

Clandestine Negotiations: Searching For Peace In Chiapas

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There is a meeting taking place now in an empty warehouse on the outskirts of San Cristóbal de Las Casas, Chiapas. It is late at night—almost very early in the morning—and cars and trucks are parked outside in a small dirt lot hidden from the road. Several men are standing next to their vehicles, smoking and speaking in low tones. They are all very tense.

The meeting inside is one few could have predicted was possible. Certainly not in the middle of the undeclared civil war which has pulled Chiapas apart since the uprising of the Zapatista National Liberation Army (EZLN) on January 1, 1994. Gilberto Rodríguez y Ocampo is a cattle rancher who owns 300 hectares¹ near the town of Simojovel, in the eastern part of the state, next to the Lacandón jungle. This land has been in his family since the late nineteenth century, when new Liberal laws allowed non-Indians to purchase communal lands held by indigenous communities. He is here in good faith and he is willing to listen. Felipe Marín is an official in the state Ministry of Agrarian Reform. He is a longtime friend of Gilberto and has come to this meeting, endangering his position at the Ministry, at his friend's request. His own family has been divided ever since his eldest daughter Adriana, much to his chagrin, became a spokesperson for the EZLN. His hope, and he is unusual among government officials, is to end this conflict peacefully. Both he and Gilberto are *ladinos*, non-Indians of Spanish ancestry. The third participant tonight is Luisa Dolores López, a Maya *indígena* now known as Comandante Luisa of the EZLN. She was a schoolteacher in Simojovel before joining the Zapatista army in late 1994 and has known Rodríguez y Ocampo all her life, though she has only heard of Marín. Her brother works for Gilberto as a bodyguard, which is a great disappointment to her. Luisa was chosen by the largest independent campesino organization in the state, the State Council of Indian and Peasant Organizations (CEIOC), to represent the campesinos of Simojovel in these negotiations. The leaders of the Simojovel group have accompanied Luisa to the warehouse and are now waiting for her outside—along with Gilberto's bodyguards. It was Luisa who arranged to meet (with escorts outside and unarmed) in this dark corner of the colonial city.

WHAT MUST BE DECIDED

The issue they must negotiate is land ownership. The campesinos of Simojovel represented by CEIOC formally petitioned the federal government for 10 years for land that is owned by Rodríguez y Ocampo; this legal action stalled in arcane bureaucracy and the campesinos remained without sufficient land on which to grow their own food. Emboldened by the EZLN uprising, the group decided to go ahead and occupy the disputed land, bringing along families, building shacks and planting corn. They are there now. The rancher, Gilberto, who also believes he is the rightful owner of the land, has sent out his men (some of whom are former neighbors of the occupants) to harass the families but he has stopped short of a violent eviction. Unlike many of his fellow large landowners. Gilberto is truly concerned about the families but he also believes, with his neighbors, that it is wrong to invade another's property; he agrees with Felipe that this action sets a very bad precedent for the rest of the state, not to mention the entire country, if it is allowed to continue unpunished. But he wants nothing to do with vigilantism and hopes the conflict over his land can be negotiated

peacefully. This is, of course, also Luisa's and the campesinos' hope.

A decision must be reached by all three participants on who has legitimate use of the disputed land. Both sides, represented by Gilberto and Luisa, are polarized going into the meeting—there must be compromise from either or both in order to reach a solution to the conflict. Hanging over this decision always is the question of the precedent it will help to set for the scores of similar conflicts taking place all over Chiapas. In making a decision, each participant must keep in mind her or his ideal vision for the future of the state and the entire country. Will this decision help to increase or decrease the potential for further violence or even a full-blown civil war in Mexico? In other words, how will this decision contribute to the vision they have for a future Mexico? Luisa, Gilberto and Felipe are all too aware that this is by no means an isolated dispute over a limited parcel of land. What is at stake here are the conditions of life for all those who live on the land.

