have not been resumed.

### Zapatista autonomous municipalities

Although no progress was being made in the field of legal reforms, the Zapatistas behaved as if approval of the COCOPA-proposal was a foregone conclusion. They did this by means of the so-called autonomous municipalities, which constituted a

*de facto*, though not fully realised, re-municipalisation. After the suspension of the peace talks, the autonomous municipalities moved from backstage to centre stage and became the focus of the Zapatista project (Burguete 1998a). Before assuming a key role in defiance of the de-legitimised structures of official government, they had been constructed in silence. Even before the San Andrés Accords, organisational structures had been created amongst the Zapatista support bases that had initially been called 'rebel municipalities' (*municipios rebeldes*) in 1995. The Accords provided a strong legitimisation for these structures that now became increasingly referred to as 'autonomous municipalities' (Burguete 1998b; López & Rebolledo 1999). In keeping with the promise of autonomy, the Zapatistas disregarded existing municipal boundaries, seized the right to appoint their own authorities and took local administration into their own hands. They justified this on the basis of Article 39 of the Mexican Constitution which they read as follows: "that the people have the right to decide their form of government at any moment, and we have decided to govern ourselves in the form of autonomous municipalities as part of the Mexican Republic." (Zapatistas cited in López & Rebolledo 1999: 120).

### *The fractured landscape of autonomy*

By 1998, over thirty autonomous municipalities had been declared throughout the indigenous regions of Chiapas (Lomelí 1999: 260; Burguete 1998a). The landscape of autonomy was fractured and diverse, with various projects of autonomy overlapping and assuming different characteristics in different regions. Within the municipality of Ocosingo, for example, some nine autonomous municipalities were formed, which, together with other autonomous municipalities in the conflict zone, constituted the 'autonomous region' known as *Tierra y Libertad*. In the conflict zone the autonomous municipalities gained considerable strength yet even there never controlled the totality of the population. In other regions, they co-existed or competed with other projects, such as that of the *regiones autónomas pluri-étnicas* or RAPs, supported by political organisations such as the CIOAC that were part of the CEOIC (later AEDPCH) (Stephen 1997). Furthermore, a struggle to reform the existing municipalities was taking place, in the Central Highlands as well as, for example, in Ocosingo (Burguete 1998a). There, organisations united in the COAO (*Coalición de Organizaciones Autónomas de Ocosingo*)<sup>2</sup> formed a plural municipal council (*consejo municipal*) together with a progressive faction of the PRI, that governed between 1996 and 1998 (Burguete 1998a; Leyva 2001).<sup>3</sup> The EZLN, on the other hand, refused to participate in municipal elections in 1995 and 1998.<sup>4</sup> The situation was thus highly complex.

In the Tojolabal Highlands, two autonomous municipalities were particularly important. Miguel Hidalgo was fully Tojolabal and its *cabecera* (central locality from which it was governed) was located right in the middle of the region, just south of one of the most active communities of the *Pueblos Tojolabales ejido* union. It was contained within the territory of the municipality of Las Margaritas. The other municipality, 17 de Noviembre, that will occupy us in this chapter, was located in the northern part of the Tojolabal Highlands, and included several Tojolabal communities, amongst which Chibtik, as well as a considerable number of Tzeltal communities. It mostly fell within the municipality of Altamirano, but also encompassed part of Chanal. At the beginning of the year 2000, when I made a short visit to the

region, Miguel Hidalgo had apparently disappeared. The road sign indicating where to leave the road in order to reach the *cabecera* had gone. If it still existed in some form, its importance had certainly declined. This was possibly related to the divisions within the region and the distancing between the CIOAC and the EZLN. The situation of 17 de Noviembre, part of the Zapatista autonomous region *Tzotz Choj* was quite different.<sup>5</sup> In early 2000 it was thriving, and had come to constitute a major competitor of the official municipality of Altamirano.

The autonomous municipality 17 de Noviembre did not become hegemonic in the region around Chibtik, but operated next to – and at times in direct opposition to – the official (or as Mexicans say ‘constitutional’) municipality of Altamirano. What exists is a situation of partly geographically overlapping governance structures – that of the municipalities of Altamirano and Chanal and that of the autonomous municipality of 17 de Noviembre – each of which claims control over people and resources. In fact, 17 de Noviembre does not represent a continuous geographical territory. Rather, it is defined through adherence of groups, be these entire communities or parts of them. Thus, the official and the autonomous municipality co-exist: some communities or factions in communities adhere to one, while others support the other municipality. In the period from 1995 to 1997 Altamirano was governed by a PRD municipal president who made reasonable arrangements with the Zapatista communities. After the PRI recovered the municipality in 1998, relations deteriorated.

#### *A visit to 17 de Noviembre*

What does Zapatista autonomy in 17 de Noviembre amount to? In essence, it constitutes a rival structure of municipal government, an overt challenge to existing structures of municipal government which are cast aside as illegitimate and ineffective. The existing municipal boundaries and the municipal authorities of the municipality of Altamirano are rejected and instead, the autonomous municipality is led by a four-man *consejo municipal*. Public functions traditionally performed by the ‘official’ municipality are taken over: 17 de Noviembre has a civil registry (*registro civil*), a justice system (*honor de justicia*) and a police force (*policía*), as well as a number of commissions dealing with issues such as education, health, human rights, and – as we saw in the previous section – land redistribution.

The *cabecera* or headquarters are located directly besides the Morelia ejido, a Zapatista stronghold during the early years of the uprising that appeared in many reports and news items. Although there has been a separation between the autonomous municipality and the Morelia ejido, the *cabecera* is still often referred to locally as Morelia. The *cabecera* is the seat of the autonomous government, and a central meeting point for the civil support bases (the communities or parts of communities that belong to the autonomous municipality). It is not, however, a residential centre.

A mural of Emiliano Zapata welcomes visitors to the autonomous *cabecera* with a sign that reads: “Welcome to Aguascalientes IV for cultural events for the indigenous in the hope of freedom, justice and democracy”. In 1995 this was the site of Aguascalientes IV, one of the five meeting centres (*centros de convención*) that the Zapatistas built after their first Aguascalientes, located near their headquarters at La Realidad, was destroyed by the Mexican army.<sup>6</sup> The convention hall, made from bricks and wood, is certainly the most impressive building of the site and looks as

though it could house hundreds of people. Other buildings are simple wooden structures and on closer inspection turn out to contain the seat of the municipal government, dormitories, kitchens and workshops.

The *cabecera* of 17 de Noviembre is located some 10 kilometres from the official *cabecera* of Altamirano. Whereas Altamirano is dominated by mestizos that oppose the Zapatista movement (many of them lost their properties and suffered from the general decline in cattle trade), as soon as one turns onto the dust road that takes one to Morelia, it is clear that one is entering Zapatista territory. Houses for sale bear slogans such as this: "Here we are, we are the rebel dignity, the forgotten heart of the fatherland. Zapata lives! Bastards!"<sup>7</sup> A banner across the road recalls the victims of Acteal, the 45 refugees from the Las Abejas organisation who were shot in a church in December 1997, in a massacre that shattered all illusions about a peaceful or smooth solution to the conflict in Chiapas. Along the road one finds empty houses: abandoned by the owners as their properties were occupied by Zapatistas. Next to the ruins, many of them with the roof taken off, are the simple houses of the new owners; freshly cut planks, bright aluminium roofs- just like in Nueva Esperanza.

I paid a visit to the *cabecera* in January 2000 after several of the Chibtikeros had told me about it, so enthusiastically that I became really curious. I turned up with no advance warning or the accreditation (*mandamiento*), that I was informed, on my arrival, that 'outsiders' were required to carry. A consultation by radio, probably with Chibtik, was enough to gain permission for me to look around and talk to the autonomous authorities. A walk around the premises suggested that I had come to a meeting place for the different communities and groups involved, as well as a breeding ground for new ideas, new institutional models, and new alliances with outside actors. The various buildings, such as kitchens and dormitories, seemed designed to hold a great number of people. Signs on all the buildings advised people in three languages (Tzeltal, Tojolabal and Spanish) to throw their trash in the proper places, use the latrines etc. Many buildings were decorated with slogans and with graffiti that bore the mark of some metropolitan artist. In addition to a workshop for processing coffee beans, there was a brand-new workshop for welding activities, where a young man explained about the structures for clay ovens they were making, that would allow people to reduce the amount of firewood necessary in the kitchen. While the authorities, the *consejo municipal*, were in a meeting with representatives from the different localities, a group of women were taking a course in herbal medicine and some men were inspecting the fields and greenhouse dedicated to organic agriculture. A pickup truck belonging to what I assume must have been an NGO, arrived with the latest newspapers.

After their meeting, I had a chance to talk to two of the members of the *consejo municipal*. The conversation took place in the building that was the equivalent of the 'municipal presidency'; a wooden structure like the others, with two desks in it, as well as a typewriter, empty boxes of computers in a corner, basketballs and other items stored in the back. The trappings of power found in a normal municipal presidency were also in evidence here: next to the batons used by the municipal police to maintain order, the wall behind the main desk bore a full-colour photograph of the commander-in-chief, not President Zedillo in this case, but Subcomandante Marcos.

### *The autonomous mode of rule*

One of the men, a Tzeltal, took the lead in the conversation. We talked mainly about the institutional set up or organisational structure of the autonomous municipality. How the autonomous municipality works on a day-to-day basis is, of course, another matter, and one that I am not able to develop fully in this study (although I will discuss some of the tensions below). The autonomous municipality is headed by four men, called the *consejo municipal*, two of whom are Tzeltal, two Tojolabal. The autonomous municipality has its own civil registry, police, and commissions in charge of different aspects of municipal administration. The autonomous structure reflects all the spheres usually regarded as being the municipality's responsibility, but also encompasses others such as the commission for land and territory. A particularly important element of the institutional structure, as it turns out, is the *honor de justicia*, the office charged with the administration of justice and conflict resolution.

The autonomous mode of rule centres around *asambleas* at different levels.<sup>8</sup> Each community or part of a community that is 'with the organisation', in other words, is a Zapatista civil support base, appoints a representative to act as an intermediary between the municipality and the community. Between the localities and the *cabecera* an intermediary structure exists, that of the 'regions' or *zonas*. The authorities mentioned above, as well as the members of the various commissions are appointed through an *asamblea*. Roughly speaking, decisions are first discussed and proposed at an assembly of representatives of the participating communities, and then taken to the regional and eventually local assemblies where they are accepted, rejected or modified. This outcome is reported by the representatives to the general assembly. In some cases it may take several rounds of consultation before a decision is reached in the form of an *acuerdo*.

This organisation of authority and decision-making – for which the Zapatistas have coined the term *mandar obedeciendo*, government through obedience or to command obeying – shows clear similarities with governance structures at the local level. Elements that the reader might recognise from the earlier discussion on Chibtik include organising authority through *cargos*, duties, the central importance of the *asamblea* and decision-making on the basis of *acuerdos*. Assigning people special tasks by means of *comisiones* is also a common practice that predates the autonomous municipality. Furthermore, the autonomous municipality builds on local practices in the administration of justice and registration of members that have now become institutionalised under the headings *honor de justicia* and *registro civil*, borrowed from municipal nomenclature.

I would venture to say that it is this building upon earlier practices and structures that lends the autonomous mode of rule strength and legitimacy vis-à-vis its constituency. However, tensions may arise between the political strategies of the EZLN leadership and locally defined needs. As has been rightly pointed out by Burguete (1998: 254) the autonomous municipality is governed by certain EZLN guidelines, contained in the *Ley General de Municipios Rebeldes y Autónomos*. This may involve certain tensions in practice. As noted in the previous chapter as regards the collective organisation of production, elements that are 'too radical' from a local point of view, are attenuated in practice. The fuller participation of women as advocated by the EZLN leadership (in the *Ley revolucionaria de Mujeres*),<sup>9</sup> may serve as an

example. In recognition of the objectives in this field, in 17 de Noviembre there had been an 'attempt' to appoint women to the *consejo municipal*, although authority at this level still effectively resides with men.

The Zapatista project as embodied in the autonomous municipalities is organised as a kind of 'do-it-yourself autonomy'. The whole structure is sustained by the people's own contributions and labour. Operating as they are on the fringes of the law, autonomous municipalities lack the financial support official municipalities are entitled to. Moreover, the Zapatistas increasingly reject any type of government assistance. The autonomous municipality thus places high demands on its members in terms of labour (requiring participation in one of the numerous commissions) and material (sometimes also financial) contributions. In keeping with common practise in the region, people who fulfil duties do not receive a wage, though their expenses (such as travel) are paid for through contributions by the population they represent. At the time of my visit, this was becoming an unsatisfactory arrangement especially for the four members of the *consejo municipal*, whose job kept them virtually occupied full-time. They practically lived in the *cabecera*; since two of them always had to be on hand to deal with any situation in which they might be needed. This meant that their duties conflicted with their own agricultural activities. At the time of my visit, ways were being sought to arrange for some kind of compensation for the *consejo*, e.g. through contributions in kind to offset the fact that they are unable to work their fields. NGO involvement seems crucial to sustaining 17 de Noviembre. They provide logistical support, fund specific projects and serve as an important link in terms of providing information and image building. Several of the Chibtikeros underlined the importance of 'projects of other nations'.

In co-ordinating the various levels of government (communities, zones, and the highest level, that of the municipality itself) people draw upon earlier experiences in supra-communal organisation. Although linked to the new discourse on indigenous autonomy, the organisation of such structures is not wholly new.

## Beyond the community

### *Supra-communal organisation*

In previous chapters, I have discussed the fact that social organisation in the Tojolabal Highlands is strongly centred on the community, which controls land and resources and holds primary jurisdictional power over its members. Since the 1970s, however, forms of organisation beyond individual communities had been taking shape in the process of political organisation guided by, on the one hand, the diocese of San Cristóbal, and on the other, the 'political advisors' from (originally) radical left organisations (see Chapter Three). This involvement had certain consequences for the internal organisation of the communities, but their main importance was probably related to the supra-communal level of organisation and the linkage they provided to wider networks. Both the diocese and the political advisors of *Línea Proletaria* (LP) created structures and platforms for co-ordination between and representation of the member communities. The diocese set up networks of catechists, organised by *zonas*, while LP facilitated the constitution of the *Unión de Ejidos Lucha Campesina* (affiliated to the *Unión de Uniones*). Both structures held regular meet-

ings and used feedback structures that have been taken up in the organisation of the Zapatista autonomous municipalities.

The EZLN benefited from the supra-communal structures and organisational experience that had developed in eastern Chiapas since the 1970s. As Legorreta has pointed out, the FLN (later EZLN) began its recruitment in the Cañadas region through the channels and structures of the UU and the diocese, which allowed it to identify potential leaders but also to operate in ways invisible to outsiders (Legorreta 1998). The civil support bases of the EZLN were organised along similar lines, as confederated structures of tightly organised communities. The model is replicated in the autonomous municipalities.

The attempts at organising an autonomous structure of government in the Tojolabal Highlands, now under the banner of Zapatismo, are therefore not wholly unprecedented. It is worth taking a look at two such experiences carried out between the communities that belonged to what would subsequently become the *Pueblos Tojolabales ejido* union. In 1981, a nascent Tojolabal leadership (most of them recently trained to be bilingual teachers) assumed control of the *Consejo Supremo Tojolabal* in Las Margaritas, that had hitherto been controlled by the CNC. As the INI eliminated the subsidies to the *Consejo Supremo*, the new leadership rented a building in the town of Las Margaritas, paid for through contributions by the Tojolabal members. Thus, the *Consejo Supremo* "as converted into a kind of indigenous government office parallel to the municipal presidency, which was identified with ladino rule and avoided by the Tojolabal." (Chirinos & Flores 1990: 15). The group around the *Consejo Supremo* fought unsuccessfully for the municipal presidency of Las Margaritas, and was displaced from the *Consejo Supremo* itself in 1984 (Chirinos & Flores 1990), although their governing aspirations found another outlet.

Later, between 1987 and 1989, a so-called Tojolabal Government (*Gobierno Tojolabal*) was created amongst the communities constituting *Pueblos Tojolabales*, now formally separated from the *Lucha Campesina ejido* union (see Chapter Three) (Burguete 1998b, Mattiace 1998, Hernández Cruz 1999, Chirinos & Flores 1990). The Tojolabal Government was an attempt at ethnic re-construction, at the same time as it presented clear continuities with the structure of the *ejido* union. The Tojolabal Government was headed by a Great Council, representing the different Tojolabal 'powers', including traditional healers as well as health workers, catechists, and *ejido* authorities. The Tojolabal Government thus reflected elements from the *ejido* model as well as more explicitly 'indigenous' ones. What Burguete mentions about the police force that was established brings this out nicely: the policemen were called 'Guardians of Tojolabal Power' and had an ID card stating 'Given by the Tojolabal Power' [*Dado por el Poder Tojolabal*] (Burguete 1998b- the source does not mention whether the inscription was in Spanish or Tojolabal).

Decision-making and the exercise of authority were not organised hierarchically but through what Hernández Cruz (one of the leaders at the time) has called a 'spider's web' (*telaraña*). It is graphically represented as a series of concentric circles with the *coordinación general* at the centre, occupied by Hernández Cruz himself (see Hernández Cruz 1999: 190). The Government held two weekly meetings, each time in a different community, concerning itself with land issues, the provision of services (such as transport) and the administration of justice. Moreover, more serious

cases that could not be solved at the level of individual communities were now resolved internally. In the words of Hernández Cruz:

"Before the existence of the Consejo [in charge of administration of justice] many of these cases were channelled to the municipal *cabecera* of Las Margaritas to be resolved through the powers of the state. The novelty was the displacement of these external powers, in order that we, the Tojolabal, could resolve our own matters." (1999: 188).

The experience of the Tojolabal Government ended as a result of increasing internal antagonisms, but the ejido union and the CIOAC continued to play a role in mediation between communities and representing them in the region (Mattiace 1998).

The Tojolabal Government testified to the governing aspirations of the new Tojolabal leadership, but also incorporated the ethnic dimension in ways that were totally new to the region. Hernández Cruz depicts the Tojolabal Government as an attempt at Tojolabal unification and the recovery of Tojolabal strength and self-awareness that had been weakened by outside influences, such as the diocese and the 'political advisors' that had marked the development of the *Lucha Campesina ejido* union (Hernández Cruz 1999). The ethnic project was carried further in the FIPI (*Frente Independiente de Pueblos Indios*), also created by Tojolabal of the region, initially within the framework of the CIOAC (from which it later separated). The FIPI has become an important reference in the struggle for indigenous autonomy in Mexico, and since 1994 has been a prime supporter of the project for the multiethnic autonomous regions in Chiapas. It should be noted, however, that the FIPI operates largely independently from the Tojolabal region and does not act as its representative. Mattiace, looking into the autonomous experiences in the Tojolabal region, noted a considerable distance between the FIPI project centred on regional autonomy and local understandings centred more strongly on the community (Mattiace 1998, see also discussion).

The experiences with the *Consejo Supremo Tojolabal* and the Tojolabal Government convey similar aspirations to building structures of governance that go beyond individual communities as do the Zapatista autonomous municipalities. Another continuity is found in the challenge to established municipal governments. However, unlike the autonomous municipalities at present, the temporary establishment of such rival structures in the previous decade went hand in hand with a struggle to win municipal elections.

#### *Earlier struggles over municipal government*

The first time a Tojolabal candidate competed for the municipal presidency was in 1982, as a candidate of the PSUM (precursor of the present PRD). By taking this opposition path, the nascent Tojolabal leadership openly disputed the 'outside' leadership of the *Lucha Campesina ejido* union, a situation that translated into a split and the creation of *Pueblos Tojolabales* as a rival *ejido* union several years later. In 1982, the PRI's hold on the presidency of Las Margaritas could not, however, be broken. The PRI claimed victory in 1988 too, when a young Tojolabal candidate, Antonio Hernández Cruz (the same one referred to above), again contended for an opposition party (this time the PMS). The 1988 elections took place against a background of military threat and sabotage, which is why large sections of the rural population were unable to vote. The situation elicited considerable popular protest. The organ-



isation that had supported Hernández' candidacy, the CODM (*Coordinadora de Organizaciones Democráticas de Las Margaritas*), in which the CIOAC was a strong participant, refused to accept the victory of the PRI candidate and installed Hernández Cruz as a 'parallel municipal president'. Initial threats occurred but swift popular mobilisation safeguarded this parallel government (*La Jornada*, May 11 1989). With the help of a dozen collaborators, Hernández Cruz attended to matters such as the administration of justice, rural development, agricultural production, education and legal assistance over a period of six months (Chirinos & Flores 1990).

