

"El Estricto Apego a la Ley":

Liberal Law and Communal Rights in Porfirian Patzcuaro

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In this paper, I explore some of the legal dimensions of liberal law and procedure in late nineteenth century Mexico, especially with regard to the status of indigenous communities and collective rights. I am in the early stages of research on the local structuring and consequences of the nineteenth century liberal reforms in Patzcuaro, Michoacan.¹ By liberal reforms I do not refer

¹ In physical terms, the Patzcuaro region is defined by a large lake in the highlands of Michoacan and the pueblos along its shores and on its islands. This is an ethnically complex region of Purepecha indigenous communities, mestizo towns and ranchos and a few haciendas. In the lake basin itself, indigenous pueblos were numerous and relatively close to each other, competing for land, forest, and pasture with other pueblos and medium-sized haciendas, which themselves dated from the early colonial period. At the start of the reforms, an agricultural economy was devoted primarily to grain and livestock production for local and regional markets, and indigenous pueblos developed craft specializations for the same markets. The relatively flat lands around the lake were also the centers of Spanish and mestizo settlement and commercial and administrative power. The mountains surrounding the basin, and especially to the south and west into the Tarascan meseta, were relatively remote, wooded, wild places (that is, not subject to routine state administration), home both to indigenous pueblos and the few large haciendas in the region. I should say something about my definition of Patzcuaro as a region. Politically, the Patzcuaro District included most of the area just described (plus Zacapu, which falls outside the region as defined here; minus some of the towns along the northern and eastern shores of the lake [San Andres, San Jeronimo, Santa Fe, and Quiroga, though boundaries and designations changed -- for example Tzintzuntzan was sometimes included as a dependency of Quiroga and sometimes as a municipality within Patzcuaro District], which were part of Morelia District for much of the period). Socially and economically, there are a variety of forms of slippage that make straightforward definition difficult. First, a number of villages along the lake developed close relations, and controlled resources, in the highlands, especially those to the south, west, and north. The highland communities of Opopeo, Santa Clara, Zirahuen, Huiramangaro, San Juan Tumbio, and Pichataro were included in the Patzcuaro District, and entered into relations with lakeside communities and with highland haciendas owned by residents of Patzcuaro (and more distant cities). But they also bordered other highland towns such as Nahuatzen and Sevina that were part of Uruapan District. The most important town in the region, Patzcuaro, to the south of the Lake, exercised greatest influence on those pueblos closest to Patzcuaro. Quiroga to the northeast could easily fall within the sphere of influence of Morelia, the state capital. The pueblos on the north and west shores of the lake could be drawn into the orbit of Zacapu, and so on. For the present, I define the region to include the Lake and the surrounding ranchos and haciendas, including some extension to the highlands, especially to the south and west, and the flatlands to the east. This is roughly congruent with the political boundaries of the Patzcuaro District, which in 1864 included the municipalities of Patzcuaro, Erongaricuaru, Santa Clara, Zinzunzan, Zacapu,

solely to the Reforma itself but to a complex series of legal initiatives, both federal and state, across the nineteenth century, culminating in a series of procedures and processes that formally abolished collective rights and identities by the 1880s.

The laws were designed to abolish corporate forms of landed property (e.g., Church holdings and land held collectively by indigenous communities), to abolish the vestiges of corporate privileges and monopolies (fueros) and estamental hierarchies created during the colonial period, and to create a nation of formally equal citizens. These reforms were intertwined: the elimination of indigenous community landholding was intimately connected with the elimination of indigenous identity (as a status within an estamental hierarchy) and the formation of citizens.

Minimally, as a state project, then, the liberal reforms were intended to abolish ethnic (and other) forms of community and introduce a state community of (individual) citizens, based on private forms of landed property. Ideally, the estamental hierarchy would give way to a class hierarchy, and ethnic communities might make way for the national community.

Setting aside the land question for the moment, and concentrating on the more cultural and political dimensions of these changes, we see dimensions that were not simply a "state project" but were intimately connected with the formation of both state and nation, dimensions that appealed to indigenous and nonindigenous villagers and attracted popular support. This popular liberalism, which involved the rejection of colonial monopolies and caste divisions and postulated the formal equality of citizens before the emerging state, has recently received considerable attention. But the formal equality of citizens was inseparable from the land question.

The abolition of the indigena as a caste and of indigenous communities as separate corporations and republicas under protectionist control and owing special tribute required the introduction of new forms of property within communities. But communities were differentiated entities at the end of the colonial period, and differently situated individuals and unequal stakes in both the privatization of lands and the establishment of equal rights under the law. The land question was intimately connected with cultural and political questions, in ways I explore here.

and Cocupao (later Quiroga, which was subsequently included in the Morelia District [Archivo Historico de la Ciudad de Patzcuaro {AHCP} caja 100-C, exp. 6]). For practical purposes, I drop Zacapu from my definition of the region and include Quiroga.

In this essay, I examine the problem of collective identities and rights under liberal law, or under a set of rules and procedures that would deny the collective status of any group of citizens.

By the the last two decades of the nineteenth century, the complex of distinct reforms had come together and could be seen to have been consolidated: indigenous communities no longer existed as juridical entities and lacked legal standing before the courts; communal forms of landholding had been abolished and indigenous communities were under unambiguous orders to divide, survey, and register their holdings as individually owned pieces of property (a process known as reparto); and individuals and communities who might once have identified themselves in public documents as indigenas or comunidades indigenas now referred to themselves as ex-indigenas or an ex-comunidad or extinguida comunidad indigena. More commonly or routinely, they referred to themselves as vecinos of a particular pueblo or as ciudadanos. As indicated, some of these changes of status and language were welcomed and advocated by indigenous and nonindigenous villagers in various parts of Mexico. My concern here is the relationship between changing notions of individual and collective status and a process of privatization.

The reader will note that I have been inconsistent: I have said that communities no longer existed as juridical entities, yet I have continued to use the word "community" in describing the general situation. This is precisely the problem and paradox I wish to explore here. Formally, the communities were abolished; practically and substantively, they continued to exist as landholding entities throughout the Porfiriato. Repartos were piecemeal and contested; most were not finalized until the first decade of this century, and some were still in process at the outbreak of the Revolution. In an attempt to make some sense of this paradox, I will explore two broad issues. First, I examine the formal and substantive dimensions of legal process in Patzcuaro -- the many gaps that existed between legal precept and legal practice. Second, I consider some dimensions of the repartos themselves -- the resources available to state actors imposing repartos, strategies used by community representatives to defend community resources, and the points of rupture within communities that the repartos sometimes exposed.

Before entering into a discussion of these more general issues, there are three preliminary problems that require review. First, since the title of this session is "Conflictos étnicos locales y recursos jurídicos en México," I need to indicate the ways in which the conflicts that characterized this period were -- and were not -- "ethnic." Second, I discuss the structure and status of indigenous communities prior to liberal reform -- at the close of the colonial era. Finally, I sketch some of the economic transformations occurring in Patzcuaro during the Porfiriato.

Ethnic Politics: During the period I am examining, there is no evidence of a recognizably ethnic politics of the late 20th century sort. Residents of indigenous pueblos in the Patzcuaro area make no claims on the basis of either an "indigenous" or a "Tarascan" (or "Purepecha") identity or community. As is to be expected in appeals to a liberal state, claimants refer to their rights as citizens, and they appeal to the authority of laws that treat them as individual subjects. Much debate concerns the legal standing (or personería) of representatives of indigenous (or "exindigenous") communities. It should be noted, however, that during the period that concerns us here, there was little possibility of either a "Tarascan" or a "Purepecha" identity. The precolonial Tarascan kingdom had been broken up by the colonial state, and missionaries had organized and congregated a number of communities in the region, which in turn had been "protected" by both Church and Crown. Whatever "Tarascan" identity might have existed in the

precolonial kingdom, the identities most often expressed, as labels, in the nineteenth century documents I have consulted,² are general (indigena) or specific to particular pueblos (Opopeo, Ihuatzio, etc.). It was almost certainly as a member of a particular community that most indigenous subjects identified themselves. These community based indigenous subjects, in turn, acted in a social field characterized by a quasi-racial hierarchy that reflected the caste divisions of the colonial period: descendents of Europeans at the top, mestizos in the middle, and indigenas at the bottom. These caste divisions continued to influence peoples' imaginations of themselves and others, despite the formal abolition of the distinctions, but I see little evidence that these were congruent with an "ethnic" feeling or identity in the period. Instead, the conflicts that emerged were locally based, and could occur within a caste category. For example, some of the sharpest conflicts occurred between indigenous communities -- between Ihuatzio and Tzintzuntzan, or Cuanajo and Tupataro, or San Andres and San Geronimo, for example. They could also explode between an indigenous community and a neighboring hacienda, in which case the rivalry would be felt between the community and the mestizo resident laborers (or peones acasillados) on the hacienda (for example, the conflicts between Opopeo and Casas Blancas, which resulted in numerous drunken brawls or mitotes). Finally, they could also emerge within a particular indigenous community, in the form of factional disputes.

The structure of indigenous communities: While the communities were established under colonial rule and protection as indigenous communities, residents in and claimants to community lands were not limited to indigenous subjects. This is partly because the lines between

² The comments that follow are based on a very preliminary analysis of three principal archival sources, among others. The richest is the Fondo Hijuelas of the Archivo Historico del Poder Ejecutivo de Michoacan (AHPEM), Morelia, Michoacan. An hijuela is a legal document indicating the portion of a formerly joint property that is adjudicated to an individual through a process of inheritance or division. Thus, if a person inherits a piece of property, the portion of the will indicating the specific inheritance is the "hijuela." The model used for the division and privatization of community lands, then, was that of a division of a joint estate, and the document indicating an individual's share was called a hijuela. If properly prepared and registered, this document could serve as a deed in later mortgages and sales. The Fondo Hijuelas, then, should contain a detailed record of the repartos. While the archive does contain such a record, and even a few hijuelas, it is also a repository of virtually any communication from or about indigenous communities that passed through the governor's office during the last half of the nineteenth century and early twentieth century. It provides an extraordinarily detailed picture of intra- and inter-community politics. The second archival source used here is the Judicial Archive (AJM) housed at the Supremo Tribunal de Justicia, Morelia, Michoacan, especially civil cases concerning indigenous communities or ex-members of ex-communities. The archive contains civil and penal cases from the various district courts of Michoacan, including Patzcuaro. The third is the Archivo Historico de la Ciudad de Patzcuaro (AHCP), which includes a melange of documents, including a rich collection of records from the district court of Patzcuaro, especially judicial correspondence and cases that were dropped or dismissed before reaching judgement, as well as cases considered by "minor" judges at municipal and tenencia levels. The archive also contains a few reparto books.

communities and neighboring settlements could be porous. Inter-marriage and non-marital liaisons produced community residents who were not officially recognized as indigenous (indeed, the numbers of indigenous tributaries in the communities in the early nineteenth century were much lower than the number of residents). Outsiders moved into community centers as store keepers, officials, saw mill owners and the like. And some communities had extensive lands that were rented to outsiders.

