

A History of Land Tenure
in the Ixil Triangle

by

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A HISTORY OF LAND TENURE IN THE IXIL TRIANGLE¹

At this point in the historiography of Guatemala, regional histories can enrich and modify the generalized social histories that have been written. Such an inquiry can make a contribution to understanding larger social processes. MacCreery says "Guatemalan rural history" is "still to be investigated and written". (MacCreery) Studies of the drastic changes in land tenure brought about by the Liberal Reforms after the revolution of 1871 "are remarkably scarce" (Lovell 1988: 38). Since this is when the majority of radical changes in land tenure occurred in the Ixil area, the study is principally devoted to the details of this period. However, to evaluate the accuracy of generalizations that have been made, I begin with a review of recent work on Guatemalan land history and then proceed to the specifics of the Ixil experience, concluding with observations of how the Ixil case illuminates the generalized account.

Ixil Country is located in the northwest highlands of Guatemala which "ranked among imperial Spain's least-prized possessions" (Lovell, 1988:32). Due to its isolation beyond the high Cuchumatán mountains, the Ixiles had less outside interference than more centrally located groups. The brightly patterned huipiles of the Ixil women were rarely seen outside the region until recent years of violence when so many people were displaced. Events in this periphery lagged behind those of the center of the country by a quarter of a century or more during some periods.

The very geographic and cultural isolation of the Ixil, however, made them a locus for the revolutionary movement of the later 1970s and its painfully violent suppression. No longer unknown in Guatemala, it earned the unfortunate reputation as a conflict zone.

An analysis of global accounts of Guatemalan history² divided into the following periods: Colonial (1521-1821), Conservative Interlude (1821-1871), Coffee Plantation Period (1871-1944), Free Wage Period (1944-1978), and the Prerevolutionary Crisis (1978-81). (Smith, 1984) My summary adds pre-conquest data as well. Because of the centrality of land in the October Revolution period (1944-54), I have divided the "Free Wage Period" into two sections and added the time of Violence (1975-84) and some comments on the current situation.

PRE-CONQUEST (3500 B.C. to 1521)

The original Maya groups probably migrated from North America and settled in the western highlands of Guatemala by 3500 B.C. Groups migrated from this nucleus, splitting linguistically into different, but related language groups. Between 1500 B.C. and 150 A.D. village farming developed. (Coe, 1966) The type of agriculture practiced was slash-and-burn farming: fields are created by burning the existing vegetation, farmed for two years or so, and then left fallow while a new field is used. After several fallow years the original tract can be used again, though competing grasses may make it more difficult. This type of agriculture "contributes to low population densities" and "inhibits tendencies toward population concentration". (Wolf 1959: 60)

From 300-900 A.D. the Lowland Maya built large monuments. The groups in the highlands, however, continued with less elaborate structures, though they too built temples and ball-courts.

COLONIAL (1521-1821)

Pedro de Alvarado arrived from Mexico in 1524 and battled with the Mayans until his death in 1541 to bring them under Spanish control. His most spectacular assistants in decimating the

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population were epidemics of old-world diseases previously unknown in the new world. Periodic epidemics continuing through the colonial era probably reduced the population in the Guatemalan highlands by 90% in 150 years. (Lovell 88:117) The population slowly began to rise, but did not reach pre-conquest levels until the mid-20th century. Consequently, land was proportionately abundant throughout the colonial period.

There are numerous surviving documents from this very early period, particularly from the centrally located Quiches, that outline their claims to land. (Carmack, 1973)

The Spanish policy of *congregación*, or creating settlements rather than allowing the population to remain dispersed, was partially motivated by the intention of Christianizing the inhabitants as well as for more efficient collection of tribute. Churches were built; priests taught the new faith; and Mayans were baptized, married and buried. Both the resettlement and the Christianization were resisted by groups persisting in returning to more dispersed settlement.

