

Land Tenure and Tenure Regimes in Mexico: An Overview

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This article provides an overview of the evolution of land tenure and tenure regimes in rural Mexico from colonial times to the present. It shows how, by the late nineteenth century, the dual system of indigenous communal tenure and Spanish and criollo landholdings was undermined by liberal legislation that sought to privatize community lands. This resulted in a process of disappropriation and concentration of land in a few hands, which created the setting for rural upheaval during the Mexican revolution and for the subsequent redistributive land reform and the creation of a 'social sector' consisting of ejidos and agrarian communities. By the 1960s, however, the reform sector began to enter into crisis. A reform of the Constitution and new agrarian legislation of 1992 opened the way to privatization of land in the social sector, expecting that this would dynamize production. It is shown that this has not been the case. In a context of globalization and asymmetric free-trade relations the crisis has only deepened.

Keywords: Mexico, land tenure regimes pre-Conquest to present, agrarian legislation of 1992, neoliberalism

INTRODUCTION

In 1992 Mexico reformed its famous revolutionary Article 27 of the Constitution, which had paved the way for a redistributive agrarian reform and the creation of a 'social property sector' consisting of *ejidos* and agrarian communities, where members would hold land in usufruct. The 1992 reform allegedly sought to enhance tenure security through certification and provided for privatization of lands in the social sector under the expectation that this would dynamize the agrarian sector. This article provides an overview of the evolution of land tenure

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A first version of this article was presented at the 5th European Congress of Latinamericanists, CEISAL, Brussels, Belgium, 11–14 April 2007. I thank the discussants at the CEISAL Congress as well as the anonymous reviewers and the editors of the *Journal of Agrarian Change* for their helpful comments. Final responsibility is, of course, all mine.

and tenure regimes in Mexico.¹ It first discusses the colonial roots of the agrarian structure and the nineteenth-century liberal land policies which resulted in the concentration of landholding in the hands of a tiny elite and thus paved the way for the Mexican revolution and the subsequent agrarian reform. It then shows how, by the 1930s, the reform sector consolidated in the context of an emerging import-substituting development model in which the agrarian reform sector was increasingly relegated to a subordinate role to provide cheap staple crops, cheap labour and cheap inputs. State regulation became an increasingly important feature of this model. By the mid-1960s, however, the agrarian sector began to show signs of stagnation which gradually deepened into crisis. The 1992 reform of the Constitution and agrarian legislation was part and parcel of the structural adjustment policies adopted from the early 1980s onward and took place in a context of state withdrawal and trade liberalization. The outcomes of the reform show that land policy and tenure regime reforms should be viewed in the broader context of agricultural and rural development and macro and trade policies. Land policy by itself, as Baranyi et al. (2004, 37) put it, is insufficient to promote sustainable rural development and reduce poverty if a level playing field is not created for the survival of Latin American family farms and domestic-oriented agriculture.

COLONIAL VICISSITUDES

The foundations for the Aztec empire which the Spanish conquerors encountered when they landed in 1519 had been laid only some hundred years earlier by one of the Chichimec tribes that invaded central and southern Mexico from the north after the collapse of the Toltec state in the 13th century.² Coming from the arid

¹ Charlton (2003, 59), in his comment on a series of recent historical studies on agrarian landholdings in Mesoamerica, distinguishes the following five contexts or phases: '(1) contact, political and economic conquest, and depopulation (c. 1521–1650); (2) continuing depressed indigenous populations and stagnant economies (c. 1650–1750); (3) the gradual increase in indigenous population leading to pressure on lands, a surplus of indigenous labor, accompanied by politically directed economic reforms and economic growth, increasing outside pressure on indigenous lands (c. 1750–1810); (4) the wars of independence, the accompanying loss of Crown protection for indigenous rights, the development of a Mexican national economy, and the integration of that economy into a world economy, particularly during the late nineteenth century (c. 1810–1910); and (5) the socialist revolution of the early twentieth century, which recognized the development of a national agrarian production system for urban areas and for export that had effectively supplied an alternative to the hacienda system, which was then eliminated for political expediency (c. 1910–40).' This provides a useful guideline though, as the reader will note, the chronological sequence I offer here is slightly different and it extends beyond 1940.

² Central and southern Mexico had seen the emergence of a series of civilizations since the rise and decline of the Olmec culture between 1,500 and 400 BC. From about the beginning of the Christian era up to around AD 800 the city of Teotihuacán rose to prominence as a ceremonial and trade centre in the central highland Valley of Mexico, while during this same period other peoples such as the Zapotecas constructed their religious centre of Monte Albán (Oaxaca) and Maya civilization flourished in Yucatán and northern Guatemala. After a period of crisis that affected these centres of Classic Mesoamerican civilization one after the other, a new much more militaristic order arose around AD 1,000 with the Toltec empire, based in Tula on the periphery of the Valley of Mexico, as a main exponent. For a recent succinct overview of pre-colonial history see Knight (2002a).

northern periphery the semi-nomadic Chichimec tribes invaded the areas of sedentary agriculture and state-organized societies. The Aztecs, or Mexica as they called themselves, were among them. From obscurity they rose to prominence and based in their capital Tenochtitlán, on an island in Lake Texcoco, they established their rule over a large part of present-day Mexico. While much of the cultural achievements of the preceding classic civilizations was absorbed, the rise of the Aztec state was accompanied by a process of societal reorganization. Warfare, expansion and state formation created new social cleavages and promoted class differentiation. The original kinship-based structure of the *calpulli* and its associated system of communal landownership suffered erosion with the rise of a warrior nobility ruling over a subdued peasantry. The political system evolved into a mixture of royal despotism and theocracy, supported by a priestly bureaucracy and the nobility. Furthermore, a class of merchants rose to political prominence and a large class of artisans emerged. Warfare, which provided the captives to be sacrificed in order to assure continuance of the universe and at the same time expanded the tribute base, was a central concern of the Aztec state (Knight 2002a, 132–92). However, in contrast to the Inca empire in the Andes region, the Aztecs did not establish a system of centralized administration or developed integrative policies. It left the defeated regimes in place and avoided direct territorial control in exchange for tribute payments. By the time the Spanish arrived the Aztec empire, with its heartland in central Mexico, was a most prominent polity, but not the only one. In central Mexico the Tlaxcala state remained an important independent polity. To the west, the Tarascan or Purhépecha state defended itself against Aztec incursions, the Oaxaca region comprised a diversity of occasionally warring Zapotec and Mixtec kingdoms or city states and further to the south the scene was dominated by Maya city states and empires. On the periphery of such core zones a variety of small empires, city states and chiefdoms persisted.

Upon their arrival, in 1519, the Spanish colonizers initially introduced the *encomienda* which meant that a certain number of natives were given into custody of the conquering soldiers who should take care of their evangelization in return for tribute in labour and in kind. The abuses to which this system gave rise, as well as the rapid population decline caused by wars, famines and new contagious diseases³ led to measures by the Crown and the introduction of the New Laws of the Indies (1542) that were intended to regulate and ultimately eliminate the *encomienda*. The state now assumed control over the native labour force through the *repartimiento* system, whereby Indians were forced to work for the Spaniards on a rotational basis for a fixed wage. Secondly, the state sought to resettle the remaining population through a policy of *reducciones* or *congregaciones* by which they were to be concentrated in *pueblos de indios*. Such villages were to be granted

³ According to estimates the area corresponding to present day Mexico counted some 20 million inhabitants, divided over about 120 different ethnic groups, upon the arrival of the Spaniards, but only some 2 million by the end of the sixteenth century (Knight 2002b, 20).

an *ejido*⁴ where the Indians could hold their livestock. Other forms of possession, also introduced for the *criollos* (people of Spanish descent born in Latin America) and *mestizos* (people of mixed descent) were the *tierras de repartimiento* or family plots in usufruct, which could be lost if one left the village or did not cultivate the land for three consecutive years and the *propios* or village lands that could be rented out to cover the costs of local administration (Rodríguez and Scharrer 1990, 248). During the three centuries of colonial rule the Spanish Crown distributed thousands of titles and *escrituras* (deeds) that laid the legal groundwork for the present-day agrarian communities. The evolving juridical framework for colonial rule, with its complex system of administration of two ‘commonwealths’, a *república de españoles* and a *república de indios*, was consolidated in the Laws of the Indies (1681), an assortment of more or less significant decrees and laws that formally institutionalized a Spanish version of ‘indirect rule’ that viewed the Indians as a ‘separate nation’ under the tutelage of the Spanish colonial state. However, despite the protective intentions the communal property of the natives would be the object of various forms of appropriation by the colonizers, whether through *mercedes* (royal land grants), the confirmation of *de facto* occupation through *composiciones* (confirmations of *de facto* land occupation), sales or outright usurpation. This process was reinforced with the rise of the mining economy and the northward advance of the colonial frontier leading to the consolidation of the *hacienda*, the large estates practising various forms of labour control, ranging from wage labour to forms of leasing and sharecropping. The rise and consolidation of *haciendas* was also closely associated with a boom in stock-raising in the sixteenth century when newly imported cattle and sheep rapidly multiplied in their new environment and brought about an unprecedented and calamitous ecological transformation. By the end of the century the herds began to die off as pastures were eaten more quickly than they could reproduce (Simon 1997). It is estimated that by the end of the seventeenth century over half of the arable and grazing (*agostadero*) land in New Spain was in the hands of the colonizers who, in contrast to the natives, acquired full ownership of those lands (Secretaria de Reforma Agraria 1998, 21).