The episode brings out two closely connected dimensions that are equally present in the autonomy project of the Zapatistas. On the one hand, for the Tojolabal leadership, the struggle for the control of municipal government was part of a broader project of organisation along ethnic lines, into which the constitution of the Tojolabal Government also fitted. In an interview with *La Jornada* newspaper, the 'parallel municipal president' explained that, "We want to elaborate a project of our own, a complete one, [ranging from] the recovery of nature to self-determination. [...] We will seek to restore traditional values for self-government." (*La Jornada*, May 10, 1989). This was coupled, however, with a challenge to a critically de-legitimised municipal government. In the words of Hernández Cruz: "[if they] want to impose [their will on us], we will not accept that, because we have seen that the authorities only help those who have most money and we, the innocent, are the ones that will end up in prison. We are going to devise ways and means of solving our own problems" (*La Jornada*, May 10 1989).

The claim to Tojolabal autonomy was thus embedded in a struggle against municipal government dominated by the PRI, that was highly unresponsive to needs voiced at the local level and instead played an active role in the repression of oppositional groups (1988 was also the year Absalón Castellanos' rule ended). This challenge to the PRI government resonated with wider opposition in the municipality. In fact, the support of non-indigenous sectors of Las Margaritas, grouped together under the banner of neo-cardenismo, was crucial to Hernández Cruz' candidacy.<sup>10</sup>

### The approach of war

In 1998 and 1999, Zapatista autonomous municipalities became the main target of the anti-insurgency strategy of the state government. As a result, tensions in the region increased and political opposition polarised. Chibtik had its share of the trouble.

#### *The army comes in*

Near Christmas 1997 I was back in the Netherlands and followed the events in Chiapas mostly through the Internet. The drama of Acteal, in which 45 refugees were massacred in a church, had shattered the image of the conflict being under control, implicating police officers and leaving little doubt as to the existence of armed, thereafter known as 'paramilitary', groups. The repercussions were soon felt in Chibtik. In the first days of the new year, the Mexican army entered Nueva Esperanza where apparently a Zapatista weapon deposit was discovered, a find that received a lot of air in the media. The EZLN denied having anything to do with the weapons and argued these had been planted by the army itself. The military incur-

sion was justified in relation to the Acteal massacre, but it should be noted that the two localities are over 40 kilometres apart in a straight line. It was probably an attempt to re-assert the image of an army in control of the situation and to stress the danger of the EZLN. The incursion should also be understood, however, against the background of local dynamics in Chibtik, involving a split over affiliation to the Zapatista movement. As I learnt later, the soldiers had not stopped in Nueva Esperanza, but entered Chibtik as well.

That day in January, the soldiers were brought into Nueva Esperanza by three masked guides who led them directly to a small house where the weapons were hidden. The soldiers entered several houses and the two co-operative shops, threatening people, destroying some things, taking others. They then proceeded towards Chibtik, where their guides attempted to take them to the houses of the Zapatista representatives. They never succeeded in capturing them. First they got the wrong person but by the time they realised this, their companions had been surrounded by women and girls who were blocking their way. Armed with sticks, the women called them all the dirty names they could think of. As one of them recalls: 'We said to them, "You bastards, what are you doing here? Nobody asked you to come here, you should just get out of here." The soldiers were apparently taken aback by the assertiveness of the women and at a loss as to how to proceed.

The women were sure they recognised the masked guides as boys from Chibtik. They seized one of them and tried to take off his mask, but before they were able to he was freed by the soldiers, who quickly drew him into their vehicle and left the community. They remained stationed in Nueva Esperanza for several days more, however. All this time, the women from Chibtik as well as from some of the surrounding communities, encircled them. The incursion dealt a hard blow, however, to the families that had settled on the former Yalchibtik ranch. They abandoned the settlement (literally taking down their houses so they could re-build them in their communities of origin). Only some of them ventured to move back at a later stage.

About half a year after these events, I was back in the region and had a chance to hear people's accounts. On many kitchen doors in Chibtik I saw photocopies of the articles that had appeared in the *La Jornada* newspaper and that I had seen on the Internet, featuring one photograph of a boy ringing the church bell of Chibtik to warn the people and another of women confronting the soldiers (*La Jornada*, January 3 and 4 1998). As they told me about the episode, women and girls seemed to relive the excitement of the time when they drove the soldiers out of their community. They spoke about it with pride, exclaiming: "Let them come again! We'll chase them away again!"

They assured me the guides had been local boys and figured they had wanted to take revenge on 'the community' because of a problem one of them had had. He had been accused of stealing a stereo-player from one of the truck drivers working for a logging company that had begun to work in Chibtik. Following what had become a common practice on many of the roads in the region, he had put on a balaclava and robbed the driver. Upon the latter's complaint to Chibtik's authorities, an investigation was carried out and the stereo was found in the youth's house. He was fined a considerable amount of money. On his turn, he filed a complaint with the municipal presidency of Altamirano and the community was summoned to a meeting. Chibtik sent several representatives and a person from the human rights office in

San Cristóbal accompanied them. The punishment agreed on in Chibtik was affirmed and a day was set for the boy to pay the fine. He failed to turn up, however. This boy and his friends may have approached the soldiers in Altamirano with a desire for vengeance, but probably also felt encouraged by the political fissure that was taking place in Chibtik at the time. Several families had decided to withdraw their support from the EZLN.

### *Chibtik divided*

The signs of the upcoming division had been present in the autumn of 1997, but I had failed to interpret them as such. On the celebrations for November 1<sup>st</sup> (All Saints' Day), I had noticed a strong increase in the use of alcohol, something that was prohibited by Zapatista rule. During the more important community celebrations in May in honour of the patron saint San Miguel, the ban had been respected and in general, nobody dared drink in public in Chibtik. I later understood that the overt disobedience of the Zapatista ban on alcohol in November indicated a challenge to Zapatista rule, but at the time I attributed it to an overall declining interest in complying with Zapatismo rather than a challenge by a particular group. However, at the time a list was being drawn up with a number of families that wished to withdraw from the Zapatista organisation.

The division became fairly violent at the beginning of 1998 and involved a number of confrontations between both camps. In early 2000 the issue had settled down somewhat. There were now, I was told by people from both sides, 'two groups' in Chibtik. Each group held separate assemblies, but the church service was still held jointly. Two separate lists of 'men' had been drawn up, with the Zapatista-supporters constituting about a two-third majority of the total of adult men. The group that had opted out – referred to by their opponents as the 'Pri-istas' – had appointed their own authorities and obtained their own seal, with the Zapatista faction holding on to the official *ejido* seal. The Zapatista faction had also managed to retain control over a number of goods. As had happened with the division of Chibtik and the creation of Nueva Jerusalén a decade earlier, factionalism involved not only a re-alignment of people (a redefinition of group membership) but also translated into new institutional arrangements. The families that decided to 'leave the organisation' had had to forfeit the co-operative shops, as well as the white community truck that was seen as an achievement of the insurgency.<sup>11</sup> Likewise, the groups that had 'returned to the government' could no longer stake any claims to Yalchibtik, the property seized in 1994 (see previous chapter). That it was out of the question that families that had withdrawn from the organisation could settle there, was understood without further debate by both parties. However, the non-Zapatista group was reluctant to accept the ban on fetching firewood from this property. Added to the restriction of firewood collection to 'one's own section' – as I described in Chapter 5 – this particularly complicated women's lives.<sup>12</sup>

When formal teachers were replaced by *educadores*, young men from within the community that received training and supervision from the autonomous municipality, the people that had opted out of the organisation refused to send their children to school in Chibtik any longer. Instead, their children attended the small school in the adjacent Nueva Jerusalén – with families that had formerly lived in Chibtik – with which they had aligned politically (though not necessarily religiously).

### *Opting out*

Not only in Chibtik did families decide to opt out and 'return to the government'. The pattern was repeated in several of the neighbouring communities. Moreover, in El Nantze, which in 1997 had been more supportive of the movement than Chibtik, the situation had become rather delicate by 2000. Many of the original inhabitants, opposers of Zapatismo, had returned to the locality and reclaimed their rights, while the Zapatista sympathisers had been reduced to a small group of a few families. Even Morelia, hosting the Aguascalientes IV (the headquarters of 17 de Noviembre), had become divided over the Zapatista cause. The same had happened in other communities of the Tojolabal Highlands that had sided with the Zapatistas but later withdrawn – a situation related to the split of the CIOAC into a 'Zapatista' and an 'official' branch.

Although each one might have a variety of other, personal reasons, ex-Zapatistas would invariably attribute their decision to opt out to the high demands the autonomous municipality placed on them. As one of the Chibitkeros explained, they "were tired, and wanted to take a break, it was a lot of work, there were always trips to be made, always contributions to be paid." As mentioned earlier, sustaining the autonomous structures was extremely demanding. And what were the payoffs? What had become of all the promises the Zapatistas had made? An American journalist recorded the following words from a former Zapatista in Morelia:

"I don't love the government, but they [the Zapatistas] promised more than the government and hasn't given it. [...] We decided it is better to go back with the government. [...] Since the armed movement we haven't gotten anything, the roads here aren't paved; only half of the houses have electricity. This is an opportunity to get what we want." (Michael Riley, *The Chronicle*, 7 July 1999).

Added to the fatigue were the intensified efforts on the part of the state government to dismantle the autonomous municipalities, increasing the pressure on the adherent population. A woman in close contact with Chibtik throughout this period mentioned that in view of the growing pressure, a meeting was held in Chibtik in which everyone was asked whether they were willing to continue 'with the organisation' or not. She had been told the following about this meeting: "They said to everyone: Think carefully about whether you want to continue. Things are going to be very tough. If you do not want to stay in, get out now, there will not be any sanctions." And things did indeed get tough in 1998 and 1999, when governor Albores made the autonomous municipalities his main target. The climate became increasingly polarised.

## Autonomous municipalities under fire

### *Albores strikes back*

Governor Albores' attempts to dismantle the autonomous municipalities combined direct repression with other measures such as the expulsion of foreigners, unilateral re-municipalisation, and pouring government resources into the state, a strategy best called 'development offensive'. In the first two weeks of 1998 alone, there were over fifty military incursions such as the one into Nueva Esperanza and Chibtik (López & Rebolledo 1999). Throughout 1998 and 1999, Zapatista autonomous

municipalities suffered from direct attacks or threats, and low-flying helicopters and planes became a current phenomenon.

At the same time, the immigration office redoubled efforts to keep foreigners out of the communities by means of a special task force (*operación arcoiris*). A considerable number of foreign NGOs and pastoral workers supporting the autonomous municipalities were expelled from the country as they were found to be engaging in activities out of line with their status as tourists (in view of the ever more restrictive policies for obtaining residence permits for Chiapas, many of them only had tourist visas). Though the measure was insufficient in itself to dismantle the autonomous municipalities, it did seriously complicate the work of the NGOs involved.

In what has been generally understood as a direct provocation of the EZLN, governor Albores also proceeded with a unilateral plan for re-municipalisation. Claiming that he was just carrying out what had been established in the San Andrés Accords, he envisioned the creation of over thirty new municipalities. In July 1999 he began with the creation of seven new municipalities in areas where the EZLN was strong and installed new municipal authorities under the PRI banner.<sup>13</sup> The establishment of several more municipalities was on his agenda, but never carried out because of the tensions and public outrage this policy elicited.

In addition to these measures, the 'development offensive' of the state and federal governments was also intensified. Ever since 1994 Chiapas has been bombarded with funds and projects in unprecedented ways, while the number of paved roads, hospitals and water systems has grown exponentially. Officially presented as finally giving the poor of Chiapas the benefits of modern society they had demanded, and redressing the neglect they had previously suffered, offering projects became a carefully orchestrated counterinsurgency strategy. In regions where Zapatista sympathisers predominated, people were promised housing projects, cattle, and other benefits if they would agree to abandon the civil support bases and 'return to the government'. A number of supposedly former Zapatistas were shown on television handing over their weapons to the government and promising to return to law-abiding behaviour. The Zapatistas denounced these events as set-ups, but the strategy at least partially achieved its goal. In several communities of the Tojolabal Highlands, people opted out of Zapatismo as a result of promises of livestock and housing projects.

In response to the political use of government aid, the Zapatistas became more rigid in their rejection of anything that came from the government. As one of the Chibtikeros declared: "We no longer want to have anything to do with the government (*gobierno*)."

This anti-government discourse was not new, but there was more outright rejection of government projects as political antagonism hardened. In 1998 the Chibtikeros had still accepted a government project on drinking water, because – as I was told – it would relieve the work of the women. However, in 2000 they had dismissed the primary school teachers paid by the Public Education Ministry (SEP) replacing them with their own teachers, the *educadores*, trained by the autonomous municipality. Furthermore, one of the youths that was studying at an official institute (the *Conalep*) to become a teacher, was called back.<sup>14</sup> The EZLN regulations stipulated that no longer could anyone hold a government paid job (such as teacher or health worker).

The intensely political nature of government assistance in Chiapas was perhaps

never brought out more clearly than during this period. It is in this light that Zapatista supporters of the Amador Hernández community in the Cañadas region opposed road construction, arguing that

"We know very well that the roads that the government has constructed have not brought a single benefit to the indigenous population. With those roads no doctors came in, no hospitals were built, no teachers arrived, no schools were built, no materials were sent to improve the houses of the indigenous population, the price of the products that the peasants sell did not improve nor are the items that the indigenous population needs to buy, any cheaper. [...] Any road that the government has built proves to bring no benefit, except for those that enrich themselves at our expense, or come to kill us, imprison us or humiliate us." (Communiqué from Amador Hernández, August 1999).

A military show of force and the use of tear gas were necessary to destroy the blockades and continue construction. In the aftermath of a demonstration by the Zapatistas from 17 de Noviembre in support of their companions from Amador Hernández, violent confrontations occurred in Morelia.

The attack on the autonomous municipalities not only increased the cost of being autonomous, but also contributed to drawing a sharper divide between those 'with' and those 'against' the government. In response to the growing repression against the autonomous municipalities the autonomous governance project became increasingly framed as 'resistance'.

#### *The 'development offensive' at work*

The 'development offensive' was a war over people's loyalties. Coupling material support with a show of force was a powerful formula, though it was not always effectively applied. An example from Nantze shows how the 'development offensive' worked in practice, while indicating some of its limits. When I visited Chibtik in 2000, Nantze happened to receive a number of high-profile visits: President Zedillo and governor Albores were flown in by helicopter on a Wednesday morning to open a sawmill. The sawmill had been constructed just off the settlement of Nantze as a joint effort by various pro-government groups from Nantze and neighbouring communities (such as Nueva Jerusalén located between Chibtik and El Nantze) that had formed an association.<sup>15</sup> That the sawmill had benefited from government money provided the official reason for the visit, but the arrival of such important figures must be understood primarily against the background of the symbolic war for people's loyalty that was being waged all over eastern Chiapas at the time. In 1999, President Zedillo had an average of almost a trip per month to Chiapas, a privilege of which no other Mexican state could boast. The visit to Nantze, like other such visits, was meant to convince the people that the government cared about them and was a powerful ally. The visit also obviously carried a threat to the neighbouring Zapatistas. I found that not everybody was equally impressed by the message, though, not even inside the pro-government camp.

I visited El Nantze the day after President Zedillo (attending the event itself seemed unwise), and on my way back I passed through Nueva Jerusalén. One of the women was washing clothes outside her house, next to the road, and struck up a conversation. This gave me an opportunity to ask her about the day before. She confirmed that both the governor and the 'government itself' (*el mero gobierno*),

meaning the president, had been there. People had prepared a big party, there had been food and so on. But the president and the governor had only stayed very briefly, some twenty minutes, and had not eaten anything. She was obviously annoyed about the visit. Not only because they had been given virtually no advance warning that the president himself would be coming – she said they had only known about it three days beforehand – giving them little time to prepare the party properly, but also because the visit had come so late, after the sawmill had been operating for almost a year. She was especially upset, however, by the fact that they had pretended the sawmill had been a favour from the government, which was not true, she claimed, since it had been the work of the campesinos themselves. I was curious about what the visitors had said, but she hardly found that worth recalling. Rather, she underlined what the people had said to them. They asked for their logging permit to be extended indefinitely and for the road to be paved (with asphalt), getting no more than a promise in return on both counts.

The woman's account of the visit brings out some interesting features of people's ideas and attitudes towards the government. In the first place, and perhaps not surprisingly, the government is associated with asking favours (such as the road and the logging permit). More interestingly, though, was the criticism of government implicit in the woman's words, even though she confirmed to me – in keeping with the Adventist doctrine – that state authority is sanctioned by God. In view of the fact that the sawmill had been constructed partly with a credit from a state agency, it must have seemed quite natural to governor Albores and president Zedillo to claim it as help or a gift from the state. However, they made a crucial mistake in presenting what people saw as their own efforts as favours from the state for which they should be grateful. As it turned out, even those that are pro-government resented such misappropriation. The traditional paternalistic formulae contrast strongly with the Zapatista discourse centred on dignity and empowerment and have perhaps lost some of their effectiveness since 1994.

#### *The material side of things*

The development offensive placed serious strains on the Zapatista autonomy project as its material benefits placed people in a very real dilemma. If the strategy did not undermine the autonomous municipalities more than it did, this was probably partly due to its failure to revamp its political imagery (as suggested above) and even more so to the perpetuation of traditional political vices. The state apparatus simply failed to 'buy people off' effectively and fell prey to corruption. In one of the communities in the northern half of the Tojolabal Highlands, the people were shocked to discover that they were expected to pay half the cost of the new houses they had been promised. In many other cases, promised livestock were never delivered, and I fear the comment that "that cattle that never arrived, it is probably grazing on some politician's ranch at the moment" was probably quite accurate. All this translated into disappointment with the government's offer, undermining the effectiveness of the development offensive.

That people may have opted to 'return to the government' for material reasons, might sound rather banal to some readers. However, both in the decision to opt out as well as in the decision to continue to support the Zapatista project, considerations regarding the offer, both of material benefits and of certain services, play an impor-

tant role. Much has been made of the symbolic importance of the Zapatista movement, its new political imagery, its embodiment of values such as democracy, transparency and accountability, and with good reason (see also Nuijten & Van der Haar 2000). Ideas about the state apparatus and the development of a new repertoire of governance, authority and nation building, are important features of the Zapatista project as elaborated in the autonomous municipalities. At the same time, however, it involves an assessment of the costs and benefits of each of the sides one could align with. Both 'governments' are continuously compared in terms of what they offer and their performance. Whereas those that 'returned to the government' enjoy special credits and projects, those that 'stayed with the organisation' mock the unfulfilled promises the other side is faced with, and instead emphasize the projects they have benefitted from, supported by NGOs and 'other nations'. Whereas the former boast about special attention and visits from high-ranking government officials, the latter receive visits from people from all over the world.

As I have stressed throughout this book, loyalty or adherence to a particular group or organisation has a strong material basis. This is apparent again here. Certain collective goods are understood as the privilege of a circumscribed group and group membership and enjoyment of a particular good or service are closely connected. The fact of using or not using a certain good is a statement of one's adherence. This was clearly reflected in the fact that even before 1994 most Chibtikeros avoided the hospital built by 'the government' in Altamirano and continued to take their sick to the San Carlos Hospital, run by nuns under the diocese of San Cristóbal. Many Chibtikeros continued to do this, despite the fact that in the San Carlos Hospital they were obliged to contribute to the cost of medicine and treatment, whereas in the IMSS everything was free. The people that opted out of the organisation, however, were reluctant to go to the San Carlos Hospital any more. Moreover, I think the fact that 17 de Noviembre was still thriving despite all the pressures from the government was partly due to the sizable number of invaded properties controlled by the Zapatistas. These properties represented a very real 'offer' from which defectors would be excluded.

### Rival claims to government

I have described the situation obtaining in the region around Altamirano as one in which two governance structures or jurisdictions co-exist. The two systems are mutually exclusive in terms of their constituency – people belong to either one group or the other – yet they overlap and interact in a number of ways. The administration of justice provides a useful window on the confrontations and accommodations that take place in practice.

As mentioned earlier, in 17 de Noviembre, a system of administration of justice and conflict resolution, the so-called *honor de justicia*, was in place. If we can believe the men I talked to in the *cabecera*, there was a great demand for this service, not only among their own people, but also sometimes among non-Zapatistas from the region:

"If people have a problem and they go to [the municipal presidency at] Altamirano, their problem does not get solved, and they only come out with a bigger problem. There they do nothing to solve people's problems. If you



go there, they laugh at you: ha!, if you want your problem solved, why don't you go to the Zapatistas, they can help you!"