After a 16th century concentration on extracting wealth in labor through *encomienda* and *repartimiento* (forced labor systems), the economic crisis in the 17th century caused the Spanish to turn toward the acquisition of land throughout Mesoamerica. Since the geography of the highlands was not suitable for cacao and indigo (Lovell 1983:227), some land was used for sheep raising. However, though land was acquired and land disputes occurred elsewhere in the highlands, none of the cases in Lovell's data is in the Ixil area.

The *encomiendas* were not land grants; however, the indians from a particular area were given to one of the Spaniards. These areas became towns and eventually *municipios*. Municipio status could be gained with a population of over 200. They became the principle administrative structure of the period after independence. (Lovell, Swezey) *Parcialidades*, family groups which held property in common, survived from pre-colonial times and were an important source of social stability in the highlands. (Smith, 1984: 199)

The Indians were subject to tribute requirements to the Crown and tithes to the church. A functionary known as a *juez de milpa* had the responsibility of checking to see that the indians had planted enough corn and cacao to meet both tribute and local market requirements. (Webre, 1987: 53) Otherwise, the indians reverted to subsistence farming which was always equated with "laziness" by those who wanted their labor. Ten Royal decrees over the course of a century (1581-1681) to abolish the *juez de milpa* position imply that the system was perceived as necessary by local leaders.

CONSERVATIVES (1821-1871)

After independence from Spain in 1821, the early liberals attempted to implement capitalist expansion and modernization, including the titling of private property. A series of laws regarding "vacant" land were refined from 1825 to 1836. (Mendez Montenegro, 1961:89-114) The principal provision was that all land reverted to the state, to then be made private property of those to whom the state sold the land. Rural communities were allowed to retain some common land as *ejidos* (land under local jurisdiction). The current ones using the land were to be favored in the sale of the land as long as they paid the same price being offered by others. All land had to be titled or it automatically reverted to state ownership. Anyone who already had a title was to show it to the authorities to prove their land rights. (Solórzano, 1987: 12)

At this time wealthy families in the capital who were eager to become exporters attempted to acquire more land. The liberal government also confiscated church properties; this was not popular with the campesinos who were renters on that land. Land tenure changes were a leading cause of the rise of peasants in revolt. (Solórzano, 1987: 14) In eastern Guatemala Rafael Carrera proved himself an able leader of the rebels. Eventually he instituted a conservative regime in 1839. He gained the support of highland indians when he intervened in a land dispute on their behalf in 1840. (Solórzano, 1987: 20) A law limiting the claims on vacant land was passed, but land conflict continued. (Solórzano, 1987: 23)

Recent research seems to confirm that this period was one in which the indians of the highlands enjoyed very little outside interference. They did, however, appeal to the national government to resolve land disputes. (MacCreery)

COFFEE PLANTATION (1871-1944)

Cochineal, a source of red dye, was the principal product from Independence until the 1860s. However, as late as 1849, the total area of production was estimated as less than 34 caballerias. (McCreery 1983: 736)² Disastrous rains in 1852 ruined the cochineal crop (Cambranes 1985: 43). This, combined with the introduction of aniline dyes in 1857, prompted the landowners to turn to coffee, already flourishing in Costa Rica.

The increasing power of these coffee growers led to more and more discontent with the conservative regime. Their desire for changes in land laws was one cause of the liberal revolution. (Solórzano, 1987: 26)

With the revolution led by Justo Rufino Barrios in 1871, a drastic transformation occurred. The power of the state was put behind the emerging coffee entrepreneurs. Foreigners received preferential treatment because they had access to capital, expertise and markets. (McCreery 1981: 111-123) Banks were created; a modern professional army was created, and more infrastructure was created. And more land was titled to create coffee farms. A new law in 1877 permitted lands that had merely been rented from municipalities, to be purchased. (Cambranes, 1985: 261) And a new titling law created a rush on claiming vacant land.³

Violence over land dropped dramatically from the earlier part of the century, which is not to say there was no resistance: state power was simply greater. (McCreery) Resistance by the communities included going to court.

Large land holdings developed in Guatemala, even though they were not necessarily more productive than small holdings. The resulting powerful "plantation oligarchy" has dominated Guatemala's political life ever since. Actual membership in this group changed as fortunes rose and fell with rises and falls in the international market.