Hacienda expansion during colonial times varied according to regions. It was driven by urban and mining demand and it was most vigorous in the temperate valleys of central Mexico, where wheat cultivation was feasible, while sugar plantations were created in the warmer valleys, south of Mexico. *Haciendas* also expanded rapidly in the plains of the Bajío, in the central west, and in the vast prairie and steppe grasslands of the north the rise of *haciendas* was propelled by cattle raising. On the other hand, Indian villages survived in the central highlands and even more so in the southern regions of Oaxaca and in Yucatán, where the economic incentives for *hacienda* expansion were weaker and indigenous peasant communities could display their corporate strength (Knight 2002b, 28–29). Recent research has also yielded a more perceptive picture of the intricate, and

⁴ A Spanish term, originally referring to the commons at the exit of a village.

regionally varied, relationships between Spanish conquerors, Indian elites and Indian commoners. And it has provided new insights into the variability of Mexico's colonial 'agrarian mosaic' (Alexander 2003, 6). Such studies call into question the stark opposition between the *hacienda* and the 'closed corporate peasant communities' (Wolf 1957; but see also Wolf 1986), which has long dominated the debate on colonial agrarian relations in New Spain. They call attention to 'interstitial agrarian sectors' (including non-indigenous smallholders) and to the modes of colonial governance in which the indigenous aristocracy continued to play an important, but not uncontested, role (Alexander 2003). A study by Perkins (2005), on the Puebla region, suggests that the latter power position was only undermined during the late colonial era, and that it was related to the emergence of new 'corporate communities' without pre-Hispanic precedent. In contrast with Wolf's original thesis he asserts that the development of corporate communities was 'associated with eighteenth-century indigenous population growth, not decline, and commercial expansion, not depression' (Perkins 2005, 301).

It is not the place here to delve deeply into the continuities and changes that occurred under colonial rule. What we should retain from the foregoing discussion is that hacienda expansion was significant but that it was also determined by regional conditions and that recent studies call attention to the emergence of an 'agrarian mosaic' in which a variety of 'interstitial' forms of land tenure also played a role. Similarly, the demise or persistence of indigenous communities was related to regional circumstances. Their mode of organization gradually changed with the indigenous nobility, or *caciques* as the Spanish called them, initially playing the role of intermediaries but step by step losing ground as colonial rulers came to consider them a nuisance rather than an asset, and indigenous commoners contested their power position.

INDEPENDENCE, LIBERALISM AND CONCENTRATION OF LANDHOLDING

Although the leaders of the independence struggle in 1810 sought to do away with the *haciendas*, in fact no significant change in the agrarian structure was achieved. The newly dominant classes made attempts to attract Europeans to colonize the vast northern region of the republic, menaced by US expansionism,⁵ but due to the political instability that reigned up to the late 1860s no significant contingents of colonizers arrived (Rodríguez and Scharrer 1990, 250–2). Meanwhile, as the liberals gained power after the expulsion of dictator Santa Ana – the exemplary *caudillo* (political military boss) – concern grew over the vast areas of land that had come into the possession of the Church, which occasionally might lease them but most often did not. Hence it was said that those lands were in *mano muerta* (dead hands), which impeded the progress of the country.⁶ In

⁵ In 1847 the US invaded Mexico and annexed Texas.

⁶ The church may have controlled nearly half of the land (Skidmore and Smith 1997, 228).

1856, during the government of Benito Juárez – of Zapotec descent – Minister Miguel Lerdo de Tejada therefore promoted the *Ley de Desamortización de Bienes de Corporaciones Civiles y Eclesiásticas*, also known as the Lerdo Law, which sought to adjudicate lands held by civil or religious corporations to those who leased them. This was one of the causes for the civil war that broke out in 1857. In 1857 the Lerdo Law was incorporated into a new Constitution in its article 27 and, whereas the original law had exempted *ejido* lands (the village commons) from the *desamortización* (the lifting of inalienability), the new Constitution dropped this exemption so *ejido* lands now also could be ‘denounced’ and bought by private parties that claimed to have rented them. Despite some opposition that argued for a redistribution that would favour those with insufficient lands, including the native population, the liberal sentiment, which viewed indigenous forms of communal tenure as an impediment to progress and modernity, won the day. Even if the intention of the Lerdo Law may have been to create a sector of freeholding yeoman farmers, this objective was not achieved and instead the *latifundios* (large holdings) ended up being consolidated (Rodríguez and Scharrer 1990, 248–50).⁷

Further concentration of landholding took place under the long authoritarian rule of General Porfirio Díaz, the *Porfiriato* (1877–1910). This was a period of political stability – at gunpoint – agro-export driven economic growth, consolidation of the hacienda system, incipient industrialization and railway line construction. During this period the *Decreto sobre Colonización y Compañías Deslindadoras* (Decree on Colonization and Demarcation Companies) of 1883 and the *Ley sobre Ocupación y Enajenación de Terrenos Baldíos* (Law on the Occupation and Alienation of Barren Lands) of 1894 shaped land policies. The two measures sought to identify lands presumably without owner in order to incorporate them through demarcation and sale to private parties. Some 50, mostly US-based, companies were given concessions to carry out the demarcation process, for which they were to receive one-third of the surface demarcated. Between 1883 and 1910 they demarcated 59 million hectares and received 20 million hectares, or over 10 per cent of the national territory, in compensation.

The remaining 40 million hectares became public lands that subsequently were mostly acquired by large landowners, mining enterprises and railway companies. Whereas the demarcation companies mostly worked in the relatively unpopulated north of the country and on the Pacific coast, the adjudication of supposedly ‘barren’ lands mostly occurred in the more populous central states of the country, for which their social repercussions were much more incisive and created the breeding ground for revolutionary turmoil. Although demarcation and adjudication formally required that lands were ‘barren’ and that possible

⁷ During the French intervention (1862–1867), Emperor Maximilian von Habsburg refused to return lands, which had been nationalized in 1859, to the Church, but sought an alliance with the peasant and indigenous population by returning their communal lands and seeking some sort of agrarian reform, though given the political circumstances and the fact that many of the supporters of the emperor had reaped benefits from the *desamortización* process, the attempts at agrarian reform remained without effect (Mallon 1995, 172–5).

Table 1. Landed and landless rural population in Mexico on the eve of the revolution

<i>Rural population</i>	<i>Number</i>	<i>%</i>	<i>Surface x 1,000 hectares</i>	<i>%</i>
<i>With land</i>				
Hacendados	8,431	0.2	113,800	86.9
Rancheros	48,633	1.3	9,700	7.4
Smallholders	109,378	3.0	1,399	1.1
Comuneros	150,000	4.2	6,069	4.6
<i>Subtotal</i>	<i>316,442</i>	<i>8.7</i>	<i>130,968</i>	<i>100.0</i>
<i>Without land</i>				
Administrators	4,561	0.1		
Leasehold (<i>arrendatarios</i>)	312,314	9.0		
Sharecroppers	1,536,685	42.6		
Indentured labourers	1,425,115	39.6		
<i>Subtotal</i>	<i>3,278,675</i>	<i>91.3</i>		
TOTAL	3,595,117	100.0		

Source: Secretaria de la Reforma Agraria (1998, 35).

possessors could present their title or *escritura* to support their claims, few communities or smallholders had such documentation and therefore lost their lands in the process (Secretaria de la Reforma Agraria 1998, 31–37).

The liberal policies of the republican governments, which were taken to their ultimate consequences during the *Porfiriato*, thus resulted in a huge concentration of landholding with 87 per cent of the land occupied by rural holdings in the hands of 0.2 per cent of the landowners. The concentration of landholding and the (semi-) proletarianization of rural labour during the republican period, which brutally increased during the *Porfiriato*, was to fuel the first ‘peasant war of the twentieth century’ (Wolf 1973, 3–48).⁸ (See Table 1.)

REVOLUTION AND AGRARIAN REFORM

What began as essentially a middle class revolt against the re-election bid of dictator Porfirio Díaz soon turned into a generalized civil war after the assassination of president Francisco I. Madero and the usurpation of the presidency by the reactionary general Victoriano Huerta. Warfare lasted for seven years and claimed about a million and a half lives. In 1911, in the central state of Morelos, where indigenous peasant communities had lost their lands to expanding sugar cane growing *haciendas*, they rose under the leadership of Emiliano Zapata, proclaiming to fight for ‘Land and Liberty’. They drafted the famous *Plan de*

⁸ The second half of the nineteenth century had already seen a series of revolts throughout the country (Wolf 1973, 11).