BACKGROUND TO THE DISPUTE

Simojovel is a Maya town of predominantly Tzotzil speakers. The Mayan peoples of Chiapas are distinguished from each other by the different languages. They speak: Tzotzil, Tojolobal, Tzeltal, Chol, Chuj, Jacalteca. While each language describes a distinct ethnicity (as does the town a person is from) conflicts between indigenous groups are most often conflicts between political positions and not between ethnicities. The campesinos who have acted on their claim to Gilberto's land are only one group in a town which has seen much violence and rancor between its citizens, with each group fighting the other for the use of limited land.

The reasons for this competition ultimately date back to the Spanish colonization of Mexico, when Spaniards forced the native peoples off their lands to create great ranches and plantations. The reasons also date back to the Liberal land reforms of the late 1800s, as mentioned above, when the Maya were further displaced from the land by non-Indian land speculators. With each displacement, the native peoples were left without sufficient land on which to grow their own food and so became laborers on the newly created ranches and plantations, mostly in a situation of debt servitude. This was the situation in Chiapas leading up to the Mexican Revolution in 1910. In Simojovel, the descendants of many of those originally displaced in the nineteenth century continue to work as employees on Gilberto's ranch.

The Revolution led to a 1914 Chiapas law that abolished debt servitude and freed thousands of indigenous workers from ranches so that they could return to their homes. This law, however, did not affect workers on remote ranches in eastern Chiapas (the region around Simojovel). Landowners recruited bands of armed men to attack revolutionaries and within six years had defeated the revolutionary state government, retaining control for themselves. This was especially the case in the south and east of the state, where ranchers and plantation owners were firmly in control of the region.

The land reforms outlined in Article 27 of the 1917 Constitution were finally put into practice throughout the country in the 1930s during the presidency of Lázaro Cárdenas. The promise, if not the fulfillment of the promise, to redistribute land to campesinos in the form of the *ejido* (communally owned land) was powerful in winning Mexican peasants to the side of the federal government, represented by the dominant Institutional Revolutionary Party (PRI). The land reform initiated under Cárdenas brought with it a broad restructuring of indigenous community life. The National Indianist Institute (INI) was established to channel funds for rural development and to integrate indigenous peoples into the national agrarian economy. Indian leaders were selected as local agents (called *promotores* but also referred to as *caciques*) in charge of community development, organizing work crews and demonstrating new crops and cultivation techniques. These leaders gained power in their communities and allowed for the state to control local politics; government programs strengthened individual communities but played each one off the next, in the competition for land and resources. This pattern of co-optation by the PRI had especially negative consequences in the highlands of Chiapas (Simojovel is in the far NE corner of this region), where *caciques* increasingly

took advantage of the people in their own village, taking the best *ejido* land for themselves and appropriating state monies for their own use (Nash, 1995: 19). This has been the case in Simojovel, where the group claiming Gilberto's land has applied for funding to start a cooperative, only to be turned down because its leaders would not support the PRI-backed town government. It is these "traditionalists" in power who have rejected the broad coalition represented by the EZLN (Collier, 1994: 36). It is also these *caciques* who have been responsible for the forced evictions from many towns of thousands of people, ostensibly because they have converted to Protestantism, though it is well known in fact that "the targets of the repression are poorer members of the community who have protested control by the *caciques*" (Nash, 1995: 21). Many of those expelled have migrated to the jungle in the far eastern part of the state.

In 1992, the Mexican government under President Carlos Salinas rewrote Article 27 of the Constitution and ended land reform policies, destroying many peasants' hope for land. For the EZLN this change in the law was a betrayal by the government of the peasants and they have called repeatedly for the restoration of its original wording. The new law passed makes it legal to sell *ejido* lands as well as to enter into joint ventures with private enterprises; *ejido* lands can now be used as collateral for loans and most campesinos are afraid that banks will take land for loans in default. Finally and most importantly, campesinos can no longer petition for land redistribution.

