

Popular Resistance to the Privatization of Communal Lands in 19th Century Michoacán

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Throughout much of the 19th century, Mexican liberals confronted the problem of establishing the authority and sovereignty of the central state, in a society in which the state was among the weakest of institutions. Liberal ideology held that one of the main obstacles to this state-building project was to be found in the corporate institutions inherited from the former colonial regime. The Catholic Church and the Indian community, in particular, came under attack as juridically-privileged, property-holding corporations which impeded economic progress, curtailed individual liberty, and prevented the development of a strong national identity. Debates over the status of corporate property began well before independence and continued for several decades afterwards, as liberals and conservatives struggled to define and establish the constitutional parameters of the new state. These debates culminated, at the national level, in the Ley Lerdo of 1856, which prohibited ecclesiastical and civil corporations from owning or administering real estate. All land belonging to the Church and the Indian communities was to be adjudicated to tenants and other occupants, or sold at public auction. In the context of the civil war unleashed by the liberal reforms, the landed wealth of the Church was nationalized outright in 1859. Given the political and economic weakness of the state prior to the Porfiriato (1876-1910), it proved to be far more difficult to overcome the resistance of thousands of peasant communities to the state-mandated privatization of their communal lands until relatively late in the 19th century. Even during the Porfiriato, many communities were able to delay or avoid the implementation of the liberal reform, and hence the privatization of communal lands remained partial and uneven at the onset of the Mexican revolution.

In contesting and resisting the application of the liberal land reform, peasants attempted, with varying degrees of success, to retain local control over the definition and distribution of property rights. The privatization of communal lands meant that communities would no longer be able to prevent individual members from alienating land to outsiders; nor could communities, having lost their juridical status as corporate entities, engage in litigation to recover lands lost to neighboring landowners or to other communities. Given the lack of clear definition as to which communal lands were to be privatized and as

to who might make claims to such lands, the liberal reform threatened communities with the loss of their woodlands and pasture, as well as any lands rented out to tenants in order to finance both civil expenses and religious worship. Finally, the reform served to transfer control over communal resources from traditional religious and political authorities, represented by the cabildo or council of elders, to the state-mandated local privatization commissions, whose composition was often determined by the district prefect or other state officials. The liberal land reform, in short, entailed a significant increase in state intervention in the regulation of property rights within the Indian communities, as well as in the organization of religious practice and the structure of local political authority.

Popular resistance to the Ley Lerdo sometimes took the form of open confrontation and rebellion. Liberal attempts to dismantle the communal property regime, first at the state and then at the national level, were one of the main sources of agrarian insurrection in the 19th century.^[1] More often, however, such opposition could be characterized as a collective version of everyday forms of resistance: the foot dragging, dissimulation, false compliance, and feigned ignorance that make up Scott's "small arsenal of relatively powerless groups."^[2] In this case, the repertoire of resistance included the theft of official documents; the perpetual formation and dissolution of the necessary local committees; titling land under individual names while retaining de facto communal control; and repeated requests for extensions, various sorts of authorizations, and the clarification of legal requirements. These were not the acts of individuals intent upon avoiding the extractions of landlords, tax officials, or tithe collectors, but rather collective efforts to retain local control over property rights, and to defend the existence and autonomy of local institutions more generally. Popular resistance to the privatization of communal lands thus represented an attempt to contest the terms of community-state interaction, without incurring the risks involved in open challenges to state authority. Particularly in more remote areas, where communal land was not much coveted by outsiders, such forms of resistance sometimes allowed communities to survive the Porfiriato with much of their landed base intact.

While the liberal reform generated collective resistance at the local level, it also unleashed considerable factional conflict. The nature and dynamics of such conflict varied considerably from place to place, depending on such factors as the distribution of political power within the community, the extent to which communal resources were allocated in a reasonably equitable fashion, and the existence of factional alliances with outsiders. In cases where both economic and political power were concentrated in the hands of a narrow group within a community, excluded individuals and factions might press for the liberal reform to be carried out in order to gain greater and more secure access to communal resources. Perhaps more often, however, such conflict involved a majority faction opposed to the reform, usually led by the traditional authorities of the cabildo, against a minority faction which attempted to take advantage of the many opportunities for fraud and abuse in the privatization process in order to dispossess the other villagers of the community's resources. These minority factions were generally allied with outsiders, such as neighboring landowners and government officials, who assisted in, and benefited from, the dispossession of village lands. This type of factional conflict often had an ethnic dimension, when the minority faction was led by local mestizo elites who used their ties with outsiders to gain control over resources previously, if partially, protected from alienation through the communal property regime.

This paper examines the dynamics of popular resistance to the 19th century liberal land reform in the center-west state of Michoacán. It begins with a brief overview of liberal thinking with respect to the privatization of communal land, and then looks at the characteristics of popular resistance to the disamortization laws passed at the state and national level. This general discussion is followed by a case study of the politics of privatization in the village of Zacapu, located in the municipio of the same name, in what would later become the agrarista heartland of Michoacán. The villagers of Zacapu managed to delay the implementation of the reform for some three decades, from 1869, when state officials began to apply concerted pressure on the communities to carry out the reform, until 1904, when the process was finally completed with the distribution of individual titles. The cost of that resistance was, however, extremely high: during this same period, Zacapu lost much of its communal land to neighboring haciendas, either through the auspices of the state, which seized and auctioned off some of the land for non-payment of back taxes assessed on undivided property, or through fraudulent deals struck between a minority faction within the community and outsiders. As elsewhere throughout Michoacán, Zacapu's experience with the liberal reform was decisive in explaining its partisanship in the revolutionary conflicts of the 1910s and 1920s: together with some of their neighbors from Naranja, Tiríndaro, and Tarejero, and under the leadership of Primo Tapia, many Zacapu villagers participated in the region's agrarista movement, petitioning for, and ultimately recovering, at least some of the lands lost through both legal and illegal maneuvers associated with the liberal reform.[\[3\]](#)