Ayala, which called for immediate return of lost lands to the communities and the division of part of the *hacienda* lands among landless peasants and began to effectively implement the programme in their areas of influence (Womack 1970, 224–55).⁹ In the northern state of Chihuahua, Francisco ‘Pancho’ Villa emerged as a military leader and issued an expropriation decree in 1913, followed by an agrarian law, intended to apply nationwide, in 1915. This law reflected the circumstances in the north where freeholding ranchers had come under pressure of cattle ranch expansion, but where the economy also was more diversified and miners, industrial workers, middle class members, etc. played an important role. **Villa’s proposal did not aim for a revival of traditional communal structures. Instead large estates were confiscated and came under state control to finance warfare while a rather limited redistribution of lands took place to individual farms to promote economic development and social well-being.** A third major faction, the constitutionalists, were led by Venustiano Carranza and had its base in the states of Sonora, Coahuila and Nuevo León where agrarian problems were less acute. It was under pressure of his more radical supporters that Carranza issued his decree on return of lost village and community lands in early 1915. The decree declared nil all alienation of lands, waters and woodlands carried out in contravention of the 1856 Lerdo Law, which exempted *ejido* lands from the *desamortización* process, as well as the concessions and demarcations to the detriment of villages and communities that had been practised after 1876 (Katz 1996; Secretaria de Reforma Agraria 1998, 39–46).

These proposals, in particular the Plan de Ayala, provided the groundwork for the new Article 27 of the 1917 Constitution (Thiesenhusen 1995, 34–35). This article stipulated that all lands and waters originally belong to the nation, which can transmit them to private parties as private property under certain conditions. Large estates would be divided up and villages, *rancherías* (*mestizo* smallholder settlements) and communities that lack sufficient lands and water had the right to be given such lands, which should be taken from adjacent properties while respecting smallholdings. A ceiling for private properties was to be established. Church sponsored institutions were barred from owning land not specifically related to their function. Co-ownerships, *rancherías*, villages, congregations, tribes and other *corporaciones de población* (corporate entities) that in fact or by law preserve their communal state should be able to usufruct their common properties. Carranza’s 1915 decree was reconfirmed and elevated to the constitutional level. In the case of the breaking up of large estates, compensation was foreseen, but it would be based on tax value and paid in 5 per cent bonds over 20 years.¹⁰

With its provision that all lands and waters originally belong to the nation, Article 27 established the framework for the creation of a **‘social sector’** alongside

⁹ Under the post-revolutionary regimes these lands would be individualized.

¹⁰ The original Article 27 is reproduced in Silva (1959, 250–5).

private property that would have to respect certain limits. Communities or groups of peasants (*hacienda* workers) could petition for land through *dotación*, *amplificación* or *restitución*.¹¹ In the case of *hacienda* workers' petitions these lands were to be granted as *ejidos* that could not be sold or transferred. Article 27 thus established the legal framework for a profound agrarian reform according to the principle that land belongs to the tiller.

The pace of implementation, however, would be set by considerations of political expedience while the modality of redistribution and tenure – the tenure regime – depended on ideology and the overall development policy pursued. Effective large-scale redistribution only got under way during the government of Lázaro Cárdenas (1934–40) and then would slow down and pick up under subsequent governments, pursuing various development models, until in 1991 president Carlos Salinas de Gortari announced his initiative for a substantial reform of Article 27, inaugurating what some have called Mexico's 'second agrarian reform' (de Janvry et al. 1997) and others a 'neoliberal counterreform' (Deere and León 2000).

1920–1934: Reconstruction and Retrenchment

After the last turmoil of the revolutionary period Alvaro Obregón became president, to be succeeded by Plutarco Elías Calles, who remained the strongman behind subsequent presidencies.¹²

Despite revolutionary rhetoric, the changes that took place under these presidencies were rather modest and perhaps most significant in the areas of education and culture, as reflected in the famous murals, the rise of *indigenismo* and secular education. Under Obregón land distribution hardly progressed, while under the Calles presidency it was stepped up, but only rather unproductive land was distributed and no serious effort was made to provide beneficiaries with resources to work the land. Both Obregón and Calles regarded the *ejido* as a transitional arrangement that should usher in the creation of small private farms.

¹¹ *Dotación* essentially refers to land expropriated and granted to *hacienda* workers under the *ejido* model. *Amplificación* refers to additional land claims by *ejidos* or *comunidades agrarias* (agrarian communities) that lack sufficient land to support their population. *Restitución* has to do with the return of corporate landholdings – except those of the Church – to their former proprietors, according to the 1915 Carranza Decree. This basically applied to indigenous-peasant communities that had lost their lands after 1857. However, although community tenure (of indigenous peoples) was formally recognized, this form of tenure would only be regulated in 1958. The formal distinction between *ejidos* and *comunidades agrarias* therefore provides no guideline to distinguish between non-indigenous and indigenous landholding (Secretaría de Reforma Agraria 1998, 108–10). For an overview of indigenous landholding and tenure see Robles (2000).

¹² Obregón was elected in 1920, to be followed by Calles in 1924. After some constitutional engineering, including the extension of the term of office to six years, Obregón was re-elected in 1928 but was assassinated three weeks later. During the following six years three presidents held office, but the real power behind them was Calles, the *jefe máximo* (Skidmore and Smith 1997, 239–40).

Reforms also met with the firm resistance of, among others, the Church that promoted the *cristero* rebellion (1926–27) in central and western Mexico with the state of Jalisco as its centre.¹³ To counter such opposition and to unite the ‘revolutionary family’, the political leaders and local *caudillos* (political-military strongmen) who dominated the country from 1920, Calles organized the National Revolutionary Party (PNR) that under different names accompanied by reorganization of its structure would rule the country until December 2000.¹⁴ To counter such opposition and to unite the ‘revolutionary family’, the political leaders and local *caudillos* (political-military strongmen) who dominated the country from 1920, Calles organized the National Revolutionary Party (PNR) that under different names, accompanied by reorganization of its structure, would rule the country until December 2000.

1934–1940: The Cárdenas Years

Under Lázaro Cárdenas, who managed to escape from Calles’ control by sending him into exile, reformist policies received new impetus and, for better or worse, the revolution was transformed into permanent structures. Labour, organized in a new *Confederación de Trabajadores Mexicanos* (CTM), the peasantry, organized in a *Confederación Nacional Campesino* (CNC), the military, and the ‘popular sectors’ which included the middle class and public employees, were turned into the main pillars of the revolutionary party, renamed *Partido de la Revolución Mexicana* (PRM) in 1938. This new coalition and the organizations that underpinned it provided support for industrial relations reforms, land reform, the promotion of national industry and the nationalization of oil companies, albeit at the price of increasing dependence from and control by the government party in symbiosis with the state apparatus. The corporatist structures of the Mexican pyramid of domination came into being.

Land distribution was strongly stepped up during the Cárdenas government for various reasons. The agro-export model that had come into being from the mid-nineteenth century onward suffered from the 1929 Wall Street crash and following depression. The crisis also prompted the expulsion of a million Mexicans from the United States. Rural unrest erupted in the states of San Luis Potosí and Veracruz (Martínez 1991; Thiesenhusen 1995, 36–37). Rather than viewing it as a transitional arrangement the *ejido* now came to be viewed as a permanent institution that was considered genuinely Mexican and ‘neither socialist nor capitalist’. In the *ejidos* land would be held communally and each of the members would be entitled to use a parcel, but in some regions

¹³ A classic account of the rebellion can be found in Meyer (1976).

¹⁴ See also the volume edited by Joseph and Nugent (1994), which highlights regional differentiation and the negotiation of rule at the sub-national level. The volume edited by Knight and Pansters (2005) provides further insights into the evolution of *caudillismo* and *caciquismo* (political bossism) and their relation to the Mexican state-party structure in the course of the twentieth century.

large-scale collectively farmed *ejidos* were formed after the expropriation of plantations (Otero 2004, 113–211) dedicated to the cultivation of commercial crops such as sugar, coffee, rice, cotton or henequen. These became ‘*haciendas* without *hacendados*’. Thus *ejidos* could include hundreds and even thousands of families. The objective of such policies was to promote productivity and supply for the national market, avoiding mere subsistence production. They were backed up by technical assistance, credit, supply of seeds and, more broadly, improvement of rural education, medical care, roads and other facilities. The *ejido* thus was not only a form of organization of production but also a mechanism of political control and peasant representation. Political control and a certain measure of representation were achieved by interweaving the affairs of the *comisariados ejidales* (*ejido* executive boards) with various state institutions and through the CNC structure in an intricate hierarchical network of institutions.¹⁵