Petitions by peasants for land often took many years to be resolved by the government, and the process was complicated, with state-level authorities reviewing claims and then recommending action to federal authorities. At this stage, communities would be granted only provisional use of the land, pending federal review and a presidential decree actually granting a title. Meanwhile, landowners and other peasant groups competing for the same land would try to block this process. In Simojovel, this led to violent clashes in 1991 between peasant groups affiliated with the PRI and those acting independently. As claims for marginal lands have been replaced by claims for more valuable land once spared from government appropriation, tensions between rural communities and land reform officials have increased. Because claims could only be initiated by settlements of at least twenty households that were within seven kilometers of the land claimed, peasants were forced to occupy lands first and then begin the process of petitioning. These invasions increased in the late 1960s, creating an environment of hostility and violence between the settlers and armed bands of men organized by landowners to evict them.

While the annulment of land reform was the last straw for many peasants, much of the damage to peasant livelihood was wrought by the government after the 1982 debt crisis. It was in this year that oil prices fell drastically and Mexico was unable to pay its huge international debt. The austerity program imposed on Mexico by international bankers forced the government to end important subsidies to peasants (low-interest loans and low-cost chemical inputs, for example) and to privatize national industries, like sugar refineries, on which peasants relied. In 1991, when peasants from the town of Venustiano Carranza protested the low prices given by the private owners of a sugar refinery for growers' sugar, military police were sent to suppress them, firing on the protesters. Under President Salinas, this restructuring was motivated by the desire to increase productivity. Subsidies and land reform had to end in order to prevent what was considered inefficient peasant production; Salinas' advisors pushed for the privatization and commercialization of peasant and indigenous lands and forced these changes through the Mexican congress (Collier, 1994: 85).

The PRI has had the loyalty of peasants for most of the last fifty years but with the 1982 crisis and the cutbacks in subsidies, the party has increasingly turned to bribery and coercion to secure this loyalty. Peasants have responded by organizing and protesting these government moves. In response, in 1988 the PRI governor of Chiapas, José Patrocinio González Garrido instituted a new law allowing for more repressive measures to be taken by the government against dissent; one article made it illegal to invade property, the only means under agrarian reform provisions that peasants could reclaim land. The law was broadly written to define any form of political protest as "dissent," and Chiapas jails filled with political prisoners as a result (Collier, 1994: 127). Another

change in the law stripped all non-PRI leaders of their authority, under customary Indian law, to resolve non-felony disputes, a tradition since the colonial era. In this tradition, each township had judges and each village magistrates who used customary law in the resolution of disputes. With the beginning of party factionalism in the 1970s each national party² set up its own local system, with its own magistrates, tax collectors, and other officials. In 1989, however, the Chiapas state government declared an end to this traditional system and replaced it with governor-appointed magistrates (only one per village), which effectively allowed only PRI supporters to fill this position. Those villagers affiliated with other national parties no longer had recourse to customary law among their own party members; this has created an especially tense situation in villages where the majority of people are not directly affiliated with the PRI. When PRI-affiliated authorities have led violence against opposing factions the state government has not brought charges against them.

This, then, is the background to the conflict in Simojovel. It has been long in the making and is inextricably connected to a national and international political economy of neoliberalism. The term “neoliberalism” has been used to name an international movement among national governments, including Mexico’s³, to ease and drop tariffs and government subsidies originally intended to protect national producers from foreign competition. Proponents of neoliberalism stress the inevitable nature of an international economy in which tariffs and subsidies are artificial price supports that unfairly benefit one country’s producers over another’s. Critics of neoliberalism stress that the move away from a national caretaker role for government has resulted in the impoverishment of local producers who cannot compete against the large transnational corporations dominating the world economy. What appears to be only a local problem in Simojovel is in fact, and in a complicated way, not. And the solutions to it will not come easily.