With the repartos, the relationships between indigenous and mestizo, and community resident and outsider -- and these were not the same thing -- became more complicated. There was, first, the question of who among community residents had rights to community lands, and this included many legitimate descendants of community members who had married outsiders. The descendants escaped the fiscal status of "indigenous" while seeing themselves and being recognized as residents of Tzintzuntzan, or Ihuatzio, etc. It was not enough to be a member and have a general right to lands: one had to justify a claim to the rights to a specific house plot and/or agricultural plot.

Pueblos were differentiated, along class lines, including a precolonial distinction between aristocratic and commoner lineages that was preserved for a time during the colonial period,³ and differential access to land and water resources at the time of the reforms; along spatial lines between town center and satellite; and so on. Several lists of pueblos members make a basic distinction between members with land and members without -- those without having sold their rights to a parcel to another individual (indigenous or nonindigenous; or their parents or grandparents had sold rights). The rest were community members who had sold their rights to specific plots, or whose parents or grandparents had sold them, or who lost out in an inheritance dispute as children of an early spouse. While they held no specific rights of possession and therefore made no claims in a reparto of claimed lands other than, perhaps, a house site, they nonetheless held, as community members, a limited right to a livelihood through continued claims on the use of pasture and woods. This limited right, by itself, would not be sufficient, though common lands could provide basic raw materials, and firewood, for such occupations as carpentry, basketry, and coppersmithing. Most nonlanded would also need to work for others as sharecroppers (medieros) or peons -- both within indigenous communities working for landed villagers and on nearby farms, ranchos, or haciendas.⁴ But for both landed and nonlanded villagers, common woods, pastures, and marsh provided basic resources for livelihood. The nonlanded would have continuing claims to collective resources such as pasture and woods, and a

³ There is a dispute as to how long the aristocratic lines persisted, and what relation the distinction might have to social differentiation among family lines within pueblos beyond the colonial period.

⁴ Evidence of indigenous villagers working as peons for other villagers is rare, but see Manuel and Domingo Lorenzo contra Inocencio Flores, 1888, AHCP caja 106-A, exp. 5. On work by indigenous villagers on haciendas, many criminal cases involving Opopeo casually mention such work, on Casas Blancas. See, e.g., Delito de rina y heridas contra Francisco Cuin Garcia y Paulino Cisneros, AJM, ramo penal, Patzcuaro, 1895, leg. 1; Delito de heridas contra Fermin Reyes y J. Trinidad Pureco, *ibid.*; and Delito de robo de un buey contra Marcos Luquin, AJM, ramo penal, Patzcuaro, 1900, leg. 2.

reparto that dissolved the community as an institutional form threatened that kind of access (a community-guaranteed right to a livelihood). A further, central and organizing division is between officially recognized community members -- generally male household heads -- and all others, who can be seen as dependents -- married and unmarried women, and children. Women generally become listable only as widows.

We might break a community's lands into five broad types, each subject to a different form of possession. First, town and village sites were divided into lots, on which households would build houses, establish gardens, and keep animals. Second, agricultural lands and some pasture were subject to individual appropriation and possession. Third, other pastures and sometimes-extensive wooded mountainsides were reserved for common use by members of the community. Fourth, sections of community land might be rented out by the community, often to outsiders, the rental income being devoted to community expenses. Some of the most intensely fought inter-community battles over land ownership, such as a long-running fight between Tzintzuntzan and Ihuatzio over a large section of malpais called Ucasanastacua, concerned rental lands. Both sides claimed quiet and peaceful possession of the land from time immemorial and presented ambiguous titles to support their claims. But neither community suggested that the lands were required for the subsistence needs of their members. For both, the land was a source of income because it was rented to liquor distillers who made mezcal for local markets. A fifth form, also intended for rental and income generation, was controlled by religious confraternities, or cofradías, and might have been carved out of community lands or purchased separately. Cofradia lands and incomes were threatened from the late eighteenth century, and the mid-nineteenth century reforms dealt them a double blow: they were generally included in lands set aside for reparto. Communities could also buy and rent additional lands. House plots and agricultural fields are generally referred to as tierras de repartimiento, the other forms as bienes de comunidad; it is worth keeping in mind the different uses to which these more general forms could be put.

With independence, the administrative situation of indigenous communities changed. Communities held land and were protected by the crown under special administrative structures. They were repúblicas de indios as opposed to repúblicas de españoles, with separate forms of local governance and officials within Spanish colonial administration. With independence, these two republics became one, as Mark Thurner has expressed it in Peru. With the development of municipal government early in republican Mexico, administrative units based on caste divisions were replaced with units based on territorial administration -- municipalities and their dependencies (tenencias). Indigenous communities were now pueblos, and there was no necessary requirement that local authorities be indigenous or that pueblos own and manage communal resources. This was to be especially important in municipal capitals like Patzcuaro, Santa Clara, Tzintzuntzan, and Erongaricuaró, which attracted many outsiders. The distinction between indigenous community and pueblo or tenencia would not necessarily be immediately apparent in some of the smaller communities, but it would become so.⁵

⁵ Mark Thurner, From Two Republics to One Divided (Durham, North Carolina: Duke University Press, 1997); Peter Guardino, Peasants, Politics, and the Formation of Mexico's National State: Guerrero, 1800-1857 (Stanford: Stanford University Press, 1996); Andres Lira Gonzalez, Comunidades indígenas frente a la ciudad de México: Tenochitlan y Tlatelolco, sus pueblos y barrios, 1812-1919 (Zamora: El Colegio de Michoacán); Rodolfo Pastor, Campesinos y

Economic Transformations: Patzcuaro was not one of the emerging centers of an agrarian capitalism in the nineteenth century. Only with the building of two railroad lines in the 1880s did the region open up for the first time to the kind of spoilation that characterized other parts of Mexico. When this happened, the most important exploitable resource was lumber, much of it exported directly to the US through the agency of new, foreign entrepreneurs in Patzcuaro and smaller towns. Thus, the most important economic pressure during the period emerged in the wooded hillsides, especially to the west and south of Patzcuaro, location of both the region's largest haciendas and of extensive undivided, nonprivatized common lands belonging to indigenous communities. This was to become an area of intense conflict.

Formal Equality and Substantive Inequality

General Considerations: The world of legal processes and disputes is, in one sense, a happy fiction in which all actors have equal legal status before the courts and in which claims to property are unambiguous and straightforward. Everything proceeds, in theory and in claim, with el estricto apego a la ley -- a phrase that appears in some of the court cases of the last century and that is repeatedly used in present-day Mexico to describe processes of appropriation. Implicitly, if a process is legal (that is, it proceeds with the "estricto apego a la ley,"), no theft or injustice has occurred, and there is nothing to complain about. But this ignores a number of difficulties in the relationship between law and society.

Simply put, while the law proclaimed the equality of citizens before the state, the social field was shot through with sharp -- and sharply felt -- inequalities. There were, first, the central forms of class difference -- between hacendados or owners of ranchos and the peones and medieros who worked on their lands, between large landowners and small, between hacendados and indigenous communities, and between the landed and nonlanded within indigenous communities. These forms touched and crosscut each other so as to form a complex social hierarchy, which in turn would have to mapped on to other forms of social and cultural difference -- between district or municipal capital and dependency (tenencia), between town and countryside; between whites and mestizos, whites and indigenas, or mestizos and indigenas, and complex gradations among them; between people from "good" families and the rest; and so on. Judges began their careers as lawyers and might have served in other political offices. They might aspire to higher office or might return to the practice of law after serving as judge. They or members of their family frequently owned land and, in their law careers, represented a range of actors from hacendados to indigenous communities in judicial proceedings. They developed friendships among and depended on the support of local notables, and they lived and practiced in populated centers -- the juez de primera instancia in Patzcuaro, minor judges in municipal capitals and local officers in tenencias. The larger hacendados also lived in Patzcuaro -- or Morelia, Uruapan, or Mexico City.

These forms of differentiation, and the myriad interpersonal and informal relationships that both nourished and grew from them, could not but affect the administration of justice. The problem has several dimensions. To consider them, I will begin with problems associated with judicial procedure, or the administration of justice in court cases. Many of these affected the

reformas: La Mixteca, 1700-1856 (Mexico City: El Colegio de Mexico, 1987).

entire social field and were not limited to the specific difficulties of indigenous communities. I will then move to those specific difficulties, considering first some persistent assumptions about caste difference that seem to have shaped the thinking of judges and other state officials, and, second, some difficulties imposed by liberal land laws for indigenous communities.

An Unequal Social Field: Judicial and executive institutions were concentrated in populated centers, and the disputes concerning ownership and possession of land necessarily emerged in the countryside. These disputes were pursued at several levels -- on the ground as disputing parties would move or destroy boundary markers or appropriate forest or pasture resources claimed by the other party (or by both parties), leading to direct interpersonal incidents and fights; and in the courts as lawyers for one or the other party would claim dispossession or despojo and file suit.