During the Cárdenas government more than 20 million hectares were redistributed – twice as much as in the preceding 19 years – benefiting nearly 800,000 peasants, while between 1917 and 1934 about 950,000 peasants had benefited from redistribution.¹⁶ By 1940, 22.5 per cent of the agricultural land was in the hands of the *ejido* sector and 47.4 per cent of arable land. The share in irrigated land went from 13 per cent in 1930 to 57.4 per cent ten years later and the share of rainfed land went from 14.2 per cent to 46.5 per cent. At the same time, under pressure of the reform drive, private owners subdivided their lands in order to avoid expropriation. If in 1930 481,000 owners controlled 123 million hectares (255 hectares on average), in 1940 1,122,000 owned 100 million hectares (89 hectares on average) (Secretaria de la Reforma Agraria 1998, 59). Although this suggests a deconcentration of landownership, the degree to which this occurred in fact is less clear since in many cases the subdivision was only a formal one, the land going to family members or *prestanombres* (people ‘lending’ their name). Additionally, as Rello (1986) has shown in his study which focuses on the states of Sonora and Sinaloa in the northwest of the country, the impact of the reform was regionally differentiated and in various regions the revolution and its aftermath saw a recomposition of the landowning class and the rise of new entrepreneurial groups who managed to retain or appropriate the most

¹⁵ See also Bizberg (2003b, 202). Formally, legislation was rather ‘restrictive’ in the sense that transactions of individual parcels (rentals and sales) were prohibited, the commons could not be divided, membership of the *ejido* would be controlled by the Agrarian Reform Bureaucracy, which tended to discourage incorporation of new members in order to avoid fragmentation into small plots, and *ejido* parcels and rights could only be bequeathed to a single descendant or the spouse. *Ejidatarios* formally would lose their rights if they did not work their land for a year. On the ground this gave rise to all sorts of extra-legal practices as, for example, documented by DeWalt and Rees (1994) in their survey of literature on the reform sector.

¹⁶ See Table 2. Numbers are always more indicative of trends than exact. See also Zepeda (2000, 38), who provides information on the number of hectares per beneficiary.

productive lands.¹⁷ This resulted in the emergence of a bi-modal agrarian system in which an increasingly impoverishing reform sector exists alongside a relatively small number of powerful and well-capitalized commercial agriculturalists who would increasingly be favoured by the post-1940 governments.

While the reform made an end to the *hacienda*-dominated rural landscape and initially brought some improvement in productivity in the reform sector, in the longer run it proved inadequate as parcels often still were small and of poor quality, and assistance and credit supply to the *ejido*-sector became increasingly scarce under subsequent governments that favoured large private properties.

Like other Latin American countries, Mexico, by the force of circumstances – the early 1930s depression – had taken the path of import-substituting industrialization, albeit that in the Mexican case it was accompanied by a strong emphasis on agricultural development (Gollás 2003, 229). While under Cárdenas attempts were made to improve the lot of the rural population, not only through agrarian reform, which included credit supply, price guarantees and investment in irrigation and road infrastructure, but also through education and health services as well as stepped-up indigenist policies that sought to ‘Mexicanize the Indian rather than indianize Mexico’, the agricultural sector gradually became subordinated to the industrialization project and the modest gains of the Cárdenas era eroded. The ‘social sector’ made up of *ejidos* and agrarian communities¹⁸ largely remained caught in the production of staples under increasingly adverse terms of trade – the ‘urban bias’.

1940–1970: The ‘Mexican Miracle’

The Cárdenas period was one of reformism and modest improvement of the condition of the masses, with policies favouring the rural sector. The following period¹⁹ saw a reversal of policy trends and a greater emphasis on industrial development, which became known as ‘stabilizing development’ (Gollás 2003, 229–37). Meanwhile, the hold of the state over national politics and social organizations

¹⁷ The regionally differentiated impact of reform efforts and peasant organization supporting them is documented in a variety of studies of which we can mention a few. For the state of Michoacán one might cite the studies by Boyer (1998) and Butler (1999) who focus on the intricacies of the *Cristero* rebellion and Gledhill (1991) provides a broader overview of reform in the ‘homeland of Cardenismo’. Ginzberg (1998) directs the attention to radical reform efforts in the state of Veracruz, while Schryer (1990) analyzes the conflicts between commercial cattle raisers and subsistence producers in the Huasteca of Hidalgo and Van der Haar (2001) discusses the impact of the reform in the southern state of Chiapas. Such studies call into question the previously predominant imagery of a monolithic and dominant state machinery, or what Mario Vargas Llosa once called a ‘perfect dictatorship’ and draw attention to the ‘negotiation of rule’ according to regional circumstances and the influence of local *caciques* (political bosses) (Joseph and Nugent 1994; Knight and Pansters 2005).

¹⁸ Although agrarian communities, presumably understood as a form of tenure of the indigenous population, formally existed, it would be only in 1958 that statutory legislation on such communities was drafted.

¹⁹ The 1940–1970 period covers the presidencies of Avila Camacho (1940–46), Miguel Alemán Valdés (1946–52), Adolfo Ruiz Cortines (1952–58), Adolfo López Mateos (1958–64) and Gustavo Díaz Ordaz (1964–70).

became more rigid and the corporatist party machinery was perfected. In 1946 the PRM was renamed *Partido Revolucionario Institucional* (PRI), now with the peasant, worker and popular sectors as its three 'pillars'.

While industrial production rapidly increased, under the Camacho, Alemán and Cortinez presidencies land distribution was sharply reduced (see Table 2) and policies were geared to the promotion of large-scale private agriculture, among other things by the construction of massive irrigation projects concentrated in northern and north-western Mexico.²⁰ As a result of such investments and a policy of 'unaffectibility' that halted further expropriations, concentration of landownership grew and a new modernized private commercial sector consolidated. The *ejido* sector and smallholdings increasingly came to serve as a pool of cheap labour power for commercial agriculture and urban areas and a supplier of low-unit-cost foodstuffs (Gollás 2003, 266–75). Productivity was boosted by the initial impact of 'green revolution' technology. By the late 1950s land distribution policies made a return in response to large-scale peasant unrest and land invasions in the northern states led by the leftist independent *Unión General de Obreros y Campesinos de México* (UGOCM) (Bizberg 2003a, 319).

By the 1960s, the 'Mexican miracle' was running out of steam, while political and social unrest mounted. The student protest of 1968 and its savage repression often is viewed as a turning point marking the rise of opposition forces. At the same time, to counter such trends, a new period of reformist policies started.

1970–1982: After the 'Miracle'

The first years of the Luis Echevarría presidency (1970–76) were marked by efforts to improve the damaged image of the Mexican political system through liberalizing reforms and measures to improve the conditions of the rural and urban population through controls on the economy. Such policies, however, met with opposition from the business sector and prompted a recession by 1973. In the following years, policies gradually were scaled down, a trend that was to be continued under the José López Portillo presidency (1976–82). One of the issues that plagued the Mexican economy, framed after the import-substitution model, was increasing balance of payments deficits resulting from capital goods imports as well as growing imports of basic food stuffs to make up for the poor performance of the agrarian sector in this respect. In 1976 the peso was devalued by 60 per cent, followed some months later by another devaluation.

While the country suffered economic problems, political unrest increased both in urban and rural areas. The early 1970s saw the emergence of radical rural movements involved in land invasions and of guerrilla activity in Michoacán, Oaxaca and Guerrero. This forced the Echevarría government, which at first had announced that the *reparto agrario* would be ended, to step up redistribution once

²⁰ At the same time rural–urban migration rapidly increased, as well as labour migrations to the US which initially had been promoted through the *braceros* agreement between the Mexican and US governments to meet US labour demand during the Second World War.

Table 2. Redistribution of land by presidential period, 1935–1992

<i>Period</i>	<i>Total of redistributed hectares</i>	<i>Type of land in %</i>				<i>Beneficiaries</i>
		<i>Irrigated</i>	<i>Rain-fed</i>	<i>Grazing land</i>	<i>Other</i> ²¹	
1934–1940: Lázaro Cárdenas del Río	18,786,131	5.0	18.0	50.2	26.8	728,847
1940–1946: Manuel Ávila Camacho	7,287,697	1.3	13.8	53.9	31.0	157,816
1946–1952: Miguel Alemán Valdés	4,633,321	1.3	15.9	57.5	25.2	80,161
1952–1958: Adolfo Ruiz Cortines	6,056,773	1.3	14.9	49.1	34.7	68,317
1958–1964: Adolfo López Mateos	8,870,430	1.8	15.3	62.3	20.6	148,238
1964–1970: Gustavo Díaz Ordaz	24,738,199	0.3	8.2	65.2	26.3	278,214
1970–1976: Luis Echevaría Álvarez	12,773,888	0.9	5.1	59.0	35.0	205,999
1976–1982: José Lopez Portillo	6,397,595	1.2	13.6	62.7	22.4	243,350
1982–1988: Miguel de la Madrid Hurtado	5,626,227	1.5	9.6	61.4	27.5	248,486
1988–1992: Carlos Salinas de Gortari ²²	551,869	7.4	23.5	35.4	33.7	80,692

Based on Bizberg and Meyer (2003, 592).

²¹ Includes forests, deserts and undefined.