The record of the 'official' justice system in eastern Chiapas is such that many people prefer to resort to other institutions, such as the autonomous municipality. Mediation and dispute settlement between communities was also a recurrent theme in earlier experiences with supra-communal forms of organisations amongst the Tojolabal, as we saw earlier in this chapter.

The justice system in 17 de Noviembre operates on the basis of a written *reglamento*, drawn up by constituent members, in which several rules are specified and punishment for non-compliance is stipulated. Apart from fines and a night in prison,<sup>16</sup> punishments consist mostly of work, such as weeding the premises of the *cabecera*. As the case below shows, when a case involves injuries inflicted on private individuals, the autonomous municipality serves as a mediator in the payment of compensation.

#### *Claiming jurisdiction: a road accident*

In January 2000, just before I visited Chibtik, an accident had happened involving the white three-ton truck (now belonging only to the Zapatista faction of the community). It had flipped over on a very sharp curve on its return from Altamirano, landing upside down in the ditch next to the road, injuring several of the passengers and killing one, a young man from La Florida. The driver that day had been Severino, one of the young men appointed by the community for this job.

Pedro and his brother who had recently assumed the post of *comisariado ejidal*, had been in Comitán that day when they heard the news, just as it had happened and rushed to the scene of the accident. It must have taken them about an hour to get there, just in time to prevent the *Seguridad Pública* and the State Prosecutor from taking the matter into their hands. These Altamirano authorities had just arrived on the scene and planned to impound the vehicle and take the driver in for further questioning. An argument started. The Chibtikeros opposed the intervention arguing that they would handle the matter themselves, and stating that they would not have anything to do with the government. One of the authorities from Altamirano is supposed to have said – after having ascertained that both the driver and the passengers were supporters of the autonomous municipality –:

"Well, all right, you have your own organisation, your own government, you take care of this yourselves. But make sure the injured are taken care of, take them to hospital and make sure their expenses are paid; and as for the dead man, make sure his family receives a good compensation, for this is a big loss."

Pedro praised the good sense of the man in allowing them to deal with the matter themselves.

Another argument arose over the vehicle. The Chibtikeros refused to surrender it. If it were taken to the car pound, they would be unlikely to see it again. They insisted on taking it out of the ditch themselves. They arranged for a tractor, pulled it out and left it parked in front of the house of the *agente municipal* in Chibtik for the duration of the case. (The truck needed some repairs and the conflict with La Florida over compensation for the dead man needed to be resolved.) The truck's papers, however, had been taken to the municipal presidency in Altamirano. The Chibtik authorities had been told they could recover these in return for a consider-

able sum (15,000 pesos, equivalent to \$150 US dollars, was mentioned). The Chibtikeros refused to submit to what they called 'blackmail' and several weeks later managed to recover the papers without paying anything.

The accident was a major drama. All the injured passengers had been checked into the hospital and most of them had returned home with only minor complications. One woman was more severely injured and had been transferred to the hospital in Tuxtla Gutiérrez. A key issue, that was being resolved during my stay, was how to compensate the family of the deceased. The matter had severely strained relations between La Florida and Chibtik, which made it an obvious case to bring before the autonomous municipality. The case was primarily between the family of the deceased (the father of two children, who had still been living with his parents, who were demanding the compensation) and the Zapatista faction of Chibtik. The accident was regarded as the collective responsibility of the group that owned and used the vehicle and had contracted the driver, rather than the sole responsibility of the latter. The driver, Severino, was obliged to pay approximately 5000 pesos to cover medical expenses. The compensation for the deceased was to be paid for by all the Chibtikeros 'belonging to the organisation'. (The problem did not involve the Chibtikero families that had left Zapatismo, for they had no longer anything to do with the vehicle). The parents of the deceased had demanded a considerable amount of money, in the region of 30,000 pesos. The Chibtikeros rejected the sum as being excessively high, arguing that they were only peasants and that it would be impossible for them to raise that sum of money. The family of the deceased threatened to bring the case before the State Prosecutor's Office in Altamirano, but they were pressured by the authorities of the autonomous municipality to abandon that idea. The settlement was fixed at 13,000 pesos, based on the fact that in two previous accidents in the region, in which official police cars had caused deaths of local women, a sum of 10,000 pesos had been paid. The Chibtikeros agreed to pay a higher sum than that, to show that they valued a person's life more highly than the 'government' did. The sum would be shared by all right-holders in the Zapatista group of Chibtik.

About two thirds of the sum could be paid out of the revenues from the truck. The remainder was to be paid through contributions by the Zapatista faction of Chibtik. Within the community, a discussion arose as to who was to share in the payment of this sum. Whereas some argued that all those entitled to use the truck had to contribute, the *avecindados* successfully claimed that only full right-holders should pay. The difference between right-holders and *avecindados* had recently been re-enforced through the privatisation of grazing areas – Chapter Five – and this was the first opportunity for the latter to strike back.

#### *A plurality of jurisdictions*

In discussing this example, I do not wish to go into the question of whether the solution arrived at by the autonomous municipality was 'fair' or better or worse than what could have been achieved had the family of the deceased involved the official authorities of Altamirano. More detailed work on different cases, bringing out the different viewpoints of the parties involved, would be required to reach a more profound understanding of how the system of justice works, how different kinds of problems are dealt with, whether it works systematically in favour of some categories of people and to the detriment of others, or how the outcomes are rated by the different groups involved. Rather, I want to use the case to point out that first, a situ-

ation of *de facto* legal pluralism was operating in the region, and second, that this raises a series of questions as to the articulation and interaction of these different 'legal' spheres.

The analysis of land tenure earlier in this book showed that the internal regulation of rights – the definition and allocation of specific entitlements – was claimed as a sphere of community jurisdiction. In the context of the Tojolabal region, designing, changing and enforcing rules is not therefore a monopoly of official state structures. Communities also act as a governance structures and claim their right to establish rules. Community jurisdiction includes not only land tenure but also drawing up regulations for behaviour and dispute settlement, such as between spouses or neighbours.) Conflicts transcending the boundaries of individual communities might, as we saw, be taken to other forums, notably supra-communal structures of organisation created since the 1970s. In very serious cases, for example those involving deaths, as well as in cases involving non-community members or taking place outside of the community domain (for example, in town or on the road), the municipal presidency was called in.

The jurisdictional powers of communities or the structures to which they choose to belong do not enjoy legal recognition, rather, it is a jurisdiction that is implemented in practice. This happens in the first place, because they have the capacity to 'exclude the state'. Moreover, in conflictive situations, despite their 'non-legal' nature, they are given a certain degree of leverage by the official authorities involved. As illustrated by the conflict between Catholics and Adventists in Chibtik and again in the truck incident, in many cases land reform or municipal authorities seem to opt for a negotiated settlement between the different jurisdictions rather than choose an unilateral imposition of the law. How matters are settled depends on a variety of factors, related to the case as well as the context. Considerations regarding who is involved, where an offence or transgression took place, and how serious the events are, but also political agendas are brought to bear on particular cases. It is important to note that the cases involve weighing up the strength of each of the structures making a claim to jurisdiction. In practice, through specific cases, communities, supra-communal organisations, and government agencies define their spheres of competency vis-à-vis each other. Anticipations as to the possible reaction of the other party, evaluations of their own and the other's strength and the capacity to interfere, as well as the foreseeable social and political costs in the event that a challenge to the other's jurisdiction were unsuccessful, all play a role. In this way, as Sierra has pointed out, multiple "interrelations, confrontations and mutually constitutive processes" occur (1995: 229).

In the truck accident, the autonomous municipality was given considerable leverage to rule, possibly because the people involved were all supporters of Zapatismo and probably also because the case was an accident. It is unlikely that a case of manslaughter or murder would have been transferred to the autonomous municipality with the same ease. In contrast to the case of the accident, where the autonomous municipality successfully claimed jurisdiction, in other matters it opts to refrain from intervening. I came across a case involving one of the Chibtikeros who had been imprisoned without trial after having been caught while he was – whether knowingly or not – transporting illegal immigrants (*indocumentados*) from Guatemala. When I asked the authorities of 17 de Noviembre whether they would intervene in this case, they reacted:

"No! It is none of our business, it is a private matter. There is a rule: no transporting of illegal immigrants. This guy did not respect that rule, now he has to face the consequences. Others are involved with drugs. That is not allowed either. If they run into trouble, we don't defend them."

A possible reason for remaining aloof of cases involving drugs and illegal immigrants may be that they involve too many risks. Such cases involve direct confrontation with state authorities who could easily take advantage of the opportunity to repress or damage the autonomous municipality (the war on drugs has been one of the favourite reasons for military incursions in the Cañadas region). Autonomous jurisdiction thus involves a continuous shifting of positions in relation to government authorities.

The truck accident also shows the permeability of the administration of justice to norms, criteria and procedures used in the official system (see also Sierra 1995). As mentioned, the amount of compensation agreed on was related to previous cases involving policemen. The latter cases are unlikely to have involved a legal procedure, but rather a private settlement, yet this served as a reference for 'how the government settles things'. Legal anthropologists have also pointed to the use people make of the plurality of legal systems when they try to defend their cases, a phenomenon referred to as forum shopping. In the settlement of the truck accident, the threat of involving the Altamirano authorities was used in the process by the parents of the deceased and the possible advantages and risks of this were at the back of the minds of all of those involved when reaching a settlement. In addition, a wide range of other new norms are penetrating people's frames of reference. Both EZLN guidelines (remember the revolutionary laws) and norms voiced by NGO's play a role: human rights, women's rights, but also considerations regarding the sustainable use of resources (especially forests) are becoming part of local notions.

Summarising my findings, in early 2000, 17 de Noviembre was operating as a structure of governance in its own right, with its own jurisdiction, alongside the official jurisdiction of the municipality of Altamirano with which it interacted in complex ways. The autonomous municipality's capacity to rule draws on earlier practices in which control over people and resources was organised beyond state structures, in communities and supra-communal forms of organisation. An important difference with the recent past, however, is that this governing capacity is now not only asserted in practice but claimed as a right to be respected by higher level authorities on the basis of legal notions and agreements. The present autonomy project builds on 'autonomous practices' at the communal level – to use a term employed by Mattiace (1998) – but goes beyond these to constitute a 'parallel government' (Burguete pers. com.).

## Discussion: Autonomy as a challenge

### *The government of neglect*

"The government does not care about us, he [!] cares more about his cattle than about us". These words were uttered rather casually and with a combination of bitterness and resignation by a man from one of the communities neighbouring Chibtik during a conversation we had concerning their involvement in 17 de Noviembre. I was struck by these words, not only because of the anachronism they

seemed to contain, but also because they pointed to one of the central tensions in the Zapatista autonomy project. Replace the word 'government' (he spoke Tojolabal but used the Spanish *gobierno*), with that of landowner or patrón (*ajwalal* in Tojolabal) and we have a phrase commonly used to refer to the times of the finca in the region. Like the patrón, the government today is associated with oppression, neglect, abandonment – and it is in this sense that I could agree with Benjamin's phrase that in Chiapas 'the government and the *finqueros* are the same thing' (1995). A clearer statement of the lack of legitimacy and effectiveness of state structures is difficult to imagine. However, the words of this man also contained a moral claim: like the *patrones* before it, the government has a moral obligation to 'care for his men', an obligation that it is obviously not fulfilling but that nonetheless may be appealed to.

The Zapatista project of autonomy can be summarised as 'standing up to the state'. To my mind, this should be understood as a *challenge* to the state, rather than an outright *rejection* of it. The discourse of the 'autonomous' Tojolabales comprises different elements: it contains assertions of its own ability to govern, accusations of government abuses and neglect, but also demands that the state fulfil its promises and respond to people's needs. Rather than an outright rejection of the Mexican state, Zapatista autonomy embodies a call for reform. It reflects the lack of legitimacy of the present government, without however dismissing the idea of government in itself. There is a tension between the simultaneous assertion of autonomy and the demands placed on the state, but this should not simply be dismissed as an inconsistency of the Zapatista project. In fact, such tensions are widespread in attempts to achieve the recognition of indigenous rights in Latin America, where the struggle for fuller participation by indigenous peoples in the state structures, goes hand in hand with the demand for greater respect for and recognition of autonomous political and juridical systems (Assies, van der Haar & Hoekema 1999). It seems useful to understand autonomy projects in terms of a 're-negotiated nationalism' (Stephen 1997, also Mattiace 1998) in which notions of what the state should be, how it should operate, what it should provide, and how it should relate to local or regional forms of governance, are being articulated, confronted and re-worked. This is largely uncharted territory.

The very figure chosen for Zapatista autonomy, that of the municipality, is obviously grafted on the state model for government. What gives the autonomous municipalities strength and coherence is, as I have suggested, the fact that it builds on earlier governing practices. However, it obviously refers to the state model in many ways. As mentioned, 17 de Noviembre reflects all the functions associated with municipal government. Their own performance was being compared with that of the official municipality of Altamirano. Furthermore, the symbols of power associated with municipal government were adopted, such as the portrait of Marcos in the main office. Taking the existing municipality as such an explicit reference seems to me to testify on the one hand to the scope of the ambitions of the Zapatista projects, while at the same time showing how much the imagery of power is grafted onto experiences with state administration. The municipal presidency is associated with power – such as the power to command a police force, to confine people, or to permit or obstruct road construction. Apparently, power, authority and governance are imagined by drawing at least partly on state symbols, which are subsequently both appropriated and re-signified.

### *The ethnic dimension*

Since 1994, claims to governance have been framed as an ethnic issue and are referred to as 'indigenous autonomy'. The ethnic dimension should not, however, be understood in narrow cultural or identity terms. For the Tojolabal, understandings of identity or ethnicity centre as much on language, music or dress as they do on the experience of discrimination, political exclusion and government abuse. I agree in this respect with Mattiace who argues that "ethnic identity is not constituted apart from politics, but is constitutive of them" (1998: 157). In the earlier experiences with the Tojolabal Government and the struggle for control of the municipality of Las Margaritas, an ethnic project (of Tojolabal reconstruction) was coupled with other struggles involving access to resources and services. As has also been pointed out by Mattiace (1998: Ch. 5), what outsiders would readily classify as either 'Indian' or 'peasant' demands were closely associated in practice. The struggle to set up bilingual schools in Tojolabal communities during the late 1980s had everything to do with the political project of the first generations of Tojolabal teachers, considerations regarding the use of Tojolabal in primary education being of lesser importance.<sup>17</sup>

This ethnic project implied a search for 'traditional' elements. Lacking a system of positions of authority such as that present in the Central Highlands and having adopted so much of the *ejido* model, a distinct effort was made to re-construct what were understood to be more traditional forms of leadership (healers and elders) and to de-emphasise the *ejido* appearance of communities in the region. Mattiace cites Araceli Burguete, one of the advisors at the time (later one of the leaders of the FIPI, not a Tojolabal herself) as saying that:

"The *ejido* has been a divisive experience. [...] We felt that we had to divide the *ejido* borders and return to the idea of a Tojolabal territory. [...] Their identity was based on the *ejido*, and we did not want to reinforce that *ejido* identity. For us, *ejido* identity constituted an obstacle to conceptualising a Tojolabal identity." (in Mattiace 1998: 184).

The calls for ethnic re-construction, however, were heard within a general insistence on access to land, credits and services.

Whereas several of the leading figures in the FIPI conceived of the Tojolabal focus on the community as an obstacle to the project of regional autonomy, local CIOAC leaders continued to stress the centrality of autonomous practices at the local level, saying, for example that "People are autonomous, but in their own way, from their own community, as they see it" (Mattiace 1998: 189). Notwithstanding the efforts of political advisors, in the Tojolabal region loyalties and governing powers, and in connection with the latter, identities, have remained strongly centred on the community. One implication is that the Zapatista project of autonomy also needs to incorporate the legitimacy of the community as a structure of governance.

### *Open questions*

I was positively impressed by the vitality of 17 de Noviembre and the extent to which its governance structures had developed by early 2000. My interest in the experience had been aroused by the enthusiasm with which several people I esteemed highly in Chibtik had talked about it, and my expectations were confirmed rather than disappointed during my short visit to Morelia. It seemed to me that 17 de Noviembre enjoyed a considerable degree of legitimacy and had achieved a degree

of effectiveness in terms of governance that the official municipal governments never even approached (if they had aspired to it at all). My initial impression therefore was that the autonomous municipalities meet the need for a legitimate and effective supra-communal government. In a workshop at which I presented a paper on 17 de Noviembre, I ventured to suggest that the autonomous municipalities might be a way in which the indigenous population of Chiapas seeks to exercise citizenship, keeping a de-legitimised state structure at a distance, appropriating and re-working municipal government, and shaping it in accordance with its own needs.<sup>18</sup>

I was then cautioned by some of the other workshop participants that my evaluation of the autonomous municipalities might be overly optimistic. I was corrected especially on two points: first, the autonomous municipalities are also an imposition from the military command of the EZLN and second, they create a great deal of tension in practice. Referring to their own knowledge of the Cañadas region, these participants questioned the legitimacy of the autonomous municipalities that I had praised. They mentioned that people were forced to make heavy contributions to maintain the military structure of the EZLN (something that I had not come across in 17 de Noviembre) and felt caught between two armies, trying to please both, yet not knowing who would eventually win. They described experiences of people registering with the civil registries of both the Zapatistas and the official one. These remarks made me rethink some of my initial conclusions. In fact, the legitimacy and effectiveness of the autonomous municipalities should be treated rather as hypotheses for further research into the actual workings of governance under the banner of Zapatismo. Questions to be asked include whether and if so, why people feel committed to the autonomous municipalities vis-à-vis other options and strategies, what tensions the structure involves, what benefits people feel it has to offer. My account of 17 de Noviembre then should be understood as presenting elements for an agenda of research into the development and articulation of governance structures in Chiapas, rather than a conclusive statement.

During my stays in Chibtik I could certainly sense some of the tensions inherent in 17 de Noviembre. As discussed in the previous chapter, the Chibtikeros dealt with the EZLN regulations regarding collective agriculture in more or less the same way they used to deal with laws from the state: as a frame of reference, which could be adapted, refined, neutralised and partly resisted. Some of the regulations were more difficult to avoid and strongly resented, such as the expulsion of government-paid primary school teachers. In one of the communities adjacent to Chibtik, I was told the system of *educadores* trained by the autonomous municipality did not work well and that people were very worried that their children were not receiving any education. Apparently, the *educadores* were not spending much time on the school. They had families of their own and complained that it was impossible for them to attend both the school and their own fields. The community had devised an arrangement whereby they would work with the children for three days and have the rest of the week to tend their own fields, but even this had only worked for a few weeks. The anti-government discourse thus conceals some of the difficult choices people face and the costs involved in rejecting government assistance.

Though Zapatismo operates through a 'federate' structure of *asambleas* at various levels, elected representatives, and feedback mechanisms, this was sometimes overruled by military dynamics whereby the 'top' dictates orders to the base. There were

further tensions related to power differentials within the autonomous municipality. The Tojolabal often claimed that the Tzeltal got more privileges. The Tzeltal, who in general were more militant than the Tojolabal and at times overruled them, labelled the Tojolabal as 'backward' (*atrasado*). The distribution of projects and resources by the autonomous municipality among the various localities also seemed to create friction. Chibtik being one of the favourites this was not felt as much as it was in some other communities.

Despite all these tensions and weaknesses, my impression is that the autonomous municipality compared favourably in many respects with the official municipal government structure. It opened up a new arena in which people, confronting relative equals – in terms of culture and economic possibilities – rather than bureaucrats, had more leeway for contesting the rules of the game. At the risk of over-simplifying I would venture to say that the autonomous municipality is more of an 'inside' arena in which people feel less powerless than they do 'outside' in the official municipality.



