

“The Effects of Tenurial Change in 19 th Century Spanish America and New Zealand: A Search for Parallels”, Richard Boast		
Background / Facts	Argument	Conclusion
<ul style="list-style-type: none"> - Parallels between Spanish America and New Zealand in relation to the revolutionary changes in land tenure in the 19th C. - Differences: language, culture, history and in different legal families (common law vs civil law). - Parallels between Uruguay and Argentina (Rio de la Plata countries) and Australia and NZ. - 1900: same GDP per head in Australia and NZ as the Rio de la Plata countries. 	<ul style="list-style-type: none"> - Importance of statute law: the law that really mattered in both NZ and Rio de la Plata was statute law. Connections between statute and political ideology were closely tied. - Native Lands Acts 1862 and 1865: the second act was an expansion of the 1862 act but was ideologically the same. These Acts set up a court to find out the owners of the land and then transfer the customary lands into inheritable lands according to Māori custom. - Land law in NZ: founded in the principle of the Crown grant. Torrens system – requirement of certificate of title. - Transfer of title: NLC was a conversion process. Land would be surveyed. NLC would hear the competing claims and decide who the owners were according to native custom (inaccurate because Māori custom didn’t recognise individual ownership of land). 1. Finding which group / hapu 2. Works out a list of owners <ul style="list-style-type: none"> a. Couldn’t exceed 10 people in the early days - Codified SA law: <i>derecho indiano</i>; codified imperial law which included an aspect of protection / tutelary approach to indigenous people. - 19th C tenurial change NZ: Assumed that Māori held title to the entire land in NZ. Native title had to be extinguished. Until 1862, this was done by pre-emptive purchases or deeds (Crown purchase under Te Tiriti). <ul style="list-style-type: none"> o NLAs: had three main effects <ol style="list-style-type: none"> 1. The legislation amounted to a statutory waiver of Crown pre-emption; and 2. The legislation established a new judicial body (NLC) that was purely statutory; and 3. The legislation set up a particular type of process by which Māori customary titles could be converted into Crown-granted freehold titles. o Gave to Māori the option of converting or translating their customary titles into freehold tenure → Māori were able to leave their lands in customary title if they wished, but if they did, then the customary land was only alienable to the Crown. - Spanish American tenurial changes: <ul style="list-style-type: none"> o Spanish American revolutions of 1808-20 and the wars of independence against Spain resulted in the creation of a group of independent republics. o Conservatives favoured the continuation of older Spanish paternalism. Liberals leant into the elimination of racial distinctions and a rapid introduction of political inequality. o Connection between property and citizenship: couldn’t participate in the republican political order without property held on European rather than customary tenures. 	<ul style="list-style-type: none"> - Parallels between Spanish America and NZ indicate a common sense of ideas which can only originate in Europe – a belief that land held by the Church or held under traditional collective tenures is in effect “dead” land, useless as a security and a brake on economic growth and political advancement. - Important to consider not only the process and ideology that drove interference with church and indigenous lands but also the details in the process of reallocation. Title individualisation leads, almost inevitably, to land loss. NZ is not a country of large rural estates and landless rural labours but of small family farms, close settlement, and a network of thriving and prosperous country towns. - Neo-liberalism and deregulation in NZ 1980s: Chile slid into military dictatorship but in neither NZ or Chile, the neoliberal millennium never arrived. - NZ difference: Māori fought the excesses of neoliberalism and privatisation in the Courts and before the newly-established Waitangi Tribunal. - Examine the historical trajectories of indigenous populations in Rio de la Plata and, NZ and Australia.

	<ul style="list-style-type: none"> ○ Liberals: <i>desamortizacion</i> that somewhat translates to the sense of unburdening or freeing land from corporate control and making dead land free so as to generate wealth and investment. - Mexico: <i>Ley Lerdo</i> or <i>Ley de Desamortizacion</i> of 25 June 1856: abolished the communal and church lands. 19th C republics were newly independent from Spain, legal assault on indigenous land held on customary tenures. <ul style="list-style-type: none"> ○ Process of taking indigenous land, turning it into plantations controlled by private growers, encouraging investment from overseas. ○ Effects of the Mexican Reforma were gradual. ○ This law allowed the private sector to alienate indigenous people from their lands and place power in the established oligarchical powers of Spanish America. This has aided in widening the wealth gap, leading to the differences now found between Rio de la Plata nations and Australasia. - Control in SA: centred around labour control i.e., indigenous people would have to labour for the colonial elite on farms or in the mines (Peru). <ul style="list-style-type: none"> ○ UK: settlers experienced enclosure in the UK and came to NZ wanting freehold title (rather than the liberal leasehold). - Strategies of Resistance: In some areas, calligraphers would make fake land titles to their villages and then get them approved by a notary. <ul style="list-style-type: none"> ○ Revivals of collectivism: between 1890s and 1930s, liberalism lost ground and collectivist ideas came to the fore in the 20th C. ○ Mexican revolution 1910-20: Socialists took control and returned much of the land to the indigenous people under President Cardenas. ○ USA: reaction against liberalism and the new civil servants in the Bureau of Indian Affairs. Indian Reorganisation Act 1934. 	
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“The Iberian Atlantic to 1650”, Stuart B Schwartz