²² Salinas' presidency was from late 1988 to 1994, but land distribution was officially ended with the reform of Constitutional Article 27 in 1992.

again, a policy that was reversed by the López Portillo government under the pressure of the business sector (Bizberg 2003b; De Grammont 1996b, 25; Rello 1986).²³

Meanwhile, a New Federal Agrarian Law had been passed in 1971, followed by a New Federal Water Law in 1972. The Agrarian Law was meant to speed up the handling of demands for land and at the same time tightened state control over the 'social sector'. In 1973 the World Bank financed PIDER (*Proyecto de Inversiones Públicas para el Desarrollo Rural*) programme was launched, which included all sorts of development 'projects', largely targeting the 'middle poor' and, because of perceived advantages of scale economies, collective exploitation was promoted. For the integrated development of the most depressed areas the COPLAMAR (*Coordinación General del Plan Nacional de Zonas Deprimidas y Grupos Marginadas*) became operative in 1976. By then the Mexican economy seemed to be saved by the discovery of vast oil and gas deposits on the east coast. The 'petrolization' of the economy was translated into ambitious plans for integrated national development and in 1980 a *Sistema Alimentario Mexicano* (SAM) was launched to regain food self-sufficiency²⁴ mainly through support for the surplus producing peasantry (Fox 1993; Gates 1993, 31–72).

Studies of that time provide an insight in the agrarian structure of the 1970s. Peasants were defined as producers who employ less than 25 wage days of labour annually. The peasantry accounted for 86.6 per cent of total producers and controlled 57 per cent of arable land. The peasantry could be subdivided into sub-subsistence (56 per cent of all producers), subsistence, stable, and surplus-producing (8 per cent of all producers, holding 22 per cent of arable land). Next came a group of 'transitional producers', employing between 25 and 500 wage days of labour but still basically relying on unpaid family labour. They controlled 22 per cent of arable land. Capitalist producers, employing more than 500 wage days of labour annually, made up 2 per cent of all producers and controlled 21 per cent of arable land (cf. Fox 1993, 91; Otero 2004, 89–112). The SAM strategy privileged the surplus-producing peasantry and the 'transitional producers'. However, while designed to emphasize rain-fed peasant production, the SAM became a generalized grain production policy. At the same time the regulation of crop prices coupled with rising inflation and budget cuts after 1981 meant that

²³ The policy shifted away from redistribution and sought to make an end to the *reparto agrario* and this meant that expectations of groups whose principal demand still was centred on land could not be channelled through the official organizations any more. Independent *agrarista* organizations formed the Coordinadora Nacional Plan de Ayala (CNPA) (Bizberg 2003b, 207). On the other hand, the 1970s saw the rise of independent productivista organizations that sought to gain control over the productive and commercialization process and by the early 1980s would form the Unión Nacional de Organizaciones Regionales Campesinas (UNORCA), which was more adept at pragmatic negotiating with the government (Bizberg 2003b, 201–25). The private sector created an independent organization in the 1980s, the Consejo Nacional Agropecuario (CNA), which was officially recognized in 1984 in the context of governmental attempts to repair relations with the sector, after the break during the Echevaría government (on this juncture see also Rello, 1986).

²⁴ Grain imports had risen from 1.4 per cent of national consumption in 1970 to 36 per cent in 1979 (Fox 1993, 69).

the benefits for the peasantry were rather limited. Illegal renting out of *ejido* land to commercial farms increased as well as proletarianization, landlessness and migration (DeWalt and Rees 1994, 34–43).

By 1982 world oil prices plummeted, triggering the ‘Mexican crisis’, followed by IMF prescribed austerity policies and a dramatic break with the economic model that had prevailed since the 1930s.²⁵ This meant severe cut-backs in public spending while staple crop prices remained low and production costs increased, resulting in an agrarian crisis that above all affected the ‘social sector’ and triggered widespread loan default among *ejidatarios*.

During the period reviewed here, Mexico underwent a profound transformation promoted by the industrialization policies and an economic growth averaging 6 per cent per year during the ‘miracle’ years between 1940 and the late 1970s. Meanwhile, whereas in the 1940s some 20 per cent out of a population of nearly 20 million lived in urban areas, by the mid-1990s 73 per cent of a total population of nearly 90 million lived in urban areas. As to the rural sector, by the 1980s the agrarian reform had resulted in the creation of some 28,000 *ejidos* and the recognition of some 2,300 *comunidades*.²⁶ They comprise a little over half of the Mexican farmland and some 3.5 million *beneficiados*, that is about a third of the agrarian workers (Jones 1996; Mackinlay and de la Fuente 1996; Robles 2003; Thiesenhusen 1995, 29–49). The ‘typical’ or average *ejido* would possess some 2,000 hectares, of which two-thirds would be collectively used and the rest worked as individual parcels of 74 *ejidatarios* and nine *posesionarios* (possessors, who are not official member of the *ejido*). These people would live in the urban nucleus of the *ejido* together with 29 *avecindados* (neighbours, who live in the urban nucleus but do not possess *ejido* land and are not members).²⁷ The average *ejidatario* would possess 9.2 hectares in two parcels and have access to 28 hectares of the commons. Distribution was unequal, however, and little over half of all *ejidatarios* with rights to a parcel possessed less than 5 hectares. Non-agricultural activities accounted for about half of the income (Mohar n.d., 31–32; Robles 2003).²⁸

By the end of the 1990s the private sector consisted of about one and a half million production units, half of the number of production units in the ‘social sector’. Of those in the private sector no more than 15,000 possessed large businesses and concentrated nearly half of the value of rural production and some 150,000 have small private operations. The rest are smallholders mainly producing for subsistence and further engaging in ‘complementary’ activities (Bartra 2004, 23; Robles 2003; see also Otero 2004).

²⁵ In 1986 Mexico entered the General Agreement on Tariffs and Trade (GATT) and a few years later negotiations over inclusion into the North American Free Trade Agreement began.

²⁶ The *comunidades* hardly ever were promoted by the government. The result is that many indigenous communities are organized according to the *ejido* scheme, while a good part of the *comunidades* is not inhabited by indigenes (Secretaría de la Reforma Agraria 1998, 108–10).

²⁷ This also reflects a generational cleft. By the 1990s about half of the *ejidatarios* were over 50, while the younger generation did not have formal access to land.

²⁸ Such reconfigurations have prompted the debate on a ‘new rurality’ in Latin America (Bretón 2005; Giarracca 2001; Ruben and Lerman 2005).

It should be noted that some four million agricultural workers have no land of their own (Arroyo 2001) and that part of the land distributed, especially after the Cárdenas reform drive, was less suitable for agriculture (DeWalt and Rees 1994, 4–6), while institutional support for the ‘social property sector’ decreased, with some ups and downs according to political expediency. Many rural families therefore complement their income with other economic activities, long distance migration to the US being a notable case in point. Migration and the constant moving back and forth from ‘peasant’ to ‘proletarian’ life spaces has led Kearney (1996, 141) to speak of these people as *polybians*, categorical migrants who move in and out of *multiple* niches, like amphibians that spend part of their lives in water and part on land; a view that resounds with the debate on ‘new ruralities’.

In sum, as a result of changing internal and external circumstances, the Mexican agrarian sector has seen changing emphases on property regimes favoured by different governments and international finance organizations, promoting different ‘development paradigms’. It inherited a colonial legacy and went from a liberal focus in the second part of the nineteenth century to a more or less diluted revolutionary approach after 1917. That went from tepid redistributionism to the Mexican version of import substituting industrialization, with a certain emphasis on the rural ‘social’ sector and redistribution under Cárdenas, which subsequently gave way to favouring the private sector and local political bosses carving out their ‘properties’, giving rise to a dual pattern of agricultural development with a commercial sector geared to high value products,²⁹ and receiving strong state support on the one hand, and a ‘traditional’ sector serving as a labour reserve, producing low value staples and receiving erratic state support at best. Dualism is also reflected in regional terms with irrigated, capital intensive production units concentrated in the north, while the centre and south are largely inhabited by an impoverished peasantry. By the mid 1960s the ‘traditional’ sector began to enter into crisis, which gradually deepened.

REFORM OF THE REFORM: ‘LIBERTY AND JUSTICE’ REPLACES ‘LAND AND LIBERTY’

It was against the backdrop of the NAFTA negotiations that in November 1991 president Carlos Salinas de Gortari made public his initiative to reform Article 27 of the Constitution. ‘Liberty and Justice for the Countryside’ was what he promised because, as Stephen (2002, 67) notes, ‘ending the government’s obligation to redistribute land made the slogan “Tierra y Libertad” obsolete’. ‘Liberty’ now was to strengthen individual property rights over the *ejidatario*’s parcel and therefore to deconstruct collective decision-making, in line with neoliberal thinking and echoing some of the nineteenth-century liberal land reform attempts.

²⁹ By the 1970s fresh and frozen fruits and vegetables had become important and by 2000 fresh vegetables had become Mexico’s leading agricultural export (Veeman et al. 2002). Meat production had also expanded markedly.