In court, both sides would make precise (and wildly varying) claims on the basis of imprecise documents -- colonial grants and *composiciones* for the *pueblos* and various bills of sale for the *haciendas* -- and the judge, on the basis of a questioning of witnesses living in the locale and a personal survey or *vista de ojos*, would rule in favor of one party or the other. The losing party might appeal or wait quietly for someone to have the temerity to try to enforce the judge's ruling. While court proceedings occurred in a world of law and rights backed by titles and other documents, the daily world of boundary disputes was rather different. Even the centralizing Porfirian state had not established a dense and routine presence in this region, and the clearest of court decisions could not be enforced. A person or village established a continuing claim through possession and use, and they enforced possession by surreptitiously planting fields and guarding them, cutting wood and selling it, and so on. If they could continue to exert a usufruct claim -- however bogus in formal legal terms -- there was always a chance another judge would rule differently, or the political climate would change, or the hacendado would move to the capital.

Thus there was an important gap between law and judicial verdict, on one hand, and the balance of forces, including of arms, that prevailed in a particular locale and a given moment. Some verdicts could not be enforced; in other cases, the relevant authorities did not want to enforce them, for fear or for favor.⁶

⁶ Yet one rarely finds so clear a statement of the problem as the bewildered complaint of a 15 year old girl, a cook for Ireneo Rodriguez at the Rancho de Colorin, one of the most litigious -- and apparently murderous -- of late nineteenth century rural actors in Patzcuaro. He developed a long career of enhancing his holdings and power base through suits, especially with his sisters- and brothers-in-law, and he was alleged to have killed one person with whom he had maintained a dispute. [The accusation that he murdered Rafael Calderon is in Francisco Calderon contra Ireneo Rodriguez, 1892, AHCP caja 117-C, exp. 1. This would not be the same Rafael Calderon who was married to one of his wife's sisters, with whom he maintained a long running legal battle over land. I do not know whether the two Rafael Calderons were related. Rodriguez's escapades will receive more detailed attention in the larger work, and there I will be most interested in the sisters -- Juana, Salud, and Hilaria Romero, daughters of Justo Romero. Their husbands pursued many fights, as did the sisters themselves, but it was the sisters' lands, inherited from Don Justo, that provided the basis for both power and litigation.] In 1888 Maria Trinidad Chavez complained to the Supremo Tribunal de Justicia that three months earlier both Ireneo Rodriguez and his wife, Salud Romero, had hung her from the rafters of their troje and beaten her senseless

A differentiated social world linked to informal personal networks led to the influence of friendships and favor. There are frequent appeals to the judge in Patzcuaro claiming that a complaint filed in a minor juzgado, or with the local official in a tenencia, has been ignored because of the official's friendship with the other party. Personal enmities could have a similar consequence, and parties to disputes frequently suspected that papers were filed without action because of interpersonal considerations that could never be expressed in the judicial record. One could always ask that a judge recuse himself, but especially at the lowest levels of judicial action - the tenencia -- all parties knew each other, including the alcalde or teniente. Right or wrong, the general feeling seems to have been that personal friendships and enmities always carried weight in the administration of justice. There would be no evidence of such bias in the judicial record itself, of course; such evidence only comes in complaints and appeals.⁷

with a barzon. When an aunt finally rescued her one month later, she went to the authorities in Santa Clara to no avail, then to the juzgado primero in Patzcuaro, again to no avail. Now she appealed to the state court:

...no se que aya contribuido a que no se me aya echo justicia a no ser que la posicion social de este Sr. es superior a la mia quisa por esto se me be con despresio porque mientras yo me mantengo de la caridad publica, el esta en su rancho como sino fuera delincuente...[Chavez contra Rodriguez, 1888, AHCP caja 108-C, exp. 1. Chavez also reminds the court that Rodriguez has a history that includes the murder of Calderon. The Supremo Tribunal returned the complaint to Patzcuaro, and it is now buried in a file of random correspondence on which no action seems to have been taken. The exact words of the complaint are not Chavez's but those of the unnamed person who wrote and filed her complaint. Chavez cannot sign her name. Some of the least effective but most eloquent complaints (in that they are not written by persons trained in law and therefore do not make arguments tied to law, on one hand, but also in that they are probably closer to the words and sentiments of the complainant, on the other) are written by local tinterillos -- men with pens and inkstains on their hands.]

Chavez goes on to suggest that everyone fears Rodriguez, and this may indeed be a reason so few acted against him. One local official who ruled against him in another matter found himself the object of a suit [Ireneo Rodriguez contra Leonardo Hernandez, 1900, AHCP caja 122-B, exp. 4: Hernandez calls Rodriguez an "amante de andar en contiendas judiciales."].

⁷ At the highest levels, not-strictly-judicial considerations also played a role. Consider this letter from the interim state governor, Luis Valdez, to Francisco Barroso, district judge of Patzcuaro, from 30 July 1896. The letter is unofficial, marked "corespondencia particular," but its meaning for a judge who wants to stay in the good graces of the government is clear:

Muy estimado Sr. y amigo:

Supongo que habra tenido Ud. noticia del tumulto que hubo hace pocos dias en la hacienda de Santa Gertrudis de ese Distrito y como es muy probable que tenga que conocer de este asunto el Juzgado de su digno cargo me ha parecido conveniente dirigirme a Ud. suplicandole que a fin de evitar estos escandolos que por desgracia son

Another way in which a differentiated social world affected judicial processes was through the routine practice of bribery. Complaints on this front are frequent, sometimes indicating not proof of bribery but the common assumption that bribery was always and necessarily involved in decision making.⁸

frecuentes en Zacapu se sirva proceder con la actividad y energia que acostumbra para esclarecer la verdad de los hechos y aplicar el merecido castigo a los culpables. Se dice que el promotor del tumulto de que se trata fue Antonio Campos, individuo de quien tambien se dice es afecto a pendencies y desordenes, y que por enemistad quiere que en este negocio resulte al Administrador de la hacienda del Senor Lic. Antonio Carranza hijo una responsabilidad mayor de la que pueda tener.

Me permito proporcionar a Ud. los anteriores datos, sin que pueda responder de su exactitud, por si le fueren de alguna utilidad; bajo el concepto de que como es bien conocida la justificacion con que siempre procede Ud., el Gobierno espera que con el castigo que se imponga a los autores del tumulto de Santa Gertrudis se corrigieran para lo sucesivo esos escandolos [Luis Valdes to Francisco Barroso, 30 July 1896, AHCP caja 120-F, exp. 4.].

Here, Valdes explicitly appeals to Barroso's friendship, but the implicit political meanings -- the need to maintain peace, the need to find one of the tumultuosos guilty, and the need to make an example of the guilty parties ... in order to maintain peace -- could not but have been more clear to Barroso. It is, of course, highly unlikely that either the governor or his letter would be mentioned in the judicial record of the case.

⁸ Three examples illuminate different levels and kinds of problem. In 1872, Jose Ma. Reinosa, of Janitzio, complained to the Patzcuaro district judge that his daughter had been beaten to death by another woman but that the local teniente de justicia had done nothing -- either to help her daughter after the beating but before her death or to punish the killer after the incident. When he first appealed to the teniente after the beating, he was told that the teniente could:

administrarme justicia con la condicion de que le diera tres pesos, como lo hice, despues de haber recibido de la parte contraria siete pesos que le dio para que no la perjudicara [Jose Ma. Reinosa contra Julian Carlos, 1872, AHCP caja 102-A, exp 4.].

The long-running dispute between Tzintzuntzan and Ihuatzio over Ucastanastacua was briefly disrupted when a Morelia district judge ruled in favor of Tzintzuntzan at the close of a site visit and survey of boundaries (vista de ojos) and had the bad judgement to stay overnight in the village of Cucuchucho, a dependency and ally of Tzintzuntzan in the dispute. Emboldened by their good fortune, villagers destroyed the distilleries of some of Ihuatzio's renters, appropriated some barrels of their mezcal, and spent much of the night celebrating -- with the judge himself. When Ihuatzio's lawyer learned of this, he asked the judge to recuse himself, prolonging the process (which in the end had the same result) for several more years [Tzintzuntzan contra Ihuatzio, AJM, ramo civil, Morelia Juzgado Primero 1875, leg. unico.]. Several decades later, Ihuatzio's legal representative or apoderado, Panfilo Hilario aggressively pursued another land dispute with Tzintzuntzan. When Ihuatzio lost the case, a large group of Ihuatzians deposed him

Casta and Comunidad: Let us now move from a consideration of more generalized problems concerning the administration of justice to more specific difficulties involving indigenous communities. I have in mind here two problems. The first has to do with the disjunction between a legal world that attempted to erase caste divisions, proclaiming a nation of citizens, and a practical world in which caste divisions were a matter of everyday importance. Simply put, variously situated actors, from members of indigenous communities to rancheros or hacendados and lawyers to state officials, continued to think in terms of caste divisions. This lent legal procedures a sometimes vertiginous character, as all participants had to pretend to act in a world that nobody inhabited. Two examples will suffice. To understand the first, one needs to remember that by the early Porfiriato the indigenous community had lost legal standing: it had ceased to exist as a juridical entity and could not appear as an actor in legal proceedings. This complicated the task of representatives attempting to preserve community lands, in ways I will explore in the next section. But consider here the case of a dispute between two representatives, or apoderados, of the community of Huiramangao, in the mountains west of Patzcuaro, in 1881. One, Jose Ma. Leon Sosa, has served as apoderado for 25 years, but a large group within the community has grown dissatisfied with his lack of accountability, revokes Leon's power and grants power to Rafael Velasquez, who demands an account from Leon. Leon provides one, and a dispute ensues as to whether Leon owes the community money or the community owes Leon. But what stands out in the case is a partial ruling by the Patzcuaro judge, which appears some three months after the case is first presented, coming almost as if it were an afterthought:

Agreguese a los autos a que se refiere i apareciendo en cuanto a la personeria del actor: que en todas sus escritos, se dice apoderado de la comunidad de indigenas o de los comuneros de Huiramangaro, con cuyo caracter ha promovido el presente juicio, olvidando que dicha comunidad ya no existe como ninguna otra de las de su especie, conforme a la ley; i en consecuencia, segun el articulo 44 delCodigo, dicha comunidad no tiene entidad juridica: que aun cuando la escritura de mandato con que se presenta el Ciudadano Rafael Velasquez pudiera acreditar la personalidad de este como representante, no de la comunidad, sino de los vecinos de Huiramangaro, tampoco es de admitirse en este sentido toda vez que el censo oficial de este pueblo arroja un total de cuatrocientos setenta i dos habitantes, i no aparece probado que los setenta i seis que dieron el mandato al Ciudadano Velasquez, constituyan la mayoria de aquellos habil para obligarse...