Liberalism and the Indian Community

The question of property rights was central to liberal understandings of individual liberty, citizenship, and economic development: it was the individual property-owner, freed from corporate restrictions on the pursuit of self-interest, who would provide the basis for political peace and economic prosperity in 19th century Mexico.[\[4\]](#) As a liberal newspaper argued in an 1851 editorial in favor of the disamortization of Church wealth, "[e]ach new proprietor will be a new defender of institutions and of stability," and "peace, order, and liberty will have gained."[\[5\]](#) While liberal opposition to corporate property applied to both the Church and the Indian community, communal property came under special attack as the main source of the "backwardness" of Mexico's villages, its very existence said to be predicated on the belief that Indians were inferior and hence in need of the paternalistic protection of the state.[\[6\]](#) The communal property regime, according to one Michoacán tax official, "served no other purpose than to keep [the villagers] in the state of ignorance, misery, fanaticism, and degradation to which they had been reduced at the time of the conquest."[\[7\]](#) Only as small proprietors, another liberal argued, would Indians become "true citizens under the tutelage of nobody."[\[8\]](#)

The privatization of communal lands would create not just citizens, but also wealth, since self-interested individuals, freed from the constraints and obligations of communal life, would be inclined to invest their surplus rather than squander it on the rituals and fiestas associated with the religious cult.[\[9\]](#) As the municipal president of Zacapu put it:

The benefits that the privatization of communal lands will bring to the Indians themselves and to the whole society...are well known and of great importance to the peace and tranquillity of the villages: it

will bring an end to the laziness and vice of drunkenness into which many of the Indians have fallen, since once this system of communal property, which has deprived them of peace and of occupation, is eliminated, they will dedicate themselves to their own business rather than to the continual fiestas and cargo expenses that have impoverished them and led them into misery and crime.[\[10\]](#)

Viewed as a source of violence, immorality, and sloth, popular religious practice was often condemned by liberals as a wasteful imposition by the cabildo, in the name of the community, on the individual villagers. Thus the village of Zacapu was said by the same official to have had communal lands worth some 100,000 pesos, "the proceeds of which are constantly squandered by a few who control and oppress the others."[\[11\]](#)

Liberal property laws, in fact, tended to treat the community as a landlord from whom the individual peasant was to be liberated. The Ley Lerdo, for example, required that all property belonging to civil and ecclesiastical corporations be sold to its current tenants at a price based on the rent then being paid; corporate property that was not rented was to be sold to the highest bidder at public auction. While the wording of the law was relatively straightforward with respect to Church property, most of which was in fact leased to tenants, it generated great confusion with respect to communal property, which included cultivated land farmed by individual families under usufruct rights (*tierras de repartimiento*), communally exploited pastures and woodlands (*ejidos* and *montes*), and lands rented to outsiders to finance civil and religious expenses (*propios*). The law could be, and often was, interpreted to mean that peasants were required to pay for land they already farmed under usufruct rights, and that outside tenants might claim ownership of lands rented from the community.[\[12\]](#) The status of communal woodlands and pasture was even less clear: lacking individual occupants or tenants, it might be subjected to sale at public auction as untenanted land.[\[13\]](#) Rooted in an ideology which viewed the community only as an impediment to individual freedom, and reflecting a considerable lack of clarity as to how communal lands were actually used in practice, the Ley Lerdo thus threatened villagers with the dispossession of their lands, even in the absence of fraud and coercion. As Tutino argues, "[m]ost villagers would emerge as owners of small plots of land, without access to pastures and woodlands, and without the protection of strong and independent local governments."[\[14\]](#)

The status of the communal property regime was debated throughout Mexico in the constituent assemblies held at both the state and the national level in the years following independence. While liberals were unable to reach a consensus on the issue until the 1850s, states throughout Mexico enacted laws mandating the privatization of communal lands as early as the 1820s. Few of these laws were widely implemented, however, given that state governments were far too weak to overcome the widespread resistance to the reform on the part of most peasant communities.[\[15\]](#) State officials in Michoacán faced a number of problems in attempting to enforce the state's 1827 privatization law: the general paucity of clear titles demarcating private property from communal property within villages; boundary disputes and litigation between villages and outside landowners, as well as between different villages; the inability of communities to pay the fees and taxes involved in the process; irregularities and conflicts associated with the compilation of the census of villagers with rights to communal land; and the ongoing inaction of the local privatization commissions charged with carrying out the necessary

work. A subsequent law was passed in 1851, in an attempt to rectify some of the problems associated with the 1827 law, but this second law was equally ineffective.[\[16\]](#)

While the Ley Lerdo established the privatization of communal lands as a national policy in 1856, most peasant communities were able to avoid its implementation throughout the period of the civil war (1858-1861) and French intervention (1861-1867) that followed the promulgation of the 1857 constitution. It was not until liberals regained control of the state under the Restored Republic (1867-76) that the communal property regime began to be systematically dismantled. The process was accelerated and intensified during the Porfiriato (1876-1910), as a result of land laws and development policies which both increased the commercial value of communal holdings and raised the stakes of community resistance to their division and privatization. The 1883 baldíos law, for example, authorized surveying companies to measure "unclaimed" or "public" land without private title; one-third of the land surveyed was then granted to the companies and the remainder auctioned off by the government. An 1894 law declared that all land not clearly claimed under a legally recognized title should be considered "public" and hence subject to denunciation, including those lands held in common by the villages.[\[17\]](#)

In Michoacán, the state government began to apply sustained pressure on the Indian communities to privatize their communal holdings in late 1868, shortly after the liberals regained power at the national level. District prefects throughout the state were instructed to convene meetings in all villages with communal property, in order to explain the legal procedures involved in the disamortization and to hold elections for the local privatization commissions, the members of which were to compile a village census, survey and map out all communal lands, and divide them into parcels of equal value for distribution under private title. In order to encourage communities to carry out the process as quickly as possible, a new property tax was established on all undivided communal land, at a rate of 10 pesos per 1000 pesos assessed value; at the same time, the state often doubled or tripled the assessment of lands subject to the new tax.[\[18\]](#) This proved to be a successful pressure tactic, either forcing communities to privatize their lands so as to avoid such onerous taxation, or allowing the state to seize and auction off communal property, generally to neighboring haciendas, for non-payment of back taxes. In cases where communities continued to refuse to carry out the reform, an 1868 decree granted the government extraordinary powers to by-pass legal procedures and privatize communal holdings in spite of local opposition. An 1887 decree deprived communities of their juridical personality, and thus of the capacity to defend land claims through litigation; in the words of this decree, "the communities of Indians organized in accordance with the former Spanish laws do not exist today with that character, and should only be considered as groupings of individuals who possess common interests."[\[19\]](#) Finally, in 1902, a new privatization law was enacted, the first to explicitly include all forms of communal property, including pastures, woodlands, and the fundo legal or town site; the same law authorized the government to appoint a privatization commission, should the villagers refuse to do so.[\[20\]](#) Outright refusal was rare, however: the following section examines the ways in which communities attempted to resist and delay the implementation of the liberal reform, without directly challenging the authority of the state.