To sustain his reform proposal³⁰ president Salinas argued that:

1. there was no more land to redistribute and that now the task would be to improve productivity;
2. federal agrarian tribunals should be created to substitute the administrative-jurisdictional procedures to resolve tenure issues within and between *ejidos* and/or communities;
3. in order to capitalize the countryside security was needed and that while ceilings on rural property would remain in force, associations with *sociedades mercantiles* should be made possible, among other things to achieve economies of scale;
4. small properties would be protected and that, given that redistribution would be ended, they would no longer need certificates of unaffectability;
5. new forms of association among different forms of tenure, through shareholding, should be stimulated in order to achieve economies of scale while at the same time *ejido* and community property would be constitutionally protected, as well as the territorial integrity of indigenous peoples,³¹ while housing plots would be the exclusive property of their inhabitants (Secretaría de la Reforma Agraria 1998, 76–79).³²

The initiative came as a shock, since it had been preceded by unilateral economic liberalization that apparently was to pave the way for NAFTA. Agricultural trade had been liberalized in 1990, subsidies had been cut or sharply reduced, guaranteed prices for all crops but maize and beans had been eliminated, crop insurance had been abolished and development bank credits had been retargeted to serve only peasant growers whose operations were deemed profitable, while commercial growers had to borrow from commercial banks (Gates 1993). Meanwhile, encouraged by Salinas the official CNC and UNORCA had formed a *Consejo Agrario Permanente* (CAP)³³ which initially denounced the initiative as a

³⁰ The reform proposal was inspired by World Bank recommendations (Heath 1990) which recommended titling of *ejido* lands irrespective of parcel size, simplification and clarification of restrictions for private farmers on holding size and land use, ending restrictions on renting and sharecropping by *ejidatarios*, allowing *ejidatarios* to sell their land to other members of the *ejido* (but not to outsiders), improving management of communal lands, extending credit to individual *ejidatarios* on the basis of creditworthiness and ceasing to have the whole *ejido* bear the burden of loan default, and providing credit wholly in cash so that *ejidatarios* can decide what inputs to buy and what crops to plant.

³¹ The proposal for a reform of Article 27 virtually coincided with another reform that was to recognize indigenous peoples' rights, after Mexico had ratified 1989 ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries in 1990, being the first Latin American country to do so. The 1992 constitutional reform was rather limited (Hindley 1996), however, and debate resumed with the Zapatista uprising in January 1994, leading to a renewed reform effort in 2001, which also resulted in an outcome quite unsatisfactory to the indigenous movements. With its indigenous population of over 10 million, or about 11 per cent of the total population, Mexico has the largest indigenous population in Latin America in absolute terms (Ramírez 2006).

³² Within government circles a certain division existed between *campesinistas*, as for example Gustavo Gordillo (1992), with Maoist antecedents, and 'modernizing technocrats'. Whereas the former argued that the *ejido* still had a role to play, the latter were in favour of its dissolution (Cornelius and Myhre 1998, 5).

³³ The *agrarista* CNPA, which pushed for redistribution, refused to join the Council.

'counter-reform'. Through a policy of heavy pressure and manipulation, the government managed to gain some reluctant support from the 'officialist' organizations, leading to deep divisions within these organizations, while the autonomous organizations were sidelined in the process. The result was that all organizations were put on the defensive and the reform was pushed through, resulting in the debilitation and splintering of the rural movements that had seemed to be so strong in previous years (Bizberg 2003b; Foley 1995; Secretaría de la Reforma Agraria 1998).

The reform of Article 27 was approved by the Chamber of Deputies in early December 1991, with some minor modifications. The Senate approved this version a week later and by early January 1992 the reform had been approved by the 31 State congresses. Implementing legislation followed in February 1992. The main provisions of the new legislation can be summarized as follows (based on Cornelius and Myhre 1998):³⁴

1. The government's constitutional obligation to distribute land is ended.
2. Private landowners can make capital investments on their land without risking expropriation, since improvement will not lead to a reclassification of the land.
3. Land rights disputes between *ejidatarios*, and between *ejidos* and/or private holders are to be settled by a decentralized system of presidentially appointed Agrarian Tribunals.³⁵
4. *Ejidatarios* can obtain individual certificates of their land rights if their *ejido* agrees to participate in the *Programa de Certificación de Derechos Ejidales y Titulación de Solares* (PROCEDE, Program for the Certification of Ejido Land Rights and the Tiling of Urban Housing Plots). Participation in the programme requires an initial meeting by the *ejido* assembly, attended by half of the members plus one. If this cannot be carried through, a second meeting can be called for which no quorum is established. The decision to participate in the certification programme may or may not lead to a future decision to privatize³⁶ or disband the *ejido*.³⁷
5. *Ejidatarios* who have had the boundaries of their parcels certified have the right to legally sell, rent, sharecrop or mortgage their land, but the decision

³⁴ Full texts of Article 27 and implementing legislation can be found in Procuraduría Agraria (1998).

³⁵ The new legislation created new institutions: the agrarian tribunals with jurisdiction to settle disputes, which before had been an attribution of the president; the *Procuraduría Agraria* or Agrarian Ombudsman; a deconcentrated National Agrarian Registry; and the Secretaría de la Reforma Agraria (Ministry of Agrarian Reform), charged with the coordination of agrarian policies and the general ordering of property.

³⁶ This means that the certificates under agrarian law are turned into ownership titles (*dominio pleno*) under civil law. This can occur in two ways: 1. full privatization and therefore disbanding of the *ejido*; or 2. partial privatization, whereby the *ejido* assembly allows members who wish to do so to privatize.

³⁷ It also was made possible for agrarian communities to convert into *ejidos* (and vice versa) and then to convert to the private property regime (*dominio pleno*).

to sell *ejido* lands to outsiders must be approved by a two-thirds vote of the *ejido* general assembly, witnessed by a government representative. A quorum of 75 per cent of the *ejido* members is required for a vote to privatize, but the necessary quorum goes down to 50 per cent if a second or third meeting is needed. If the legal quorum is present it takes two-thirds of the vote to permit privatization of land within the *ejido*. The common lands can similarly be sold off for commercial development.

6. *Ejidatarios* are no longer required to work the land personally in order to retain it, which means, for example, that migrants can leave their parcels under a sharecropping arrangement or can have it cultivated by others from inside or outside the *ejido*, without running the risk of losing their land rights.
7. To prevent excessive concentration of privatized *ejido* land, legal limits on maximum property size will continue to be enforced. The individual limit for agricultural land is 100 hectares or its equivalent in other types of land. For grazing land the limit is set at the land needed for 500 large animals and forest property cannot exceed 800 hectares. Corporate entities are limited to 2,500 hectares per company and mercantile societies are required to have at least 25 individual members. Joint *ejido*-private firm production associations may not own more than their total membership would be permitted to acquire as individual landowners.
8. *Ejidatarios* who opt not to sell or rent their land can enter into joint ventures with outside investors or form associations among themselves to maximize economies of scale. They can also sign long-term production contracts with outsiders.
9. The *ejido* sector is opened up to foreign direct investment, but foreign investors may not own more than 49 per cent of the land owned by the enterprise.

The reform generated expectations and apprehension. According to its proponents it merely legalized the ongoing extra-legal practices in the *ejidos*, freed the *ejidatarios* from the dead hand of state ‘paternalism’ and would help to overcome the crisis in the sector through increased tenure security, an inflow of capital, increased productivity and the promotion of entrepreneurial forms of organization. Critics foresaw a re-concentration of landholding and pointed to loopholes in the new legislation that would allow this (Cornelius and Myhre 1998, 3–4; Foley 1995, 65n; Gledhill 1997). They also pointed to the conjunction of the reform with trade liberalization in the NAFTA context and the dismantling of state support for the ‘social sector’. Under such conditions they foresaw a massive new wave of migration to the cities.³⁸

³⁸ Often a World Bank study (Levy and van Wijnbergen 1992) is cited, according to which trade liberalization would cause an additional 400,000 people to migrate over a ten year period, on top of the 1.1 million who would have migrated anyway. Although this would depress urban wages that would be offset by lower food prices and thus contribute to Mexico’s comparative advantages (Foley 1995; Young 1995).

By late 1992 the PROCEDE certification programme got under way, initially aiming for certification of the social sector's area in two years, while critics predicted widespread rejection of the programme. As De Ita (2006, 148) notes '[A]fter ten years of PROCEDE's operation neither has occurred. Mexico's arable land area has still not been entirely certified, yet neither has there been a massive rejection of PROCEDE'. And an official government report, which provides an overview of the 1992–2005 period and announces that PROCEDE will be phased-out in August 2006, elliptically states that:

[T]he critique by some peasant organizations that affirm that PROCEDE privatises ejido lands has turned out to be unfounded.