"The problem for the state and for the planters was how to extract needed labor from the Indian population without, in the process, destroying the existing highland socioeconomic formation. To do the latter would have been self-defeating, as coffee required large amounts of labor for only a few months a year, during the harvest. In order to be certain that a sufficient number of workers would be available when needed, however, the planters either had to provide them subsistence year round or make certain that enough of the highland economic and social structures survived intact to support the laborer when he was not needed on the fincas." (McCreery 1983: 738)

Consequently a system to meet these needs was established and remained in force for over 80 years. "Debt servitude in Liberal Guatemala was not a casual or informal affair, but a fully legal system, mandated, regulated, and enforced by the state for the creation and manipulation of a rural labor force." (McCreery, 1983:742)

During the world wide economic depression of the 1930s, President Ubico cancelled debt peonage. The immediate effect was that Indians were obligated to work for no wages at all for two years, with consequent Indian protest, including a violent uprising in Nebaj.

OCTOBER REVOLUTION (1944-54)

Civic demonstrations prompted the resignation of the dictator Jorge Ubico in 1944. They were led by urban middle-class people who wanted a more equitable social order, though they maintained some of the traditional prejudices against indians.

A 1950 census showed that 2 percent of the population controlled 72 percent of the cultivable land. "In 1950 more than two-thirds of the population depended on agriculture for their living. These politicians understood, if often only vaguely, that decades of land dispossession had helped bind the majority of the population into depths of poverty." (Handy 1988: 675a) An Agrarian Reform law was passed June 17, 1952 under Arbenz. It provided for expropriation of idle

² A caballeria, the principal measurement used in land titling documents, is variously given as equivalent to between 96 and 111 acres.

³ In 1878 alone, 128 titles of 1,541 caballerías were authorized. (Solórzano, 1987: 28)

lands to be redistributed to peasants. Rural unions began to spread, and a peasant league was created.

As expropriations continued, opposition from the affected landowners increased. The government of Arbenz was overthrown, and the new government of Castillo Armas revoked a major portion of the expropriation decrees.

EXPORT EXPANSION (1954-1975)

The introduction of new agricultural methods was a factor in a great increase in exports. Between 1960 and 1974 exports increased from \$80.7 million to \$315 million dollars.⁴ Crops included not only coffee, but also sugar, cotton, cardamon, and beef. In spite of this agricultural success, the population in general remained so poor that over half were estimated to receive insufficient daily food. The 1964 figures for land showed the continuing inequity of distribution: 87% of farmers owned 19% of the farmland, and 3% of the farmers owned 63% of the farmland.

VIOLENCE (1975 - 1984)

A revolutionary movement in the east of Guatemala in the 1960s was effectively eradicated. Some of the leaders regrouped in Mexico and in January 1972, 16 Guatemalan revolutionaries secretly crossed the border into northern Quiche just north of Ixil country to begin to encourage campesino support for armed revolt. They eventually established organization links with groups working in Huehuetenango, the South Coast and in Guatemala City.

The guerilla strategy was classic revolutionary technique. They hoped to appeal to the sense of exploitation, poverty, and oppression of the people. A key attack by the guerrillas would doubtless bring army repression. The revolutionaries hoped that the injustices in army response would lead to many more joining the movement. This is what, in fact, happened. In 1975, one of the guerilla bands operating in the Ixil area killed a leading landowner. The army combed the area for months, in the process beginning the selective killing of leaders suspected of involvement. Army bases were established throughout the highlands. When bombing suspected guerilla hideouts proved ineffective, villages suspected of supporting the guerillas were destroyed. Eventually, almost all the smaller settlements in the Ixil area were destroyed or abandoned.

The intensity of the army response was much greater than the guerrillas had expected. They did not have sufficient arms for their supporters, or they claim they could have marched on Guatemala City from the highlands, a million strong. Instead they had to encourage their hungry supporters to turn themselves into the army. Displaced people were brought into town centers and the army began rebuilding the destroyed villages and repopulating them. Much of the labor to build these villages required unpaid work by the people. Furthermore, throughout the highlands, civil patrol duty was obligatory unpaid work for some 500,000 to 800,000 people.