Popular Responses to the Liberal Reform

Recent research has reasserted the popular appeal of Mexican liberalism, precluding any simple characterization of the relationship between peasants and the liberal movement. Most notably, Mallon's work on the Puebla highlands demonstrates the extent to which popular aspirations for land and local political autonomy actively defined and shaped liberal discourse and practice, at least in what she refers to as its communitarian or popular variant. Popular liberalism, in Mallon's analysis, "represented the right of all individuals to citizenship--defined broadly as the just exercise of property rights, equitable access to resources and revenues, and the right to elect representatives and hold them accountable for their actions."[\[21\]](#) Along similar lines, Thomson stresses the popular appeal of many aspects of the liberal program, including the abolition of the leva and of compulsory personal services to landlord and priest, popular elections, and representative government; he also notes the widespread belief, encouraged by liberals when and where popular military support was most needed, that a liberal government would restore village lands seized by neighboring haciendas.[\[22\]](#)

Regardless of popular support for aspects of the liberal program, however, resistance to the privatization of communal property, particularly under the terms dictated by the Ley Lerdo, was both widespread and strong. As noted above, the reform meant that communities would no longer be able to prevent individuals from selling, mortgaging, or otherwise alienating privatized land to outsiders; it also threatened communities with the loss of their pastures, woodlands, and rental lands. The greatest threat of dispossession was often to be found in the many opportunities for fraud and abuse afforded by the privatization process itself, particularly through control over the local privatization commission. Generally, these acts of dispossession were carried out by a faction within the community, usually a very small one and often led by mestizo elites, allied with state officials and outside landowners. One very common type of fraud was to allocate a disproportionate share of the best land to villagers who had previously agreed to sell their parcels to outsiders. Another was to exclude some land from privatization, so that it might later be denounced and claimed as being without legal title under the baldíos law. Lands which had previously been usurped by either individual villagers or by outsiders might also be excluded, thereby recognizing and formalizing the dispossession.[\[23\]](#) The compilation of the village census was frequently a source of great conflict, since it served as the list of villagers with rights to a share of communal property; in protesting the process through which the privatization was carried out, nearly all communities claimed that outsiders without rights were included in the census, whereas villagers with rights were excluded.

The case of San Pedro Caro was fairly typical with respect to these types of fraud. In 1902, David Méndez, a lawyer charged with overseeing the privatization process, reported that it had been completed "without difficulties, except for a self-interested and insignificant opposition."[\[24\]](#) In spite of his assurances, however, the Ministry of Government in Morelia received numerous complaints of fraud and irregularities. Some claimed that the best and the most land went to villagers who had already sold their shares to outsiders, or who had promised to do so after the privatization was completed. In this fashion, the owners of the nearby Hacienda of Guaracha had managed to acquire large tracts of communal land, "100 times better" than that received by the villagers who would not sell, who were left with "land so poor that it isn't even good for pasture."[\[25\]](#) According to other complaints, the parcels were all of equal size, even though the land was of vastly different quality; outsiders were included in the census while

villagers with legitimate rights were excluded; and mestizo families without rights received land, undoubtedly because one of their members served on the privatization commission. Most importantly, it was entirely unclear that the marshlands had been divided up, much less divided up properly: only five or six titles had been issued, even though the marshlands made up over half of the communal holdings of the community.^[26] All of the complaints received by the Ministry of Government were sent to the Jiquilpan district prefect for investigation; he invariably reported back that they were groundless. State officials formally approved the privatization of San Pedro's communal lands in 1903; disregarding the reported irregularities, the Ministry of Government informed the protesting villagers that, according to the district prefect, "the privatization was done with equity, since no one with rights to land was omitted, no one without rights was included, nor was any land left undivided and undistributed."^[27]

Popular resistance to the liberal reform was sometimes one of rebellion, particularly after years of fighting fraudulent privatizations and associated dispossessions through legal channels. Such was the case in Churumuco in 1895, where villagers joined forces with other communities in southeast Michoacán and the neighboring state of Guerrero, in what turned out to be a fruitless effort to force the Michoacán government to overturn the privatization carried out in the community some two decades earlier.

^[28] Much more common, however, were actions and non-actions that constituted a collective version of Scott's "everyday forms of resistance," which entailed a good deal of organized stall tactics, feigned non-comprehension, lost or stolen documents, the perpetual formation and dissolution of the necessary local commissions, and repeated requests for various sorts of authorizations, clarifications, and extensions. Many communities, particularly those in more remote areas, were able to use these tactics to delay and even avoid the reform, preserving much of their communal property intact without incurring the risks associated with a direct and open challenge to state authority.

The archival record of the reform in Michoacán constitutes, employing Scott's terminology once more, a public transcript of "the open interaction between subordinates and those who dominate," "filled with formulas of subservience, euphemisms, and uncontested claims to status and legitimacy."^[29] Within this public transcript of compliance, however, one can also detect glimmers of a hidden transcript of resistance, "those offstage speeches, gestures, and practices that confirm, contradict, or inflect what appears in the public transcript," in which peasant opposition to the reform is implied, if seldom explicitly stated.^[30] Certainly one can find occasional instances of outright resistance to the privatization, as in the following protest by the villagers of Pómaro:

[The government] is forcing us, or, we should say, trying to force us to divide among ourselves the land that belongs to the community, and this division will cause the complete ruin of the Indian people. We will be left completely destitute, because of the costs involved in the process, and because the majority of the Indian people are ignorant and will alienate their parcels. Proven examples of this exist in all of the villages that have been divided, and now their members all find themselves in poverty, and have to beg for the bread with which to sustain their families...We oppose the division of our lands.^[31]

Much more frequently, however, villagers took great pains to assert their willingness, even eagerness, to comply with the law, while at the same time requesting endless extensions in order to iron out one

problem or another. In the following letter, representatives from the villages of the Uruapan highlands manage to convey and deny opposition to the reform, all the while stressing respect for the authority of the state:

If we were to heed only [the villagers'] wishes, we would direct ourselves to the legislature of this state to solicit the repeal of this law which prohibits the existence of the communities and imposes the obligatory division of their property. Perhaps there is no shortage of good reasons upon which to base such a request; but these have already been examined and rejected at various times, it always being determined that the reform is in the public and private interests of the Indians. Those whom we represent respect this decision, they do not in any way wish to frustrate the aims of the legislation, and in spite of their desire to continue as communities, it has been resolved to request only that they be granted a sufficient period of time to carry out the division of their lands in a beneficial way.[\[32\]](#)

Often these letters made generous use of liberal discourse with respect to individual liberty, and appealed to liberal racism with respect to the Indian villages, in order to justify the delays and extensions which might somehow put off the implementation of the law indefinitely. The same representatives argued that until the "ignorance" of the Indian villagers was overcome, the liberal reform could not have its intended effect of increasing individual liberty and productivity:

Their scant intelligence and the ignorance in which, unfortunately, they live does not allow them to recognize the advantages they can expect from the reform, carried out justly, and prevents them from taking advantage of the benefits that the legislature wishes to bestow upon them with the destruction of the communities. Far from that, they see in it an evil and they resist it through all the lawful means within their reach...As long as the Indians are unable to understand the advantages of smallholdings, the reform will be harmful and ruinous."[\[33\]](#)

Repeated requests for delays and extensions were probably the most common way of resisting the implementation of the reform; given the complexity of the legislation, as well as of property rights and disputes in the villages, countless justifications for such delays and extensions could be found. Another common tactic, and a riskier one, entailed titling communal land in the name of one or more individuals, often through denouncing such land as being without legal title and therefore subject to claims as private property. While such denunciations were frequently a means through which outsiders gained control over communal property, they were also employed by individual villagers, with the consent of the community, in order to secure a legal title to communal lands without altering de facto property rights within the village. In San Juan Parangaricutiro, for example, Gonzalo Chávez denounced the communal woodlands as terrenos baldíos in 1895, with the support of the majority faction in the village which opposed the privatization; the pro-privatization faction, allied with mestizo elites who had been slowing appropriating much of the cultivated land as private property, opposed the denunciation and pushed for the implementation of the reform. State officials were quite aware of the motivation behind Chávez's actions, since he himself informed them that "the denunciation was not made with the object of benefiting himself, but rather in favor of the ex-community, with the objective of protecting the land from external ambitions."[\[34\]](#) A few even supported it, as long as Chávez agreed to a set of conditions

designed to protect community access to the land.[\[35\]](#) The denunciation by Chávez was ultimately rejected, but it did put the privatization on hold for some seven years. State officials, unsure as to how to proceed when faced with both a denunciation and a petition to carry out the reform, sent the matter to Mexico City in 1898. President Porfirio Díaz decided against the denunciation in 1900, at which point Chávez absconded with all of the legal documents, hiding from state officials until 1902. Once the documents were recovered, the village was ordered to carry out the reform, which, in fact, it never did, at least insofar as its substantial communal woodlands were concerned.[\[36\]](#)

Attempts to title land in the name of a few individuals without altering de facto property rights was a risky tactic, since such individuals did not always turn out to be reliable. For example, the Indian community of Uruapan (known as the barrio of San Francisco after the elimination of the juridical personality of the community) carried out a "pretense" of a privatization in 1872, reserving some 5000 hectares of pasture and woodlands as communal property. Twenty years later, forestry companies and external landowners threatened to denounce and claim these lands as untitled property. In order to protect the property from denunciation, according to the villagers, "we viewed ourselves as obliged to simulate a sale" of the land to one Agustín Martínez Anaya. Far from conserving communal land rights, however, Martínez began to sell off the 5000 hectares to outsiders in parcels of various sizes. According to the villagers' 1916 petition for the restitution of their communal lands, "[o]ur kind-hearted benefactor is currently transformed from poverty to opulence, enjoying with the property of the village a life of leisure..."[\[37\]](#)

By the end of the 19th century, many villages were finally forced to privatize their communal lands, under the combined pressures of property taxes assessed on undivided property, state foreclosures of village lands for non-payment of such taxes, and denunciations or outright seizures by outside landowners. Thus the villagers of Tarejero gave up their decades long effort to resist the reform in 1896, requesting authorization to carry out the privatization of their communal lands, "as much to comply with the law as to avoid the advances continually made...by neighboring haciendas."[\[38\]](#) When forced to implement the reform, however, villagers attempted to retain at least some degree of local control over the process, again employing liberal discourse with respect political rights in their justification of deviations from the prescribed legal process. In claiming an exemption on property taxes, for example, the villagers of Tiríndaro asserted that they had carried out the privatization in their own way: "[H]aving made use of the liberty conceded to us by the Supreme Government, we have carried out the division of our lands by ourselves, and therefore we declare, before the political authorities of Zacapu, that we believe we are entitled to enjoy an exemption [from the property tax]."[\[39\]](#) Denied the exemption, and faced with state foreclosures, the villagers were forced to proceed with the reform; even so, community representatives struggled to keep the pasture and woodlands as communal property, arguing that it was the desire of all of the villagers that this be so.[\[40\]](#)

San Pedro Caro also attempted to modify the process, albeit without success: given that village's communal property consisted of valuable marshland on the one hand, and some rocky hillsides used only for pasture on the other, the villagers decided that the land itself could not be divided and distributed equitably to individuals. Rather, they proposed to distribute "shares" of the village's holdings,

"assessing the value of the land overall...in which case each individual can sell the share or make use of it in the manner which seems most appropriate." The actual division of the land, the villagers noted, would inevitably lead to great pressure to sell off parcels, which "in no way would be advantageous, and would cause great harm to the community, the land, perhaps, falling into the hands of a single person."^[41] State officials rejected the villagers' proposal, and the village's best land in the marshes around Lake Chapala did, indeed, end up in the hands of neighboring hacendados and their allies in the community.

In spite of increasing state pressure to carry out the privatization of communal lands throughout the period of the Porfiriato, however, the implementation of the liberal reform remained partial and contested on the eve of the revolution, with significant variations in the degree to which Indian communities were able to retain control over their communal holdings. Success was greatest where collective resistance combined with either remoteness or undesirable lands: the all but inaccessible coastal villages of what is now the municipio of Aquila were, in many cases, able to avoid the implementation of the reform altogether, as were many of the highland communities around Uruapan, at least with respect to their woodlands. Villages closer to centers of state authority, and with land more attractive to nearby haciendas, were far less successful. By the end of the Porfiriato, most of the villages of the Tierra Caliente, the Zacapu and Lake Chapala marshlands, and the Lake Pátzcuaro region had lost most of their communal lands, through fraud, outright seizures, or property tax foreclosures.^[42] Such was certainly the case with the village of Zacapu, the subject of the following section.