Through the adoption of *dominio pleno* or the bringing in of common use lands into mercantile societies only one million and 466 thousand hectares, that represent 1.4% of social property, have been converted to private property. At the same time, 1,276 new ejidos have been created, amplifying social property with 387 thousand hectares. In sum, only 1% of social property has been privatised. 60% of those *desincorporada* lands have been needed for the growth of cities, for which their *desincorporación* was necessary. (Secretaria de la Reforma Agraria 2006, 18; my translation)

This is a rather curious statement in that it turns vice into virtue and actually admits that some main objectives of the 1992 reforms – promoting private property and associations with the private sector in order to capitalize the *ejidos* – have not been achieved. In conjunction with De Ita's (2006) comments, this suggests that *ejidos* and – at a later stage – agrarian communities have 'voluntarily'³⁹ joined the certification programme without, however, scrambling for privatization, with the exception of some areas of incorporation of *ejido* lands into urban expansion schemes. Galeana (2004) argues that if individuals seek to obtain full ownership titles, this is related to opportunities to sell their land for urbanization rather than to ask for credit.

PRACTISING 'LIBERTY AND JUSTICE'

According to the *Registro Agrario Nacional* (2005), out of the 29,942 agrarian nuclei (27,664 *ejidos* and 2,278 agrarian communities), 28,709 (96 per cent) had 'voluntarily' adhered to the PROCEDE programme. 26,031 (87 per cent of the national total) agrarian nuclei had been regularized through the dispatching of 8,421,108 certificates and titles: 4,649,590 parcel certificates, 1,738,247 common use certificates – which grant access to a percentage of common use lands – and 2,033,271 housing plot titles. The programme thus certified or titled some 76.2 million hectares and benefited some 3,843,798 people. Out of those 76.2 million hectares

³⁹ As De Ita (2006) notes, joining the programme was, rather, induced. Governmental institutions illegally required PROCEDE certification for access to other programmes meant to ease the pain of trade liberalization and structural adjustment (see also Appendini 1996, 4).

23,009,640 were certified as parcels, 52,951,034 for common use⁴⁰ and 300,335 hectares were titled, presumably as housing plots, as the new 1992 law prescribes.

By the end of March 2005 the PROCEDE programme had measured 85,562,262 hectares out of the 103,515,321 hectares belonging to the 'social sector', that is 83 per cent. Progress in coverage, however, was uneven by State of the Federation. For two States, Guanajuato and Colima, over 100 per cent coverage was even reported, 135 per cent and 104 per cent, respectively. Generally, coverage in the northern states was higher than in the south. In the states of Guerrero, Chiapas and Oaxaca, coverage was 64 per cent, 43 per cent and 39 per cent, respectively. The advance in the northern states may be related to less severe demographic pressure on *ejido* lands and an already existing clearer definition of property rights, due to the agricultural potential of lands (Zepeda 2000, 136). The southern states, in contrast, are characterized by a higher number of smaller *ejidos*, higher demographic pressure and more difficult access due to their rugged geography. In the state of Oaxaca, 62 per cent of the land is held by agrarian communities, which mostly are also indigenous. Although Chiapas counts less agrarian community lands, a good part of forest- and farmland is in the hands of indigenous people, organized in *ejidos*. Cancelling redistribution of land with the 1992 reform of Article 27 was one of the reasons for the Zapatista rebellion two years later.

The PROCEDE programme advanced by tackling the least problematic areas first. By 2003 it was reported that 4,735 (15.5 per cent) out of the then existing 30,513 agrarian nuclei (*ejidos* and communities) had problems. A quarter of these problem cases had rejected the PROCEDE programme, 20 per cent were involved in disputes over limits and 10 per cent suffered internal conflicts (cf. De Ita 2006). The agrarian nuclei that accepted the programme possibly took it as an opportunity to update membership lists⁴¹ and to sort out and consolidate tenure.

What then about the expected benefits of the 1992 constitutional reform and the new agrarian legislation? Zepeda (2000, 271), paraphrasing Galilei, argues that 'however . . . it does not move'. As already noted, contrary to what some expected only in a few cases was *dominio pleno* opted for and no vibrant land sales market has come into being except for peri-urban areas. This sometimes has been attributed to the fact that private property is subject to taxes (Brown 2004; cf. De Ita 2006). However, there are many indications that suggest other reasons

⁴⁰ This is quite notable because the common use category is twice as large in surface as the parcel category. On the one hand this reflects the quality of lands allocated to the 'social property sector' over time (see Table 2) and on the other hand it reflects the turn to cattle raising among above average smallholders whose off-farm activities allow them to 'accumulate capital' in the form of live-stock – or one might say to re-orient their survival strategies – which exacerbates environmental pressures (De Janvry et al., 1997, 204). The argument presented by De Janvry et al. (1997) is notable because it suggests that it is certification of rights of access to the commons in the context of the agricultural 'profitability crisis' that contributes to a 'tragedy of the commons'. For a contrary view see Pérez (2004).

⁴¹ Paradoxically, the PROCEDE programme included the incorporation of *avecindados* and *posesionarios*, which contributes to further fragmentation of landholding (Concheiro and Diego 2003).

for this lack of interest in privatization. For most of the 'social sector' land is much more than a simple commodity. Often its 'conquest' has been the result of a long struggle and losing it would mean becoming a simple day labourer (Zepeda 2000, 272). Moreover, most of the 'social sector' serves as a refuge economy geared to subsistence production that is complemented by other activities (De Janvry et al. 1997, 203–4; World Bank 1998, 11). As Gledhill (1997) argues, only 15 per cent of the *ejidatarios* could be viewed as commercially viable producers on the eve of the 'second agrarian reform' and they, along with the stratum of relatively prosperous private small farmers, suffered the devastating effects of Mexico's shock treatment. His research between 1991 and 1994 identified a clear pattern of 'richer peasants reducing their rental of land and switching to production of lower value crops' (see also Gledhill 1995).

This brings us to the question of land rental markets. It is often asserted that enhanced tenure security – perhaps less a result of changes in the legal framework than of implementation of PROCEDE (Deininger et al. 2001) – has contributed to a vitalization of rental markets,⁴² though comparison with the pre-1992 situation is quite difficult. After all, the reforms were justified with the argument that renting was a 'widespread' though illegal practice. The consequences of such enhanced rental market activity are not clear, however. According to De Janvry et al. (1997, 201–2) those *ejidatarios* with smaller plots and greater involvement in off-farm activities and migration are the ones who rent out their land, without losing their property rights in the *ejido*. The operational area of small farms thus decreases as a result of land rental and migration and, according to the authors, this abandonment of small farms can be expected to accelerate. This is a symptom of what they call the 'severe crisis of the *ejido* sector'; a crisis that announced itself in the mid-1960s and that only deepened under structural adjustment in the 1980s and free-trade measures in the 1990s. In contrast, Deininger et al. (2001, 18), who are rather optimistic about the Mexican reform, assert that in 'non-certified *ejidos* it is the large farmers who rent in land and the small farmers who rent out while the opposite is true in certified *ejidos*'. They suggest, invoking the 'inverse size-productivity relationship',⁴³ that 'in non-certified *ejidos*, the rental market tends to contribute to land concentration instead of redistribution towards smaller producers' and that in this situation 'rental markets might actually decrease efficiency', whereas in 'certified *ejidos* the exact opposite is true'. The World Bank report (1998, 26), however, also suggests that small producers generally enter the rental market from the supply side and then engage in other

⁴² The World Bank (1998, 26) wonders whether PROCEDE has contributed to the development of rental markets. Although the rate of land transactions is higher among people with titles, increases in the rate of transactions among those with and without title were the same between 1994 and 1997. The perceived 'PROCEDE effect' may have to do more with the programme's 'selection bias' because it first targeted the most accessible and well connected *ejidos*.

⁴³ This is an old argument for redistributive reform, but a distinction should be made between land and labour productivity. Land may be more productive in small-scale operations due to more intensive and unremunerated, but marginally less productive, labour.

activities.⁴⁴ The inconsistencies in the argument, which also filtered into the World Bank (2003, 120–1) Policy Research Report, have been pinpointed by Baranyi et al. (2004, 34). The World Bank's own research (Olinto et al. 2000, 6) shows that small farmers were more prone to rent out their land, while larger farmers would rent in. Other studies also suggest processes of land concentration and do not support the 'win-win' scenario presented by the World Bank (Concheiro and Diego 2003; Lewis 2002).

As to credit, De Janvry et al. (1997) argue that the 1992 reform took place in the context of an 'institutional vacuum'. During the 1980s many public institutions had been privatized, scaled down or liquidated. Access to credit, but also to insurance, markets, modern inputs and technical assistance had been severely reduced and hardly any alternative institutions had emerged to cater for the *ejido* sector. They note that the number of *ejidatarios* with access to credit increased due to the *crédito a la palabra* (credit without collateral) programme that was launched in the context of the National Solidarity Program (PRONASOL) on the eve of the 1994 elections. It is one of what have been called 'neopopulist solutions to neoliberal problems' (cf. Knight 1996, 4). While the number of people receiving credit temporarily increased, the total amount of credit to which the *ejido* sector had access decreased and it decreased further – from 30 per cent of *ejido* households in 1994 to 20 per cent in 1997 – as the elections were won⁴⁵ and the programme was phased out (World Bank 1998, 16) and replaced with focused programmes aimed at human capital formation,⁴⁶ such as PROGRESA under the Zedillo administration (1994–2000) and OPORTUNIDADES under the Fox government (2000–2006).