Background / Facts	Argument	Conclusion
<p>Castile</p> <ul style="list-style-type: none"> - Both kingdoms emerged as Catholic monarchies - By 1500: religious unification was achieved by the conversion/expulsion of Castilian Jews (1492) and conversion of Muslims left in Iberia. <p>Portugal</p> <ul style="list-style-type: none"> - Treaty of Tordesillas (1494) solidified a Portuguese sphere of influence in the eastern Atlantic and Castilian sphere to the west 	<p>Caribbean Beginnings (1492-1530)</p> <ul style="list-style-type: none"> - Christopher Columbus: sailed under Castilian auspices; his techniques recalled earlier Portuguese contact with the African coast <ul style="list-style-type: none"> ○ 1493: established Hispaniola; gold was scarce in Hispaniola and efforts were made to send slaves back to Spain ○ 1502: appointment of royal governor; placed a limit on Columbus’s power ○ 1520: Crown had assumed govt of the islands - Tainos: indigenous population of the larger islands moved from barter to mandatory labour in the gold washings <ul style="list-style-type: none"> ○ Effects: Spanish only acquired gold, pearls, and silver by plundering or mining, enabled by the exploitation of indigenous labour. - 1520: Africans began to replace indigenous workers on the sugar estates 	<ul style="list-style-type: none"> - Caribbean beginnings: Tainos (indigenous) people moved from barter to mandatory work for the gold washings in response to Spanish plundering for riches. By 1520, slaves from Africa began to replace indigenous workers on the sugar estates. In 1511, the structure of civil life was established via exported structures from Spain. For the continuation of the Spanish presence in the Caribbean, the Spanish exploited indigenous labour.

	<ul style="list-style-type: none"> - 1540: 34 towns and cities in the Caribbean islands - Structure of civil life: extended from a royal governor and treasury officials, court of appeals (<i>audencia</i>) in 1511, staffed by university trained judges - Exploitation of indigenous labour: distinction between native people who were <i>guatiao</i> or friendly and those who were <i>caribes</i> and resisted Spanish authority. <ul style="list-style-type: none"> o 1520: the colonists were petitioning to bring indigenous people from other islands to Hispaniola because there were none left. o Theologians, humanists and lawyers sought to reconcile the otherness of the indigenous people and place them within the ideal of human universality and <i>ius naturae</i> o 1512: Laws of Burgos; first specific legislation to regulate Spanish control of indigenous people <p>Conquest and Settlement (to 1570)</p> <ul style="list-style-type: none"> - Mainland: conquest was rapid; proceeded on two fronts: <ul style="list-style-type: none"> o Yucatan and Mexico: extension of the Caribbean phase; 1519-21: Hernan Cortes carried the conquest the great Aztec confederation and established Mexico City on the ruins of Tenochtitlan; Guatemala and Honduras were brought under Spanish control while expeditions moved northward. o Panama: 1514 large expedition sent directly from Spain to take over Isthmus of Panama (Castilla del Oro); 1533 Francisco Pizarro's conquest of the Inca Empire; Rio del Plata region settlement was met with resistance so Buenos Aires was abandoned for a period. - Areas of dense indigenous population: ended up being the hubs of Spanish rule i.e., Mexico and Peru - Portuguese explorations: primarily concerned with Africa and Asia until accidental landfall in 1500 encouraged them to investigate the eastern coast of South America. <ul style="list-style-type: none"> o No dense population on the interior of the eastern SA, so they focussed on the coast o 1530s: introduced proprietorship and donatory captaincies used for nobles who were granted tracts with authority to develop and settle them o Labour demands: led to a decrease in the indigenous population; eventually imported slaves from Africa o 1570: main outlines of the colony established; developing sugar export; by 1610 there were nearly 200 mills in operation - Private participation in colonisation: neither crown could do it without this. <ul style="list-style-type: none"> o Columbus: and his heirs sought unsuccessfully to regain their original concessions for almost a century o Cortes: found his power later curtailed. 	<ul style="list-style-type: none"> - Conquest and settlement: the Spanish expansion was proceeded on two fronts (Yucatan/Mexico and Panama) with areas of dense indigenous population leading to Spanish hubs of rule i.e., Lima and Mexico City. The Portuguese were mainly concerned with Africa and Asia until accidental landfall leading them to expand into the eastern coast of South America. Neither of the Iberian crowns could colonise South America without private participation, the power of which was later curtailed by the crowns. Spain centralised many of the councils to run the Indies while Portugal persisted with overseas bodies until 1642. - Imperial Spaces and trade: Portugal maintained close royal control while Spain established colonial structures that reproduced those of the metropole. - Iberian Atlantic: the slow decline of power by the crowns in this area due to issues in Europe and the increased interest of other countries in South America i.e., French, British and Dutch.
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- **Crown of Castile:** only awarded two titles of nobility in the 16th century (Corts and Pizarro) and only became more generous in later centuries because their financial situation worsened
 - **Institutions of empire in the metropolises:** 1503 Castile created a House of Trade to regulate and tax all trade within the Americas; 1543 Consulado (merchant guild of Seville) controlled all shipping to colonies; 1523 Council of the Indies created
 - o **1516:** Charles V succeeds to the throne of Castile and Aragon; the Indies are seen as an extension of Spain.
 - o **Portugal:** less inclined to centralisation; numerous overseas bodies to deal with the colonies persisted until 1642 when a separate colonial council begun to function.
 - **Staffing of the councils:** civil govt of both empires reflected Iberia's precocious development of the professional bureaucracy composed of lawyers (*letrados*)
 - o **Letrados and nobles:** staffed the councils; prominent members of the regular clergy were chosen as colonial officers
 - **Viceroyalties:** Mexico City (1535, ruling the Caribbean, Central America, Mexico and the Philippines after 1570) and Lima (1544, rules South America except Venezuela)
 - **Audencias:** 10 were created, administrative districts becoming provinces of the viceroyalties
 - **Brazil:** govt was under control of a GG and single appellate judge rather than a Court of Appeal (evidence of the colony's secondary position)
 - **Ecclesiastical authority:** ran parallel to the civil administration; Papal concessions allowed Sp and Portuguese monarchs to nominate bishops and control religious matters; 1540 14 bishoprics throughout the Indies and archbishops in Mexico City, Lima and Santo Domingo.
 - o **Early bishoprics:** at loggerheads with Jesuits
 - o **Council of Trent (1545-63):** early missionaries went to the Indies before this so it was an unrefined Catholicism that was taken out there
 - o **1571:** Permanent tribunals of the Spanish Inquisition in Mexico were established
 - o **Portuguese:** all inquisition cases from the Portuguese Atlantic were decided in Lisbon.
 - **Encomienda:** became the principal institution for exploiting indigenous labour; 1542 New Laws limited its longevity and eliminated personal service obligations; decline in indigenous labour led to a swell in African slave labour forces in cities, mines and plantations
- Imperial Spaces and Trade**
- **Portuguese Brazil:** close royal control; no separate colonial law existed; no printing press or university founded; colonial elites sent children to Portugal for education