The Politics of Privatization:

Solidarity and Conflict in the Village of Zacapu, 1869-1904

The archival record with respect to the village of Zacapu is a particularly rich source on the politics of privatization at the local level, revealing as it does the existence of two enduring factions within the community: a pro-privatization minority group, allied with neighboring landowners, and responsible for alienating a substantial amount of communal holdings through fraudulent and sometimes illegal sales and rental agreements; and a majority faction, which struggled for decades to resist the reform altogether, and then finally to keep the process under its control, so that the newly privatized lands not be alienated to the allies of the minority faction. Nowhere in the public transcript of compliance does the majority faction ever express its opposition to the reform; both sides routinely accuse the other of preventing the privatization of Zacapu's communal lands. As Scott puts it, "subordinate groups are complicitous in contributing to a sanitized official transcript," since the whole point of this type of resistance was to avoid any sort of open confrontation with the state.^[43] In the case of Zacapu, the hidden transcript of resistance consists of some thirty years of perpetual requests for clarifications, extensions, exemptions, and various sorts of authorizations, as well as extended periods of inactivity on the part of the local privatization commission. Subject to intense factional conflict and with its desirable holdings in the nearby marshlands, everyday forms of collective resistance did not work in Zacapu: by the turn of the century, even the majority faction wanted to privatize what was left of its communal lands, much of its property having been seized and auctioned off by the state for non-payment of taxes,

or otherwise lost to neighboring haciendas.

Zacapu's struggle to retain control over its communal lands began long before the liberal reform of the 19th century. During the colonial period, most likely at some point in the first half of the 17th century, the village had applied for and received a título de composición, confirming its possession of some 20,000 hectares of communal land.[44] By the beginning of the 19th century, a good deal of this land had undoubtedly already been lost to neighboring haciendas, as the village had been engaged in longstanding litigation with the owners of Zipimeo, Bellas Fuentes, and El Cortijo.[45] Visiting the region towards the end of the colonial period, a royal inspector noted that one Don Diego Sánchez Piña Hermosa had seized the best of the communal lands for the expansion of his hacienda, leaving the villagers with the least productive lands furthest from the community, actions which had resulted in "incessant disagreements and repeated outrages, even violence." [46]

The same inspector noted, however, that Zacapu's 187 Indian families retained enough communal property to support religious practice, a school, a teacher, and a priest, as well as the livestock of the village's three cofradías. And in 1869, the president of Zacapu reported that the village possessed "vast lands," even though some of the best land had been rented, mortgaged, or even sold to outsiders. As was generally the case, most of the cultivated land was farmed by individual families, while the woodlands and pasture were either exploited collectively or rented out to derive income for civil expenses and religious practice; the community also possessed land in the Zacapu marshlands, a source of fish, reeds, and various other plants. Zacapu's communal lands were reported to be worth some 100,000 pesos, according to the president, and while he thought it should be relatively easy to carry out the privatization, he did note that it was opposed by some of the principales, or members of the village cabildo.[47]

Opposition was, in fact, widespread within the community. The villagers feared that the privatization of their communal lands would entail the definitive loss of lands in litigation with neighboring haciendas and villages, since these could not be included in the process; there was also great concern that the reform would mean that the community, having lost its juridical personality, could no longer pursue its land claims through the courts. In the last quarter of the 19th century, Zacapu was engaged in boundary disputes with the municipal government of Purépero; the villages of Ichán, Tacuro, Carapan, and Cherán; and numerous owners of nearby ranchos and haciendas.[48] The villagers were also concerned that the reform would allow long-term tenants to claim ownership of rented lands, and that it would legitimate previous unauthorized alienations of communal land by individual villagers to outsiders. As one village leader put it, "[a] large part of the land that should be privatized is not under the control of the Indians, because the usufructaries of these lands have alienated them to various mestizos, pawning them or through long-term rental agreements with the rent paid in advance." [49] Furthermore, the Indian villagers were worried that their mestizo neighbors would acquire further communal land, by claiming to have rights to lands privatized in the reform as residents of Zacapu.[50] Expense was also a significant concern. While the villagers did not have to pay for the land itself, outsiders appointed by the government as members of the privatization commission often charged substantial fees for their work in compiling the census, surveying the lands, and preparing and distributing the new private titles; the state

government also required a small but often onerous fee for processing the titles.[\[51\]](#)

The costs involved in resisting the reform over the course of some thirty years were much higher, however. Throughout this period, state officials seized Zacapu's lands for non-payment of back taxes, most notably in 1894, when 1721 hectares of land, mainly woodland, was impounded, to be sold at auction in 1896, and then again in 1899, when the state seized some 1000 hectares in the marshlands, to be sold off to the Noriega family the following year.[\[52\]](#) It was the burden of property taxes on undivided communal lands that finally drove the villagers to carry out the privatization in 1904. The villagers had also faced a second dilemma in their resistance to the reform. The privatization process afforded many opportunities for individuals and factions within communities to acquire a disproportionate share of communal resources; it also allowed outsiders to gain control over village lands through the various frauds and abuses discussed above. But in resisting the privatization, the villagers left their lands unprotected by a secure and legal title, and thus equally vulnerable to dispossession. Throughout the struggle over the implementation of the reform in Zacapu, the minority faction succeeded in alienating a good deal of communal land to its outside allies, as well as in appropriating communal resources for itself.

Factions and allies

Local control over the definition and distribution of property rights by no means implied either village democracy or the egalitarian allocation of resources: the leaders of the majority faction of Zacapu certainly enjoyed access to a disproportionate share of communal resources, particularly cropland, and they sometimes took advantage of some of the opportunities for abuse in the privatization process, as when one leader arranged to rent 100 parcels of land from his fellow villagers prior to the completion of the process.[\[53\]](#) The leadership of this group, however, was far less inclined to alienate village land to outsiders, protecting the landed base of the community from disintegration, and maintaining communal usage of village pasture, woodlands, and marshland. Led first by Benito Martínez, and subsequently by his son Eduvirgis together with Sacramento Torres Yañez, this faction controlled the privatization commission for much of the period between 1869 and 1904. While never openly opposing the reform, the Martínez faction managed to delay its implementation through inaction and repeated requests for authorizations and extensions.