THE MEETING: PERSPECTIVES

Gilberto

As a member of one of the politically powerful ranchers’ associations in the state, Gilberto knows he speaks from a position of considerable strength. Of course, he also has good connections in the state government, in addition to his friendship with Felipe. He wholeheartedly supports the changes made to Article 27 of the Constitution because he believes in the inviolability of private property. After all, the land he owns has been in his family for four generations and it is his family that has put money and labor into making the land productive. Greater security in land ownership will also attract foreign investors who want to set up new meat processing plants in the region. Fundamentally, he wants Chiapas to prosper and believes that the privatization of agriculture on a large scale is the most efficient way to achieve this prosperity. And this certainly is the way of the present and future in Mexico.

Thus, he does not have to be here to listen to campesino complaints because it is clear they have acted illegally and that the state police (if not his own private armed men) have every right to evict them from his land. But he is not a stranger to these people and despite their grave political differences, he has always respected Luisa. Besides, her brother Marcos has worked on the ranch for the last 6 years and has proven to be invaluable to him. Gilberto considers himself a good employer who makes it possible for many to earn a living here. He realizes his own position is complicated by his dependency on the international price for beef and by his suspicion that the government may not support his claim to the land in the future. Sometimes, he believes he too—despite the relatively large size of his ranch—is a remnant of the past which transnational agribusinesses, with the blessing of the Mexican government, will only too happily buy out; he especially fears for his friends who own smaller parcels. But he does not dwell on this thought now, thinking only of maintaining the integrity of his property—to the extent that he can without having to live within a cycle of violence.

So he is willing to listen tonight one last time before he gives up on talk. He is adamant that this invasion of private property simply cannot continue and it certainly cannot be encouraged by

federal laws, as it was under Article 27. The logical result of land invasions, accumulated over time and throughout the state, will be chaos and great misery. Friends of his in the ranchers' association have become quite hardened against any kind of reform and refuse to sell their patrimony, especially since they know what will become of it. For the most part, he agrees with them. The more campesinos become extremist in their actions, the more landowners will refuse change. If we are to give the Indians the land they demand ranchers believe the land will not be properly utilized anyway. How will Mexico prosper with such small-scale farming of corn and a few vegetables? The most likely result will be the decline of Chiapas's production and exports. No, most of these campesinos are being misled by their leaders who lie to them about what is possible in Chiapas today. It is completely unrealistic to think that the land can ever be Indian as it was centuries ago. It is the *ladinos* in Chiapas, he stresses, that have built up the state to the point where it now supplies Mexico with much of its food and resources. How can that be denied?

Felipe

The EZLN has spent much time criticizing the government for the situation in Chiapas. As if it was the federal army that invaded towns and took over San Cristóbal on that early morning on January 1, 1994! As if it was government officials trying to take away others' land! The fact is that federal social spending in Chiapas matches the state's proportion of the Mexican population. This represented 1.2 billion new pesos (approximately 171.5 million U.S. dollars) invested in Chiapas in 1992 alone. Now, where that money was actually spent may be debated, but it is undeniable that the federal government recognizes Chiapas' needs.

This is the philosophy behind the government's neoliberal policies. The government wants to get beyond a Mexico that is a Third World land of peasants so that the country can become a respected member of the urban industrial First World. In order to realize this it was imperative to jettison portions of Article 27 of the Constitution, invite private ownership of industry and agriculture and restore a sound respect for private property. This is how the government wants Mexico to be known in the community of nations, as a country that respects the ambitions of private enterprise. And while there simply is no more land to be distributed to campesinos, this does not mean that there is no future for peasant communities. Of course the government appreciates the needs of its people and will not abandon them! Instead of clamoring for this imaginary land campesinos should be getting into business for themselves, growing products they can sell for cash and truly participating in the national economy. Better still, what Mexico needs is industrial workers. This is where the federal government's role is crucial, forging alliances with foreign and domestic capital ventures which will employ Mexicans; and providing credit to peasant cooperatives to launch their own business ventures. Campesinos on their small plots need to give way to bigger, more efficient production units—otherwise, there is no way Mexico can compete with a country like the United States with its much higher agricultural yields.