Land use was extremely disrupted by the violence. Large landowners and the army have made changes in their approach to deal more constructively with the issues that underlay the violence and outside non-governmental agencies have involved themselves in the redistribution of land.

⁴ This figure is from Davis and Hodson (1982: 46). More extensive statistical evidence of the gap between rich and poor is given in Painter 1987.

IXIL HISTORY⁵

PRE-CONQUEST (3500 B.C. to 1521)

In the Early Classic period, perhaps around 500 A.D., the Ixil area was occupied by people with a fairly high cultural level. They settled at least three sites, Ilom, Tzicuay and Nebaj, and built monumental structures there, including tombs with the wealth of that era in jade and pyrite. The occupation continued to expand to more and more settlements until the time of the conquest. The Quiché king Quikap conquered the Ixil lands of Nebaj, Cotzal, Chajul, and Ilom (Colby and van den Berghe, 1969: 40) perhaps in the early part of the fifteenth century. (Lovell, 1985:51)

COLONIAL (1521-1821)

There were two encomiendas in the Ixil area right after the conquest. In 1528 an encomienda was given to Hernando de Yllescas, named Ayllón, later known as Ilóm. An uprising forced the Spanish to pull out in 1534. In 1528-1529 there was an encomienda given to Francisco Sánchez in Nemá, later known as Nebaj. (Kramer, 1989:104,175,107) The military campaigns to conquer the area occurred in 1529 and 1530. (Colby and van den Berghe, 1969: 41-42) Two later encomiendas were given to Antonio de Baldarama and Carlos Vázquez de Coronado. (Colby and van den Berghe, 1969: 47) The responsibility for the Christianization of the Ixil belonged to the Dominicans, as part of the Serrania of Sacapulas.

The Ixil were regrouped into four principal settlements: Nebaj, Cotzal, Chajul and ^{Ilom.} ~~Ixil~~. The populations combined into these settlements retained their separate identity as *parcialidades*.⁶

Ilom was eventually regrouped in the *congregación* of Chajul in order to safeguard the Ixil from destruction wrought by the dreaded Lacandonés, a more northern mayan tribe from the lowlands of present day Mexico. Lovell (1985: 83) writes:

"The area around Ilom was especially vulnerable to Lacandón attack, which was probably the main reason behind the Spaniards' decision to abandon the town after initially building a church there. The Indians of Ilom were ordered to resettle in Chajul and Santa Eulalia, the former receiving the Ilom church altar, the later the Ilom church bells. Chajul was itself attacked many times, the raiding Lacandonés entering the Ixil country by way of the Xacbal valley. Unlike Ilom, however, Chajul was never officially abandoned. The Ilom area was itself gradually repopulated, some Ixiles from there presumably preferring to return to their ancestral lands and risk being raided by Lacandonés in familiar terrain rather than eking out an existence away from their home territory where the danger was no less real."

⁵ Compare the extensive account of what is known of Ixil history in Colby and van den Berghe, 1969: 39-79. Also Lovell, 1985.

⁶ See Lovell 1985: 80 for populations forming the Ixil congregaciones. Lovell 1985: 80,81 also explains the function and preservation of Ixil *parcialidades*. The Ixil *parcialidades* in the three major settlements were as follows (Lovell/ Swezey):

Town	Parcialidades	Tributaries
Nebaj	Santa Maria	76
	Cuchil	26
	Osolotan	16
	Salquil	10-19*
Chajul	San Gaspar	64
	Ilom	30
	Uncavav	9
	Box	3
Cotzal	San Juan	20-29*
	Chil	10
	Cul	8

*final number illegible

The geographic survey of 1722 presents a favorable picture of the prosperity of the three Ixil towns. The report mentions very productive cornfields as well as many mules, cattle, and fruit trees. The Indians are said to be hardworking, rational, courteous, good weavers, devoted to the church (which is clean and well adorned). The land around Cotzal gives abundant harvests with very little work due to admirable land with the added advantage that hot country lands are only three leagues away. The number of tributaries for each town is given which is the principal reminder that this is not an autonomous society. But the glimpse of an idyllic agricultural age persists. (AGCA A1.17 Leg 210 Exp 5008)

The population of the entire area was close to 4,000 people after a smallpox epidemic in 1780 killed around 500. (Lovell, 1985:160) Consequently, one can deduce that land was relatively abundant for the Ixil throughout the colonial period.