The minority faction, led initially by Severiano Valencia, and later by José Dolores Heredia, constantly challenged the Martínez faction for control over the commission, without much success until the very end. Pressing state officials to carry out the privatization, the Valencia/Heredia faction argued that, in opposing the reform, Martínez and his followers were acting in cahoots with mestizo outsiders who "had taken possession of the land with various titles, and exploited the ignorance and the vices of the Indians in order to keep them divided, taking advantage of their labor and of the lands that belong to them."[\[54\]](#) In another letter, Valencia had protested that "the vecinos, or the people of reason as they are called, have taken over the greater part of the village lands that remain to be divided."[\[55\]](#) In spite of these complaints, however, it was the Valencia/Heredia faction that alienated village lands to its outside allies during this period, even as it repeatedly petitioned the government to carry out the privatization of

communal lands.

According to an 1894 report of a visiting tax official, for example, the Valencia/Heredia faction had granted power of attorney to Rafael García Jaso, the owner of a neighboring rancho, in spite of the opposition of the majority of the villagers. García proceeded to lend the villagers 1500 pesos, and when they were unable to pay back the loan he acquired control over communal lands valued at 40,000 pesos. Using his powers as the designated legal representative, García also rented much of the village's woodlands to another landowner, Antonio López, who then refused to allow the villagers to extract wood according to customary rights. García also convinced state officials to appoint an Arrio lawyer, Manuel Martínez, as an auxiliary member of the privatization commission, again in spite of the declared opposition of a majority of the villagers. Martínez then proceeded to charge the community four pesos per hour for his time, although he was never able to demonstrate that he had ever performed any useful work. Referring to García, the official noted that "the Indians have been the victims of the bad faith of their representative, because far from promoting their interests he has used his legal powers to extract from them as much as possible, and retain for himself the best of their property."[\[56\]](#) As discussed at greater length below, the Valencia/Heredia faction also alienated village property to Eduardo and Alfredo Noriega, who had undertaken the project of draining the Zacapu marshlands, through which the villages of the region lost so much of their remaining communal lands.

Resistance and conflict: 1869-1904

In 1869, the villagers of Zacapu, under instructions from the district prefect, initiated the process through which the privatization of communal lands was to be carried out, by choosing the members of the local commission who would compile the census, survey the lands, and prepare and distribute the individual titles. Little was accomplished until 1875, however, at which point the village census was completed and published in accordance with the law. The district prefect was optimistic that the process would proceed in a timely fashion, however, reporting that "the Indians are enthusiastic and are resolved to finish the work as soon as possible, as much to comply with the law as to avoid the imposition of property taxes and to improve their interests."[\[57\]](#) Two years later, the prefect was less sanguine, as no further work had been carried out after the publication of the census. The lack of resources was one reason, the village being very poor, but the real obstacle lay in the opposition of many of the villagers to the reform itself: "we must battle the steady opposition of a large faction, including the most influential of the Indians, in order to complete the division, which is so necessary, not only in the interests of a great number of the comuneros of that community, but also to the peace of the region."[\[58\]](#)

Shortly thereafter, the Valencia/Heredia faction began a concerted effort to wrest control of the inactive privatization commission from the Martínez faction. In 1878, Valencia and his followers designated Antonio Ramírez as the community's legal representative, against the wishes of the majority of the villagers who had confirmed Bruno Patino in that position in an earlier meeting. Some weeks later, state officials instructed the leadership of the minority group to cease acting as members of the commission, and to turn over any relevant documents to local authorities. Valencia continued to claim membership on the commission, however, complaining to the government in 1879 that his efforts in that capacity had

been impeded by "the tenacious opposition of some of the Indians of the village," and requesting "the assistance of the authorities and the support of an armed force."[\[59\]](#)

The Martínez faction retained control over the commission, however, and continued to delay the reform over the course of the next three years. In 1882, Valencia and his allies protested the commission's inaction, arguing that their enemies had been able to frustrate the privatization, taking advantage of "the general ignorance and poverty of our race." They suggested that, given the division within the community, each faction appoint a member to the commission, with the local authorities to name the third. Since the state appointee would presumably be in favor of the reform, a majority of the commission's members would therefore be willing to conduct the work necessary to its implementation. Sacramento Torres Yañez, on behalf of the Martínez faction, denied that the community was divided into relatively even groups, claiming that of the 500 villagers with rights to communal property, only 20 or so, several of them minors, supported Valencia. After a report from the district prefect, the governor agreed, and, while new elections were held, all of the villagers were allowed to vote for two of the positions, and Benito Martínez, along with Pedro Sanhua, was elected once more to the commission. The government appointed Pedro Solórzano as the third member, and the community was granted four months to complete the privatization.[\[60\]](#)

The Valencia/Heredia faction, having refused to vote, argued that the results of the election insured continued inaction with respect to the privatization of Zacapu's communal lands:

We are convinced that the division will not be carried out, as it has not been carried out in the past, in spite of the fact that a commission has been named and charged with its verification. The faction which opposes us cannot openly oppose the division, it being a matter of law which must be obeyed, but it will manage to avoid compliance by naming a commission which follows its instructions and does nothing.[\[61\]](#)

And indeed, after four months, Pedro Solórzano informed the government that the commission had only just secured the consent of the community to proceed with the privatization; the village was granted an extension, one of many, of three more months to finalize the reform.[\[62\]](#) Five years later, in 1887, Benito Martínez reported that little progress had been made, owing to "the division that has arisen between my supporters and those of Señor Don Rafael García Jaso, mine opting for the partition and the others opposing it, without our having been able to reach an agreement to this day." In addition to "the multitude of obstacles which have been put in my way by those who oppose the partition," Martínez also protested that much of the land subject to privatization had been impounded by state officials for non-payment of back taxes.[\[63\]](#)

Tax officials had begun to impound communal land in Zacapu in 1875, applying the proceeds from its rental or sale to the property taxes assessed on all undivided village lands. Zacapu's communal lands had been valued at 60,000 pesos in an appraisal of 1878, upon which the villagers owed a debt of some 9000 pesos in current and back taxes. The villagers contested this assessment for several years, arguing that some of the land in question actually belonged to the neighboring villages of Cherán and Nahuatzen, and

that much of it was private rather than communal property, alienated to outsiders over the years or adjudicated to individual villagers under a privatization conducted in the 1830s, under the first state law of 1827. According to Benito Martínez, the remaining communal lands were worth no more than 32,321 pesos. Tax officials countered that while much of the village's land might be under the de facto control of individuals, no official record of an earlier privatization could be found, and that the land, therefore, should be taxed as communal property.[\[64\]](#)