This is the future for which the government, both state and federal, is planning and it is why the government needs the support of landowners like Gilberto. Felipe loves his daughter and is hurt that she has "gone over to the other side" to join the cause of the EZLN, especially since he knows that she and others like her (his is not the only family divided by these issues) are wrong. They believe they are the true patriots when in fact it is people like Felipe who have the best interests of the nation at heart. The dispute in Simojovel is but a small obstacle in the way of true progress and modernization; an aberration in the overall move towards economic efficiency in this country. There may be a settlement of some sort reached here but the ways of the past, of promises of land and economic subsidies to campesinos, are no longer viable in a highly competitive global marketplace. The government is eager for a peaceful solution to the conflict in Chiapas, for the people immediately involved but also, to be blunt, to restore Mexico's good name among international investors. The fact is that Mexico's move away from small subsistence agriculture is inevitable and totally natural as the country participates more and more in the global marketplace. How can this be denied?

Luisa

There is much talk of facts which are undeniable, to which must be added, first and foremost: Chiapas is the poorest Mexican state, in which at least 60% of the population lives in rural communities, most of which are very poor. Half of these communities do not have potable water and two-thirds have no sewage service. Education in Chiapas is the worst in the country; 72% of children never get beyond kindergarten. While it is true that the federal government has poured large amounts of money into the state, most of which have been siphoned off by state officials and their cronies, it is also true that Chiapas is an internal colony for Mexico. This is how every campesino has always participated in the national economy. Chiapas supplies the rest of the country with much of its foodstuffs and electricity while the majority of Chiapas's population does not benefit from the export of these riches (only one-third of the homes in Chiapas have electricity, while only two-thirds have paved-road access.) As for the wages Gilberto "provides" his employees, they are a joke: most families can barely survive on the US\$2.00 or less they earn each day. Who benefits from this employment? Luisa admits that there are those among the campesinos, like her brother Marcos, who only think of their immediate needs without also thinking about the future of their people. It is these people who willingly take the rancher's money or the money of the PRI, selling out everyone else. But she will not be bought!

Another fact: the State's reverence for private property is selectively applied. The amendments to Article 27 did not delete the Nation's right to expropriate land to "benefit the public." It has used this clause to allow the state oil company, PEMEX, to drill for oil and the Federal Electricity Company to construct a hydroelectric dam—in both cases, it is indigenous campesinos who have lost their land. And it is they who should now benefit from the expropriation of land for which they have been petitioning legally all these years. It is their land to work as they want.

Here is a final fact that is overlooked in discussions of progress and industrialization: the indigenous campesino struggle for land is also a struggle for cultural survival. Through its neoliberal policies which deny necessary subsidies to campesinos, the state and federal governments are not only forcing small farmers to stop farming (and thereby forcing them into an expanding unemployed workforce) but they are severing vital ties to land and community. Land is not just an economic unit to the people of Simojovel and other indigenous peoples throughout Mexico. It is community and identity, both of which are irreducible to the monetary values so cherished by global capitalists and their fellow economists working in the Mexican government. The Zapatista rebellion supports the struggle of the indigenous people of Mexico to reclaim and maintain their ties to the land in the face of a global neoliberalism that excludes economically unproductive groups. The scope of this struggle in Chiapas alone is huge: 50,000 hectares of land are occupied by campesinos while only 11,900 hectares have been offered for sale to be bought by the state government and handed over to peasant communities. And this conflict over the land and its resources and the land and the identity of peoples is repeated throughout the Americas. From the U'wa Nation in Colombia fighting Los Angeles-based Occidental Petroleum's plans to drill in an area claimed by the U'wa to the evictions over the last 50 years of the Dineh Nation in Arizona to make way for the Peabody Coal Company; transnational companies and national governments are working together to remove indigenous people from their land.