- **Castilian colonies:** more issues with communication; American territories were viewed as remote *reinos* with their own legal code, viceroys with relative autonomy, and growth of religious and social institutions that reproduced those of the metropole
 - **Commerce:**
 - o **Portugal:** created a restricted system in the Indian Ocean but Atlantic trade was relatively open
 - o **Spain:** developed an exclusivist policy prohibiting foreigners from direct trade forcing non-Castilian subjects to trade directly through Seville → wanted to keep all trade with the Indies economically and politically exclusive
- Iberian Atlantic 1580-1640**
- 1570: general character of the two empires had been formed
 - **Attempts to incorporate native systems:** both empires had administrative and social formations reproduced to an extent the institutions in Iberia but Spanish America made an attempt with indigenous formations
 - **Mestizos:** Spanish experience resulted in mixing of Spanish, Native and Black heritage; initially were marginalised
 - **Criollos:** still considered themselves to be Spaniards but slowly began to see themselves as separate to Europeans; both *mesitzos* and *criollos* were viewed as less than Spaniards themselves because they had been corrupted by blood or milk of the indigenous people or Africans.
 - **Same processes in Brazil:** were slowed because settlement was slower and European immigrants were fewer; miscegenation patterns were different to that of Mexico City because of sugar plantation zones.
 - **Founding of Manila:** developed regular contact with the Pacific for the Castilians; linked Spanish trade to the Pacific and Asia
 - **1580:** experiences of Spain and Portugal overlapped and ran in parallel until this point when Phillip II resolved a dynastic crisis by backing his claim to the Portuguese throne with money and troops; more interested in Lisbon's strategic location and spice trade rather than their Atlantic possessions
 - **Portuguese war with England (1583-1603):** major losses of ships and cargo
 - **War in Flanders (1591):** led to prohibition of trade with the Dutch
 - **Slaves:** demand and prices for slaves increased and the selling price of sugar as Barbados, Suriname, Jamaica and Guadeloupe began to produce and trade sugar
 - **1620s:** Iberian peninsula as part of the Habsburg universal monarchy was drawn into more general political turmoil of the 17th C
 - **Greater self-sufficiency of the Americas:** increasing autonomous culture of the Americas
 - **1640s:** sequence of revolts led by a faction of nobles