## Notes

- 1 The Accords build on the ILO Convention 169 on indigenous peoples.
- 2 With the participation of the ARIC-independiente and the ORCAO, the regional coffee growers' association.
- 3 The installation of the council was related to the political tensions in the conflict zone that made it impossible to hold elections.
- 4 Ironically, this particularly weakened the PRD, allowing the PRI to win back municipal presidencies in a number of municipalities, including Altamirano.
- 5 Installed September 26, 1997, according to Burguete 1998b.
- 6 The National Democratic Convention, a crucial encounter between the Zapatistas and Mexican 'civil society' was held here in the summer of 1994.
- 7 Echoing the opening phrases of the Fourth Declaration of the Lacandona Rainforest, January 1 1996 (see Womack 1999).
- 8 The highest level is apparently called *parlamento*.
- 9 For an English translation of this law see Womack 1999: 255.
- 10 As in the election of another of the central Tojolabal leaders, Margarito Ruiz, as federal deputy for the PMS (later PRD).
- 11 The truck had previously belonged jointly to several communities that had used it during the New Year's Eve uprising in 1994. It had been seized by the army but was later released thanks to the efforts of the Chibtikeros, who then assumed exclusive control of it.
- 12 Possibly the women's reluctance to accept the rule was also related to the fact that when Yalchibtik had been a private property the women used to fetch firewood there, so they do not consider it fair for the Zapatista faction to monopolise that now.
- 13 The new municipalities were created in the territories of Chenalhó, Ocosingo, Las Margaritas, Angel Albino Corzo, Simojovel and San Andrés Larrainzar.
- 14 It was then agreed that he be sent to UCIRI's – one of the major coffee growing organisations' training centre in Oaxaca.
- 15 An SSS, Sociedad de Solidaridad Social
- 16 A small wooden structure. It should be noted that most communities in the region have their own prison or room for confining people.
- 17 I sensed this when carrying out my study on bilingual teachers but failed to grasp all the aspects of the problem (Van der Haar 1993).
- 18 The paper entitled 'Del ejido al municipio autónomo: la construcción de espacios autónomos en una región indígena de Chiapas', was presented at the *workshop Conflicto y reconstrucción social en Chiapas y Guatemala*, Toulouse, May 28-30 2000.









## Chapter eight

# Fields of contention: land reform between endowment and appropriation

In the previous chapters, I reviewed several aspects of land reform in the Tojolabal Highlands. I discussed the geography and politics of land redistribution (Chapters Two and Three), the establishment and development of land tenure arrangements in the communities of land reform beneficiaries (Chapters Four and Five), and land invasions as a part of the Zapatista political project (Chapters Six and Seven). In this final chapter, I will address the social and political consequences of land reform in Mexico in more general terms, pointing to new avenues for understanding these. In the light of my research on the Tojolabal Highlands, I find the understanding of land reform as an instrument of political control, as it is commonly depicted in Mexican literature, rather unsatisfactory. Land reform has set in motion highly complex social and political processes that cannot be summarised under the heading of 'domination'. I propose instead to approach land reform as part of processes of state formation. This is followed by a discussion of some of my findings in this light. I conclude with brief critical reflections on understandings of community, ethnicity and current directions in land policy.

### Three observations and a paradox

In reviewing the findings on the Tojolabal Highlands, one of the first observations is that land reform has been so successful that practically the whole region has been 'ejidalised'. In terms of land tenure, *ejidos* and the related tenure regime of *bienes comunales* have come to dominate most of the region. Furthermore, the *ejido* is the basic form of socio-political organisation. Both land tenure and local governance possess all the required attributes of *ejidos* and I would venture to say that the *ejidos* in the Tojolabal Highlands are as much *ejidos* as you might find anywhere in Mexico. A second observation is that land reform played an important role in the creation of the communities found in the region today. As we saw, land reform grouped people together around resources that they were required to petition for and administer as a collectivity and supplied them with the institutional model for doing so. In the process, the communities of land reform beneficiaries not only assumed the external features of the state's institutional construct, the *ejido*, but also developed into an effective structure of governance at the local level. As I have pointed out, communities assert their power to govern not only in land tenure matters, but also far

beyond these. This was at least partly an outcome of the collectivist design of the *ejido* and of the lack of other recognised structures of local government, an issue that I will also return to below. Third, and finally, a certain tension may be observed between community governance and the exercise of control by state agencies. *De facto* community control enters several spheres formally defined as the competence of state structures, especially the land reform bureaucracy but also state-level and municipal governments. Communities of land reform beneficiaries contest the state's capacity to govern not only insofar as the regulation of property rights is concerned, but also in the fields of the administration of justice and local development.

Taken as a whole, these observations reflect a certain paradox. Land reform beneficiaries have both adopted much of the *ejido* model and sustained multiple challenges to state control. Through land reform, the Mexican state created the communities in the Tojolabal Highlands very much in its own image, yet at the same time it seems to have created the basis for resistance to state interference. The paradox is especially acute if we consider the *ejido* as an instrument of political control. Such a view – part of what Rubin (1990) has called the 'corporate myth' – cannot explain how land reform could at the same time have so obviously 'succeeded', in creating *ejidos*, yet 'failed' so dismally in terms of controlling the peasant population. To solve the paradox, it is necessary to abandon state-centred perspectives of land reform and include in the analysis the numerous contentions that state engagement in land tenure has involved in both the past and the present. In other words, land reform has to be understood from a perspective that encompasses both conditioned endowment 'from above' and processes of appropriation 'from below'. In this chapter I attempt to develop such a perspective, drawing especially on recent work on state formation processes in Mexico but also encompassing notions from institutional analysis and legal anthropology. I begin by outlining the state-centred vision of the *ejido*.

## *Ejidos and the state*

### *Avenues of state control*

In much of the literature on Mexico, land reform is depicted as an instrument of control for keeping the peasant population in check. Gledhill expresses this succinctly when he states: "To be a *campesino* is to be politically dominated" (1991: 26). As mentioned in Chapter Two, the *ejido* has generally been thought to be one of the cornerstones of the corporate state in Mexico. Lázaro Cárdenas, the godfather of redistributive land reform in Mexico, was also one of the principal architects of the modern state, embarking upon a project of nation-building that has been known as *forjando patria* (forging a nation). Land reform and the creation of *ejidos* in rural regions were crucial elements in this project. They would serve as the means for achieving pacification, increased legitimacy and the institutional presence of the state in rural areas as well as the development of the national economy. Since the 1960s, scholars have consistently argued that this integration of Mexico's rural populations also implied their subordination.<sup>1</sup> In this view, inspired by ideas from dependency theory, cultural ecology and Marxism, land reform was an instrument

of political control employed to curtail rural unrest and facilitate the development of capitalism.<sup>2</sup> Land reform is viewed as either instrumental to structural exploitation and subordination of the peasantry (Gutelman 1974) or as being unable to counter their unfavourable position within the economic system as a whole (Grindle 1986). Much of the debate on the peasantry relates to the fields of agricultural production and commercialisation, and explores the unfavourable impact of price structures, credit facilities and technological developments on the reform sector. I will not pursue this issue further here, since it falls largely outside the scope of this book. Instead, I will restrict myself to two parallel avenues of state control distinguished in literature, that could be called the 'political-bureaucratic' or 'corporate' and the 'bureaucratic-institutional'. The first highlights the corporate organisational structure of the reform sector while the second underlines the ability of the land reform bureaucracy to control land tenure and the internal organisation of *ejidos*.

The corporate route to control addresses the incorporation of land reform beneficiaries into a single peasant organisation, the CNC (*Confederación Nacional Campesina*), created by Cárdenas in 1938 and closely connected to the governing party (PNR first, later PRI) ever since. The CNC is generally understood to defend state interests and it has been argued that it guaranteed 'peasant quiescence' although national policies were detrimental to the interests of the reform sector. Warman, for example, identifies "political control" as the most important function of the CNC, meant to ensure that peasants "keep quiet, don't make a noise, don't organise and don't exert pressure" (1982 [1972]: 106). Grindle puts forward a similar argument, stating that "the inclusive organization of the CNC and the dependence of *ejidatarios* on the state became the primary means for co-opting and controlling political demand-making and protest in the countryside" (1986: 177). Moreover, for decades, corporate control over the peasantry guaranteed the PRI electoral victories.

The dependence of land reform beneficiaries on the CNC and the state bureaucracy creates ample scope for their manipulation and subordination. As Warman (1972, 1976) has eloquently stated, peasants may be enticed by promises, trapped in endless procedures, and become victims of extortion and 'divide-and-rule' policies. Likewise, Grindle stresses the power of the land reform bureaucracy 'to disaggregate, co-opt, diffuse or relocate potentially threatening peasant protest' (1986: 175). Although these manipulative tactics are generally seen as part of the corporate strategy to keep the peasantry in check, they may also indicate the limited success of incorporation. That is, such constant recourse to manipulation and divide-and-rule tactics seems to reflect an awareness of the frailty of peasant compliance and a fear of possibly explosive protest rather than confidence in a stable and secure political incorporation of the peasantry.

The other route to state control, that I have called bureaucratic-institutional, is contained in the design of the *ejido* itself. The *ejido* land tenure regime provides several entry points for the exercise of control from the land reform bureaucracy that – as argued for example by Ibarra (1989) – allow for keeping unruly elements in check. Such important issues as the allocation/withdrawal of land rights within the *ejido* and the accreditation of *ejido* authorities (*comisariado ejidal* and *comité de vigilancia*) ultimately depend on approval by the land reform bureaucracy (Ibarra 1989: 318-9), giving the latter considerable scope to exercise pressure on 'deviant' groups or co-opt 'loyal' groups. Similarly, restrictions on the alienation of *ejido* land (espe-



cially the prohibition on selling) provide state agencies with opportunities for control and supervision that may be used to promote their political agendas.

### *The need to problematise state control*

How effective state control over land reform beneficiaries may be is clear, for example, from the studies by Ronfeldt for Atencingo in Puebla (1975) and Rus for San Juan Chamula in Chiapas (1994). Rus shows how the co-optation of indigenous leaders since the Cardenista period turned Chamula into a bastion of support for the PRM (later PRI), ensuring – amongst other things – a steady flow of seasonal labour to coastal coffee plantations. Rus's study does not centre on the land reform process per se but on the political networks forged around Cardenista policies, engineered especially by a man called Erasto Urbina. Urbina incorporated agricultural workers into a structure similar to that of the CNC for *ejidatarios* (the *Sindicato de Trabajadores Indígenas*, see also Wasserstrom 1983) and controlled most of the land redistribution process in the Central Highlands, giving – as Collier (1987) argues – the PRM/PRI a strong hold on municipal politics. Ronfeldt's study shows how national and state governments maintained a tight grip on the vast, sugarcane producing *ejido* Atencingo, forcing the *ejidatarios* to accept a large collective *ejido* when they would have preferred smaller separate ones for the different settlements involved, and committing them to the exclusive cultivation of sugarcane, despite their wish to broaden productive options and include maize cultivation. These cases are good examples of how state agencies may exercise control through incorporation and by using the legal possibilities for surveillance of the *ejido*.

However, my findings for the Tojolabal Highlands suggest that we should not equate land redistribution and the creation of *ejidos* too readily with subordination and state control. I am not denying that under given circumstances state agencies may skilfully employ combinations of co-optation and repression to impose certain projects or pre-empt resistance. Indeed, I believe that manipulations of the land reform bureaucracy as underlined by Warman and others were pervasive. But we should be careful not to take them as a successful strategy of domination of a monolithic state with clear objectives. Apart from the fact that such a perspective exaggerates the coherence and purposefulness of the state apparatus, it ignores the fact that the Mexican state was very often only partially successful in keeping land reform beneficiaries in check. Furthermore, a number of questions remain regarding the workings of such control.

In the first place, one may doubt the strength of the 'corporate grip'. As regards the Tojolabal Highlands, as of the late 1970s, land reform beneficiaries organised in structures that developed largely outside state channels and that the government was unable to co-opt (Harvey 1990; also Chapter Three of this book). The overt, well-articulated resistance to state control inspired by Zapatismo in recent years is based on these earlier experiences. If there has been any corporate control of the region, we may therefore conclude that it has certainly failed to deliver ever since the 1970s. One interpretation of these events is that the rise of opposition movements reflects a breakdown of the corporate system. However, it is also possible that in regions like the Tojolabal Highlands, such corporate control never existed in the first place. The latter interpretation is supported by a growing body of literature which argues that the corporate state may be a myth rather than an adequate description of Mexican

political realities between 1930 and 1970 (Knight 1990, 1994; Rubin 1990, 1997). Knight argues that "the PRI never exercised the kind of unblemished hegemony sometimes suggested" (1990: 95). Certain regions or realms fell outside corporate control. In Rubin's words: "Although there has been a centralized state, an official party, and powerful mass organizations affiliated with the PRI and the regime since the Cárdenas period, these institutions and organisations were established only partially and unevenly." (1990: 249). The hegemony of the PRI (or the corporate system) must be described in terms of its imperfections, limitations, and lacunae and of fragmentation, vulnerability and contestation (cf. Knight 1994: 51, 53). The Tojolabal Highlands seem to have been one of the 'holes in the cheese', to quote Rubin again.

It must be admitted, however, that the precise nature of the workings of political organisation in the region between 1940 and 1970 is hard to assess. Most contemporary observers only began reporting on the region in the 1970s and other sources are not readily available.<sup>3</sup> We also know that the votes for the PRI were guaranteed and that would-be land reform beneficiaries relied to some extent on the services of the CNC. But their 'incorporation' seems to have been little more than that. My impression is that, contrary to what Rus found for the Chamula region, the Tojolabal region was rather loosely tied to structures such as the CNC. Compared to the Central Highlands, state institutional presence in the Tojolabal Highlands was extremely limited. This helped the CNC and the PRI remain rather distant actors with no apparent direct relevance to the life of the population. This only changed in the increasingly politicised environment of the late 1970s and early 1980s, when both sought to increase their presence by means of the INI regional centre and the Tojolabal Supreme Council in Las Margaritas. But the INI and the Supreme Council were highly controversial from the start. They antagonised the groups that had just begun to organise politically in the Tojolabal Highlands, distancing them from the PRI and CNC. It should also be noted that although organisations in this region assumed the form of *ejido* unions, they maintained a high degree of independence from the state (Harvey 1998, Legorreta 1998).

As discussed in Chapter Three, all the elements of the machinery of manipulation were identified for the Tojolabal Highlands: corruption, endless procedures, dubious involvement of the land reform bureaucracy in conflicts, as well as outright violent repression. However, rather than achieving greater state control, these actions seem to have done quite the opposite, contributing to a de-legitimisation of the state apparatus and fuelling independent organisations that were highly critical of the state. A further question is whether manipulative actions of land reform officials (or other brokers) were indeed *aimed* at achieving state control. As suggested, they may have responded less to a corporate master plan than to possibilities for private gain (see the section on 'the cultivation of ambiguity'). Without denying the possible political use given to land conflicts, the dynamics seem marked more by ad hoc responses to explosive situations, half-informed guesses and miscalculations on both sides, with unpredictable outcomes for any of the parties involved.

State control through the corporate route has therefore been difficult to achieve in the Tojolabal Highlands. The same holds for the bureaucratic-institutional route, which involves interference by the state apparatus in the internal organisation of the *ejido*. In this region, in all the fields providing entry points for state control – the allo-

cation/withdrawal of rights, the accreditation of ejido authorities, and the organisation of production – the land reform bureaucracy played a far more circumscribed role than the formal design of the *ejido* property regime would suggest. In all of these fields, governing such vital concerns as access to land, management of the commons and leadership, primacy of control rested with the communities. The land reform apparatus confirmed rather than determined local decisions. (Its role was more crucial in the field of conflicts and boundary disputes, which I will discuss in more detail below).

My dissatisfaction with the understanding of land reform primarily as an instrument of control is not only related to the limited explanatory power it holds for situations like those I encountered in the Tojolabal Highlands. It also springs from the lack of attention to the question of *when* and *how* such control might be established, what it entails and how it works in practice. In fact, there have been few attempts to bring out the complex and sometimes contradictory ways in which such control is established or how processes of contestation take place within the corporate realm. In this regard, Ronfeldt's and Rus's studies of Atencingo and Chamula are notable exceptions showing that even where the state did establish a tight hold on local dynamics, control is not 'simply there' but needs to be enforced, legitimised and conquered in manifold ways. Domination is not an abstract quality of a political system but requires a considerable, continuous effort. It requires a sustained political investment that is only worthwhile if the economic or political stakes are high enough. In the cases mentioned, they were: Atencingo produced significant revenues, Chamula was an important source of indigenous labour and provided a much-needed means of enforcing federal control in Chiapas. Moreover, the cases of Chamula and Atencingo suggest that control depends on skilled politicians with both a sufficient insight into local dynamics and good connections at the higher levels. Furthermore, the physical presence of individuals connected to a not too distant state institution – like Urbina's scribes and later the INI-*promotores* in Chamula – seems crucial. In other contexts, the land reform bureaucracy or state government may have neither the interest nor the capacity to control local dynamics.

Regarding the institutional route to control, a number of questions remain. It has been correctly pointed out that the *ejido* regime of land tenure has the possibility of control by the land reform bureaucracy built into it, so to speak. But one more often encounters general statements of the *possibility* of control than studies embarking on the detailed analysis of the actual processes of interference by state agencies in concrete *ejidos*, charting how and to what extent the institutional route to control is covered in practice. Rather than assuming that such control takes place, the questions that need to be addressed are under what circumstances and in what ways the land reform bureaucracy seeks to assert its control and with what results. It should be pointed out that the *ejido* regime gives collectivities of land reform beneficiaries a significant role in the overall management and organisation of their *ejidos*. The role of the land reform bureaucracy in this field is reactive and corrective rather than pro-active. Thus, depending on the degree of control the land reform bureaucracy actually seeks to establish, in practice *ejidatarios* might achieve a considerable degree of autonomy over internal affairs, as they did in the Tojolabal Highlands.

As an instrument of state control, land reform in the Tojolabal Highlands hardly seems to have been successful. However, this does not mean that it did not have

important social and political consequences. The Mexican state has made itself felt in the communities of land reform beneficiaries in numerous contradictory ways. To address these issues we need a perspective that recognises the important role of the state without, however, being overly state-centred, that is, attributing agency principally to the state. Recent approaches to state formation processes afford such a perspective.

## Land reform and state formation

### *The state formation perspective*

To understand the consequences of the land redistribution process on communities of land reform beneficiaries in the Tojolabal Highlands, we need to look beyond the direct exercise of control and examine the multiple ways in which the Mexican state reached into the region. I found the perspective on processes of state formation – as proposed, among others, by Joseph and Nugent and the other contributors to their groundbreaking volume *Everyday Forms of State Formation* (Joseph & Nugent 1994) – extremely inspiring in this respect.<sup>4</sup> From the state formation perspective, rule and domination are understood as ongoing processes of legitimation and contestation.<sup>5</sup> Purnell for example, writing on state formation in Michoacán, speaks of “a historically contingent process in which different actors, elite and popular, struggled to define the normative and institutional parameters of the state.” (1999: 11). Mallon understands state formation as hegemonic processes, “nested, continuous processes through which power and meaning are contested, legitimated, and redefined at all levels of society” (Mallon 1995: 6). The difference with a concept such as ‘nation building’ is that whereas the latter refers to the project of certain elites, ‘state formation’ points to complex and historically contingent processes of political change. Although nation building may have as its goal the establishment of state control over peripheral regions, the state formation perspective elicits the multiple contentions and re-negotiations this involves.

The shift in perspective has consequences on the way we understand land reform. Rather than as an instrument of control (the effectiveness of which can hardly be doubted), land reform can now be understood as part of attempts by the state to assert its power over local dynamics and redefine relations of property and authority, with uneven and contradictory results. I therefore propose to discuss land reform and the *ejido* in terms of *contention*. What Purnell concluded for Michoacán holds equally for the Tojolabal highlands: “Agrarian reform, then, was neither a cynical and manipulative top-down imposition nor a peasant utopia. Rather, it was an arena of contestation in which different actors advanced competing and often contradictory understandings of the origins and nature of property rights and of who could ultimately define and distribute them.” (1999: 12).

The success with which state control could be effectively established was highly variable, depending on local conditions. Nugent and Alonso found that the people of Namiquipa in northern Mexico rejected the *ejido* regime of land tenure because it “was experienced as an imposition from without, as a form of state domination.” (1994: 235). This has to be understood against the background of previous struggles over land and the meanings both land and state intervention had acquired in the

process. For Michoacán in the 1920s, Purnell found different reactions to land reform. Some communities reacted much like the Namiquipans. In their eyes, the *ejido* represented an 'illegitimate and undesirable level of state intervention in communal affairs' (1999: 12). Others, however, embraced the possibilities land reform offered in terms of obtaining both land and freedom from landowners (1999: 7 & Ch. 3). In the Tojolabal region, accommodation and acceptance predominated. Although not all *mozos* were equally enthusiastic about the possibility of *ejido* endowments initially, opposition such as that reported for Namiquipa was absent and the *ejido* soon gained ground.