Where will these people go? How will they survive without their land? With no options left in Mexico they will continue to emigrate to the United States. And those who cannot emigrate will remain in Mexico, frustrated and unsettled, a huge social problem for both the Mexican and U.S. governments. If there was the will, there would be sincere discussions about a future for Mexico that would *include* the indigenous campesinos, in all their variety and with respect for their traditional connection to the earth. After all, it is in the interests of non-indigenous people to care for the land too, since all of us depend on it. It is up to us, then. How do we envision the future?

These were the issues confronting the participants in the “clandestine negotiations” that early morning in San Cristóbal. The difficult task now begins to find a compromise solution which each position can support. One thing is certain: no single position can dictate to the others because the sure result of this will be continued violence. There is great pressure, therefore, to work hard together and agree on a future vision. Is this possible? It is up to you to wildly imagine a compromise which up until this morning has eluded everyone.

BE PREPARED TO ARGUE THE POSITIONS OF THE CHARACTERS IN THE CASE

1. In class, you will be given a character to role-play regarding Chiapas and the EZLN uprising. The positions include (1) Gilberto, (2) Felipe, and (3) Luisa. Take some time prior to class to study the setting and the various positions.
2. Be prepared to give a brief 2-5 minutes statement of your character’s position by addressing the question **“what must be done regarding land ownership?”** The three positions will work to **find a compromise solution**. Participation evaluation is based on the ability to work in a group, complete the activity, and understand the challenges facing current revolutionary struggles.
3. The decision case description is a starting point for your evidence and argument. Feel free to be creative and draw on knowledge you have gathered throughout the course. If there is a gap in your knowledge, make sure you seek the answers independently outside of the class period. Be prepared to present your ideas with conviction and to support them with as much care and persuasion as you can. At the same time, be equality prepared to listen respectfully to the comments of your classmates.
4. Re-read the general suggestions about case preparation in “Learning Through Decision Case Studies.” While reading, also consider the necessary practices in developing an enriching case discussion.
5. Consider the following questions while preparing for the case:
 - Having read three perspectives of the conflict in Simojovel, what is your assessment of the situation there? How is it representative of the current conflict throughout Chiapas?
 - What is Gilberto’s position? Is it justifiable? Why or why not?
 - What is Felipe’s position? Is it justifiable? Why or why not?
 - What is Luisa’s position? Is it justifiable? Why or why not? Think also about Luisa’s brother Marcos and Felipe’s daughter Adriana. What kind of arguments do you imagine would take place between these two and their family members?
 - What do you imagine is the best hope for this group in Simojovel and the other indigenous people of Mexico? Why?
 - What do you imagine is the best hope for ranchers like Gilberto?
 - Whom does the current economic program of the Mexican government benefit?
 - While the political situation in Mexico is mentioned in the case, it is not discussed explicitly. How do you think politics (money and power) affect the situation in Simojovel, Chiapas and Mexico generally?
 - And what of the EZLN? What are its strengths and weaknesses in this conflict?
 - What do you think will happen in Chiapas and Mexico in the next year? the next two years?

NOTES

1. One hectare is the equivalent of 2.47 acres.
2. The disputes were mostly between PRI-affiliated groups and those groups affiliated with the opposition PRD, the Democratic Revolutionary Party.
3. The North American Free Trade Agreement, or NAFTA, which is called the TLC (*Trato de Libre Comercio*) in Mexico, is an important part of this movement, since it dismantles many of the protective tariffs which are now considered impediments to “free trade.” They weren’t always considered this, however, since it was these tariffs and other government subsidies that allowed many Mexicans to get a decent price for their products. On the other side of the border, NAFTA has encouraged many U.S. companies to move factories to Mexico to take advantage of lower wages. This threatens the livelihood of workers in the U.S. Proponents of NAFTA say that the free trade it promotes will eventually benefit all consumers with lower prices, since we will no longer be helping to subsidize national industries nor paying extra for tariffs on imported products. The EZLN has strongly denounced NAFTA as a betrayal by the Mexican government of the Mexican people, especially of those Mexicans who have the least power, the campesinos.

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