Background / Facts	Argument	Conclusion
	<p>Tenurial Revolution as an International Phenomenon</p> <ul style="list-style-type: none"> - New Zealand: Native Lands Acts of 1862 and 1865 allowed for the individualisation of communally owned Māori land i.e., the conversion of customary title to individual title making the land alienable. - Mexico: <i>Ley Lerdo</i> 1856 reflected a similar vision as the Native Lands Act in that its aim was to individualise communal Indigenous title and Church lands to individual title as these were seen as relics of the empire and obstacles to modernisation (enacted under the <i>Reforma</i> era); Liberalism left the properties of existing landed elite alone which further went to land inequity in Mexico. - Theoretical underpinnings: in common law and civil law alike there was a belief in liberalism wherein freehold tenure had been equated with liberty and progress and customary tenures with despotism and poverty (British, enclosure) or sophisticated discourse on individual rights (French revolution) <p>Counter-tendencies</p> <ul style="list-style-type: none"> - English ideal: yeoman freeholder linked to the classical republicanism of the 17th C and important in the 18th C; as equally important was to ensure that land did not fall into the hands of the ruling oligarchy. - New Zealand: liberal govt after 1891 was strongly influenced by the yeoman ideal - Enclosure: convert common lands and the strip based open fields of the old manorial system into compact surveyed holdings ‘enclosed’ by hedgerows → seen as fundamental to England’s agricultural revolution <ul style="list-style-type: none"> o Widely resented and controversial to the English and Scottish rural society who had the most to lose from it - Issues: enclosure failed to generate rural prosperity; small estates were preferable to large estates. - French jurist, Leon Duguit: state’s primary purpose was to provide for social needs and that the state’s protection of private property rights was conditional on property performing its social function <p>The New Anthropology</p> <ul style="list-style-type: none"> - Pre-Boas: evolutionist tradition that saw groups of humans as progressing through developmental stages but not all societies moved at the same rate and some remained trapped in a state of arrested development - Post-Boas: rejected the view of evolutionist anthropology in favour of a view of universally complex and equally interesting cultures existing side by side - British functionalism: this is what was exported to Australasia by anthropological thinkers like Bronislaw Malinowski; functionalism allowed indigenous societies to be seen synchronically and valuable in themselves <p>Developments in Latin America and the United States in the Early 20th Century</p>	<ul style="list-style-type: none"> - Tenurial revolution: NLAs 1862/65 converted customary title to individual title vs <i>Ley Lerdo</i> 1856 individualised communal indigenous title and Church lands. Theoretical underpinning: belief in liberalism and individual advancement. - Counter-tendencies: British ideal of the yeoman was exported to NZ. - New Anthropology: emergence of cultural relativism in America and British functionalism → both of which were exported to colonial states. - USA & Mexico: 20th century shifts in favour of indigenous land rights under President Cardenas and John Collier. - The NZ case: Sir Apirana Ngata led a lot of Māori land tenure reform in the 20th century. The influence of new anthropology was blunted by institutional factors in NZ.

	<ul style="list-style-type: none"> - Mexico: 20th C a shift towards identifying with pre-Columbian past as part of Mexican identity; President Cardenas led a renewed interest in indigenous collectivism, cultural climate that was receptive to the re-establishment of collective tenures (<i>ejido</i>) - USA: John Collier was the primary figure, chief architect of the Indian Reorganisation Act (IRA) 1934, always opposed assimilation, many of the Native govts were established under this law, aware of the new mood of <i>indigenismo</i> in Mexico; admired / was friends with Manuel Gamio and were both committed to community life and the values and ethics of indigenous peoples as a counterweight to the selfish individualism of the modern world. <p>The New Zealand Case: Anthropology and Legal Studies</p> <ul style="list-style-type: none"> - Sir Apirana Ngata: his ideas were the real point of convergence between the renewed collectivism of the 20th century and trends and developments in NZ - Legal status of collectivism for Māori: custom was ruled unenforceable by the 1909 act but it did on the other hand make provision for new forms of Māori collectivities - Anthropology in NZ: cultural anthropology was new everywhere but got a slow start in NZ with the first chair of anthropology not being established until 1949 at UoA - John Salmond: published the first legal book of local importance <i>Jurisprudence</i> in 1902; Salmond believed that it is through the state alone that law exists and wrote this book in an English lawyer, not an Antipodean one; he was a supporter of the enlightened state and there were responsibilities towards Māori but this was to be achieved within a framework of well-designed legislation rather than by means of the common law or a revitalised collectivism - New anthropology influence: not without effect in NZ but it was blunted by lack of institutional framework 	
“Manuel Gamio and Official Indigenismo in Mexico”, David A. Brading		
Background / Facts	Argument	Conclusion
	<p>Mexican Revolution</p> <ul style="list-style-type: none"> - Liberal Reforma 1850s: measures were denounced by intellectuals of the revolution; based on colonial precedent - Mestizo: seen as the basis of Mexican history <p>Manual Gamio</p> <ul style="list-style-type: none"> - Forjando Patria (1916): welcomed the revolution for its destruction of obstacles to the creation of a future Mexican nationality - Favoured the victory of the constitutionalist coalition over the popular forces led by Emiliano Zapata and Pancho Villa; public goal had always been a true, integral nationalism avoiding contemporary extremes of communism and fascism <p>Ideologies of the 1810 Insurgence</p> <ul style="list-style-type: none"> - Define the Mexican people as a nation which had struggled for three centuries to gain freedom → Act of Independence 1821 	<ul style="list-style-type: none"> - Liberal Reforma 19th C: came after the 1810 Insurgence and independence of Mexico in 1821. This period defined Mexico as an independent nation with <i>mestizo</i> seen as the basis for Mexican culture while indigenous people were condemned for being “barbaric”. - Effect of Reforma: indigenous villages were stripped of their judicial personality and communal lands, leaving many communities at the liberty of neighbouring <i>haciendas</i>.