CONSERVATIVE (1821-1871)

The movement for independence from Spain was a city-led movement that was a matter of indifference to most of the rural population. Ixil country was even too isolated to have figured in the Carrera revolt, nor were they under any of the land pressures that others in the highlands were experiencing.

The relative tranquility of the Conservative period among the Ixil can be deduced from a pastoral visit to Nebaj made in 1848. The Archbishop commends the people that the *cofradías*, or religious brotherhoods responsible for the celebration of a particular saint, were functioning well even after the nine month absence of the priest. They even had a surplus in their treasury which was a sign of success. (AEG, Visitas Pastorales, Vol 47, 1848)

Land dispute

There was, however, a long standing land dispute between Chajul and Cotzal. In 1758, 1825, 1838 and in 1860 the dispute reached proportions that demanded involving the local priest in attempts to settle the disagreement between the municipalities. In 1860 both sides appealed to President Carrera: The Chajuleños complain that as in previous years there were dead and wounded as a result of the dispute. (AGCA, B Leg. 28592, Exp 81, Folio ?) The dispute was over a mere 15 cuerdas. The Cotzaleños defended themselves on the basis of the ancient land title in their own language and pointed out that the Chajuleños ~~have~~ ^{had} no title at all. (AGCA, B Leg. 28,582 Exp. 140, Folio 3)