Given that the judge could have made this ruling three months earlier, at the beginning of the

and threatened his life, pausing to explain to the governor that one of their complaints against him was that he had collected 3,000 pesos from them to pay off officials in Morelia. Since the verdict had been negative, they assumed that Hilario had eaten the money [AHPem, fondo Hijuelas, Distrito Patzcuaro, Libro 2, f. 83].

Of course, neither Reinosá, in Janitzio, nor the large contingent of Ihuatzians received good legal advice before filing their complaints. Neither the bribed nor the briber can ever speak of the transaction: if the briber formally complains, he admits a crime. That the Ihuatzians thought they could admit a bribe, or an unsuccessful attempt to bribe, in a communication to the governor, indicates that they thought both they and the governor occupied a world of common assumption, in which payoffs were a necessary part of doing business and seeking justice.

dispute, it would appear that Velasquez was not the only party who had forgotten that the "comunidad ya no existe." The community, together with a significant sum of money that was either owed to it or that it owed, was the central subject of the dispute.⁹

Another suit involving the highland community of Opopeo, the substance of which will be examined in the next section, demonstrates more directly the imagination of caste that characterized the thought of even the most liberal of officials. By the 1890s, the district tax collector was one of the most aggressive officials in pressing recalcitrant communities to divide their lands. A reparto might make individual parcels worth less than 100 pesos, and therefore not subject to real estate tax, but undivided lands were assessed at their commercial value, and wooded hillsides were now extremely valuable. Those woods and pastures that had remained proindiviso in earlier repartos were now under intense pressure, and the district Administrador de Rentas was, in most instances, a cold and diligent fellow. In communications to the District Prefecto or to the Governor offering counsel on particular cases, he consistently spoke the language of fiscal responsibility and obligation. Land was property, nothing more, and all property should be registered on the tax rolls, and his responsibility was to collect taxes and embargo and auction the property of those who failed to pay taxes. Other participants in the legal processes, including representatives of the communities themselves, might make appeals to other standards of justice, and to the indigence that might befall a community when its lands were auctioned. The Administrador's consistent advice to his superiors was to ignore such appeals. Law and fiscal responsibility were on his side, and he wrote his opinions with a kind of detached confidence.

In the case of Opopeo, however, his liberal logic did not always prevail. For reasons to be explored below, a decade passed between the announced embargo and the final reparto, during which Opopeo's representative, Jesus Pahua, was playing a complicated game, defending the rights of the community as a whole at some moments and maneuvering to secure his own rights and those of a few of his friends at others. Part of his strategy was to make constant appeals for delays and postponements of the embargo. With each appeal, the governor would ask for the advice of the Administrador, and the Administrador would opine that the only responsible course was to deny the appeal. But the governor kept granting postponements, prompting the Administrador to depart from his detached, liberal logic, and complain, in exasperation, that the people they were dealing with were devious, not to be trusted.¹⁰ Thus, in an attempt to convince a higher state official, the Administrador reminds him that "they" are different, when liberal discourse denies that "they" exist.

Finally, we need to consider the specific consequences of liberal land law on indigenous communities. I will begin with certain structural consequences emanating from the sharp distinction between liberal and colonial conceptions of property. The uneven application of the new laws, and the range of strategies open to communities confronting them, will be considered in the next section. To begin, liberal law imposed new forms of property and legal procedure, rejecting forms dating from the colonial period. This was most obvious in the requirement of a

⁹ Velasquez contra Leon Sosa, 1881, AHCP caja 106-A, exp. 1.

¹⁰ AHPem, Fondo Hijuelas, Distrito Patzcuaro, Libro 3, fs. 142, 143.

reparto, which imposed individualized forms of property, and the registry of titles, discarding corporate forms of ownership with which indigenous lands had been set aside and "protected" -- for good and ill, well and badly -- by the colonial state. One consequence of this innovation was that it imposed a singular definition of ownership on lands that had previously been appropriated and used through a range of overlapping and intertwined rights and obligations, all contained within a singular corporate form of ownership.

Of the various types of land appropriation that existed under the corporate umbrella, the easiest candidates for inclusion in the new property regime were house and farm plots. These had long been the object of individual and private possession (when the community of Ihuatzio once made the audacious claim to the governor that they had not registered a reparto because their lands had been repartidos "from time immemorial," it was to these plots that they probably referred).¹¹ Rights to individual plots could be inherited, bought and sold, pawned, rented, and so on. Under corporate landownership, however, what was inherited or alienated was not a piece of property but a right of possession which might be backed up by a notarized contract or testament (escritura). The right of possession would not be registered on the tax rolls as individual property.

A number of communities readily accepted the reparto of house lots and agricultural lands, setting in motion what was nonetheless to be a decades-long process of surveying and registering, resurveying and reregistering, but most sought to reserve community pasture and woods for common use. But this was another area where substantive inequality confronted formal equality. The equality recognized by liberal law was that of property owners, but only a fraction of community members could emerge as property owners from a simple registry of holders of rights of possession. As indicated above, indigenous communities were stratified, divided by a class-like division between a relatively small group with firm rights to land, first as prereparto possessions and then as postreparto properties.

Because liberal laws did not recognize community ownership, and later rejected indigenous communities as legal entities before the courts, they could not recognize the limited right to a livelihood of community members who owned no property. In the next section, I will examine some ways in which pasture and woods, as well as former rental lands, were handled during the repartos and subsequent processes. I simply want to stress here that prior to such a consideration we can see the new laws serving as an instrument of usurpation or despojo. By recognizing the singular rights of possession and transforming them into property rights, while denying the more vague and complex rights of community membership, the new laws alienated large numbers of people from access to land. Unless a clear distinction is made between house and agricultural plots, on one hand, and common pasture, woods, and marsh on another, the differential effects of the repartos cannot be understood. The repartos could be easily assimilated to existing practice, despite numerous individual complaints, with regard to the former, especially for that minority of the community who possessed lands. It constituted a direct challenge both to the community as a juridical form and to the majority who possessed no land, with regard to the latter.

While it is necessary to begin a discussion of the repartos with an understanding of various dimensions of an unequal social field, this does not mean that indigenous villagers were without

¹¹ AHPem, Fondo Hijuelas, Patzcuaro, Libro 2, f. 20.

personal, social, political, and legal resources in responding to the introduction of new forms of landed property. Some of these we now consider.

Legal Dimensions of the Repartos

State and Private Pressures on Indigenous Communities: In 1876, at the beginning of the Porfiriato, the legal armature of the reparto process was in place, and most of the process still lay in the future. Many communities had responded positively to earlier state laws requiring repartos, but in most cases the partial divisions and privatizations they made were not properly registered on the tax rolls. When new reparto initiatives emerged in the last three decades of the century, those communities would be required to revisit their old repartos, hire surveyors, and conduct a more extensive demarcation and registry of individual lots. Similarly, in the 13 years that passed between the Ley Lerdo of 1856 and a round of community visits by government officials in 1869, the national law was not effectively enforced, partly because it couldn't be enforced due to political turmoil, and partly because of greater interest in Church lands -- by far the bigger prize available for private appropriation.¹²

In 1869, however, District Prefects in Michoacan were ordered to direct municipal presidents to the various indigenous communities, call public meetings, and read the latest state directive mandating repartos. The communities were then to meet in the presence of the municipal president and decide upon a response, which would be written out and signed by the municipal officers and as many members of the indigenous community as could do so. Responses were of three basic types: complete acquiescence, partial acquiescence, or refusal. I have no direct examples but a few indirect examples of the first, one example of the third, and many of the second. Complete acquiescence would involve reparto not only of house lots and agricultural lands but of common forest and pasture; partial acquiescence involved the agreement to survey and register house lots and agricultural lands -- plots that were already divided among individuals in any case -- but a public reservation regarding common lands, which most communities wanted to maintain proindiviso. In the one case of refusal I have found, in Opopeo, the community did not even want to acknowledge to nonindigenous officials that any lots were privately possessed.

Manifiesto toda la comunidad que no esta por repartirse, por que permaneciendo sus bienes en comun a ningun indigena falta lo necesario para la subsistencia puesto que nadie puede enagenar terreno alguno; y por el contrario, si se verifica el reparto, los indigenas venden sus partes y esto trae consigo insolvencia....¹³

¹² There were important exceptions. For example, the barrios of the city of Patzcuaro itself (San Francisco, San Agustin, and Salvador) were conducting a reparto before the community visits of 1869, and the residents of San Francisco and San Agustin, in particular, quickly began selling their house sites and lands surrounding the city. The sales were precarious because no titles had been issued. Some sales refer to a reparto still in process, others to a reparto just completed. See, for example, Libro de Protocolos del Escribano Antonio Huacuja, 1867-68, AHCP libro 14, numbers 23, 24, 25, 27, 29, 34, 39, 41, 50, 51, 54, 56, 57, 58, 59, 62, 68, 70, 73, 77, 84, 85, 89, 91, 92, 97, 104, 105.

¹³ AHPEM, Fondo Hijuelas, Distrito Patzcuaro, Libro 3, fs. 273-274. The quote is from a report to the state governor of the incident, in 1869, signed by the Santa Clara municipal president who had tried to persuade the Opopeans to privatize, and by many members of the pueblo.

Those communities that chose to keep all or part of their lands proindiviso were then informed at the meeting that the fiscal relationship between communities and the state had changed and that communities would now be liable for real estate taxes on undivided lands. Individual plots could also be taxed, but it was generally assumed that most such plots would fall below the value threshold past which real estate taxes would be owed. Undivided lands, assessed at their commercial value, would not. Of course, in a more distant past, the commercial value of much of the wood was virtually nil. This changed dramatically over the last two decades of the century as timber became the most important exploitable resource in the region. This was especially the case with the building of the railroad in the late 1880s, the arrival of new foreign merchants, and the clearcutting of mountainsides.