	<ul style="list-style-type: none"> - Contrast: many 19th C Mexican Liberals denounced the Aztecs as mere barbarians and viewed modern indigenous people as a hindrance to modernisation Ignacio Ramirez, Minister of Justice: condemned Aztec as abject despotism dominated by superstition and fear, surviving art and literature was only notable for their barbaric taste; observed that Natives were so “immersed in the dull rhythm of rural life” that they resembled industrious ants than free citizens of a liberal republic. Obstacles to the emergence of democratic, modern Mexico (according to the Liberals): <ol style="list-style-type: none"> 1. Wealth and influence of the Catholic Church; and 2. Enduring, isolated “backwardness” of the indigenous peasantry - Reforma on indigenous lands: Indigenous villages were stripped of their judicial personality and communal lands distributed on an individual basis; left many communities defenceless against the expansion of neighbouring <i>haciendas</i> - Success of Gamio: reinstated Anahuac as the glorious foundation of Mexican history and culture, reversing a century of liberal scorn <ul style="list-style-type: none"> o Rejection of neo-classical: rejected neo-classical canons of aesthetic judgement and demanded a re-evaluation of native art-forms o Redistribution of land: called for a redistribution of land on a collective basis and advocated the revival of village handicraft industry - Official Indigenismo: sought to incorporate indigenous communities into the national society of modern Mexico; Gamio condemned Catholicism and folk Catholicism that lived on in indigenous communities <ul style="list-style-type: none"> o Indigenismo: was seen as a means to an end rather than an enduring mission because if incorporation was the mission, it sought to destroy rather than fortify peasant culture of native communities Intellectual Foundations of Gamio - Influence of Franz Boas: studied at Columbia University with him; under Boas’s directions Gamio conducted the 1912 excavations at San Miguel Amantla in Azcapotzalco employed the method of stratigraphic analysis for the first time in the American hemisphere. - Reconstruction of Teotihuacan: this was Gamio’s main achievement; Gamio conducted a thorough survey of the ceremonial centre, uncovered main features and cleansed the Ciudadela of vegetation revealing a temple dedicated to Quetzalcoatl - 1922: Gamio released a two volume book on his research <i>The Population of the Valley of Teotihuacan</i>; Gamio was content to let the archaeological foundations speak for themselves. - Greatest monument in Mexico: re-instated indigenous civilisation as the foundation of Mexican history; not possible to dismiss native past as barbaric or for American anthropologists to rank the Aztecs as superior Iroquois; evoked comparison to the Egyptian pyramids and restored the old Creole insistence on the grandeurs of native empire as the enduring glory of Mexico 	<ul style="list-style-type: none"> - Official indigenismo: sought to incorporate indigenous communities into the national society of modern Mexico. - Gamio’s survey: posed as an inquiry for Mexico’s native roots but actually was a deep dive into the “deprivation” of Indigenous culture. He believed in indigenous culture as the basis for modern Mexico but also believed in the destruction/assimilation of indigenous culture into the wider <i>mestizo</i> culture for the progression of Mexico. He fell into the similar perspectives of the <i>Reforma</i> in that he viewed indigenous culture as counter-productive to modern capitalist goals, with the exception of commodifying their artistic practices.
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- **Forjando Patria:** Gamio presented that the bulk of the Mexican population (if defined in broad cultural terms rather than by strict linguistic criteria) were indigenous
 - **Teotihuacan survey:** only 5% spoke Nahuatl, roughly 60% were indigenous and the rest were mainly *mestizo*
 - o **Influence of Boas:** drew on the work of Boas to argue against the explanatory value of the concept of race, to replace it with the concept of culture
 - **Assault on the canons of neo-classical taste:** Gamio defended the aesthetic achievement of indigenous civilisation and rejected neo-classical canon that governed Mexican taste until the eve of the Revolution; warned against ill-informed application of European criteria to the appreciation of Indigenous artefacts and encouraged Mexican artists to seek inspiration in these native sources
 - **Commission of art:** commissioned indigenous artist Francisco Goytia to paint churches and folk scenes in an impressionistic style that was then republished in Gamio's survey
 - **Revival of indigenous artisans:** initiated by Gamio (despite most of the crafts originated in the colonial period) and termed 'National industry' providing much-needed employment to rural areas
 - **Necessity of land reform:** clear echo of Molina Enriquez; declared that the 1857 constitution is of foreign character in origin, form and basis → a system that was exotic and inappropriate for the native masses
 - **Zapatismo:** admitted that elements of banditry had entered Zapatism; sought to reverse the laws of the *Reforma* endowing villages with collectively owned land
 - **History of land tenure:** found in the great survey that while Sp land grants began in the 16th C and that the Sp share of land increased as the native population declined, most of the native population held onto their lands until the *Reforma* period
 - **Secular stagnation:** contributed to by the lack of land, heavy infant mortality, periodic famines, and out-migration
 - **Land distribution:** 7 *haciendas* owned 90% of the arable land and the remainder was held by 416 small proprietors
 - **Day-labourers:** were the largest class in the community, migrating in search of seasonal work or hiring themselves to local estates
- Issues with Gamio's arguments**
- **Lacking in dialectical ingenuity:** he admitted that socialism had made as great conquests as in whatever other country in the world (except Russia) → workers had improved their condition by means of collective action
 - **Contrast to Teotihuacan:** socialist ideas were unknown and inappropriate
 - **Pseudo-bolsheviks:** present in the capital city and proposed implanting soviets in Mexico to impose modern, foreign forms of organisation on communities that existed in varying degrees of the "neolithic, pre-hispanic or medieval levels of culture"
 - **Alternative:** Gamio suggested that pre-hispanic villages had been governed by a communist organisation of work which he described as a practical and happy application of the theories of Marx
 - **History precedents for the 1917 constitution:** there was ample historical precedent to endow native communities with land based on the system of cooperativism (*mutualism*) or rural communism but not bolshevism