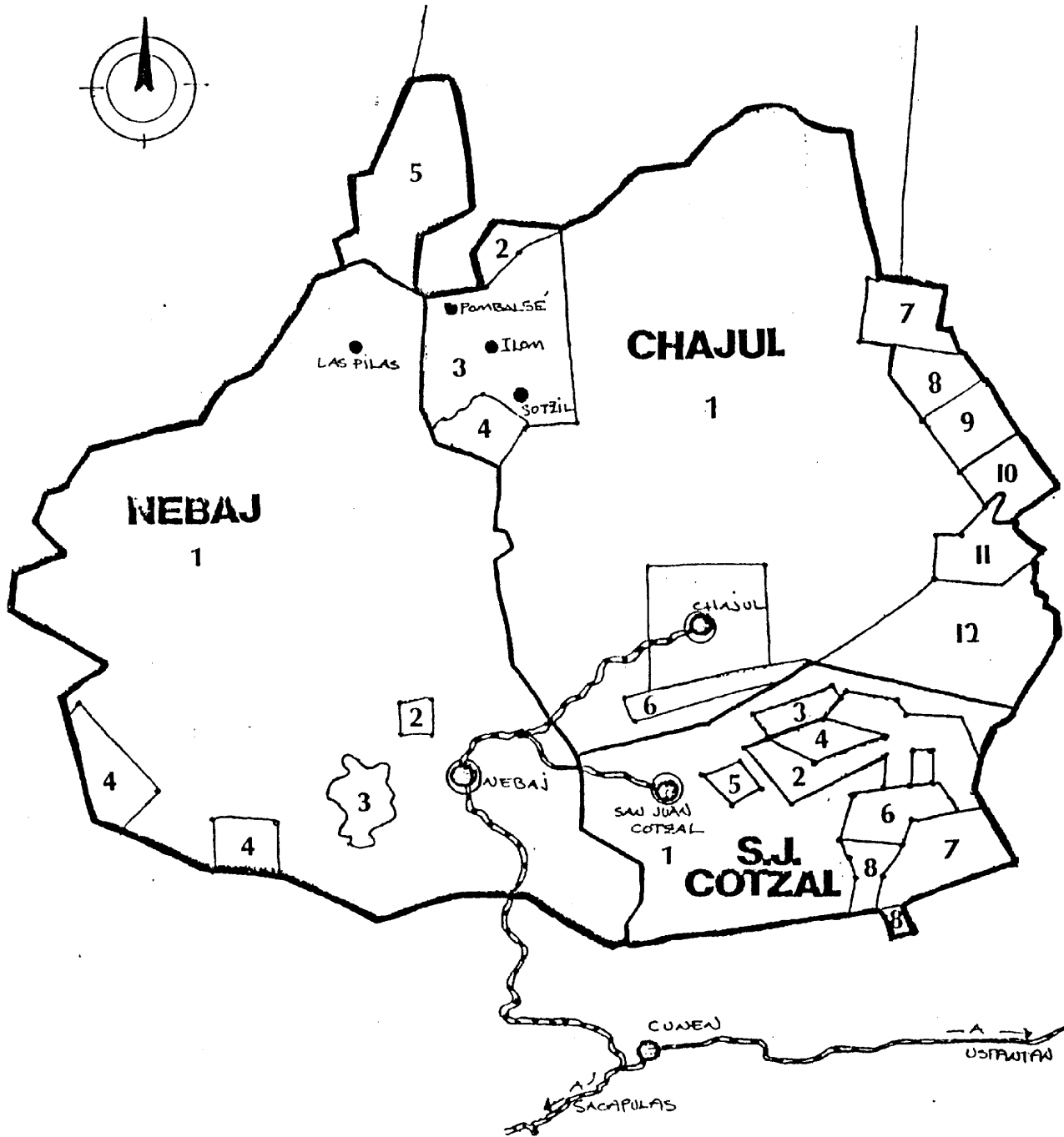
Land titling

In 1860 the principales of Nebaj wrote to Carrera to ask to obtain title to their land. The idea had occurred to them as a result of being cited for the surveyors of neighboring Solomá. They persisted in their request, but the Corregidor of Totonicapan explained to the central government his reasons for not acceding to it.

It has been three or four years since the ones making the request conceived of this idea, and in this Corregimiento we have not done it, thinking that it would be an unnecessary expense, since they are not in disagreement about their boundaries with any of the surrounding towns, and because they have many and very good lands, just as all those of the highlands, which to the north, extend to such a distance that they don't even know how far they go. The truth is that it's without doubt that for this same reason neither Chajul, Cotzal nor Nebaj have titles and they have lived content with certain boundaries which they have recognized from ancient times, at least in the distances from town to town, well, as I have said, they can extend in other directions as far as they want; and even so, as the Supreme Government knows, Chajul and Cotzal have a dispute over a few *cuerdas* of land; so, since the towns have lived like this until now, it could bring problems to measure the land belonging to Nebaj. (AGCA B Leg. 28,582 Exp. 194 Folio 4)

COFFEE PLANTATION

In the 1880s, *habilitadores* came to contract labor and saw an opportunity to obtain land and begin their own fincas. Extensive titling occurred until around 1920 when the shape of nationally registered land was basically fixed. These drastic changes had a devastating effect on the hardworking people described two centuries before. By the 1920s a dismayed archaeologist stopped



- NEBAJ**
- 1 Ejido
 - 2 San Miguel
 - 3 Acul
 - 4 Vecinos de Sp. Fco. El Alto

- COTZAL**
- 1 Ejido
 - 2 San Francisco (Brol)
 - 3 Chermal
 - 4 Sta. Avelina (Hodgson)
 - 5 Chenla
 - 6 Villa Hortensia
 - 7 Chipal
 - 8 Chinamaquin

- CHAJUL**
- 1 Ejido
 - 2 Covadonga
 - 3 Ejido
 - Covadonga (Tello)
 - La Perla (Arenas)
 - 4 La Perla (Arenas) (Shamac)
 - 5 Pombaltze (INTA)
 - 6 Zequiquel
 - 7 Xetzununchaj
 - 8 Xetzununchaj (Gomez, Lopez)
 - 9 Los Cimientos (Izep)
 - 10 Los Cimientos (Izep)

work in Nebaj since the Ixiles were so constantly drunk. (Lovell 1985:29)

Only two large fincas were created: Finca San Francisco in Cotzal and Finca La Perla to the north of Chajul's land. These both developed by claims to vacant land and the gradual purchase of smaller portions of land.