The 'institutional vacuum' together with the 'profitability crisis', which was due to liberalization, inefficient marketing channels, 'adjustment noise' after the 1995 peso crisis and world market price decline (World Bank 1998, 9–10), resulted in a sort of technological involution (De Janvry et al. 1997; Zepeda 2000, 286), which also affected the private sector 'better off' stratum of peasants and farmers. Manual labour replaced machines, local seeds took the place of 'improved' seeds, fertilizer use dropped; a trend that had been present before 1992 and that was not reversed by the reform of the legal framework, as propaganda had it. Market liberalization for agrarian products initiated in 1982 took place in a context of overproduction of basic grains in the USA and Europe and a ferocious struggle for markets to get rid of the 'surplus'. The low priced exports by the USA of maize and beans provoked a crisis among the Mexican producers,

⁴⁴ The World Bank (1998, 28) also points to the persistent informality of transactions (although they may be recorded in writing) and notes that (1) this may render the PROCEDA cadastre obsolete in a few years and (2) that this may indicate that new institutions did not yet sufficiently penetrate the *ejido* sector or that it is not considered important to formalize transactions. See also Robles (2003).

⁴⁵ This time more or less 'clean' in contrast to the 1988 elections that had brought Salinas de Gortari to power.

⁴⁶ Perhaps the 'neo-corporatism' of Salinas's 'social liberalism' fell in line with the 'social capital' vogue to be replaced by the more individualistic PROGRESA and OPORTUNIDADES approaches, which emphasize 'human capital'.

which only grew more profound after the ratification of the NAFTA. Between 1985 and 1990 the principal products of rain-fed agriculture, which is the realm of the small and medium-size producers, fell by 0.60 per cent per year and between 1990 and 1994 they fell by 4.35 per cent per year. Between 1990 and 1994 rain-fed maize production fell by 4.64 per cent annually and beans by 2.63 per cent. At the same time, a process took place which is known as the 'privatization of maize', that is an increase in production on irrigated land by agrarian enterprises in the north of the country (Rubio 1999, 43–44), effecting a brutal decline in income for the smaller producers in the south.

The crisis of small and medium Mexican agriculture only deepened after the NAFTA treaty entered into vigour on January 1, 1994.⁴⁷ It was a treaty between unequal partners. Production costs were higher in Mexico, while USA agriculture was strongly subsidized and the average size of exploitations was much larger. During the negotiations Mexico accepted a generous duty free import quota and an above quota tariff for maize and beans that it never enforced (World Bank 1998, 9). Mexican imports of grains and oil-seeds increased from 8.8 million tons in 1993 to about 20 million tons in 2002. Before NAFTA at most 2.5 million tons of maize were imported per year, but by 2001 6 million tons were imported.⁴⁸ Unemployment and poverty in rural Mexico increased and, according to official data, 70 per cent of the rural population is poor (cf. Gómez and Schwentesius 2003; Quintana 2003).

Farmers already had started to mobilize when the NAFTA plans became public, demanding exemptions for various products, such as maize, beans and dairy products. In response, in 1993, the government launched the PROCAMPO programme. This was a subsidy that was to compensate for income losses and to assist the adjustment to the removal of price guarantees and market supports. It covered maize, beans, wheat, cotton, soybeans, sorghum, rice, barley and safflower. It was paid per hectare and payments were expected to be constant for ten years and then to be phased out in the next five years, though in real terms payments actually declined by 5 per cent per year.⁴⁹ It was another instance of 'neopopulist solutions to neoliberal problems' in that the income subsidy was sufficient to keep peasants and farmers growing their crops, but insufficient to help them make the transition to other commercial crops, also given the virtual absence of technical assistance and the subsistence logic of much of the peasant sector.

Protests increased in the course of the 1990s with the emergence of the *El Barzón* movement, led by farmers affected by the scissors movement of increasingly

⁴⁷ The party celebrating Mexico's 'joining the First World' was spoiled by the news of the Zapatista revolt in Chiapas (Oppenheimer 1996, 3–15). Then, in March 1994 presidential candidate Luis Donaldo Colosio was killed, followed in September by the killing of PRI general secretary José Francisco Ruíz Massieu. Meanwhile, Ernesto Zedillo had been elected president in relatively 'clean' elections.

⁴⁸ As Gledhill (1997) comments: 'This is mainly yellow maize of a quality only used in animal feedstuffs in its country of origin. Tortillas with the texture of cardboard are, however, slightly less prejudicial to consumers than radioactive milk and meat which is unmarketable in the United States because of chemical contaminations or excess traces of growth hormones.'

⁴⁹ For a comment see Cord and Wodon (2001).

rigid credit conditions and falling prices, which drove them into bankruptcy (see De Grammont 1996a). The pace of protest was set by the lifting of nearly all import restrictions on agricultural products under NAFTA by 2003 and the issuing of the USA Farm Bill in May 2002. By 2002 mobilizations converged in the movement *El Campo no Aguanta Más* (The Countryside Endures no More), which in early 2003 forced the Vicente Fox government to sign a National Accord for the Countryside, an accord that was considered minimal or insufficient by many farmer and peasant organizations (Bartra 2004). They had demanded a renegotiation of the NAFTA agriculture chapter, a revision of Article 27 of the Constitution and the recognition of indigenous peoples' rights. These were not included in the rather lengthy and confused document – counting 282 paragraphs – that was eventually ratified during a lacklustre ceremony.

One of the points of the agreement was to revise agrarian legislation, which by March 2005 resulted in the presentation of an initiative for a new Federal Agrarian Law in the Chamber of Deputies. Since then, however, the legislative process has stalled and was to be taken up by the newly elected Congress after the July 2006 elections.

BY WAY OF CONCLUSION

In this essay I have presented an overview of the evolution of land tenure and tenure regimes in Mexico in the context of changing power relations and accumulation regimes. From the colonial economy a *hacienda* system emerged that consolidated under liberal legislation of the second half of the nineteenth century in the context of an increasingly agro-export oriented economy. By the early twentieth century this had resulted in an extremely skewed distribution of landholding which contributed to making the Mexican revolution the first 'peasant war of the 20th century' (Wolf 1973). Initially, however, the revolution did not substantially change the agro-export orientation of the Mexican economy, nor did it bring substantial redistribution of land. Despite the Zapatista inspiration of constitutional Article 27 the post-revolutionary regimes regarded the *ejido* as a transitory form of tenure and privileged private ownership.

A new development model of import-substituting industrialization emerged in the early 1930s. Initially, and in contrast to most other Latin American countries, the agrarian sector was assigned a privileged role in this new model and received extensive government support. Land redistribution peaked under the Cárdenas government, which consolidated the *ejido* as a form of tenure and experimented with collective *ejidos*. In the 1940s the policy emphasis shifted away from the agrarian sector which now was assigned the role of providing cheap food for an increasingly urbanizing and industrializing country. The 'social sector' became the subject of increasing state regulation and an intricate system of price regulation and subsidies emerged. At the same time, policies tended to favour the development of the private sector and the production of high value exportables, among other things through the creation of infrastructure (irrigation). This gave rise to a dual agrarian structure and a deepening

regional differentiation between 'the north' and an impoverished 'south' where also most of Mexico's indigenous peoples can be found. The 'social sector' increasingly became a reservoir of cheap labour and subsistence-oriented production on gradually fragmenting parcels (*minifundia*). The 1982 Mexican crisis brought an end to the brief flurry of development policies oriented toward the 'social sector' in the context of the 'petrolization' of the Mexican economy and attempts to shore up regime legitimacy. The opening up of the economy and increasing grain imports contributed to a deepening crisis of the 'social sector'.

It was in this context that the 1992 reform initiative was taken. On the one hand, it allegedly aimed to reduce state intervention and regulation and on the other it was to promote a market in land by opening the way to privatization of lands in the 'social sector'. An extensive 'voluntary' programme for certification of lands in the sector was launched. This, however, did not result in massive privatization, as some had expected, nor in the emergence of a vibrant land market. Land rentals increased, but it is not clear if this really is related to certification (World Bank 1998, 26) and it should also be noted that most of the transactions remain informal. It is also doubtful if this rental market really benefits the poor (Baranyi et al. 2004, 34; Concheiro and Diego 2003). Quite probably the effects are regionally differentiated and depend on the quality of the land, which in most cases is low. At the same time, land is much more than a commodity and membership in an *ejido* or agrarian community may bring benefits that account for the persistence of this form of organization.

The 1992 reform took place in the context of an 'institutional vacuum', created by the dismantling of state agencies and services in previous years, and a 'profitability crisis' of most of Mexico's agriculture in the context of trade liberalization. It therefore did not result in the expected 'agrarian transformation' (Secretaría de la Reforma Agraria 1998) because, as Zepeda (2000, 275) puts it 'the peasantry does not live by legal security alone'.

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