Typical romantic nationalist

- Gamio's re-evaluation of pre-Columbian art, encouragement of the artisan industry, insistence on the enduring influence of native civilisation, advocacy of land restitution for indigenous villages, critique of classical liberalism and contemporary communism as alien ideologies, and goals of creating a united strengthened nation
- **Powerful *Patria***: aim was to create a powerful patria and coherent and defined nationality based on racial approximation, cultural fusion, linguistic unification and economic equilibrium
- **Implications of Gamio's latent positivism**: can be clearly observed when after rejecting any integral, ascending progress in favour of periodic temporary progress he exempted science from the general rule
- **Effect of his positivism on his romantic pulse**: he failed to encounter any value in indigenous culture other than its artistic production; he argued that native civilisation developed from convergent mental development from geographic and biological influence
- **Description of the pyramids at Teotihuacan**: commented on the immense masses of earth sustained the temples as signifying the offering of toil, sorrow, blood and tears made by the people to the gods
- **Spanish Inquisition**: he also argued that the indigenous people barely preserved their race after the Spanish Inquisition and were reduced to a mechanical, dark and painful existence
- **"struggle" between the two "great social groupings"**: Gamio argued that there was a smaller group of advanced and efficiently civilised people (*mestizo*- whites) and a larger group of backward civilisation (the native population); declared that they were entering their 5th C of conflict and that it was strong and oppressive as ever
- **Teotihuacan Survey**: this was not a quest for Mexico's native roots but rather an exploration of the lower depths of deprivation
- **Grand object**: to remove the obstacles to *mestizaje* that centuries long process which would eventually create a homogenous nation; Gamio argued that indigenous people should learn Sp or be foreigners in their own country; emphasis on cultural rather than genetic definitions of the native populations entailed some curious conclusions
- **1938**: Manuel Gamio appointed Director of the Inter-America Indigenista Institute, claimed that native culture is the true base of nationality in almost all of the countries in America
- **Unregenerate anti-clerical liberal**: throughout the survey there was condemnation of the three centuries of Spanish rule as a period in which the native community was virtually enslaved.
- **Conservative propagandists**: depicted the first friars as protectors of the indigenous people but really they exploited the natives mercilessly
- **Bitter animus towards the Church**: characteristic of the constitutionalist coalition which defeated the popular alliance in the Revolution; Gamio berated the religion as the chief cause of the natives' cultural stagnation and advised the Govt to promote education and science to combat its pernicious influence