The different responses to the *ejido* were closely related to different regional histories. In both Namiquipa and Michoacán, rejection of the *ejido* was part of the defence of communal autonomy against an encroaching state. Amongst the *mozos* of the Tojolabal highlands, such a defensive culture of community was not as highly developed. The *ejido* did not have the same connotations of illegitimate domination nor was it contrasted with restitution – the legal recognition of lands the communities already possessed. In Namiquipa and a number of communities in Michoacán, land reform was seen as more threatening than in the Tojolabal Highlands. State interference was both more insistent and potentially more disruptive. As Purnell writes, land reform and the creation of *ejidos* would imply "a significant increase in the state's role in rural communities, in regulating and distributing property rights, and in establishing the organisational forms and legal procedures through which newly created agrarian reform communities would relate to the state" (1999: Ch. 3). This entailed specific threats to communities – or rather specific groups within communities.

Land reform implied a 'conditioned endowment' through which the state sought to restructure land tenure and the organisation of authority and decision-making. It involved the re-framing of property rights, labelling people in terms of their 'agrarian condition', and prescribing new institutional forms through which access to land and political representation were to be organised. It did not rely solely or primarily on coercion and oppression but involved multi-faceted and everyday processes, extending "into the social and cultural arrangements of daily life" (Wolf 1999: 44). Through land reform, the state conditions and confines, registers and measures, represents and misrepresents, coerces as well as seduces, encourages and antagonises. It is important to stress that these processes have a symbolic as well as a material dimension. State formation processes operate "not only in terms of words and signs but also necessarily involve[s] a *material* social process; that is, concrete social relations and the establishment of routines, rituals, and institutions that 'work in us'." (Joseph & Nugent 1994: 20; also Roseberry 1994). They not only act upon people's identities and discursive repertoires, but also entail struggles over the organisation of time and space (Sayer 1994), the allocation and distribution of resources, the provision of services and the organisation of local governance.

This material, or as I prefer to call it, institutional side of state formation is of great relevance to our present discussion. That is, the analysis of land reform needs to address how state institutional models permeate local land tenure arrangements and how dealings with the land reform bureaucracy shape organising processes. For a long time in the Tojolabal Highlands, for all practical purposes the presence of the state was limited to its engagement in land reform. In such contexts, land tenure

becomes one of the principal domains in which state formation takes shape and provides an important window onto it. As part of state formation processes, land reform not only involves, creates and shapes struggles *over* land tenure, but land tenure itself is the battleground. As Purnell expressed it, much of the contention involved in state formation processes takes precisely the form of struggles "to define the normative and institutional contours" of the state (1999: 7). I see this focus on the institutional dimension of state formation processes as complementary to the cultural or symbolic dimension. Where Knight speaks of 'cultural engineering' (1994: 59), we might add 'institutional engineering'. It seems useful to relate state formation not only to discourses on nationhood and citizenship (one of the dimensions Mallon has developed, 1995) but also to understandings of property, the organisation of authority, and the acceptance and legitimacy of the institutional models proposed by the state. To further develop this particular perspective on state formation processes, a brief excursion into institutional and legal anthropological analysis seems useful.

#### *Developing a perspective on institutions and governance*

From the vantagepoint of land tenure, communities in the Tojolabal Highlands appear as governance structures. I first argued this in Chapter Three of this book and in subsequent chapters showed what this 'governing' comprised and how it was asserted vis-à-vis state structures, most notably the land reform bureaucracy, but also state and municipal governments. I also stressed governance as *practice*, rather than restricting myself to legal definitions of governing capacity. That is, I focussed on the ways in which this governing capacity is organised and exercised in practice, both vis-à-vis its own constituency and in relation to the outside. In doing so, I am building on the framework for analysing the workings of the governance of shared resources developed by Ostrom (1990). Ostrom defines institutions as "sets of working rules" that govern the management and distribution of resources, provision of collective goods, decision-making procedures and authority (Ostrom 1990: 51). Her framework provides a useful starting point for analysing the design, enforcement and re-negotiation of institutions. It provides a vocabulary and brings out some of the crucial dilemmas involved in local governance (such as ensuring compliance and limiting free riding).

The relevance to our discussion lies in the fact that Ostrom's framework helps chart the playing field on which state institutional models or property definitions are brought to bear and may meet resistance. The state can make attempts to prescribe rules and shape institutional arrangements at different levels and make claims to control the distribution of entitlements. As we saw, land reform legislation in Mexico has such a prescriptive role and authorises the state to supervise the allocation of rights within land reform communities. Ostrom underlines the importance of so-called "external policy regimes" which may be facilitative or repressive of self-organisation and points to the problems that may arise when states fail to recognise institutional regimes developed at the local level (Ostrom 1990: 190). However, her perspective is limited as far as understanding the processes of contention that state intervention may entail. Ostrom departs from the effectively operating 'rules', that is, the rules that are commonly known, monitored, and enforced in a given context (1990: 51). She does not explore the multiplicity of norms or address the ways in

which struggles over the 'rules at work' are played out in practice. This leaves some of the central questions regarding land reform and state formation unanswered, such as how the state attempts to impose its own institutional models and property definitions and with what consequences, when and how resistance occurs and what the consequences of ambiguities or contradictions are between state-imposed and other sets of rules. Insights from legal anthropology are useful for answering such questions.

Legal anthropologists have long recognised the coexistence of multiple normative orders and have challenged the idea that "governments are the primary locus and determinative source of regulation" (Galanter, cited in Spiertz & Wiber 1996).<sup>6</sup> The work of Sally Falk Moore has been central in this regard. She introduced the concept of "semi-autonomous social field", characterised by the fact "that it can generate rules and customs and symbols internally, but that it is also vulnerable to rules and decisions and other forces emanating from the larger world by which it is surrounded" (1978: 55). Although certain conceptual problems have been identified with the notion of semi-autonomous social fields, such as the difficulties involved in demarcating these fields analytically (see F. Benda 1997: 12, also Nuijten 1998: 18-9), I nevertheless find it useful. It underpins my understanding of communities as structures of governance. The notion recognises the ability of communities to create "enforceable and binding rules" (Falk Moore 1978: 17), but also acknowledges that local institutional arrangements and governing practices do not take place independently or irrespective of state regulation. The concept thus opens up avenues for studying the complex interactions between rules and institutions at the community level and state attempts at regulation. This makes it directly relevant to understandings of land reform processes, whereby states enter such semi-autonomous social fields. In fact they do more, since land reform may also reconfigure or even create such fields (see also below on the 'production' of community).

To my mind, the essence of the semi-autonomous social field is located in its rule-making and rule-enforcing capacity, that is, in its assertion as a structure of governance vis-à-vis other governance structures, including the state. It is not so much a separate normative order, as a claim to control and the exercise of a governing and juridical capacity. In the sphere of norms themselves - that is as far as the content of certain rules is concerned, what they stipulate, and the criteria they contain - there is no strict separation or necessary opposition between rules generated at the communal level and state law. We saw for the Tojolabal Highlands that local institutions draw upon traditions and practices from *finca* times as well as on state legislation. With land reform, elements of the *ejido* model permeated local norms and property definitions. Several authors have made a similar point, arguing that local arrangements are at least partly based on official regulations and laws (Sierra 1995; Jansen & Roquas 1998; Jones 1998). Appropriation of state rules may even go so far that they may "at a later stage be opposed, as local law, to new legal reforms of the state" (F. von Benda-Beckmann & K. von Benda-Beckmann 1997: xii).

A certain degree of permeability of local rules and land tenure arrangements to state regulations does not preclude opposition to state control. When communities contest state control, they do this not only or primarily on the basis of the authenticity or originality of their rules - though claims to authenticity do sometimes play a role - but by defending the legitimacy of their governing capacity. It is not the

content of the rules, but the rule-making and rule-enforcing capacity that is at stake. This can also be illustrated with reference to the factional struggle between Catholics and Adventists in Chibtik. Although in that struggle, a community agreement and state legislation were opposed, it should not be reduced to a conflict over *norms*. The crucial issue at stake was a *dispute of control*, about *which* norms were valid and *who* was entitled to decide on the latter. It was a measure of strength between two competing claims to control. Specific norms are employed to support certain claims or de-legitimise others. What use they are put to cannot be explained on the basis of their content alone, but needs to be understood in relation to disputes of control.

In order to address such disputes, I propose to move beyond the study of norms in the strict sense and to centre the analysis on governing practices, which involve decision making procedures, the organisation of authority, the exercise of control, and a positioning vis-à-vis other claims to control. Analysis should not only include conflict resolution – at the centre of much of the work in legal anthropology – but also address the ways in which rights to resources are asserted, regulations enforced, *de facto* juridical competence defined and the capacity to interfere in concrete situations claimed. It should also focus on the mutual challenges and negotiated settlements between different claims to governance. Studying these issues ethnographically is one way of addressing the complex and contradictory processes of state formation in the Mexican countryside.

#### *Ways out of the paradox*

Together, the state formation perspective and the focus on governing practices suggest ways out of the paradox introduced at the beginning of this chapter. The processes of turning land into *ejidos* on the one hand, and resistance to state control, on the other, as I described them for the Tojolabal highlands, constitute a paradox in that what was a creation of state efforts, the *ejido*, turned against the state itself. Paradoxes such as these lie at the very heart of state formation processes. Attempts by states to extend their control generate resistance but at the same time “set[s] out the central terms around which and in terms of which contestation and struggle can occur.” (Joseph & Nugent 1994: 20). It is along these lines that we may understand that the *ejido* as an institutional construct of the state, could apparently be successfully introduced into certain regions, while at the same providing the ‘central terms around which and in which’ state intervention was contested.

Land reform was a ‘conditioned endowment’. However, this conditioned endowment involved complex processes of appropriation on the part of the land reform beneficiaries. As Nugent and Alonso put it:

“the meanings and symbols produced and disseminated by the state are not simply reproduced by subordinated groups. Popular culture is contradictory because it embodies and elaborates dominant symbols and meanings, but also contests, challenges, rejects, revalues, reaccents, and presents alternatives to them” (1994: 211).

Land reform can be understood much in the same way. If we read ‘institutions and norms’ where it says ‘meanings and symbols’ and ‘local governing practices’ where it says ‘popular culture’, the quotation captures that dual quality of land reform in Mexico, of informing and shaping local discursive and institutional repertoires while also providing the terms for resistance.<sup>7</sup>



Land reform confronts populations with state legislation and institutional models. Even when state norms or rules are rejected, this very confrontation is likely to imply a certain penetration of local institutional repertoires. Jones argues in this regard that state law provides "a reference point (to be upheld or avoided), a source of inspiration and a language" (1998: 520). Similarly, I showed for the Tojolabal highlands, that although local discursive and institutional repertoires adopted elements from *ejido* legislation they did not simply reproduce it. Some of the categories and criteria afforded by land redistribution became part of people's frames of reference and organising practices, but they were re-signified (sometimes beyond recognition) in the process. Let us recall, for example, the extension of *ejido* rights according to internally established criteria, or the local re-functionalisation of the *comisariado ejidal* and the *asamblea*. The exercise in institutional engineering in the Tojolabal highlands thus involved the adoption of certain aspects of the *ejido* model. However, these were reworked and imbued with new meanings. Furthermore, as time went by, institutional arrangements developed according to local features and changing needs. Thus, the *ejido* was progressively endogenised and, regardless of the original intentions of the architects of modern Mexico, the Tojolabal made the *ejido* their own.

I analysed the twin processes of conditioned endowment and appropriation by focussing on institutional arrangements and governing practices. This focus allowed me to trace how the notions of land reform legislation had permeated local repertoires and to gain a clearer understanding of the role played by the state apparatus in local governance and land tenure. I propose therefore that such a focus can be relevant to the understanding of state formation processes. I understand land tenure in communities of land reform beneficiaries as constantly changing, constantly renegotiated fields of contention<sup>8</sup> between state control and local claims to autonomy. Below, I will explore what this autonomy amounted to and how multiple contentions were played out in more detail. First, however, I will discuss how the community, as the semi-autonomous social field by which such contention is sustained, is partly a creation of land reform itself.

### The 'production' of community

As has been pointed out by Aitken (1999), processes of state formation 'produce' locality. Meanings and forms of locality are constructed in relation to state engagement while local identities are related to state categories, at the same time as state institutions are locally re-signified. In the Tojolabal Highlands, the land redistribution process has been one of the central spheres of state engagement with the local population in which notions and forms of community have taken shape. By acting upon entitlements, spatial arrangements, and forms of association and organisation, land reform has acted upon the constitution of community itself. Land reform provided some of the central terms around which community life is structured. This re-structuring implied giving communities the institutional appearance of *ejidos*, but it has also turned them into *de facto* local governments. Land reform afforded land reform beneficiaries a material basis, a constituency and a specific jurisdiction and thus gave them a governing capacity. Through its design, execution and interaction with a particular regional context, the land reform process contributed to the forma-

tion of communities as we know them today in the Tojolabal highlands, able to sustain a substantial claim to autonomy.

### *Processes of re-structuring*

For the Tojolabal Highlands, land reform constituted a turning point in history. Admittedly, there were important continuities with the previous situation of finca hegemony, while land reform alone was not responsible for the transformations that took place. Nevertheless, it is no exaggeration to say that land reform shaped the developments in the region in decisive ways and was one of the fields in which state intervention most directly touched people's lives. Land reform not only redefined property relations, but acted on the social and spatial configurations, people's identification, their organising practices, and their loyalties and alliances. Of course, it did so in a situation where certain rights, legitimisation, institutions, and definitions of community already existed, interacting with them in complex and sometimes contradictory ways.

Land redistribution recreated previously existing communities of *mozos* as communities of land reform beneficiaries. Fincas were usually transferred to their own resident labourers, but not without a considerable amount of restructuring. In almost all cases, land redistribution implied a certain re-grouping of former *finca* labourers around the endowments. In some cases only some of the *mozos* ventured to petition for the endowment, in others alliances were formed between groups of *mozos* from different fincas, and occasionally other individuals were included among potential beneficiaries. In some cases, the creation of *ejidos* involved the relocation of the beneficiaries, in others they continued to live in their previous settlements. Land redistribution redefined existing notions of property and redistributed entitlements to land. Most *ejidos* were created at least partly on the basis of the *finca* most of the land reform beneficiaries had previously belonged to, but the match was rarely perfect. Parts of fincas were given or sold to different groups and lands not previously owned by particular fincas were added to endowments.

In the process of land redistribution, rights to land were re-assigned. New entitlements were created and others denied. The process involved experiences of dispossession, firstly among former landowners, but – more importantly for our discussion – also among groups of *mozos* that were not always able to claim the lands they preferred or that they considered 'theirs' for being part of 'their' fincas. In some cases, the establishment of *ejido* boundaries involved lasting conflicts, as certain groups refused to give up lands of which they claimed ownership that were assigned to others. Despite these experiences, by and large the boundaries drawn in the process of land redistribution have become socially endorsed boundaries. Boundary disputes have centred on where the *ejido* boundary should be rather than calling into doubt the legitimacy of the *ejido* as such. There was a certain amount of agreement as to the validity of the boundaries drawn by the land reform bureaucracy. This is a good example of how the land reform process succeeded in 'providing the terms' around which contention was structured (Joseph & Nugent 1994). The formal assignment of land rights by the land reform bureaucracy became part of people's legitimisation.

Through land redistribution, the Mexican state embedded land rights in a codified system, that of the *ejido* regime of land tenure, through which it also provided

a framework for internal organisation and socio-political representation. The game had to be played by the rules set by the state. Claims to land had to be justified on the basis of legally specified criteria and furthered through legally specified channels and procedures. The response of the land reform bureaucracy to such petitions was based on legal norms rather than local circumstances. Such a conditioned endowment has been understood by many authors as part of a process of domination (see introduction to this chapter). They claim that the state forced peasants to accept land on its terms and retained considerable supervision over *ejido* communities after the endowment. My interpretation is different. I understand land reform to have advanced through a mixture of coercion, acceptance and appropriation.

In contrast to what has been reported for some other regions, I have not encountered a strong rejection of the *ejido* amongst the Tojolabal. On the contrary, in Tojolabal discourse, the possibility of acquiring land through backing by the Mexican state in opposition to *hitherto* all-powerful landowners is generally regarded as liberation from oppression and maltreatment. The fact that this possibility was strongly conditioned by the Mexican state is conveniently overlooked (although Tojolabal leaders promoting an Indianist project are a notable exception, see Hernández Cruz 1999). Now this may be a reflection of the very success of the hegemonic project in the case of the Tojolabal region. Much of the initial opposition or disagreement may simply have been forgotten. My own research leaves considerable doubt as to the degree of coercion and resistance involved in the early stages of land reform. The Tojolabal were not 'forced' to accept *ejidos*, but how much choice did they really have? Land redistribution along the lines stipulated by the government was virtually the only way they could obtain land (direct land acquisition also played a role, but only in the context of the threat of expropriation). Sayer has argued that it is precisely this power of the state to unilaterally set the rules of the game that makes state formation processes "profoundly coercive" (1994: 375). Furthermore, as land redistribution progressed, the groups remaining on the *fincas* were forced to enter the game for fear of losing out completely. It is not quite clear how this was experienced and possibly resented by different groups of people. Experiences of dispossession as land redistribution crosscut previous entitlements emerged clearly both in the archives and in people's accounts, but other dramas may have simply been silenced and forgotten, such as, perhaps, the dispossession of women in relation to the male bias of land redistribution. Another question relates to the possible displacement of traditional, elder leaders as younger men assumed leading roles in the dealings with the land reform bureaucracy. Although such a process has been suggested by Hernández Cruz (1999), I have not been able to verify it. Research focussing precisely on these issues might possibly bring out the numerous forms of coercion involved in the land redistribution process more clearly than I have been able to do.

Notwithstanding these obscurities, the widespread acceptance of the *ejido* in the Tojolabal highlands cannot be explained by imposition or coercion alone. The fact that the Tojolabal had been immersed in the *fincas* for several generations - rather than organised in independent communities - also influenced the process. Opposition to the *ejido* has been reported especially for communities that managed to retain their independence throughout the 19th century (see Nugent & Alonso 1994, Purnell 1999). Under those circumstances, increased state engagement and the restructuring of land tenure arrangements and authority relations was understood as

a threat. The stakes and risks were different in the Tojolabal highlands, however. In accepting *ejido* endowments, the Tojolabal *mozos* had less to lose than the members of independent communities. A similar distinction in the reception of the *ejido* between hacienda-based populations and independent communities was observed by Schryer in Huejutla (1990). There, the latter neutralised the forcibly imposed *ejido* regime to such an extent that Schryer spoke of 'virtual *ejidos*'.

The acceptance of the *ejido* in the Tojolabal Highlands can also be attributed to the institutional vacuum that arose after the dismantling of the finca regime. Under the new system, ways needed to be found of regulating entitlements and organising authority. The *ejido* model afforded a minimal base on which to build these (see also Chapter Four for more on this discussion). In this process, several of the criteria for defining and allocating rights to land, as well as elements of the institutional model for internal organisation, were adopted.

### *Constructing governing capacity*

In an attempt to move beyond an understanding of land reform as an instrument of control, I do not frame my analysis of the *ejido* in terms of de-structuring and dis-empowerment, but rather in terms of re-structuring, involving both empowerment and dis-empowerment. Contrary to what is often regarded as the 'bureaucratic-institutional route to control', the *ejido* regime of land tenure in the Tojolabal Highlands has confirmed communities of land reform beneficiaries as structures of governance with a considerable ability to contest state control. The strength of the community in this region as a governing structure is linked to a combination of factors, amongst which the most important are its collectivist orientation, the relatively marginal institutional presence of the state and the lack of other effective and recognised forms of local governance.

Mexican land reform was based on an essentially collectivist design. Land endowments were made to groups of claimants who enjoyed legal representation vis-à-vis the state. Private rights were combined with common ownership of forests, pastures and water sources. Responsibility for overall management rested with the collectivity of beneficiaries. The first thing to note about this design is that it implies, as Ibarra has pointed out, a recognition of groups of land reform beneficiaries as collective subjects with legal status (1989: 313-4; also Article 23 of the 1971 Land reform Law). Furthermore, this collectivity is given a considerable rule-making and rule-enforcing capacity as far as matters within the *ejido* are concerned. The *ejido* regime of land tenure leaves much of the internal organisation of authority, allocation of rights, and management of common land – all of which are vital concerns – to the collectivity of land reform beneficiaries.

However, it should also be noted that the design makes the *ejido*, as Ibarra has pointed out, "a contradictory unit whose constitutive elements are in constant tension." (1989: 22). Although it grants land reform communities substantial governing capacities, it also upholds a considerable theoretical claim to control by the state. Few authors would deny this dual quality of the *ejido* institutional model. But whereas most underline the possibilities this affords the state to interfere with *ejido* affairs, I stress the ability of land reform beneficiaries to limit, contest and re-direct such interference. In practice, the exercise of control by the land reform bureaucracy may be far less than state-centred perspectives on the *ejido* suggest. I

found communities in the Tojolabal Highlands to have considerable scope for developing their own property arrangements and governance structures, by building on yet in other ways diverging from the stipulations of land reform legislation. Furthermore, they became *de facto* local governments with capacities extending well beyond those ascribed to the *ejido* in land reform legislation.