Indigenous communities during this period were under a range of pressures. From the state, the most constant and serious came from tax authorities. Soon after the 1869 meetings, communities began appealing for tax relief -- postponement of due dates, forgiveness of all or part of past debts, and so on. Before responding, the governor would seek a report from local authorities on the present state of the community's reparto. If they had not filed a reparto, the appeal would be denied. A negotiation might then ensue in which a community would show good faith and begin working on a reparto, in response to which the governor might give some of the requested tax relief. The resulting reparto might be partial -- one section of community lands, the house and agricultural plots, for example -- leaving much of the common land proindiviso. But some of the first communities to register a fairly full privatization, such as Tzintzuntzan, did so in response to this first expression of tax pressure.

For the rest, however, a long period ensued involving a number of disputes in which repartos were an issue. It is here that we leave the level of state pressures and encounter a range of tensions and conflicts in which indigenous communities were involved. The twin forces of a requirement that land be privatized and the increasing commercial value of land exacerbated old and festering conflicts over boundaries -- between communities and ranchos or haciendas, between particular communities, between communities and individuals who had rented part of their lands, between individuals within communities, and even (or especially) between individuals within families.¹⁴ Land could not be surveyed and repartos registered until these boundary questions were settled, and the reparto itself served as a mechanism for initiating or revisiting legal suits. Through much of this period, then, indigenous communities, and individuals within them, were engaged in a range of legal disputes in which repartos were not explicitly mentioned but which could not be easily separated from the reparto process as a whole. Repartos, and the growing exploitation of the mountainsides, were the "that without which" for this range of legal disputes.

During this period, a different legal instrument of pressure on communities emerged -- the denuncio. Following procedures devised for the privatization of Church lands, an individual could denounce a plot of land that, because of its former corporate status, was "unknown to the fisco" - not registered on the tax rolls. He or she could estimate its present value and offer to pay that

¹⁴ I explore some of these in a related paper, "We come with respect: liberalism and social conflict in Porfirian Patzcuaro," Annual Meeting of CLAH/AHA, Washington, D.C., 1999.

sum and register it on tax rolls if the denuncia survived a period in which other parties might object. Thus far, however, this mechanism seems not to have been especially important in Patzcuaro.¹⁵

By far the most effective state pressure toward reparto came from the tax authorities. Before considering that pressure and its consequences, we need to examine some of the legal strategies that were available to communities under liberal law and procedure.

Legal Resources Available to Indigenous Communities: To explore legal options and strategies available to indigenous communities during the last quarter of the nineteenth century, I need to make three temporary assumptions, which can be set aside in later discussion. First, I assume that the communities existed, despite their loss of juridical status. Second, I assume that these communities, despite evident differentiation, held certain common interests, especially in maintaining collective resources. Third, I assume that their appointed leaders acted to preserve and protect those collective interests and did not act either as agents for other interests or for their own personal gain. In fact, many community leaders were self-interested thieves, and individuals within communities had quite different interests in common resources. But we need to set these difficulties aside, temporarily, in order to examine the kinds of sources for common action that existed during this period.

The most important community leader in dealings with government officials was the apoderado, or empowered, a person who held a general or limited power of attorney from the community or, once the community no longer existed as a legal entity, from a significant number of individuals from the excommunity. Unlike elective offices in the civil and religious hierarchy, individuals who served as apoderados could hold their jobs for a number of years, even decades. Though they could be deposed and power revoked, while they held power of attorney their authority could be quite broad. Some communities selected a member of the community to serve as apoderado. In this case, they tried to pick someone who was versed in Mexican law and could move in a variety of nonindigenous spaces -- the municipal capital, where he dealt with the municipal president and tax collector; Patzcuaro, where he dealt with the prefect, tax collector, and district judge; and Morelia, where he dealt with the governor, the supreme court, and other government offices. Back in the community, he dealt with local officials and the state appointed comisionado and with other officials. In all these settings, he represented the community in its disputes with other communities, haciendas, neighbors, and government officials. He was

¹⁵ I have found two instances of denuncia, both of which were challenged and seem to have been withdrawn. The most creative was an attempt by Pedro Victorio (public scribe and longtime secretary to the district judgeship in Patzcuaro) and an associate to denounce a rather large section of mountain land to the west of Patzcuaro. He claimed that the land belonged to Pichataro, and that community did not object, leading one to suspect the two parties had worked out a private arrangement. But the denuncia would have diminished the holdings of Nahuatzen and Sevina. Victoria denounced the lands to the district prefect in Patzcuaro, and the denuncia was announced in an official periodical of Patzcuaro, a district to which neither Nahuatzen nor Sevina belonged. The apoderados of the two communities learned of the maneuver in time to oppose it, however, and Victoria's claim seems to have been withdrawn [Denuncio de tierras por Pedro Victoria y Placido Rodriguez, 1881, AHCP caja 106-A, exp. 1.].

responsible for collecting taxes from community members and making sure they met a range of state obligations, including the reparto itself. For all of these tasks, he enlisted the help of outsiders, most importantly lawyers or mestizos versed in the law, and he had the power to contract debts and rent, sell, or otherwise obligate community resources. Not all communities named an indigenous apoderado; some worked directly with an attorney who served as apoderado. When communities appointed an indigenous apoderado, he would generally consult with attorneys on a routine basis. And some communities appointed several apoderados -- an indigenous representative, a lawyer in Patzcuaro, and another lawyer in Morelia.

When, because of a dispute involving an apoderado, he is made to account for his actions, we get a detailed picture of his activities. When Jose Maria Leon Sosa was challenged by some of the community members of Huiramangaro in 1881, he presented a bill that showed him handling community rentals, routine travel to Patzcuaro, Morelia, Uruapan, and Quiroga to consult with attorneys, appeal to government officials, pursue a land dispute with Pichataro, appear in court, search for titles, or rescue community members carried off by a general. (Interestingly, there is no mention of any work on a reparto.) The attorneys he consulted were members of the state elite: Bruno Patino and Antonio Rodriguez Gil in Morelia, Eugenio Acha, Anselmo Rodriguez, Rafael Rascon, and Pedro Solorzono in Patzcuaro. Patino, who served briefly as constitutional governor of Michoacan in 1878, owned a large hacienda in the mountains northwest of Patzcuaro -- Buena Vista, which in turn had a boundary dispute with Pichataro.¹⁶

In the face of state pressures regarding repartos, economic transformations in the hills, and conflicts with neighboring communities and haciendas, communities needed good and skillful legal representation, and they needed people who could think strategically. When communities as entities (or ex-entities) contracted a lawyer, either as an apoderado or as a consultant for an apoderado, they tended to hire elite and powerful lawyers.¹⁷ We have already encountered Huiramangaro's consultation with Bruno Patino; Pedro Solorzano and Octaviano Cortes frequently appear as lawyers for indigenous communities (and for hacendados, merchants, and other litigious parties); and Ihuatzio hired Nestor Lopez to pursue their suit with Tzintzuntzan.¹⁸

¹⁶ AHCP caja 106, exp. 1, 1884. Leon Sosa is listed as a vecino of Huiramangaro. It is not clear that he is an indigena. Similarly, when Pedro Victoria tried to take advantage of a confused political boundary between Uruapan and Patzcuaro districts, denouncing some of "Pichataro's" land, the apoderados of Nahuatzen and Sevina had to be aware of what was happening beyond their own political district in order to protect their communities' interests.

¹⁷ Individuals within communities, unless they were themselves affluent, did not. When an individual pursued a dispute with another individual or against a town official, they tended to contract less elite, and often less competent lawyers, or individuals who knew enough of the procedure involved to write a complaint. These individuals (tinterillos) wrote documents that seem much closer to the words, and the structure of thought, of the complaining parties.

¹⁸ Consideration of the merits of that case had to be postponed yet again (we have already encountered one postponement when the first judge had to recuse himself) when Ihuatzio's lawyer, Nestor Lopez, was appointed judge in the very court in Morelia in which the case was being heard. Tzintzuntzan, on the other hand, hired Jose Ma. Villagomez in Morelia, apparently not a

Though elite lawyers may have been well paid, I have not yet found evidence of either payment or dispute over payments. Lower ranking lawyers did engage in disputes with communities over money, and eventually land. But in some 62 claimed conferences between Leon Sosa and Patino, Patino had thus far only presented a bill for 10 pesos. Some of them may have received gifts of land from grateful communities: such gifts were occasionally made to individuals who had rendered exceptional service to a community. Clearly, from the point of view of indigenous communities, it was strategically important to build vertical alliances; recognizing the powerful influence of a differentiated social field in the administration of justice, their leaders sought sponsors, patrons, and advisors who might influence the outcome of the proceedings. They recognized that hacendados, lawyers, government officials, and other members of the regional elite did not act as a unified group and took advantage of divisions and factions in seeking to form momentary alliances. In addition to well placed lawyers, they could also sometimes find sympathetic public officials. In the dispute between Ihuatzio and Tzintzuntzan, for example, the Ihuatzians were able to call upon Patzcuaro municipal and district officials (at the time, Ihuatzio was a dependency of the municipality of Patzcuaro; earlier and not much later it was a dependency of Tzintzuntzan), while Tzintzuntzan called upon Quiroga municipal and Morelia district officials. Whether the case was to be heard in Patzcuaro or Morelia was the first question at issue; the decision to hear it in Morelia was an early defeat for the Ihuatzians.

Here the basis for a vertical alliance, with each community able to call on political leaders in their respective municipalities and districts, is clear. The boundary dispute between the communities involved more than the communities themselves. Looking at other vertical alliances from the point of view of patrons, however, it is not always clear what forms their basis. In the case of Bruno Patino and Huiramangaro, for example, it would not be hard to imagine a common interest in and alliance against the lands of Pichataro, though there is no direct evidence for it. In the case of other lawyers, many also owned or rented haciendas, and had interests in the countryside, and some may have seen direct gains of the sort that seems to have been at work with Huiramangaro. But motivations for particular sponsors may have run the full range from straightforward fee-for-service through a coincidence of interests to an attempt to build political followings to a genuine passion for justice.