Even as the village continued to lose communal lands through state foreclosures, opposition to the reform remained strong. The Valencia/Heredia faction, with the support of their ally Rafael García Jaso, attempted, without success, to gain control over the privatization commission in 1887, requesting that the government appoint a second ally, Manuel Martínez, as the sole person responsible for the implementation of the reform.[\[65\]](#) After another six years of inaction, the district prefect was instructed to convene yet another community meeting, to elect a new commission and compile a new census of villagers with rights to communal property. The prefect reported that a considerable majority of the villagers had chosen Sacramento Torres Yañez and Eduvirgis Martínez, the latter the son of Benito Martínez; having failed to win it, the members of the minority faction, now under the leadership of José Dolores Heredia, once more opposed the election.[\[66\]](#)

The new commission was granted a period of one year in which to prepare and distribute the titles. At the end of that year, however, the commission requested yet another extension, reporting the existence of numerous boundary disputes with neighboring villages, ranchos, and haciendas; state officials agreed, but limited the extension to six months, instructing the commission to exclude any land subject to litigation from the privatization. Boundary disputes continued to impede the commission's progress, however, as the villagers remained concerned that any land excluded from the process would be lost to them forever. As reported by the district prefect, "[t]hey have not been able to establish the boundaries of their land with precision, due to the fact that the neighboring landowners have always attempted to expand their holdings on to lands that the Indians of Zacapu consider to be their own, and it has been almost impossible to overcome these difficulties."[\[67\]](#)

At this point, after more than 25 years of delays and inaction, state officials began to intensify the pressure on the villagers of Zacapu, selling off communal lands that had been impounded since 1890 for non-payment of back taxes. In the opinion of the state treasurer, the failure of the villagers to pay their taxes, having been granted numerous extensions, proved that "the sequestered property will not be productive in the lazy hands of its current owners, either for themselves or for the treasury; once the auction is carried out, [the land] will pass into the possession of people more useful to society, and from whom the government will be able to receive much greater benefits, not only of a financial nature but also of a moral one."[\[68\]](#) In 1896, tax officials auctioned off 1722 hectares of communal property, much of it woodlands, valued at 9123 pesos.[\[69\]](#) Faced with the prospect of yet further foreclosures and auctions, many villagers became convinced that the only way to protect their remaining communal property was to privatize it. Should the community lose further land, as one state official put it, "the share of each Indian will be of little significance, and will not compensate for the expense of the operation."[\[70\]](#)

The community did continue to lose more land, however, through unauthorized sales and rentals arranged by members of the Valencia/Heredia faction, as well as through additional foreclosures.[71] By the latter half of the 1890s, the potential value of village holdings in the Zacapu marshlands had risen dramatically. A vital source of fish, reeds, and various types of other plants, all of the villages in the region claimed parts of the marshlands as communal property. In 1864, the governor of Michoacán decreed the drainage of the marshlands to be in the public utility, converting as it would some 12,000 hectares into highly productive farmland; the owners of the marshlands were to be granted exemptions from property taxes should they elect to undertake the project. None of the region's landowners were willing to take up the offer until even greater financial incentives were offered in a federal concession of 1886; the first attempt to drain the land was halted for lack of capital, however, and the project remained on hold until the concession was passed on to Eduardo and Alfredo Noriega, recently arrived from Spain. All but ignoring the claims of the villages, the Noriegas signed contracts with the region's hacendados at the end of 1896, through which they were to receive one-third of all of the land they drained, the usual terms of such concessions during the Porfiriato.[72]

Having secured the agreement of the relevant hacienda owners, the Noriegas then proceeded to dispossess the villages of most of their holdings in the marshlands, in connivance with individual villagers and often with the support of state officials. In 1897, for example, José Dolores Heredia, Teófilo Medina, Nicolás Orozco, and several other members of the minority faction sold "shares" in the communal marshlands to Nicolás Luna and Miguel Guido, the land itself to be acquired once the privatization had been finalized. Luna, and possibly Guido, bought the rights on behalf of Eduardo Noriega, whose lawyer proceeded to press state officials to finalize the reform so that his client might make use of his newly acquired rights. Some 300 villagers petitioned the government to nullify the sales contracts, on the grounds that "the aforementioned comuneros have no legal rights, either in their numbers or in any authorized powers." [73]

Tax officials also moved to have the sales stopped, on the grounds that the villagers would soon have nothing left suitable for the next foreclosure.[74] And towards the end of 1899, the state did, in fact, seize 1090 hectares, all of the village's remaining property in the marshland. In response to protests that the village owed less than 2000 pesos in back taxes, and that the marshland was worth quite a bit more, the government conceded that the tax debt was only 1014 pesos, but that tax officials had been careful to take the land that was "least useful" to the villagers, given that it could not be cultivated due to frequent flooding. Nine hundred hectares of the land were sold to Eduardo and Alfredo Noriega in an auction held the following year.[75] The Noriegas were able to obtain control over the marshlands owned by the other communities of the region as well, through similar state-sponsored auctions. These auctions, as well as less formal dispossessions of village lands, would be the basis for the restitution claims made in the 1920s by the region's agrarista leadership. As Primo Tapia and others wrote in 1925, with reference to the year the Noriegas acquired the concession to the marshlands:

It is evident that since [1896]...there began a period of hatred toward the Noriegas. This justified predisposition of ours stems precisely from the fact that the Noriegas' properties have been formed by

means of bayonets and the violent dispossession of our villages, and they have been sustained in that way until now.[\[76\]](#)

Even after the auction, the state continued to threaten the community with further foreclosures on what little remained of their communal lands. Tax officials acknowledged that the community no longer possessed property valued even close to the official assessment of almost 21,000 pesos, but argued against any debt forgiveness; if the value of the village lands had been reduced through sales, it was the responsibility of the villagers to report the transactions to the government, and to request that a new assessment be conducted.[\[77\]](#) By 1900, the villagers conceded defeat in their long struggle to resist the implementation of the liberal reform. Writing on behalf of the Martínez faction, Teódulo Torres petitioned the governor to authorize the work necessary to complete the distribution of private titles to the villagers, writing: "we believe that it is the only way to save the property that they have left, and according to the survey of the lands free of litigation, each parcionero would receive two hectares."[\[78\]](#)