A number of factors contributed to the strength and scope of the governance capacities of communities in the Tojolabal highlands (apart from the theoretical possibilities implied in the formal design). The first is the policy of non-enforcement<sup>9</sup> that was generally observed by the land reform bureaucracy and other state agencies. Although the endowment process itself was heavily conditioned, direct interference by the land reform bureaucracy in internal affairs was limited once the *ejidos* were established. Norms for internal organisation were not consistently enforced, leaving ample room for the development of various arrangements at the local level. The policy of non-enforcement was related to both a lack of interest and a lack of enforcement capacity. As also argued above, in connection with the cases of Atencingo and Chamula, the Tojolabal highlands represented no high political or economic stakes. Furthermore, effective interference in local dynamics was hampered by the weak state institutional presence in the region. As mentioned earlier, this only began to change in the 1970s.

The practice of non-interference confirmed, by default, the governing capacity of the communities. The extension of their governing capacity beyond the realm of 'ejido matters' is likewise related to the practice of state intervention in the region. It must be pointed out here that there is some ambiguity concerning the competence of the *ejido* authorities. Formally, the *ejido* model only grants legal recognition to the collectivities of land reform beneficiaries and only insofar as matters of land tenure are concerned. However, the distinction between the *ejido* and the locality or between *ejido* matters and those of general concern for the population, is not clearly established. In practice, the collectivity of land reform beneficiaries and the community have been juxtaposed and, until quite recently, *ejido* and community matters were barely distinguished. This was so in people's own perception but also in the way they were addressed by government agencies. The responsibilities of the *ejido* authorities were frequently extended to matters other than land tenure regulation, to include for example, infrastructure and the provision of services.<sup>10</sup> This was explained quite simply by the fact that there were no alternative structures of governance that state agencies could have used as an entry point. In practice, therefore, *ejidos* have been endorsed as *de facto* local governments with a far wider jurisdiction.

Admittedly, the fact that Tojolabal communities of land reform beneficiaries functioned as *de facto* local governments with far more authority than formally allowed for, does not in itself explain why recent political projects have explicitly centred on autonomy (as described in Chapters Six and Seven). For that, it was necessary for political identities to take shape in opposition to state intervention. However, without that governing capacity, communities would not have been able to sustain their defiance of the state in the way they are presently doing. By supplying some of the central terms around which communities became structured, land reform also provided some of the central terms for resistance to state intervention.

## Fields of contention

Land tenure in communities of land reform beneficiaries involves partly overlapping and at times contradictory claims to control. It is therefore best described in terms of contention. As Jones has put it:

"property rights are about power (principally the ability to exclude), about the symbolism of who is able to exert power at particular moments and places, and how communities approach the government and interact with it." (2000: 222).

This section focuses on how such confrontation is played out and on the ways institutional arrangements take shape and are re-negotiated in the process. As Jones' words suggest, much of the contention concerns the engagement of the Mexican state with land reform communities. As mentioned earlier, considerable tension is inherent in the *ejido* regime of land tenure. On the one hand, it prescribes norms for the allocation of land rights and the organisation of decision-making and authority in land reform communities while affording the land reform bureaucracy the possibility of surveillance over local arrangements. At the same time, however, it allows such communities a considerable degree of self-government.

I found for the Tojolabal Highlands that state control and the primacy of state legislation are not a given. When official legislation and community rulings are confronted, official legislation does not automatically 'win'. Who governs land tenure is not clear from the outset but is fought out in different ways at various critical junctures. This suggests that the degree to which state agencies can actually establish control over local dynamics and conversely, the degree to which communities can assert their autonomy, is not determined from the outset but is a question for analysis. Much of the contention between state agencies and communities is precisely about how far the state is allowed 'to get in'. In practice, land reform beneficiaries accept, re-direct, neutralise or resist state engagement. Everything between relatively smooth accommodation and overt opposition may be found.

### *Keeping the state out... or drawing it in*

In practice, the land reform bureaucracy does not always maintain the close surveillance over institutional arrangements that the law formally affords it. This creates considerable scope for the re-working of the *ejido* institutional model at the grass-roots level, a process to which I have referred as appropriation. The divergence that may thus occur between the *ejido*-in-theory and *ejidos*-in-practice does not give rise to problems in or of itself. Whether or not it does depends on a number of contextual factors. Often, such divergence is not even detected. On the one hand, as mentioned earlier, in the Tojolabal Highlands many of the norms and specifications contained in the land reform law are unfamiliar to *ejidatarios*, with the exception of those on which land reform authorities have insisted during the endowment process. On the other hand, land reform officials rarely possess accurate knowledge of local arrangements. There is therefore a certain 'margin of invisibility' that hides divergence from view. This generally limits the problems to some of the most important stipulations, such as the appointment of *ejido* authorities, the criteria for qualifying as an *ejidatario*, and the ban on selling *ejido* land.

Official regulations may be deliberately circumvented or neutralised. The officially prohibited, but frequently occurring sales of *ejido* land are probably the best

example for Mexico as a whole (e.g. Jones 2000, Nuijten 1998). An example from the Tojolabal highlands is the inclusion of more right-holders to the *ejido* than those formally listed. Such divergence does not necessarily give rise to major contradictions. In practice, there is often considerable room for accommodation. To avoid confrontation, communities may combine token compliance with highly visible aspects with the clever use of margins of invisibility. In the Tojolabal highlands, for example, the inhabitants comply with the appointment of *ejido* authorities, but do so through locally endorsed procedures that bear only a faint resemblance to official ones. The room for manoeuvre is related to that fact that the land reform bureaucracy does not express a generalised interest in having *ejido* communities comply with the law. Compliance is not a goal in itself or a self-explanatory mission. Rather, the extent to which divergence between local arrangements and legal norms is regarded as a problem cannot be separated from wider social and political contexts. Insistence on legal requirements needs to be understood in relation to wider political agendas. From the perspective of the land reform bureaucracy, non-compliance opens up possibilities for pursuing political goals, and applying different punishments or rewards to communities. This opens up possibilities for manipulation. Whether such manipulation is successful, however, depends on the extent to which state officials are able to adequately interpret the local situation. In practice, however, this may be rather difficult, time-consuming and risky.

Exercising control over the allocation of land rights and decision-making procedures in communities of land reform beneficiaries is a complicated affair. Communities have numerous ways of keeping the state at a distance if they wish to do so. The difficulties land reform or municipal authorities encounter in deciphering – let alone manipulating – communities should not be underestimated. They are at a great disadvantage when dealing with local arrangements that they cannot know and therefore are unable to contest. How does one enforce a specific allocation of land rights, for example, when it is impossible to tell who is who in a situation where all the men seem to resemble each other, where many names are repeated, and where few people have birth certificates so there is no way of checking whether they are who they say they are? In practice, the difficulties of deciphering the local situation severely hamper the ‘institutional route’ for controlling the *ejido*. I do not deny that state control may take place. However, I argue that state efforts to interfere with the local level take place in complex fields of contention that will be configured differently in relation to social and political conditions. Spatial remoteness, language differences and the limited institutional presence of governmental agencies in rural communities, together with the presence of particular brokers and the different interests at stake, influence the ability of communities to withstand state interference.

Communities of land reform beneficiaries have a number of mechanisms for keeping the state out. The distance of state agencies can be strategically used to keep local arrangements out of sight. In the region of study, binding agreements known only to community members, the use of the indigenous language, together with knowledge of local events and geography were strategically used to maintain opaqueness as regards local dynamics. Such a ‘conspiracy of silence’ could be hard to crack. Although this cannot fully prevent state intervention, it does condition and constrain it.

My emphasis on the possible effectiveness of communal closure vis-à-vis state

agencies (or other outsiders) should not be interpreted as a denial of conflicts at the local level. Internal strife is part and parcel of communities, but – as Mallon (1995) has also argued – this does not preclude the possibility of forming powerful coalitions vis-à-vis the state. When a common front is formed, this can be very effective. Even if the state has an interest in gaining tighter control over local dynamics, the possibilities of doing so are extremely limited as long as the ‘conspiracy of silence’ is maintained. Struggles between or fissures within communities provide the necessary ‘entry point’ for state engagement. It is therefore misleading to discuss state intervention purely in terms of a binary opposition between ‘state’ and ‘community’. In the Tojolabal highlands, state intervention usually took place in relation to struggles between or within communities. This was clear from the discussions of particular conflicts in previous chapters (such as the struggle between Chibtik and Santo Domingo and the factional struggle between Catholics and Adventists within Chibtik), where state agencies were drawn into the conflict by one or both of the parties involved, each of which sought to use this involvement to its advantage.

The interaction between local conflict and state intervention is fairly complex. Though the initiative rests largely with local actors, changes at the political level and the ways these are perceived by different stakeholders play an important role. Political openings and new possibilities for alliances alter the balance of power at the local level. Other actors, most notably political organisations such as *ejido*-unions or more recently, the EZLN, are also important players in this field. What I specifically wish to underline is that interference by state authorities was limited to serious conflicts and contingent on the interests of one of the groups involved.<sup>11</sup> This has consequences for the meaning that state engagement has acquired.

### *Challenging the state*

Factional conflicts provide state agencies with an entree into local dynamics. However, the association of state interference with factional interests did not contribute to a construction of legitimacy of the state; on the contrary, as I suggested in relation to the Chibtik case, factional conflicts frequently provided a pretext for political clientelism and repression. Since state or municipal governments used legal norms in their attempts to control and let the conflict work to the advantage of their own political agendas, they contributed to an understanding of the state as a political actor and state legislation as a political instrument.<sup>12</sup> The result was the increasing politicisation of both state intervention and state law itself, rather than legitimacy. As the region became increasingly politically organised from the late 1970s onwards, state intervention and state law became the axes around which polarisation took shape. The state became an ally, albeit always a dangerous one, to some and an adversary to others. We should be careful not to oversimplify these oppositions. The public political stances of peasant political organisations – for or against ‘the government’ – did not always coincide with the concrete choices of specific groups of peasants when trying to win a land dispute, for example. Nevertheless, political projects emerged in which the legitimacy of the state was increasingly called into question. In that context, compliance or non-compliance with state law acquired symbolic importance. The very competence of the state to prescribe and enforce norms was at stake. Compliance with norms provided by the state thus became a political statement about ‘what side you were on.’ Thus, irrespective of the



fact that many local land tenure arrangements draw on the *ejido* model, Tojolabal communities drew up political projects that reject and oppose state laws. There is no contradiction in this, if we realise that it is not the authenticity of norms, but the legitimacy of rule-enforcing capacity, or governance, that is at stake.

In the early decades after the beginning of land reform in the region, Tojolabal communities enjoyed a considerable degree of autonomy 'by default'. They were left largely to their own devices to develop land tenure arrangements and authority structures. As long as they respected some of the principal rules of the game, local arrangements and official norms were accommodated without major struggles. The politicisation of land reform and the growing antagonism between state structures and communities affiliated to organisations not controlled by the latter, created a different situation, however. 'Autonomy by default' gave way to an organised effort to limit the unfavourable effects of state interference on local affairs and processes. Autonomy became a political project in which the legitimacy of the state itself was challenged. This involved a redefinition of community as a space of resistance to the manipulation and repression of the government and a more articulated constitution of communities as separate jurisdictional spheres. This was strongest amongst the communities affiliated to independent organisations such as the CIOAC (i.e. the *Pueblos Tojolabales ejido* union),<sup>13</sup> but it was also present amongst communities that were members of the *Lucha Campesina ejido* union. The defence of autonomy as a political project culminated under Zapatismo. At both the discourse and the practical level, the EZLN explicitly challenges the capacity of the state to govern. Much of the struggle is about whose government prevails. The opponents of Zapatismo abide by 'the law of the government' whereas the Zapatistas have their own laws.

It is clear then, that there was never such a thing as hegemonic state control in eastern Chiapas. Neither the primacy of state legislation nor its power to interfere with local arrangements has ever been firmly established. In those situations in which clashes between community rulings and state regulation occurred, the outcome was more often a negotiated settlement between the two extreme positions, than a unilateral imposition of state law. This testifies to the rule-making and rule-enforcement capacity of communities. (As I have shown, this capacity was also upheld vis-à-vis the EZLN. Its legislating ambitions were subjected to similar renegotiations to those that state attempts to introduce the *ejido* had decades earlier.) Analysis of land redistribution shows that the state has often been successfully defied. Since the stagnation of land reform in the 1970s, groups of peasants have frequently managed to push land reform beyond its own limits. Another example are the serious obstacles the implementation of PROCEDA encountered in the region, even before the Zapatista uprising was a fact. But Zapatismo in particular has cast serious doubts on the extent to which the state controls land redistribution and land tenure in Chiapas. As we saw, the official 'end-of-the reform' discourse and agrarian legislation proved to be of little value against the quest for land of many landless young families in Chiapas.

### Community, boundedness, and identity

In this book, I have explored the ways in which land reform has acted on the constitution of community. I have discussed at some length how I think we might look at

*land reform* (proposing to understand it as part of processes of state formation) and now wish to briefly reflect on my understanding of community. When I speak of land reform as constitutive of community, I mean that land reform re-structures people's identifications, their commitments and alignments. In the region of study, land reform affected notions of property, entitlements, forms of organising, and of articulation with the state bureaucracy. It associated particular groups of people with specific, clearly delimited, mutually exclusive and largely contiguous areas, providing them with legal recognition and representation vis-à-vis the state and affording them a certain degree of governing capacity in local matters. Thus, land reform 'produced' community.

Such a historical contingency of specific social formations has also been underlined by Eric Wolf and others working from the perspectives of cultural ecology or Marxism (see Hewitt 1984: Chapter 3; Cancian 1989). Wolf regarded what he called the 'closed corporate community' as a product of colonialism in Mesoamerica (1955).<sup>14</sup> We can look upon more recent historical processes in the same way that Wolf looked upon colonialism and relate social formations in the countryside to specific modes of state administration. Community is not only or essentially a colonial construct, but also a 'modern' one. At this point, it is important to stress that I have deliberately not spoken of the *re*-constitution of community. I do not see the community in the Tojolabal highlands as a recovery of earlier, pre-finca or perhaps even pre-Conquest, social forms. Rather, I understand communities as new formations arising under specific conditions, without claiming, however, that they are entirely new, that is, allowing for both continuities and discontinuities in relation to finca times.

Land reform did not just produce community; it produced a *corporate* community. Wolf defined the corporate community in terms of restricted membership, corporate control of land, prescription of rights, duties and behaviour to its members, and collective representation (see Wolf 1955, 1966). The communities of the Tojolabal highlands display all these features. Land reform reinforced the community as an integrated entity with a strong territorial base and a recognised governing capacity. In the context of finca hegemony in the region, land redistribution facilitated the formation of tightly knit communities. It contributed to the confluence of the four dimensions of community outlined in Chapter One – those of shared identity, shared residence or locality, shared interests, and a shared structure of governance – while at the same time building upon previous loyalties based on kinship and religion.

I can only partly account for the specific institutional arrangements developed in Tojolabal communities or for the power of the collectivity over individual members with reference to land reform. The *asamblea* as the central governing body, the principle of equal shares and the close monitoring of rights and duties – to mention some of the central institutions – were developed in the context of the land reform process and the discontinuities it implied. They can only be fully understood, however, with reference to other factors, notably the specific dynamics of institutional development in relatively small groups that depend largely on shared resources, and Mayan cultural repertoires. As to the first, I expect the solution to be related to the disciplining force of property (as suggested by Sabea (1990); see also Chapter Four) and specific collective action dilemmas facing the population.<sup>15</sup> Even institutional

analysis on these lines, however, would be incomplete without some reference to Mayan culture. Nevertheless, tracing such cultural influences would require a different, more historical and comparative approach than I have followed here.

The concept of the corporate community has been much criticised. It has been pointed out that Wolf's original conceptualisation over-emphasised the homogeneity, stability and isolation of these communities. Here I wish to address one of these criticisms concerning the boundedness of communities.<sup>16</sup> Wolf presented communities as unambiguously bounded entities (using, for example, the image of an island, ref). This is undoubtedly a misrepresentation. The boundaries around communities are much more fluid and permeable. However, we should not discard the issue of boundaries all together. Although boundaries may not be 'clear-cut', boundary construction is nonetheless a primary concern in communities. I found a continuous engagement with processes of in- and exclusion and re-negotiation of membership. In my view, boundedness understood as the construction and maintenance of boundaries is a defining characteristic of community.

These boundaries are not just symbolic or discursive. They involve institutional discontinuities that are directly relevant to people's access to vital resources and services. Boundaries between communities and to a certain extent within communities are constructed through property arrangements, rules for group membership and sets of rights and obligations. As we saw, the design, enforcement and re-negotiation of such rules and arrangements is at the heart of community dynamics. Institutions function as boundary markers. This was apparent in the conflict between the two factions in Chibtik, but is also a highly relevant issue in the present conjuncture, where political identities are expressed by opting for one 'law' over another. It is jurisdiction that makes the community, just as the community makes jurisdiction. In legal anthropology, this is no new insight. Falk Moore's concept of the semi-autonomous field brings this out, but it is also underlined, for example, by Karst and Rosenn when they argue that a kind of mutual re-enforcement exists between law and community (1975: 674-7). However, this dimension seems to have been somewhat neglected in the present tendency to understand community in terms of 'community of meaning' and belonging. For communities such as those analysed in this study, speaking of belonging makes no sense without reference to institutional arrangements governing the rights and duties of the adherent constituency. Adherence to specific sets of rules, access to resources, and identification are closely linked.

Identity and identification are thus directly related to issues of governance and jurisdiction. I argued that for the Tojolabal highlands, community membership was heavily structured around land endowments. As a consequence, locality and collectivity of right-holders were hardly distinguishable from one another. Originally agrarian categories such as *derechero* or *avecindado* became important referents of identity. Furthermore, *ejido* boundaries translated into jurisdictional boundaries, in the sense that the land belonging to one community also became the territory to which community rule extended. Land redistribution thus contributed to the construction of inside/outside divides, with spatial, symbolic, and material dimensions. Not only did boundaries get drawn between communities, but the Tojolabal Highlands also have become progressively constituted as a Tojolabal space. Two processes influenced this. On the one hand, the disappearance of individual private properties made the region a domain of 'community rule'. The remaining private

properties, not subjected to community rule, were small islands of exception. On the other hand, the region 'Tojolabalised'. Land reform entailed a process of ethnic homogenisation, since not only the ladino landowners but also many of the mestizo caretakers left the region, or became – as we saw in the case of Chibtik – part of a Tojolabal land reform community, intermarried with the Tojolabal, adopted their language and also became subjected to community rule.

There is a clear sense of the region as an 'inside' domain, where the Tojolabal language predominates and people can be identified and held accountable with reference to their community. This contrasts strongly with the 'outside', made up of cities with their government offices. There, different sets of rules are valid and different behaviour is effective. People are well aware of this and adapt their behaviour accordingly. Both the Tojolabal themselves and external agents such as government officials, NGO members and pastoral workers, recognise and re-create the cultural, institutional and jurisdictional discontinuities between 'inside' and 'outside'. This does not mean the Tojolabal are confined to their own domain. Nor are the ways the different domains are defined and positioned in relation to one another unchanging. On the contrary, the Tojolabal frequently move in and out of the region. Furthermore, the Tojolabal appropriation of the urban sphere is in full swing. This does not leave the divide between inside and outside unaffected, but neither does it dissolve it.

I looked at community through the prism of land tenure. This revealed the community's most corporate countenance. My particular vantage point brought out the disciplining force of the community and highlighted some of the fiercest struggles over in- and exclusion. Land tenure has also been one of the strongest axes around which community membership has been structured. I am aware, however, that community is constituted by a number of other processes and structured around other axes as well. In my analysis, these other processes have remain unexplored and I would like to comment briefly on what I may have overlooked. Alternative definitions of community may be related to religion, specific projects and political organising. In these other dimensions, the construction of community is dominated less by adult men and expresses more of the needs and concerns of women, unmarried youth, and younger, landless men. These alternative constructions do not necessarily always run parallel to the construction of community around land in the way that I have brought out. They may indeed constitute competing projects over what the community is and should be. The community as a landholding collectivity is still very much alive. However, it is possible that under the influence of processes such as the growing number of men without land rights of their own, the increasingly important role of women and the influx of NGO actors and projects, alternative projects will grow stronger and eventually overshadow the construction of community around land.