In seeking to protect or extend their rights to lands, communities had to adopt the very liberal laws and procedures that threatened their rights, turning certain aspects of the laws to their advantage. In this, their lawyers could be skillful, even if their efforts were not always successful. Consider the following examples, which don't come close to being a comprehensive list but give a decent range of strategies.

For years, the community of Zirahuen faced twin pressures from the state, requiring a reparto, and an encroaching landowner, Andres Sandoval, who claimed more and more community land by purchasing rights from particular individuals. Boundaries being confused, Sandoval consistently occupied more than the community's apoderado thought was appropriate.

licenciado, but who was sponsored by ... Bruno Patino! Villagomez won the suit for Tzintzuntzan but then turned and sued the community for payment of fees. "Tzintzuntzan contra Ihuatzio;" "Juicio ejecutivo que sigue el apoderado de la albacea de Don Jose Maria Villagomez contra los indigenas de Zintzuntzan," AJM, Morelia, Juzgado 2o Civil, 1882, exp. unico.

Zirahuen, like most communities in the region, was not in position to present their colonial titles and depended on the testimony of witnesses in boundary disputes. This was even more true of individual possessions on community lands, which were seldom substantiated by notarized escrituras. In 1903, Florentino Casias, the community apoderado, took Sandoval by surprise, petitioning the district prefect and asking him to require that Sandoval produce copies of the notarized escrituras through which he had bought community land. These documents were necessary, Casias claimed, for him to complete the reparto. Sandoval immediately responded that Casias's petition was outrageous; repartos were matters completely internal to indigenous communities and did not involve outsiders. Casias then reminded the prefect that repartos necessarily involved communities' neighbors in that he was required to survey and specify precise boundaries; it was essential that he know exactly what lands were legitimately possessed by Sandoval and what lands were possessed by the members of the community. Casias was gambling that the poor documentation of individual indigenous possessions could be turned against Sandoval: if the escrituras used by indigenous sellers were questionable, the same would be true of the escrituras used by the buyer -- Sandoval. The prefect ordered Sandoval to produce his papers, which he did; though the rest of the process is missing, one imagines that the escrituras provided the apoderado and his legal adviser several years of breathing room in countering the hacienda's expansion and delaying the reparto.¹⁹

A case from Huiramangaro in the early 1880s demonstrates the use of state provisions disestablishing the communities themselves. In 1880, Jose Maria Leon Sosa, as apoderado of the community since 1857, signed a contract of anticresis with Mateo Barrera, a middle-level merchant in Patzcuaro. Barrera loaned Leon Sosa 300 pesos for five years, which Leon Sosa claimed to receive and use for the community as a whole. Leon Sosa, in turn, gave use of a potrero belonging to the community, the "llano de Huirupio," for five years. Mr. Barrera would have full use of Huirupio during this time and would also be able to graze animals on other land belonging to Huiramangaro. At the conclusion of the five years, Barrera would return the land to the community and the 300 peso debt would be cancelled. But in 1881 Barrera died, leaving a daughter born outside of marriage, Luisa Calvillo, as sole heir. The principal good he bequeathed her was the possession of Huirupio. But a group of villagers from Huiramangaro decided to reappropriate Huirupio and, after kicking out Calvillo's sharecroppers, proceeded to plant corn. Calvillo sued the villagers for despojo. Their attorney's main response took advantage of the changing legal status of indigenous communities. The original contract of anticresis was null and void, he said, because Leon Sosa did not represent the community: there was no community to represent.

Sr. Leon Sosa no era Apoderado de nuestra Comunidad. Extinguido las comunidades de indigenas quedaron por ese mismo hecho sin valor alguno todos los poderes otorgados por ella, pues lo logico, lo legal es que faltando el poderante por cualquiera motivo debe cesar el poder. El Sr. Sosa pues no tuvo facultades en tres de Agosto de mil ochocientos ochenta para gravar de alguna manera los intereses de una Comunidad que no existia y que por lo mismo no representaba.

¹⁹ AHPEM, Fondo Hijuelas, Patzcuaro, Libro 1, fs. 30-48.

Los bienes de las extinguidas comunidades quedaron en propiedad y posesión de los parcioneros y los de Huiramangaro no hemos dado poder al Sr. Sosa para que disponga de nuestros terrenos.

Calvillo, who was represented by Pedro Solorzano, did not address this particular difficulty. Indeed, her suit never mentioned the community as an entity: she sued the particular individuals who had invaded her possession. The fact that the original possession was granted in a contract signed by the representative of a community that no longer existed remained, in Calvillo's representations, a silence.²⁰

The Huiramangaro villagers' intervention here was unsuccessful because the lawyer did not address what became the central issue in the case: possession. The court did not consider the question of whether or not the original contract was valid: both parties had acted as if it were, and Barrera had been given possession of Huirupio. Particular individuals had then forcefully taken possession from his heir. Thus those individuals were found guilty of despojo and were made to return the land, pay costs and pay a fine. But the problematic nature of legal standing, or personeria, and the fact that indigenous communities, as communities, now lacked it, was something of which all lawyers were aware, and they would use it to try to evade community debts and contracts, or to counter what were perceived to be prejudicial actions taken by now-deposed apoderados -- selling wood, selling or renting land, and so on.

But an argument that conceded that indigenous communities no longer existed and that their representatives lacked personeria was an exceptionally poor one, even as a last line of defense: it conceded too much. Had the Huiramangaro argument carried the day, their lawyer might have won his case at the cost of placing the community of Huiramangaro in poor position to defend other crucial interests. Indeed, the communities that complied quickly with reparto decrees, like Quiroga in response to the decree of 1869, and dissolved themselves as legal entities, placed their former members in poor position to defend formerly communal resources like pasture and forest. The most successful strategy was one that did not directly confront or reject reparto laws but did not completely acquiesce to the new state requirements. Communities could represent that they had divided or were dividing their house lots and fields but were reserving the forest as proindiviso. They might then have a basis on which to negotiate with government officials, delay proceedings, and then aggressively pursue specific issues in which their rights were clearly delineated.

Often, the strongest issue they could push was possession, just as it was Luisa Calvillo's possession of Huirupio that decided her complaint against Huiramangaro. Consider the strategy followed by Pedro Solorzano from 1881-1884 when he represented a number of members of the community of Santa Clara in their dispute against the municipality of Santa Clara. He began by

²⁰ Luisa Calvillo contra Juan Jose Mariano, Manuel Antonio Rojas y otros, 1882, AHCP caja 113-H, exp. 3. There is probably more to this case than what I have presented thus far. Barrera's will names both Calvillo and Leon Sosa as executors, even though Calvillo is sole heir. Also, note that her lawyer, Solorzano, was one of the Patzcuaro lawyers consulted by Leon Sosa regarding Huiramangaro affairs. The villagers' lawyer, Emigdio Celis, had not appeared on Leon Sosa's list and was not, as far as I can tell, part of the elite corps of lawyers. The case may be part of an internal dispute within Huiramangaro, with the individual villagers taking Huirupio coming from the nonlanded. Leon Sosa fully reported the 300 pesos rental on his account to the community.

gaining and presenting a power of attorney from 55 named individuals from Santa Clara.²¹ He then sued the municipality in their name, claiming to represent certain vecinos of the pueblo of Santa Clara. These vecinos are "duenos en propiedad y posesion" of their land in and out of the pueblo due to a reparto that the comunidad de indigenas undertook in 1833. These individuals have possessed, "con igual titulo, antes y despues del reparto, de tiempo immemorial" a spring outside of town. The municipality has recently appropriated it, destroying the aqueducts that carried the water to the lands of his clients. This, claims Solorzano, is a clear case of despojo. Note that Solorzano carefully avoids any representation that the individuals he represents are or are not a community. He follows contemporary procedure by calling them vecinos, he establishes that the community practiced a reparto, but they continued to enjoy certain common rights as owners, in property and possession, of resources. In a later filing, he calls his clients "varios indigenas de Santa Clara," and in another he refers to them as "algunos participes de la ex-comunidad de Santa Clara." But he never calls them a community or grants them any juridical standing other than that of individuals who signed a power of attorney.

Of the two claims of ownership, of property and possession, he presses the fact of possession and calls numerous witnesses who swear that the individuals have enjoyed the use of the water for as long as they can remember and that the municipality had recently moved in and taken it. He quietly sets the question of property aside because the individuals can produce no titles that mentioned the water, but the municipality's lawyer, Eugenio Acha, does not pursue this issue. He succeeds in removing a few individuals from the suit but little else. After three years, the municipality was required to restore the water, and the individual members of the town council were to pay court costs.²²

As the Santa Clara case demonstrates, a critical resource in demonstrating possession was the gathering of an apparently reliable group of witnesses. These could not be participants in the dispute nor relatives or associates of the litigants. Thus, in addition to reaching out vertically in the social field, indigenous communities needed to establish horizontal relations with nonindigenous peasants and rancheros in their vicinities. In 1901, the community of Zirahuen surprised the owner of Hacienda Jujacato, Hilaria Romero -- who lived on Patzcuaro's main plaza -- with a petition for apeo y deslinde (an on-site inspection and survey of boundaries, in which the personnel of the court questions witnesses while walking the property lines), due to what the community's apoderado called the recent destruction of property markers with the construction of the railroad. Romero opposed the survey, to no avail, and the witnesses supported the claims of Zirahuen. Unfortunately for Romero, it was unlikely that she could have found any witnesses

²¹ Their stated occupations give a good idea of two dimensions of differentiation in late nineteenth century indigenous communities: 7 were cobrerros, 8 were labradores, 25 were jornaleros, 1 was a panadero, 7 were obrageros, 1 a comerciante, 1 a zapatero, 1 a velero, 1 a curtidor, and 3 were viudas sin profesion. All women are listed as sin profesion or sin profesion por su sexo in these documents, even when it is clear from the content of the document that the woman in question has a job or runs a business or does something else that would be listed as a profesion if she were a man.