Declaration of Social, Political and Aesthetic Principles

	<ul style="list-style-type: none"> - Compiled in 1922 a group of leading Mexican painters and sculptors stated that the noble work of their race, down to its most insignificant spiritual and physical expressions is native in origin. <p>The ultimate and paradoxical aim of official <i>indigenismo</i> in Mexico was thus to liberate the country from the dead-weight of its native past, or, to put the case more clearly, finally to destroy the native culture which had emerged during the colonial period.</p>	
<p>“Don Teo’s Expulsion: Property Regimes, Moral Economics, and Ejido Reform”, M. Bianet Castellanos</p>		
Background / Facts	Argument	Conclusion
<p>Ejido</p> <ul style="list-style-type: none"> - An area of communal land used for agriculture in Mexican rural communities. - Ejido membership is contingent on working one’s land plot fulfilling communal work requirements, and being a good citizen 	<p>The case of don Teo</p> <ul style="list-style-type: none"> - Kuchmil <i>Ejidatarios</i>: they argued that don Teo’s irresponsibility, dishonesty and alcohol abuse compromised the community’s social and economic welfare - Don Teo: immediately sought compensation for his house from the <i>procuraduria agrarian</i> (the federal ministry that manages ejido reform) <ul style="list-style-type: none"> o Arguments: accused the community of Kuchmil and the <i>presidente municipal</i> of abusing their power by using fraudulent papers and false witnesses to misrepresent his commitment to the ejido, destroy his reputation, violate his property rights and invalidate his family’s patrimony <p>Legal developments for ejido</p> <ul style="list-style-type: none"> - 1917 Constitution, Art 27: gave the state the right to redistribute land and designate land worked and held communally as inalienable. - 1992 Agrarian Law: ended land redistribution and promoted (but did not require) the privatisation of ejido land; established a titling process that gave individual ejidatarios private ownership of house plots, and farmland (1/3 of the general assembly had to agree) <ul style="list-style-type: none"> o Result: ejidatarios could gain legal control of their land and alienate it accordingly - Kuchmil 1993: at this point, the community had yet to participate in the titling and parceling process offered by the new 1992 law <p>What was at stake for the people involved in don Teo’s case?</p> <ul style="list-style-type: none"> - preexisting ejido system: property rights were perceived as communal even when they were organised into individual parcels; ejido represented freedom from slavery (<i>esclavitud</i>), the regional term for indentured servitude experienced by landless Maya <i>peones</i> in the 1800s - consequences of privatisation: neo-liberal reforms severs the powers of collective social judgement exercised under the old system, rendering the property alienable regardless of behaviour. - Kuchmil conflict: indexes a larger struggle over property rights within rural and indigenous communities in neoliberal Mexico <p>Conception of property in ejido</p> <ul style="list-style-type: none"> - Conception of property based on the pre-existing ejido system offers a more sustainable way of valuing and establishing individual rights to property and economic interests than proposed neoliberal policies 	<ul style="list-style-type: none"> - Basis for the ejidatarios: 1917 constitution gave the state rights to redistribute land and designate land worked and held communally as inalienable; the 1992 act ended land distribution. - Risks with privatisation: if people sold their land, some people would acquire large plots and others would be forced to work for them → this represented a return to the epoch of slavery, the period before the Caste War when many Maya worked in debt peonage on sugar and henequen plantations

	<ul style="list-style-type: none"> - Pre-existing system: property rights cannot be severed from moral economy which land rights and social behaviour are constitutive of each other and are shaped by the historical legacy of colonialism <p>Property regimes and Moral discourses</p> <ul style="list-style-type: none"> - Privatisation: is an attempt to institute new values - Discourse on ejido: has focussed on the tension between individual rights and communal claims, however, ejidos is not antithetical to individual construction with many ejidos allocating each member a parcel that can be used for the benefit of the family <ul style="list-style-type: none"> o things may exhibit qualities of inalienability and exchangeability simultaneously’’ and suggests that ‘‘the coexistence of competing forms of value [be viewed] as a historical process rather than a fixed scheme of incompatible categories - Moral ideologies: ejido membership is determined not only by age and household status but also by a moral framework that guide’s people’s actions and behaviours → ‘‘moral economy’’ - Structure of peasant society: peasants rely on cultivating horizontal and hierarchical social ties, rather than maximising production - Kuchmil’s moral economy: originated from the postrevolutionary ejidos’ emphasis on social justice and co-operation and from the Maya’s experience with the structural violence of colonialism and early nationalism <ul style="list-style-type: none"> o Community accessibility: the activities of other entrepreneurs in Kuchmil are that they provide goods on credit and have prices that are accessible to household budgets o Regulation of behaviour: regulating behaviour based on a moral rather than rational logic - Don Teo’s sanction: he was sanctioned because his actioned reflected an understanding of property that was divorced from a sense of historical memory and of social and moral responsibility to the community. <p>Before the conflict: Revolutionary Agrarian Reform in Kuchmil</p> <ul style="list-style-type: none"> - Colonial collective landholding communities: the initial postrevolutionary phenomenon was modelled on this that made up the <i>república de indios</i> (the areas that indigenous groups were allowed to occupy) - Legitimising the postrevolutionary regime: to do this, they needed to incorporate peasants and labourers into their regime. Land redistribution became central to this process even in Yucatan where the local oligarchy did not permit revolutionary movements to germinate - 1914 national decree: abolished forced labour, all debts held by hacienda <i>peones</i>, haciendas lost nearly ¾ of their work force 	
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- **1915-1933:** the state govt reallocated one fifth of Yucatan's farmland to *campesinos* (peasants); ejidos were divided into parcels that were worked individually (i.e., cattle grazing and horticulture)
- **Kuchmil:** the settlers sought to escape debt labour, labour drafts and taxes imposed by the church and the batabs (Mayan leaders) during the early national period; relied on swidden agriculture; original settlers intermarried or migrated until 3 distinct families remained; advent of agrarian reform they put aside their distrust of the govt to secure their land rights
- **Participation in ejido:** required members to establish residency within its boundaries and thus emphasised fixity over mobility as a survival strategy
- **Control of ejidos:** depended locally and regionally
- **Balance of power:** to ensure this, the ejido system implemented mandatory work requirements *faenas* and designated all decisions regarding land, politics and public funds for discussion during general assemblies
- **Non fulfilment:** ejidatarios that did not meet the requirements would be sanctioned with fines, jail time, and threats of expulsion
- **Usufruct rights:** ejido was conceptualised as a family patrimony because usufruct rights could be inherited