### Final considerations

To conclude this book, I would like to focus on two concerns of a more general nature for which my study of the land redistribution process in the Tojolabal Highlands might perhaps suggest new directions. I first point to the importance of land

redistribution processes for understanding ethnicity and then draw out some implications for land tenure policy.

#### *A note on ethnicity*

Although it is now clear that a large part of the land reform beneficiaries in Mexico are indigenous (based on a rough definition of language or belonging to one of the recognised ethnic groups), the way land reform has affected Mexico's indigenous population has hardly been explored. In fact, we know very little about what land redistribution and the creation of *ejidos* implied in particular regions, the ways it reorganised and re-territorialised the population, and how it interacted with earlier notions of property, territory, and identity. As briefly mentioned earlier, the *ejido* was not originally designed to honour ethnic claims, and may in certain contexts have been used to neutralise or frustrate them. Some authors have argued that the *ejido* de-structured larger indigenous communities, reducing the wider social linkages between groups and weakening the organisational structure. In the Tojolabal Highlands, however, and the same might hold for other indigenous populations that were once part of *fincas*, the *ejido* became the axis around which new identities and loyalties took shape.

This suggests that land reform may have interfered or even set in motion complex processes of ethnic reorganisation, acting upon forms of social organisation and identity construction, as well as the ways indigenous populations have become inserted into the national state.<sup>17</sup> Land reform should not just be understood in terms of disintegration but also in terms of the emergence of new axes of integration. It is true that land reform drew people together in relatively small, territorialised clusters, with loyalty coming to rest largely with that group (Collier speaks of 'parochialisation' in this regard, 1987). But it is one-sided to see this as a problem in itself. Political projects may well be built upon such community structures. It should also be stressed that notions of citizenship, rights and nationhood – central to current political projects – may well have begun in many regions on the basis of the creation of *ejidos*. Note that in eastern Chiapas resistance has been sustained from within *ejidos* without seriously challenging or questioning the figure of the *ejido* itself. On the contrary, the indigenous population defended the *ejido* as theirs and contested Salinas's reforms to land tenure legislation aimed at dismantling the *ejido*. A better testimony to the extent to which these populations have made the *ejido* theirs could hardly be found.

The impact of land reform on indigenous regions may also be important to understanding present demands for autonomy. The proposals for indigenous autonomy as they are currently being developed in Mexico contain different (and at times diverging) conceptualisations of territory and community. One of the strongest among these is centred on communities as contiguous, exclusive domains in which private rights are combined with collective responsibility.<sup>18</sup> Territorial control and land rights are among the central demands of indigenous peoples' movements all over Latin America (e.g. Assies 2000, Deere & León 2000). In Mexico, this partly translates as the *ejido* being defended as an indigenous institution. In autonomy projects, territory is a twin concept of community. Together they are understood to constitute a spatial, jurisdictional domain where a specified collectivity enjoys governing capacity regarding both resources and people. It is also a sphere with

considerable autonomy as regards internal affairs and one that has traditionally allowed for keeping the state at a certain – though perhaps not always safe enough – distance. In many cases, such understandings and practices of governance that we now define as ‘typically indigenous’ have developed within *ejidos* and *bienes comunales*, probably at least partly as a result of their semi-autonomous nature.

In my view, the question to be addressed in future research is not whether land reform converted Indians into campesinos or whether loyalties are primarily based on class or ethnicity. Rather, the question is how understandings of Indian-ness are constructed in present day Mexico and what roles the *ejido* and the land redistribution process may have played in this, in informing notions as central as community and territory. We could thus begin to address two key issues in the field of ethnic reorganisation: the role of the state in shaping ethnic identities and the material, territorial and institutional dimensions of ethnicity.

### *Concerning policy*

In discussing land tenure as a field of contention I have stressed that state intervention in land tenure sets in motion processes that extend beyond the realm of policy, taking directions beyond the initial intentions. As land reform becomes enshrined in social reality – shaping people’s notions of property, redistributing entitlements, re-arranging governing capacities – it can no longer be controlled by it. Nevertheless, in policy as well as in academic circles in Mexico, land tenure regulation often continues to be treated as the exclusive domain of the state. This has become quite clear in the debate on the reforms of agrarian legislation in Mexico, where both advocates and adversaries attributed great transformational power to the legal changes. The extent to which land tenure is contested seems to have been generally underestimated. The limits to the self-attributed monopoly of the state as these are being disputed by communities of land reform beneficiaries have been largely ignored.

‘Social engineering’ by means of land tenure regulation is by no means easy. The intricate interaction between multiple sources and spheres of regulation makes the outcome of state intervention in land tenure highly uncertain. To quote Falk Moore again: “Since, in a society as a whole, regulation emanates simultaneously from many social fields, including both corporate groups and less formally defined action arenas, the aggregate effect is extremely complex.” (1978: 29). Failure to meet the intended purposes, together with unplanned and unexpected consequences, is the result. This holds not only for past, but also for present policies, as the paradoxical outcomes of the PROCEDE programme indicate. As discussed by Jones (1998, 2000) and Zepeda (1999) many *ejidos* were registered through the programme, but the vast majority have decided to continue to be *ejidos* rather than convert to private property (less than one percent in terms of *ejidatarios*, 1.5 percent in terms of the number of *ejidos*, see Zepeda 1999: 207 (Table 8)). One way of interpreting this is that *ejidos* have sought to retain their considerable degree of control over the definition and allocation of property rights and felt that they would be threatened under the new situation.

This brings us to a second consequence of understanding land tenure as a field of contention, regarding tenure security. In evolutionary perspectives on land rights (see the discussion by Platteau 1996) tenure security is seen to depend primarily on

private land titles granted by the state. This argument has underpinned much of the trend towards titling and registration programmes in Latin America as well as in Africa. However, in view of the considerable role of *ejido* communities in administering land tenure within their confines, one could argue that tenure security has been largely dependent on local recognition, together with or in some cases irrespective of or in opposition to state backing. Platteau (1996) argues that there is little reason to believe that titling and registration programmes do much to promote tenure security in Africa. A case study for Honduras in fact suggests that it might do quite the opposite. Jansen and Roquas show that the PTT (*Programa de Titulación de Tierras*) contributed to increasing insecurity in a number of cases and entailed serious risks of dispossession for the most vulnerable segments of the population (Jansen & Roquas 1998).

The limits of the hardcore neo-liberal recipe for land policy in Latin America are now becoming visible (Kay 1999, Zoomers & Van der Haar 2000). The emphasis on titling and privatisation (the cornerstones of the neo-liberal paradigm) has somewhat eased and greater recognition of communal tenure systems is supported (Deininger & Binswanger 2001). Instead of a full withdrawal of state involvement in land tenure with a view to letting the market do its job, the emphasis has shifted to institution building, calling for a different role for state agencies.<sup>19</sup> Together with de-centralisation policies and greater recognition of the rights of indigenous peoples, these new approaches are likely to give actors other than state agencies a greater recognised role in land tenure regulation. These may be communities, associations, but also NGOs, environmental agencies and agri-business. Although it might open up new spaces, this process will undoubtedly involve dilemmas and contradictions of its own. The task will be to document and problematise how property arrangements, definitions of territory and governing capacities are being redefined and how contestations over these issues are being played out.

## Notes

- 1 In developing this point, I rely heavily on Hewitt's insightful discussion of academic debates on the peasantry in Mexico (1984, especially Chapters 4 and 5). Amongst the important exponents of this view are Arturo Warman, Rodolfo Stavenhagen, Amando Bartra and Luisa Paré.
- 2 On the role of land reform in the development of capitalism see Gutelman (1974), Grindle (1986) and Otero (1999).
- 3 Municipal archives together with a closer scrutiny of the land reform archives might yield such information.
- 4 Other works elaborating on this perspective that I will refer to are Mallon 1995 and Purnell 1999.
- 5 The state formation perspective works with notions of rule and domination that draw on Gramsci's conceptualisation of hegemony. See Mallon (1994), Roseberry (1994) and Wolf (1999).
- 6 For a recent discussion of anthropological treatment of the plurality of legal systems, see Falk Moore 2001.
- 7 A similar duality is found in the Zapatista autonomous municipalities, which reflect elements of formal municipal government at the same time as they contest its legitimacy (see Chapter Eight).
- 8 The notion I introduce here, of field of contention, is loosely based on Nuijten's 'field of force' which incorporates notions of process and actions drawn from Long (1989) at the same time as it emphasises power and struggle (1998: 17-20).
- 9 I first encountered the term in Bouquet and Colin (1996).
- 10 Stavenhagen, for example, noted: 'As a locality, the *ejido* is also the object of other agencies: the Ministry of Public Education, the Federal Commission for Electricity, the Ministry of Public Health and Welfare, the Ministry of Agriculture and Livestock, etc.' (1970: 253).
- 11 A similar argument can be made in criminal justice. Although nominally in charge of upholding the law, and punishing murderers, for example, state authorities have little opportunity of knowing a murder has been committed unless it is reported to them. Whether or not it is reported to them will depend on local conflicts, tensions and power relations.
- 12 The important role of legislation regarding forests should be mentioned here. Although the *ejido* regime of land tenure imposes restrictions on the use of forests, it was precisely the forestry laws issued by the Chiapas state government that served as an entry point for state control. *Ejidatarios* were required to obtain logging permits which could relatively easily be used for political purposes. Furthermore, the ban on logging (*veda forestal*) issued under governor González Garrido in 1988, outlawing not only logging but also slash-and-burn cultivation, caused numerous conflicts with peasants (see Villafuerte, García & Meza 1997; also Harvey 1998).
- 13 I described in Chapter Eight how the member communities of Pueblos Tojolabales formed a region wide Tojolabal Government.
- 14 In an earlier publication he argued that this type of community was functional to indirect Spanish rule, in tax collection and recruitment of labour (1955), which served to re-enforce social organisation along corporate lines. Later, he stressed the corporate structure as a response to the adverse conditions under colonialism, as a defence mechanism by which the rural populations could protect themselves from the greatest threats to their subsistence (1959, see Hewitt 1984: 74-75).
- 15 See, for example, Ostrom 1990, Baland & Platteau 1996, North 1990, Olson 1965 on this issue.
- 16 The supposed egalitarianism has also been much criticised (see for example Cancian 1989, Ouwenneel 1996). In my discussion of the principle of equal shares, I present a different interpretation of the preoccupation with equality that one may encounter in indigenous



communities, following Popkin's focus on problems of resource distribution.

- 17 The term ethnic reorganisation was introduced by Nagel and Snipp to analyse processes of economic, social and political change among indigenous

peoples (1993); see also Assies 1999.

- 18 Stephen (1997) contrasts communally oriented and more regionally oriented projects of autonomy.

- 19 This is discussed more fully in Van der Haar 2000a.





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# Glossary

- AEDPECH: Democratic State Assembly of the People of Chiapas/*Asamblea Estatal Democrática del Pueblo Chiapaneco*.
- Agostadero: uncultivated pastureland.
- Ajnanum: (Tob.) healer with potentially dangerous powers.
- Ampliación: extension to an *ejido* endowment.
- ANCIEZ: Emiliano Zapata Independent National Peasant Alliance/*Alianza Nacional Campesina Independiente Emiliano Zapata*.
- Anexo: private property attached to a larger estate or finca (usually because it has been acquired separately).
- ARIC: Rural Collective Interest Association/*Asociación Rural de Interés Colectivo*.
- Asamblea: regular village meeting (also *tz'omjel* or *junta*) usually including adult men only; *asamblea ejidal* refers to the meeting of right-holders in the *ejido*.
- Baldío: usually refers to land lacking private title. In region of study also used to refer to the time of debt peonage, when people had to work 'for nothing'.
- Baldianos: people that 'work for nothing' on fincas, also *mozos* or *peons*.
- Bienes comunales: communal ownership of land recognised under Mexican law; constitutes, together with *ejidos*, so-called 'social property' and is subject to the regulations of land reform law. Unlike 'private property' it does not equal full ownership since restrictions on selling and leasing apply.
- Cabecera: 'head town', meaning capital of township or municipality, seat of municipal government.
- Cacique: local political boss or strongman.
- CAM: Joint Agrarian Commission/*Comisión Agraria Mixta*, involved in the procedures for *ejido* endowments at the state level.
- Casa grande: for fincas: the landowner's residence.
- Campesino: peasant, smallholder.
- CEOIC: State Council of Indigenous and Peasant Organisations/*Consejo Estatal de Organizaciones Indígenas y Campesinas*.
- Certificado Agrario: certificate testifying to holder's rights in an *ejido* endowment.
- CIOAC: Independent Confederation of Agricultural Workers and Peasants/*Central Independiente de Obreros Agrícolas y Campesinos*.
- CNC: National Peasant Confederation/*Conferación Nacional Campesina*.
- Comisariado ejidal: three-headed council governing the *ejido*, answerable to the assembly of *ejido*-members and their representative to the land reform bureaucracy (in the region of study, the term is used to indicate the head of the council, who is officially called the *presidente del comisariado ejidal*).
- Comité ejecutivo agrario: three-man committee leading the petition for *ejido*-land, acting as a representative of would-be beneficiaries, which is dissolved or transformed into the *comisariado ejidal* as the endowment becomes a fact.
- Comunidad: community, term used to refer to rural settlement or locality, mostly in indigenous regions.
- Copropiedad: form of joint private property.

- Dotación*: land endowment in the form of an *ejido*.
- Ejidatario*: right-holder in an *ejido*, *ejido*-member.
- Ejido*: originally referred to the commons surrounding a village; since the 1930s has referred to land granted under the land reform programme and subject to a special tenure regime.
- Encargado*: caretaker or foreman on private estate.
- FIAPAR: credit scheme for cattle sharecropping and productive farming projects/*Programa de Aparcería Bovina y Proyectos Productivos Agropecuarios*
- Finca: large landed estate, hacienda.
- Finquero*: owner of large estate, landowner.
- Inafectabilidad ganadera*: exemption from liability for land redistribution of privately owned land used for cattle ranching.
- INI: National Indigenous Institute/*Instituto Nacional Indigenista*.
- Komon*: (Toj.) community, collectivity.
- Ladino, ladina*: 'white', Spanish-speaking, non-indigenous person, usually carrying the connotation of rich and powerful.
- Mayordomo*: foreman at finca, *encargado*.
- Milpa*: field or plot for maize cultivation, sometimes in conjunction with other crops (beans, pumpkins).
- Mozo*: landless labourer at finca, peon.
- Norteños*: 'Northerners', name given to political advisors from central and northern Mexico in the 1970s.
- OCEZ: Emiliano Zapata Peasant Organisation/*Organización Campesina Emiliano Zapata*.
- Patrón*: boss, patron, landowner (equivalent of *finquero*).
- Peon (*acasillado*): landless labourer, resident at a finca
- Pequeña propiedad*: private property, in principle no larger than the maximum extensions established in the land reform legislation, often the nucleus of a former finca.
- PRA: Agrarian Rehabilitation Programme/*Programa de Rehabilitación Agraria*; land acquisition programme carried out under Governor Absalón Castellanos.
- PRD: Democratic Revolutionary Party/*Partido Revolucionario Democrático*.
- Presidente municipal*: mayor, municipal president, responsible for governing a municipality or township.
- PRI: Institutional Revolutionary Party/*Partido Revolucionario Institucional*.
- PROCAMPO: Direct Rural Support Programme/*Programa de Apoyo Directo al Campo*.
- PROCEDE: Programme for the Certification of *Ejido* Rights and the Titling of Urban Housing Plots/*Programa de Certificación de Derechos Ejidales y Titulación de Solares Urbanos*.
- Procuraduría Agraria*: Prosecutor's Office for Agrarian Affairs.
- RAN: National Agrarian Registry/*Registro Agrario Nacional*.
- Ranchería*: rural settlement usually with lands that have not been acquired through the land reform programme.
- Rancho: ranch, private property.
- Selva Lacandona*: Lacandona Rainforest in eastern Chiapas.
- Solar*: housing plot, usually including houses as well as fruit trees, annual crops, and domestic animals; in Tojolabal *maka*.
- Tatjun*: (Toj.) grandfather, old man.
- Unión de ejidos*: *ejido* union; the two formed in the region of study were called *Lucha Campesina* ('peasant struggle') and *Pueblos Tojolabales* (the Tojolabal peoples' or 'Tojolabal settlements') respectively.
- UU: Union of *ejido* unions/*Unión de Uniones Ejidales y Campesinas de Producción de Chiapas*.
- Vaquero*: cowboy.
- Xinan*: (Toj.) 'white', non-Indian, *ladina*.
- Zapatismo*: the movement around and including the EZLN, Zapatista National Liberation Army/*Ejército Zapatista de Liberación Nacional*
- Zapatistas*: adherents or supporters of *Zapatismo*, sometimes called neo-Zapatistas to distinguish them from the followers of Emiliano Zapata in the Mexican Revolution (1910-1919).
- Zonte*: measure of load of maize, equivalent to 400 ears of maize.

## Resumen

# Ganando terreno: el reparto agrario y la constitución de la comunidad en la región alta Tojolabal de Chiapas, México

Este estudio reconstruye el proceso de reparto agrario en una región indígena de Chiapas, denominada la región alta Tojolabal. Hasta 1930 esta región – que se sitúa entre los más conocidos Altos de Chiapas y Cañadas de la Selva Lacandona – estuvo dominada por grandes propiedades en manos de familias comitecas. Estas fincas de un promedio de 3 000 hectáreas cada una, estaban dedicadas a la ganadería extensiva y el cultivo de granos básicos. Los antepasados de los pobladores actuales de la región, Tojolabales en su gran mayoría, vivían y trabajaban en estas fincas en calidad de peones acasillados.

Esta situación cambió drásticamente a principios de los años treinta, cuando Lázaro Cárdenas asumió la presidencia y buscó implementar el reparto agrario también en Chiapas. En la región de estudio los efectos no se dejaron esperar. Tras cierta vacilación inicial entre los peones, las solicitudes ejidales surgieron rápidamente una tras otra, afectando a todas las propiedades de la región. A menos de quince años del inicio del reparto sólo el cincuenta por ciento de la superficie finquera quedaba en manos de propietarios privados no-indígenas. En 1970 esta superficie se había reducido al diez por ciento y en 1993 al tres por ciento. La mayor parte de las tierras habían sido dotadas a los antiguos peones en forma de ejidos. Otras tierras (especialmente las llamadas pequeñas propiedades, inafectables por el reparto) fueron vendidas por los propietarios a grupos de interesados, otra vez antiguos peones en su mayoría. Estas tierras, más recientemente, se convirtieron en bienes comunales.

A raíz del reparto, la región se convirtió en una zona de comunidades agrarias, de población casi exclusivamente Tojolabal. (Para 1990 existían en la zona alrededor de 26 localidades con una población total de casi 15 000 individuos.) Este estudio empezó con preguntas acerca del cómo fue que las fincas dieron paso a estas comunidades y qué significó este proceso para la población. Al buscar respuestas a estas preguntas, me encontré con que estaba entrando a un terreno casi inexplorado. En la literatura sobre Chiapas el reparto agrario comúnmente es tratado como un fenómeno sumamente limitado. Se supone que el poder de los finqueros les permitió a éstos neutralizar y desvirtuar el reparto. Así, se sostiene que el reparto tuvo lugar sobre todo en base a terrenos nacionales (evitando la afectación de propietarios privados). De acuerdo con esta versión, un reparto de a migajas sirvió para controlar protestas campesinas. Sobre líneas similares se propone la falta de reparto de tierras

como una de las causas del levantamiento zapatista. Si bien esta perspectiva se explica a raíz de las limitaciones y abusos del reparto agrario observados a partir de los años setenta, pierde de vista que en algunas regiones el reparto tuvo un alcance nada despreciable. En las regiones en las que se encuentra la población de habla Tojolabal, el reparto tuvo consecuencias sociales y políticas tan importantes que hacen de él uno de los procesos más relevantes de la historia contemporánea regional.

Para explorar el proceso de reforma agraria en la región de estudio me apoyé en trabajo de archivo así como en trabajo de campo. Así, pude constatar que un ochenta por ciento del reparto se había basado en afectaciones a propietarios privados y sólo un veinte por ciento en terrenos nacionales. Encontré además que los finqueros se habían opuesto a las afectaciones pero no habían logrado más que postergarlas. El éxito del reparto fue tal que prácticamente toda la zona se 'ejidalizó'. No fue sólo que los ejidos (y en menor medida las copropiedades y bienes comunales) desplazaron a la propiedad privada. Fue además que las comunidades Tojolabales adquirieron una apariencia netamente ejidal. Llegaron a contar con todos los atributos requeridos — comisariado ejidal, asambleas regulares, actas selladas con el sello ejidal etc. Hoy en día el ejido es un eje principal de identificación entre los Tojolabales y los miembros del comisariado ejidal figuran como sus 'autoridades tradicionales'.