²² Pedro Perez, Cayetano Reyes y otros contra el Ayuntamiento de Santa Clara, 1881, AHCP caja 113-H, exp. 2.

who lived in the region who would support her claims: it seems that she was involved in legal disputes with all of them, including siblings and neighboring hacendados. The Patzcuaro District Judge had no difficulty in ruling in favor of Zirahuen at the conclusion of the survey. Unfortunately for the villagers, however, Romero successfully appealed the case in the Supremo Tribunal in Morelia, where she also maintained a residence, and where her husband, Margarito Cortes, was an influential attorney.²³

A final example shows another dimension of possession and the importance of maintaining written records. In Ihuatzio's dispute with Tzintzuntzan over Ucasanastacua, Ihuatzio presented what appeared to be better colonial titles to the property, but Tzintzuntzan had better evidence of recent possession. Both claimed to have been renting the section out to mezcal distillers, but only Tzintzuntzan could produce written rental receipts. And they presented more reliable witnesses: almost all of Ihuatzio's came from Huiramba, a bit too far away to make eyewitness accounts credible, and they all said, literally word for word, the same thing.²⁴

Ihuatzio presents an interesting counter-example in that there are moments when its representatives are among the most aggressive defenders of community lands and rights, generally against Tzintzuntzan but also against particular individuals, but the surviving record provides little evidence that they even went through the motions of doing what the state required them to do -- register a reparto. One difficulty representatives clearly faced was that the community itself was sharply divided: Ihuatzio accounts for more than its fair share of individual complaints against fellow villagers, family members, and representatives housed in the Archivo Historico of Patzcuaro. And in their disputes with outsiders they almost always lost. The stakes they pursued were generally quite large -- Ucasanastacua, and half the mountain of Tariaqueri, for example -- when many other communities were pursuing more limited goals. And the losses they suffered were equally large: in addition to losing the land in question they could be made to pay costs and fines, resulting in the loss of even more land. This happened as a result of the 1874 dispute with Tzintzuntzan.

More limited goals might provide occasional successes, and they allowed communities to negotiate for more time, but communities also suffered losses. To understand these and their consequences, we need to set aside the three temporary assumptions with which I began the discussion of indigenous strategies. Instead, we need to see the communities as differentiated collectivities, with individuals perceiving and pursuing a variety of interests, and the apoderados as persons who were quite capable of betraying the communities they purportedly represented.

The rupture of indigenous communities: By the mid 1890s, the pressure on indigenous communities, both those that had refused to register any reparto and those that had only registered repartos of house and field sites, was intense. Communities that had maintained woods, pasture, and marsh proindiviso now found themselves presented with tax bills that could not be paid. Some communities found their lands subject to reassessment from the mid 1880s as the commercial value of their hillsides increased. Communities faced with large and growing tax obligations now faced limited options. They could challenge the new assessments and appeal for the forgiveness of overdue taxes: the first could result in lower (but still commercially based)

²³ AJM, Patzcuaro, civil, 1901, leg. 1.

²⁴ "Tzintzuntzan contra Ihuatzio"

values; the second was unlikely to be successful but it might at least prolong the process or result in a negotiated mode of payment.

In any case, in addition to tax obligations, the process of survey and registry itself had become expensive: the governor's office appointed (or the community nominated and the state approved) comisionados responsible for the reparto of particular communities. These were generally outsiders who might live in a municipal capital and would take on the responsibility of composing a book of hijuelas -- the registered titles that indicated an individual's holdings, filed with the local tax authority. The comisionado worked with a community representante, who by the turn of the century was nominated by the community but approved by the governor. These officers incurred expenses, and they could charge honorarios. To meet expenses, communities could collect funds from individuals, rent or sell part of their lands, sell wood, or -- in the absence of these solutions -- allow their lands to be embargoed and then perhaps auctioned by the Administrador de Rentas. While some community lands, such as Santa Clara, were embargoed and auctioned, the threat of public auction was generally enough to force other options on indigenous subjects who were now seen by the state as delinquent debtors. As indicated above, communities routinely held lands that had been rented to outsiders, and the continued rental or sale of these lands provided one means to pay debts. Others would be forced to sell part of their common lands.

The apoderados had been the persons responsible for representing the community in selling and renting lands, selling wood, or designating lands that could be embargoed. In undertaking such transactions, they did not always consult with their communities or inform them of their actions. Community members might discover to their surprise and disgust that a particular mountainside had been sold, or the right to cut wood granted on long term contract, or an individual's lands had been designated for embargo to pay court costs. Complainants often suspected that apoderados were not handling community interests alone in such transactions, and felt that apoderados pocketed some or all of the money or worked out private arrangements with buyers and renters. Thus the actions of apoderados became the focal point of community anger and protest.

In an announced attempt to curb the excesses of past community representatives and apoderados, the state government established new procedures for the naming of representantes. Government approved representatives could do little without seeking the permission of the governor's office. Sale or rental of indigenous land, sale of wood from indigenous land, all required governmental approval. Thus, by the end of the Porfiriato, the state government had recreated one crucial dimension of the protective colonial relationship with indigenous communities: on one hand the communities "ya no existen;" on the other hand, the state took formal responsibility for protecting them from their leaders. This dimension of political power and supervision, of course, coincided with others during the Porfiriato -- the erosion of local control and municipal autonomy that had been at the center of popular liberalism. The liberalism that remained was that of private property and free trade.

The government did not, however, lift its tax pressure on communities, pressure that would make even the most dedicated and well-meaning of representatives make decisions that expropriated the majority of community members. The marked differentiation of indigenous communities needs to be remembered here, and the fact that by the end of the nineteenth century

the majority of villagers no longer had rights to agricultural land. They only had rights to their house plot and perhaps a share of the common.

To understand what this meant for individuals, let us look closely at two highland communities -- Opopeo and San Juan Tumbio.

I begin with Opopeo, which, in 1869, had refused to divide and privatize. By the early 1890s, the Opopeans were in trouble: since they first agreed to pay taxes communally, their lands had been assessed at a value of 5,000 pesos, and they had kept up with their payments. In 1889, however, a new assessment was ordered to bring the tax basis in line with potential commercial value, just as the wooded hillsides were beginning to attract the attention of logging companies. A first assessment came in at 35,135 pesos, to which the Opopeans objected; two years later, a much lower assessment was suggested, and a compromise figure of 17,274 pesos was assigned. But then the Administrador de Rentas wanted to make the assessment retroactive to 1889, meaning that the Opopeans faced a large debt that could not be repaid. Jesus Pahua, the Opopeans' representative, appealed this assessment, but was turned down, and in 1897 the state began to press for an auction of the bulk of the Opopeans' lands.

At this point, a number of interesting things happened. First, in the Administrador de Renta's reports, it became clear that about half of the unprivatized, unregistered communal lands had already been sold to outsiders. The tax collector recommended that outsiders be allowed to pay their respective shares of the overdue taxes and then register their new properties, and that the Opopeans be responsible for the half of the overdue taxes corresponding to the communal lands that had not been sold. This sum could be recovered either by payment or by an auction of lands.

Second, facing an impending auction, a number of Opopeans, led by Jesus Pahua, not appealing in name of the pueblo but on their own behalf, dropped the Opopeans' stance of 1869 and asked that the Opopeans' be assessed individually. Thus, each individual would pay the portion of back taxes that corresponded to his or her share of pueblo resources, and those individuals who could not pay would have their lands treated as part of the comun, to be auctioned. The governor agreed to this procedure, and Opopeans like Pahua were given a few months to verify their holdings and pay their taxes. Several delays were subsequently granted, as the Administrador de Rentas complained with increasing exasperation about the subterfuges to which his procedures were being subjected.

Third, in 1898, in the midst of these procedures, Pahua filed a petition on his own behalf. He had been one of the individuals who had bought shares in the comun from other Opopeans. Here, he appealed to have the lands he had purchased considered not as part of his share as an Opopean but as land he had purchased as a non-Opopean, or as a poseedor extrano. At the most straightforward and material level, Pahua was simply trying to lower his taxes. He contended that the property he had purchased as an extrano was worth less than 100 pesos and therefore not subject to tax. If the Administrador de Rentas succeeded in his claim that both types of land should be treated as a single property (un solo capital), he would owe more. But at another level, he was doing interesting cultural work. He claimed to have lands both within and outside of the comun, and in a sense seems to have been claiming that he was himself both within and without it as well.

(Certainly his earlier appeal to be considered as an individual in terms of tax obligations indicates a willingness to discard communal status as necessary.)²⁵

Looking at these maneuvers together, we see that the pressure from state officials had become so severe as to break apart the apparent community along essentially class lines, as the privileged indicated their willingness to abandon their fellows in order to save their skins. The reparto, when it came, could be seen from a community perspective as an act of betrayal. In subsequent years, Pahua did not meet the deadlines imposed by the Administrador and Governor, and as we have already seen, the Administrador ran out of patience with Pahua. Unfortunately, in the eight years that passed between the announced embargo and the registry of a reparto, there are significant gaps in documentation. I do not know if, in the end, an additional chunk of Opopeo land was auctioned, if Pahua sold part of the community land to pay its taxes, or if individuals continued to sell their shares to outsiders. In any case, when a reparto was filed in 1903, however, there was no longer any common land to be divided. Pahua simply filed hijuelas that recognized the holdings that individuals possessed, and while individual holdings are described as agricultural land with a bit of pasture or malpais, there is no reference to forest or a specific mountainside. Of the 270 names that appear on the reparto list, or padron, 133 receive only house sites. Of the remaining 137 partitioners, 27 received land and/or house sites with a total value of less than 40 pesos. At the other end of the scale, 26 partitioners received land and house sites valued at 80 pesos or higher. The total assessed value of the divided land was 10,711 pesos, a little over half of the assessed value of 1889.²⁶

San Juan Tumbio provides an interesting point of comparison. They did not file a reparto until August, 1911, and at the time of reparto villagers thought they still had rights to two mountains: Cumburinda and La Enona. The reparto makes a distinction between house and agricultural plots already held by individuals, the result of a reparto de hecho, and a division being made with the 1911 reparto of the two mountainsides. The great bulk of the 175 partitioners receive plots in Cumburinda. Of these, 48 receive plots only in the mountainside. That is, they have no right either to a house plot or agricultural land. 116 (including the 48 already enumerated) receive rights to mountain plots and land valued at 100 pesos or less, indicating that their holdings consist of the "solar y jacal en que vive," the mountain plot, and either nothing else or a small agricultural plot. At the other end of the community spectrum, 10 partitioners, divided among 6 last names, received house and agricultural plots and sections of mountainside totaling over 300 pesos each.²⁷

²⁵ AHPEM, Fondo Hijuelas, Distrito Patzcuaro, Libro 3, fs. 137-189. This complicated appeal was rejected. The governor did not address the social and cultural claim, though his staff viewed it with skepticism. The rejection was decided on a simpler basis: the land he had purchased was worth more than 100 pesos, and the argument was moot.