The Conflict: Origins and Evolution

- **Don Teo's perspective:** became disillusioned with ejido because he perceived its emphasis on egalitarianism as detrimental to its sustainability and individual profit-making → shifted towards capitalist enterprises, this was a direct result of the subsistence nature of the ejido
- **Local effects of deregulation:** translated into a pressure to divide into individual parcels collective farms based on field rotation
- **Rotation of cultivation:** because cultivated land was rotated every few years so no one claimed long term usufruct rights to individual parcels
- **Maya spiritual world view:** monte (forest) forms an integral part of the Maya worldview; to make milpa you have to seek permission from the spirit guardians because the monte does not belong to man; given this understanding of land as inherently sacred and inalienable, parcelling the ejido was considering an irreverent and sacrilegious act
- **1992 Law:** gave don Teo with a new avenue by which to pursue restitution and resolution
- **De la Madrid administration (1982-88):** promoted neoliberal policies, including increased export production and the privatisation of state-owned enterprises
- **Privatisation:** the govt argued that it would protect individual rights to ejido plots; privatisation would also ease foreign corporations' fears of land expropriation and pave the way for the ratification of NAFTA

- **Zapatista National Liberation Army:** criticised neoliberal policies for a number of reasons, including withdrawing credit and price supports for ejido agricultural products; ending land redistribution allowed the govt to disregard future claims by the landless and indigenous groups
- **Market reforms:** do not always work better than the institutions they replace
- **Don Teo's situation:** *presidente municipal* offered don Teo approx. \$500 for his house, the land remained legally inalienable.

The Power of the People

- **Don Teo:** claimed that the *la gente* of collaborating with the *cacique* (the *presidente municipal*) to conspire against him i.e., slipping false paperwork when he was signing away his rights to his mill
- **Documents:** acknowledged that don Teo had not performed his *faenas* for two years
- **Resolving disputes:** general assemblies elected the *comisariado*. Solved conflicted among the ejidatarios, approved new ejido members, distributed govt resources and subsidies, and determined land use and ejido boundaries
- **Outcome:** the ejido not only stripped don Teo of his license but also acquired the credit to purchase a mill and obtained the concession to operate it as cooperative
- **New Agrarian law:** increased the quorum to 2/3 for general issues and 3/4 for the implementation of the new land-titling program → these changes did not guarantee or implement new democratic procedures; the govt did not explain the ejidatarios' rights under the new law

Maintaining Communal Land Rights

- **Wary of the govt:** ejidatarios were wary of participating in the new land regulation program known as PROCEDE; some feared that the ejido organisation would be dismantled while others feared the risk of higher property taxes and economic instability associated with privatisation
- **Eventual joining:** ejidatarios eventually joined because they were told that the new Agrarian Law invalidated their old ejido documents without which they could not claim govt subsidies
- **Privatisation:** participation in PROCEDE did not privatise most ejidos ; few ejidatarios received individual land certificates; lack of enthusiasm towards ejidos demonstrates the continued importance of the ejido system for the Mexican peasantry
- **Govt perspective:** believe that privatisation is the best way to resolve current and avoid future land conflicts
- **Maya perspective:** if people sold their land, some people would acquire large plots and others would be forced to work for them → this represented a return to the epoch of slavery, the period before the Caste War when many Maya worked in debt peonage on sugar and henequen plantations

	<ul style="list-style-type: none">- Slavery vs liberty: not seen as definitive periods but rather as alternating conditions that have happened before and will happen again and may overlap <p>Conclusion</p> <ul style="list-style-type: none">- Govt: the govt did not completely dismantle the ejido because it recognised that this transition required the restricting and reorganisation of local practices and understanding of community, rights and property- Ejido reform issues: lack of institutional support for small farmers and limited access to modern technology; opened the door to legal contestation of such an approach to property	
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