Further delays ensued, however, as the villagers attempted to include land subject to boundary disputes and litigation among that to be privatized. Meanwhile, the Valencia/Heredia faction continued to alienate communal land: village woodlands were rented out to Gregorio Ochoa and Francisco Prado for 200 pesos a year, with the right to extract unlimited amounts of timber and resin; further tracts in the marshlands were sold to a mestizo resident of Zacapu, and various other sales and rentals were made to outsiders. Several villagers petitioned to have these sales and rentals nullified, arguing that Heredia, "together with his representative Miguel Guido and the small circle that surrounds them" had alienated the land without community permission; far from acting on behalf of the village, they continued, Heredia served as "the instrument of Señor Miguel Guido to attack us."[\[79\]](#) Some state officials were sympathetic to these protests, although it is not clear that the agreements were actually nullified. One Ministry of Government official, at any rate, recommended that the government prohibit all of the sales proposed by Heredia, noting that "generally, the people who alienate property pertaining to the extinguished communities have not been authorized to do so by all of those who should be considered co-proprietors," leading to violence in the villages and disrupting the public order.[\[80\]](#) State officials did, however, support the appointment an Heredia ally, Estanislao Gutiérrez, to oversee the completion of the privatization process. The same official of the Ministry of Government dismissed the objections of Teódulo Torres and the principales of the community, who, he wrote, "in addition to not knowing him [Gutiérrez], fear that he has been bribed by Heredia to work against them." The governor, the official noted, had been granted extraordinary powers in these matters, and thus could take whatever steps were necessary to ensure compliance with the law, including the imposition of commission members rejected by the community.[\[81\]](#)

Gutiérrez was, in fact, appointed as head of the privatization commission, and, after four years of further delays and conflicts, titles to what remained of Zacapu's land were distributed to some 670 villagers in early 1904.[\[82\]](#) Numerous complaints were received in the course of the preparation and distribution of the titles. The land included in the process was said to include private property belonging to outsiders with whom the community had been involved in boundary disputes, as well as that claimed by some of the villagers themselves, particularly longstanding enemies of the Valencia/Heredia faction, such as

Eduvirgis Martínez.^[83] In some cases, the same parcel of land was allocated to more than one person; in others, the land received differed from that recorded in the title in either quality or quantity. Numerous people whose names did not appear on the village census were alleged to have received land, and several villagers, Heredia among them, sold off parcels which had not, in fact, been allocated to them. According to one tax official, the errors and abuses involved were such that "many Indians have ended up possessing land that neither through the privatization nor through other legal titles actually belongs to them."^[84]

Conclusions

In the end, everyday resistance did not work in Zacapu: after decades of tax foreclosures and illegal alienations to neighboring landowners, the villagers had considerably less communal land to privatize in 1904 than they did in 1869, when state officials first began to apply concerted pressure to carry out the liberal land reform. This is not to suggest that more overt forms of confrontation would have been more successful in protecting the communal property regime; as evidenced in the relatively few instances in which it did occur, the state was quite willing and able to repress any rural uprisings generated in response to the liberal reform. Rather, the case of Zacapu indicates that peasants in possession of lands desired by outsiders had very little chance of keeping them, particularly given the existence of factional conflict within the community. Located well within the reach of state officials, in the midst of expanding haciendas, and with highly desirable marshlands as part of their communal property, the villagers of Zacapu were caught between the proverbial rock and a hard place: in privatizing their communal land, they faced the risk of losing it, but in resisting the privatization, they left their land vulnerable to state tax foreclosures and to illegal seizures by landowners allied with the minority faction in the community.

Everyday forms of resistance were far more successful in more remote regions of the state, such as the highland communities around the city of Uruapan. Very few haciendas existed in the region, and thus the main threat to the communal property regime came from within the villages themselves, as mestizo elites appropriated more and more communal cropland as private property. Even as cropland became concentrated in the hands of a few families, however, many highland villages were able to retain the bulk of their substantial woodlands as communal property. In San Juan Parangaricutiro, for example, the Ortíz and Equihua families began to register communal land under private titles in the latter decades of the 19th century. At the same time, they pushed for the implementation of the liberal land reform, occasionally gaining control of the local privatization commission. In contrast to the case of Zacapu, however, the majority of the villagers of San Juan were able to employ everyday forms of resistance to delay and ultimately avoid entirely the privatization of their communal woodlands. As discussed above, this resistance entailed an unsuccessful but time-consuming denunciation of the land, the theft of official documents, and the ongoing inaction of the privatization commission when it was under the control of the majority faction. Given the lack of haciendas in the region, the Equihua and Ortíz families might appropriate land for themselves, but they tended not to alienate it to outsiders as the Valencia/Heredia faction did in Zacapu. Nor did they have powerful allies to support them in their efforts to acquire yet further land through the privatization of the communal woodlands.^[85] Far from the centers of state authority, and in the absence of powerful landowners such as the Noriegas of the Zacapu region, the

villagers of San Juan were able to resist the liberal land reform, not through an open challenge to state authority, but rather through variants of the foot dragging, dissimulation, false compliance, and feigned ignorance that constitute Scott's weapons of the weak.

In Zacapu and San Juan, as throughout the state of Michoacán, local experiences in resisting the liberal land reform are crucial in explaining peasant partisanship in the revolutionary struggles of the 1910s and 1920s. Villagers in Zacapu joined forces with the state's agrarista movement, providing political and military support to the new regime. As beneficiaries of the revolutionary agrarian reform program, the villagers were able to recover some of the land lost to neighboring haciendas; given the very high levels of state control over the ejidos, however, they never did regain local control over the definition and distribution of property rights within the community. The villagers of San Juan Parangaricutiro, in contrast, managed to defend the communal property regime throughout the Porfiriato, only to fall prey to the statebuilding activities of the new revolutionary regime. State officials established alliances with local mestizo elites, allowing them to further appropriate communal resources in exchange for political support; at the same time, the regime's anti-clericalism represented a profound attack on popular religious practice and the organization of local political and religious authority. Whereas the villagers of Zacapu fought on behalf of the revolutionary regime in the military conflicts of the 1920s, those of San Juan rebelled against the regime as cristeros, defending the communal property regime, and local institutions more generally, against the encroachments of the central state.

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