²⁶ Libro de reparto de bienes de la extinguida comunidad de Opopeo, 1903. AHCP, Libro 99. Land seems to have been seriously undervalued in Pahua's reparto, probably in an attempt to keep most of the land off the tax rolls. Despite the apparent low valuation of 80 pesos, those with holdings at this level and higher clearly constituted a landed elite within the context of Opopeo.

²⁷ The valuations of Opopeo and San Juan Tumbio land are not strictly comparable, first

We see here the value of the mountainsides for those with only their house plots or with less than that. We can imagine the difficult straits roughly half of the Opopeans found themselves in with the loss of common land, and we may have some idea of the deception that villagers in San Juan Tumbio must have felt when they discovered that the wood on the mountain to which they thought they were entitled had already been sold and that the most important resource of that mountain land was not theirs. One month later, on 25 September 1911, Antonio Zinzun, the teniente de justicia in San Juan Tumbio, wrote to the Patzcuaro district judge asking for advice:

Ante Ud., respetuosamente expongo, que siendo indispensable darle habizo exacta como se encuentra, la actual situacion; en esta Tenencia para que Ud acuerde, dicte, lo necesario; para calmar, los hanimos entre los vecinos, descontentos de este lugar; o sean los que cean propuesto, formar una gran reboltura: que son Julio Rodriguez, Senobio Arriaga, Marcos Talingo, Manuel Cuinique; y otros varios; que son los que traen a la gente inquieta, enganando, a los becinos, diciendoles que ellos se proponen a reclamar directamente ante el Supremo Gobierno, el dinero de la venta del monte de Cumburinda....²⁸

Of the people mentioned by Zinzun, Julio Rodriguez had received the mountain land plus a house site valued at 10 pesos; Cenobio Arriaga had been approtioned the mountain land plus a house site valued at 30 pesos; Manuel Cuinique had received mountain land plus a house site valued at 50 pesos; and Morcos Talingo had received the mountain plot, a house site valued at 45 pesos, and five agricultural plots, making his total assessment 174 pesos, somewhat better than most, somewhat less than the village elite. All of their mountain plots were in Cumburinda. Zinzun, for his part, was allotted mountain land in La Enona plus two agricultural plots, making him a villager of modest means.

Conclusion

One of the most interesting and impressive trends in recent social and political history of nineteenth century Mexico has argued that peasants, participating in wider coalitions but pressing their own goals and issues, were active shapers of the Mexican state and of the image of the nation. Moreover, according to this view, the political forms and culture they shaped, through the emergence of a popular liberalism, were to have profound effects on twentieth century Mexican politics.²⁹

because of the mountain plots themselves, each of which was listed at 50 pesos, and second because the comisionado, Genaro Chagallon, an outsider, placed higher values on the agricultural plots than Pahua placed on Opopeo plots. Libro de adjudicaciones, San Juan Tumbio, Distrito de Patzcuaro, tomos 1 y 2, 1911. AHCP, libros 97(bis) y 98.

²⁸ Antonio Zinzun to Juez de 1a Instancia, Patzcuaro, 25 September 1911, AHCP caja 121-A, exp. 4.

²⁹ See especially Florencia Mallon, Peasant and Nation: The Making of Post-Colonial Mexico and Peru (Berkeley: University of California Press, 1995); and Guardino, Peasants, Politics, and the Formation of Mexico's National State.

Although Patzcuaro seems not to have been one of the centers of this popular liberalism, there is little in the record I've examined so far to contradict this emerging view. Indigenous litigants in the late nineteenth century seem to have been relatively comfortable with the language and categories of citizenship and vecindad, and while they filed many petitions with the state government and pursued numerous cases in court, they do not seem to have been anxious to restore colonial distinctions of caste or to restore indigenous communities as social and political entities apart from the republic. Their leaders were often familiar with the emerging political landscape, and adept at forming effective alliances and formulating arguments that spoke the language of late nineteenth century liberalism.

What they were anxious to defend, however, were their rights to land -- not necessarily as communal land but as land to which they were entitled as descendents of a community which had held the land "from time immemorial" and had seen those rights affirmed by the Spanish Crown. To fully understand peasant participation in politics and the way in which that participation has shaped twentieth century politics, then, it may be premature to affirm that the land issue was "overemphasized" in earlier studies.³⁰ Certainly, if by the land issue we mean the more traditional view of indigenous and peasant communities at the mercy of large haciendas and other outside forces, that understanding does require modification. True enough, in one dimension, for large areas of late nineteenth century Mexico, it leaves out of account other regions where haciendas were less important and/or where indigenous and peasant villages aggressively and successfully defended rights and resources.

Though, as we have seen, indigenous communities in Patzcuaro entered into relations with haciendas as workers and competitors for land, especially in the forested hillsides, they also participated in conflicts with other communities and among members of the same community. These dimensions of agrarian conflict received less attention in an older agrarian history mainly interested in hacienda/peasant relations, and before we set agrarian history completely aside, the new political and social history will need to take this localized and internal conflict more fully into account. If we look at the padrones for San Juan Tumbio and Opopeo at the time of the reparto, we see social differentiation in the excommunities breaking down roughly as follows: approximately one third "landed" (that is, with house plots and adequate agricultural land) and two thirds "nonlanded" (which is not to say "landless;" that is, people with house plots and little else [Opopeo] or rights to an increasingly ephemeral common, now divided in ways that may make it useless [San Juan Tumbio].) These two groups can be further divided: roughly one third of the "landed" (about one tenth of the total) have substantial resources within the village context; roughly one-half of the "nonlanded" have virtually nothing.³¹

³⁰ Guardino, Peasants, Politics, and the Formation of Mexico's National State, p. 103.

³¹ These claims need to be placed in comparative context. Even the more well-to-do 10 per cent of villagers would see their holdings dwarfed by nearby haciendas, and the Patzcuaro haciendas themselves were small by Mexican standards. Three rental contracts of haciendas in the early 1880s, for Casas Blancas, Charahuen, and Ibarra call for annual rentals of 3,000 pesos each. As a separate deal in the rental of Charahuen, the renter also purchases the hacienda's wood and the right to cut it over the 5 year period of the contract, for 30,000 pesos. Each of these is a different kind of hacienda, Ibarra a largely agricultural and ranching hacienda between the town

Though we can discern these class divisions within communities, we should not necessarily expect village politics to follow class lines. Leaders attracted followings, and for a range of economic, social, inter- and intra-familial reasons, they attracted followings among the village poor. But it seems clear from the documents so far that the villagers who were most comfortable as political actors in wider social fields, in forming alliances and traveling to Patzcuaro or Morelia, came from the landed. It also seems clear that in the final repartos and in the forms of defense adopted before the repartos the resources necessary for the livelihood of the nonlanded were lost.

I want to suggest that this internal difference and conflict mattered, and that it also shaped the politics of twentieth century Mexico, especially the tumultuous period between 1911 and 1940. Four decades before the reparto of San Juan Tumbio, the community was accused of participating in an amotinado. They wrote the governor that they had been falsely accused of this by two individuals who had tried to impose on them a "reparto arbitrario que aquellos hicieron de un terreno indiviso que pertenece a la comunidad por no considerarnos en facultades legales para hacerlo..."³² No one can deny them the right to the small portion of goods that belong to them, they continue, but this, precisely, is their crime: they have been

evitando un despojo que se nos hacia por unos individuos que no tenian ni siquiera apariencias de facultades para hacerlo. Pero respeto del delito de traicion de que se nos acusa, absolutamente no nos encontramos manchados.

Los habitantes de San Juan Tumbio jamas hemos sidos revolucioneros: consagrados a nuestros trabajos de campo o del comercio para atender a las mas urgentes necesidades de nuestras familias, hemos sidos constantes esclavos de la ley...³³

In 1911, what most concerned Antonio Zinzun in his report to the district judge was that these descendents of the slaves of the law were getting ready to kill each other. The rabble rousers he has identified are threatening to kill villagers who do not support them, and they have identified specific targets for their vengeance. They want to name their own authorities, "cosa que seria terrible para el pueblo, por que en ese caso solo ellos tendrian garantias, y como ha venido la desunion; entonces solo venganzas se verian, y esto seria temeroso."³⁴

This was one face of the political future.

and the lake, Charahuen a mixed agricultural and ranching hacienda just moving into the exploitation of wood that would dominate its activities in subsequent years, and Casas Blancas, the largest, a mixed agricultural and ranching hacienda. The rental contract for Casas Blancas specifically calls on the renter, Octaviano Cortez, to preserve the woods. See Libro de Escrituras Publicas de Pedro Ma. Victoria, 1884, AHCP, libro 87, numbers 38, 43, 103.

³² Interestingly, one of the individuals accused of trying to impose a reparto was Jose Ma. Sosa. Given the proximity of Huiramangaro and San Juan Tumbio, this is probably the same individual we have met before.

³³ Comunicacion de los comuneros de San Juan Tumbio al Gobernador, 1869, AHCP caja 100-C, exp. 5.

³⁴ Antonio Zinzun al Juez de primera instancia, 25 sept, 1911.