El reparto agrario fue más que una redistribución de la tierra. Contribuyó a la formación de las comunidades Tojolabales tal y como las encontramos hoy en la zona, así como al desarrollo de relaciones conflictivas entre éstas y el Estado mexicano. El reparto recreó los conjuntos de peones de las fincas como comunidades de beneficiarios del reparto. Si bien hubo cierta continuación entre 'finca' y 'ejido' en cuanto a las tierras y grupos de población involucrados, el proceso implicó re-definiciones, re-agrupamientos y, en algunos casos, re-localización. Como consecuencia, las relaciones sociales se re-estructuraron alrededor de las dotaciones ejidales. A la vez, sin embargo, el ejido como modelo institucional estatal sufrió un proceso de re-definición. El proceso de dotación condicionado 'desde arriba' a la vez implicó procesos de apropiación 'desde abajo'.

Esto queda claro sobre todo al observar las formas en que se organiza la tenencia de la tierra al interior de las comunidades de la región. Noté por ejemplo que comunidades manejaban sus propias listas de 'ejidatarios' o 'derecheros', que discrepaban de los registros oficiales. Las comunidades re-definían y re-asignaban los derechos a tierra de los miembros individuales de manera relativamente autónoma, según normas que parcialmente seguían las prescritas en la ley de reforma agraria pero que en otros puntos divergían de éstas. En los hechos, entonces, las comunidades han afirmado una capacidad considerable de gobierno, en la tenencia de la tierra y más allá de ésta. Ejercen esta capacidad tanto frente a sus propios miembros como frente a la burocracia agraria. De múltiples maneras han desafiado la competencia de ésta última de prescribir e intervenir en la tenencia de la tierra en los ejidos, que le atribuye la ley. La tenencia de la tierra en la región emerge entonces como un campo de contestación entre distintos y a veces opuestos reclamos por el derecho de control de la tierra misma, en los que se enfrentan no sólo distintas nociones de propiedad sino también distintas ambiciones de definir y asignar derechos a tierra. Esta discusión queda ilustrada aquí por medio de la descripción de un conflicto entre dos facciones en una comunidad.

En años recientes, la resistencia a la intervención estatal ha sido más explícita y parte de un proyecto político más articulado. Desde 1994 los zapatistas desconocen abiertamente la legitimidad del Estado. Esto se relaciona con el hecho de que – a raíz de la creciente politización de la intervención estatal – a partir de los setentas las identidades políticas en la región se han ido formando en oposición al Estado. Además, los zapatistas más que nunca dejan al descubierto los límites de la capacidad de control del Estado. Un claro ejemplo de ello son las invasiones de tierra que han obligado al Estado a reconocer una reforma agraria *de facto*, en contravención a todas las declaraciones oficiales de finiquito agrario. Asimismo, mediante los municipios autónomos han logrado afirmar una considerable capacidad de gobierno fuera del alcance del Estado.

Los procesos descritos arriba encierran una paradoja, sobre todo si los contemplamos desde la perspectiva – elaborada por autores mexicanos a partir de los 1970s – de que la reforma agraria es esencialmente un instrumento de control en manos del Estado. Esta perspectiva, si bien reveló la importancia de agendas secretas en el reparto, no nos permite entender cómo el reparto pudo a la vez haber tenido tanto éxito (en crear ejidos) y haber fracasado tan rotundamente (en controlarlos). Para dar cuenta de esta paradoja necesitamos superar la perspectiva del control estatal para buscar dar cabida también a las múltiples contestaciones que el proceso de reparto agrario implica. Para elaborar tal perspectiva alternativa, trabajos recientes sobre los procesos de formación del Estado en México ofrecen un punto de partida prometedor. Desde la perspectiva de formación del Estado podemos entender el reparto agrario como parte de intentos del Estado federal de extender su control hacia regiones nuevas, pero con resultados impares y contradictorios. Este ángulo de observación permite vislumbrar cómo el Estado penetró en la región, re-definiendo relaciones de propiedad y de autoridad y generando múltiples contestaciones y re-negociaciones.

Procesos de formación del Estado tienen un calidad dual, que también se hace relevante en el caso de la reforma agraria: informa y penetra repertorios culturales e institucionales a nivel local, pero con esto a la vez proporciona a las localidades términos centrales alrededor de los cuales se articula la resistencia. Podemos empezar a entender así que la ejidalización de la región alta Tojolabal conllevó procesos importantes pero contradictorios que no se dejan resumir bajo la etiqueta de subordinación. Tal perspectiva además apunta al papel del reparto mismo en la constitución de las comunidades como espacios de resistencia y desafío al Estado.

Estos argumentos se desarrollan a lo largo del libro, a través de tres líneas narrativas. En primer lugar, se narra la historia de una comunidad en particular, llamada San Miguel Chibtik. Los esfuerzos de los Chibtikeros por conseguir la tierra que habían trabajado desde hace generaciones, las formas de administrar y repartir estas tierras entre los distintos miembros, y su participación en invasiones de tierra bajo la bandera zapatista a partir de 1994, sirven como hilo conductor a lo largo del texto. Proporcionan también los puntos de entrada para discutir tres procesos relacionados: los contornos y los avatares del reparto agrario en la región (Capítulos Dos y Tres), el desarrollo de arreglos y prácticas de tenencia de la tierra en las comunidades de beneficiarios del reparto (Capítulos Cuatro y Cinco) y las ocupaciones de tierras en años recientes como parte del proyecto político zapatista (Capítulos Seis y Siete). El análisis de estos procesos constituye la segunda línea narrativa. En un tercer



plano, el texto se puede leer como una exploración de las múltiples formas en que el Estado mexicano entró en la vida de la región. Abre así una ventana sobre una de las principales rutas de formación del Estado en el oriente de Chiapas. Esta perspectiva, así como las consideraciones conceptuales sobre las que se sustenta, se elaboran sobre todo en el Capítulo Ocho.

## Samenvatting

# Terreinwinst\*: landhervorming en gemeenschap in de Tojolabalse Hooglanden van Chiapas, Mexico

Deze studie reconstrueert het proces van landhervorming in een Indiaanse streek in Chiapas, Zuid-Mexico. Vóór 1930 werd dit gebied – ingeklemd tussen de beter bekende Centrale Hooglanden en het Lacandón oerwoud – gedomineerd door grote landerijen in handen van families uit Comitán, de zogenaamde *fincas*. Deze landerijen waren gemiddeld zo'n 3000 hectare groot en bedreven naast extensieve veehouderij ook wat landbouw. De voorvaders van de huidige bewoners van de streek, de Tojolabal-Indianen, werkten op de landerijen als *peones*, landarbeiders. Zij werden niet betaald, maar verworven in ruil voor hun arbeid het recht op de landerijen te wonen en maïs en bonen te verbouwen.

Deze situatie veranderde drastisch begin jaren dertig van de twintigste eeuw. De toenmalige Mexicaanse president Lázaro Cárdenas zette vaart achter de herverdeling van land die vijftien jaar eerder wettelijk mogelijk was gemaakt. Hij onteigende landerijen die groter waren dan het toegestane maximum van enkele honderden hectares en gaf dit uit aan boeren die geen of te weinig land hadden. Voor het onderzoeksgebied had dit grote gevolgen. Nadat de Tojolabalse landarbeiders hun eerste aarzelingen hadden overwonnen, volgden de verzoeken tot landtoewijzing elkaar in rap tempo op. In minder dan vijftien tien jaar was al de helft van het areaal van de landerijen aan de voormalige landarbeiders toegewezen en deze trend zette zich door. In 1970 was nog maar tien procent van de landerijen in handen van particuliere niet-Indiaanse eigenaren en in 1993 was dit gedaald tot zo'n drie procent. Het grootste deel hiervan was uitgegeven in de vorm van zogenaamde *ejidos*, waarbij groepen van minstens twintig boeren gezamenlijk de zeggenschap kregen over het land, dat niet verhuurd of verkocht mag worden. Een ander deel van de landerijen is door de toenmalige eigenaars verkocht aan groepen boeren, in de meeste gevallen

\* Het bleek moeilijk om een letterlijke vertaling van 'gaining ground' te vinden, dat verwijst naar de manier waarop de landhervormingspolitiek terrein veroverde in het gebied van onderzoek, maar ook naar de strijd die gemeenschappen hebben geleverd – en nog steeds leveren – om en over hun land. Anders dan 'gaining ground' lijkt 'terreinwinst' te verwijzen naar een *fait accompli* terwijl ik ook een beeld wil oproepen van de voortdurende strijd die met landhervorming en regulering van grondbezit gepaard gaat. Als ik hier dus over terreinwinst spreek gaat het niet om een makkelijke overwinning, maar om een moeizame en altijd voorlopige verworvenheid.

voormalige landarbeiders. Later zijn de meeste van deze stukken grond erkend als communaal grondbezit (*bienes comunales*).

Als gevolg van de landhervormingspolitiek maakten de grote landerijen dus plaats voor boerengemeenschappen met een overwegend Tojolabal-sprekende bevolking. (In 1990 bestond de streek uit zesentwintig dorpen met een totale bevolking van bijna 15 000 mensen.) Uitgangspunt van deze studie is de vraag hoe zich dat proces voltrokken heeft en met wat voor gevolgen voor de lokale bevolking. Om die vraag te beantwoorden begaf ik mij op grotendeels onontgonnen terrein. In de literatuur over Chiapas wordt landverdeling over het algemeen afgedaan als een zeer beperkt verschijnsel. Er wordt verondersteld dat de macht van landeigenaren zo groot is geweest, dat zij de pogingen tot landverdeling hebben kunnen blokkeren of minimaliseren. Er wordt vooral aandacht besteed aan de uitgifte van nationale gronden (waar geen claims van particuliere eigenaars op rustten) en aan het mondesmaat uitgeven van land om boerenprotest in te dammen. Tegen die achtergrond wordt ook het uitblijven van landhervorming in Chiapas aangevoerd als één van de oorzaken van de Zapatista opstand van 1994. Een dergelijk perspectief valt te verklaren uit de beperkingen en grove onregelmatigheden die landuitgiftes sinds de jaren zeventig hebben gekenmerkt, maar verliest ten onrechte uit het oog dat in delen van Chiapas landhervorming alles behalve beperkt is geweest. In de streek bewoond door Tojolabal-Indianen heeft landhervorming zodanig vérstrekkende politieke en sociale gevolgen gehad dat het één van de belangrijkste processen in de recente geschiedenis genoemd mag worden.

Om een beter beeld te krijgen van het proces van landhervorming in het onderzoeksgebied, heb ik mij gebaseerd op uitgebreid archiefonderzoek en veldwerk. Daarmee kon ik in de eerste plaats vast stellen dat landhervorming inderdaad omvangrijk was geweest. Landuitgifte in het gebied was voor tachtig procent gebaseerd op landerijen, de andere twintig procent was afkomstig van nationale gronden. Er was door de landeigenaren wel tegenstand geboden tegen onteigening, maar die was grotendeels zinloos geweest. Landhervorming was zo succesvol dat het praktisch het hele gebied omvormde tot *ejidos* (en in mindere mate *bienes comunales*). Daarmee doel ik niet alleen op het feit dat deze nieuwe vormen van landbezit de particuliere landerijen verdreven, maar ook op het feit dat de dorpen in het gebied onmiskenbaar het aanzien van *ejidos* hebben gekregen. Vandaag de dag vertonen ze alle karakteristieke kenmerken – zoals onder andere de zogenaamde *comisariado ejidal* (die aan hert hoofd van de *ejido*-leden staat), regelmatige vergaderingen en schriftelijke besluiten bekrachtigd met het speciale *ejido*-stempel. De *ejido* is een belangrijk referentiepunt in de identiteit van de bewoners van de streek geworden en veel van de bovengenoemde kenmerken gelden tegenwoordig als 'typisch Tojolabals'.

Landhervorming was meer dan een herverdeling van land. Zij heeft in belangrijke mate bijgedragen aan de vorming van de Tojolabalse gemeenschappen zoals wij die vandaag de dag aantreffen in het gebied. Ook is zij bepalend geweest voor de gespannen betrekkingen tussen deze gemeenschappen en de Mexicaanse overheid. De huidige gemeenschappen zijn deels een produkt van het landhervormingsproces, waarbij mensen hergegroepeerd zijn rondom stukken land. Hoewel er een zekere mate van continuïteit was tussen de landerijen en de *ejidos*, zowel wat het land als wat de bevolking betrof, hield landhervorming een flinke herordening in.

Groepen van voormalig landarbeiders hebben zich verdeeld, samengevoegd of hebben nieuwe nederzettingen gevormd. Tegelijkertijd echter heeft het institutionele *ejido*-model zoals dat door de Staat werd aangereikt in de praktijk ingrijpende veranderingen ondergaan. Landtoewijzing volgens 'van bovenaf' bepaalde spelregels ging gepaard met processen van toe-eigening 'van onderaf'.

Dit wordt vooral duidelijk als we de manier waarop landbezit binnen de gemeenschappen in het gebied is georganiseerd, onder de loep nemen. Zo heb ik bijvoorbeeld vastgesteld dat de dorpen hun eigen lijsten met *ejido*-leden (*ejidatarios*) of rēchthebbenden (*derecheros*) opstelden die in wisselende mate verschilden van de officiële registers. Ook werden landrechten op relatief autonome wijze toegewezen of ge-herdefinieerd, volgens criteria die voor een deel overeenkwamen met de wettelijke kaders, maar daar voor een deel ook van afweken. In de praktijk hebben de gemeenschappen een behoorlijke beslissingsmacht weten te ontwikkelen, zowel wat landbezit betreft als op andere terreinen. Deze macht wordt uitgeoefend ten aanzien van de eigen leden, maar ook tegenover het bureaucratische apparaat van het ministerie van landhervorming. Op allerlei manieren hebben de gemeenschappen de wettelijke beslissingsbevoegdheid van dit apparaat wat betreft landverdeling binnen hun grenzen, betwist. De regulering van grondeigendom blijkt een heftig betwist terrein te zijn, waarop niet alleen verschillende en soms tegenstrijdige definities van bezit tegenover elkaar worden uitgespeeld maar ook verschillende aanspraken op beslissingsbevoegdheid tegen over elkaar komen te staan. Ik illustreer dit aan de hand van een conflict tussen twee facties in een dorp.

Recentelijk is het verzet tegen inmenging van de Staat uitgesprokener geworden dan ooit tevoren en ingebed in een politiek project. Dit moet begrepen worden tegen de achtergrond van het fenomeen dat met de voortschrijdende politisering van staatsinterventies in de jaren 70, politieke identiteiten steeds meer zijn geformuleerd in oppositie tegen de Staat. Sinds 1994 heeft de Zapatista-beweging de grenzen aan de macht van de Staat pijnlijk duidelijk gemaakt. Het meest duidelijke voorbeeld daarvan vormen de talrijke landbezettingen die de overheid hebben gedwongen feitelijk een nieuwe ronde van landtoewijzing te erkennen, alle officiële verklaringen over het definitieve einde van de landhervorming ten spijt. Bovendien slagen de Zapatistas er met de zogenaamde autonome gemeentes in de Staat op een behoorlijke afstand te houden.

De processen zoals ze hier beschreven zijn behelzen een zekere paradox, die des te sterker is als we ze bezien vanuit het perspectief, ontwikkeld door Mexicaanse auteurs sinds de jaren 70, dat landhervormingen in essentie een middel tot overheidscontrole zijn. Hoewel dit perspectief terecht het belang van geheime agenda's in de landtoewijzing heeft benadrukt, is het niet in staat te verklaren hoe de landhervorming enerzijds zo succesvol heeft kunnen zijn (in de vorming van *ejidos*) en anderzijds zo duidelijk heeft gefaald (in het onder controle houden daarvan). Om deze paradox het hoofd te bieden moeten we een ander perspectief ontwikkelen dat meer ruimte geeft aan de vele strijdpunten die landhervorming omgeven. Recente werken over processen van staatsvorming in Mexico zijn wat dit betreft veelbelovend. Vanuit het perspectief van staatsvorming kunnen we landhervormingen begrijpen als pogingen van de centrale overheid haar greep op nieuwe gebieden te versterken, maar met wisselend succes. Vanuit deze invalshoek kunnen we verkennen hoe de Staat deze gebieden binnendringt, ingrijpt op bezits- en macht-

verhoudingen, alsmede waar dit twistpunten en verzet oproept.

Processen van staatsvorming hebben een tweeledig karakter dat we ook bij landhervorming kunnen onderscheiden. Landhervorming grijpt in op lokale culturele en institutionele repertoires en vormt deze ook mede. Daarmee reikt zij tegelijkertijd echter enkele van de centrale termen aan waar omheen verzet wordt vormgegeven. Vanuit dit gezichtspunt kunnen we beginnen de complexe sociale en politieke gevolgen van de vorming van *ejidos* in het onderzoeksgebied te begrijpen. Bovendien wijst het op de rol van staatsingrijpen zelf in de vorming van gemeenschappen die bij machte blijken zich tegen de Staat te verzetten.

Deze argumenten worden door het boek heen verder ontwikkeld, grofweg langs drie verhaallijnen. In de eerste plaats vertelt het boek het verhaal van één gemeenschap, San Miguel Chibtik. De pogingen van de Chibtikeros om het land waarop zij al generaties lang woonden en werkten in handen te krijgen, hoe zij dat land onderling verdeelden en tenslotte hun betrokkenheid bij landbezettingen in de nasleep van de Zapatista opstand, lopen als een rode draad door het boek. Deze gebeurtenissen vormen ook de aangrijpingspunten voor de analyse van drie nauw verbonden processen in het onderzoeksgebied: de omvang van en de politieke verwickelingen in de herverdeling van land (hoofdstukken Twee en Drie), de toewijzing en veranderende definitie van landrechten binnen gemeenschappen (hoofdstukken Vier en Vijf) en recente landbezettingen die onderdeel vormen van het politieke project van de Zapatistas (hoofdstukken Zes en Zeven). Dit vormt de tweede verhaallijn. Tenslotte kan dit boek gelezen worden als een verkenning van de manieren waarop de staat, via landhervorming, op het gebied heeft ingegrepen. Het biedt daarmee een blik op één van de belangrijkste routes waarlangs staatsvorming in dit deel van Chiapas heeft plaatsgevonden. Dit gezichtspunt, alsmede de overwegingen waarop het berust, worden uitgewerkt in hoofdstuk Acht.

## Curriculum vitae

Gemma van der Haar was born in Gouda, the Netherlands on June 11th 1968. She completed her secondary education in Rotterdam and Duino, Italy and began studying Rural Development Sociology at Wageningen University in September 1987. She wrote two theses (one on bilingual teachers in Chiapas and another on wine producers in Andalucía) and graduated in January 1994 *cum laude*.

Since 1995 she has been a research fellow with the Rural Development Sociology Group at Wageningen University and the Centre for Study and Documentation of Latin America (CEDLA) in Amsterdam. From 1996 to 1997 she was a visiting researcher at the *Centro de Investigación y Educación Superior en Antropología Social del Sureste* (CIESAS-Sureste) in San Cristóbal de las Casas, Chiapas. She currently works at the Centre for International Conflict Analysis and Management at Nijmegen University.

Over the past fifteen years, Gemma has regularly visited the Tojolabal region in Chiapas and published her work in Dutch, English and Spanish. She has co-edited a number of books, including *Current land policy in Latin America: regulating land tenure under neo-liberalism* (Amsterdam: KIT & Vervuert, 2000; with Annelies Zoomers), *The challenge of diversity: indigenous peoples and reform of the state in Latin America* (Amsterdam: Thela Thesis, 1999; with Willem Assies and André Hoekema), *Espacios disputados: transformaciones rurales en Chiapas* (Mexico: UAM-Xochimilco & ECOSUR, 1998; with María Eugenia Reyes Ramos and Reyna Moguel) and *San Miguel Chibtik: testimonios de una comunidad tojolabal/ san migel ch'ib'tik: ja jastal aytiki*, (Mexico: Siglo XXI, 1998; with Karlos Lenkersdorf).

Her current research interests include processes of ethnic reorganisation in relation to state formation, disputes over local governance, conflict prevention and management, and changing forms of state intervention in land tenure.