Nebaj and Cotzal applied for land under the new law in 1878. Cotzal was the first of the three Ixil municipalities to obtain title in 1885, presumably helped by the existence of their written title. Chajul lost 22 caballerías to an outside claimant which prompted them to begin titling efforts in 1896 which were completed in 1900. Nebaj obtained title in 1903.⁷ Shortly thereafter, a few portions of municipal land were titled to Quiches with longterm residence in Nebaj and Chajul. A few small (5 caballería or less) farms were also created from municipal land by resident ladino families. As more outsiders came in, some land was obtained by foreclosing on debts and some by unethical pressure. (Lincoln, 1945: 67)

The national government settled the dispute between Nebaj and Chajul municipalities and Cotzal municipalities in the same way: they gave the land to the military. "Las Pilas," 52 caballerías at the northern tip of Nebaj was claimed by Chajul as well. It was given free to soldiers from Momostenango. "Zequiuel", 15 caballerías between Cotzal and Chajul and claimed by both was given free to Francisco Morales, a military captain. The 18 disputed caballerías between Nebaj and Cotzal were split in half between the two municipios.

The municipality of Nebaj was able to get title to almost the entire municipality. The half of the valley of Cotzal which they did not claim came under plantation control. On the other hand, Chajul lost land around the towns of Ilóm and Chel even after obtaining title to the land which will be explained below. In Chajul, only about 15% of the land is finca owned, but in the fertile area of Ilom, 95% of the land is finca owned.⁸

Nebaj

Among the people of Nebaj there is a traditional story that explains their success in getting their land. When Barrios was fomenting revolution he asked the Ixil to help. Only very few did so, but they took along bones which they magically turned into soldiers who fought on Barrios' behalf. When they were defeated, he fled to the Nebaj area and was hid in a sweat bath, thus evading his pursuers. His gratitude for their help made him respond favorably to their request for their land. (Maxwell,)

The Nebajeños did lose 15 caballerías to the military Captain Isafas Palacios in the lovely valley of Acul. Palacios cites his military service in justification for receiving the land. The municipality objected to this grant saying that their survival would be endangered by losing any of their land and that they had owned it from "time immemorial", using it for cultivation. (AGCA, ST 16:8 20 diciembre 1902) The municipality of Nebaj cites a population of 8,000 inhabitants. His title was authorized one week before that of the municipality. (AGCA, ST, Quiché 18:3) cited 20

Parcels of municipal land to the west of Nebaj and to the east of Chajul were claimed by

⁷ In 1878 measurement of the land of the *ejido* was commissioned. The engineer actually measured nearly 900 caballerías, but his measurements were disputed by the people of Chajul. February 28, 1881, Nebaj received title to 38 3/4 caballerías as their *ejido*. They retained their claim to the larger extension based on presidential decrees that say "se establece que los poseedores no sean inquietados en su posesión aun cuando el area titulada es mucho menor de la poseida." (AGCA, ST, Quiche 16:8 Resumen 10 julio 1900)

In 1894 they commissioned the completion of the survey. They were in dispute over portions of the land with San Juan Ixcay, Chajul, the milicios, and Chiul. The land was given to the milicios and Chiul, but Nebaj won out over Ixcay and Chajul.

The agreement was that they would pay \$10/caballería. On July 9, 1903 they paid \$7,141.95 for the land and so obtained title.

⁸ The variety of experience within these three municipios compares to two differing studies in the highlands with changes in land tenure. In Momostenango the people lost their best agricultural land. Unlike, Santa Eulalia, where 70% of the total land (1388 caballerías of 1900 caballerías) was taken for export agriculture, the Momostecos lost "several hundred caballerías". However, it was all the very best of the land. (Lovell 1988: 39,40)

Quiche immigrants. In one case, they had been there for over 50 years. Their right was acknowledged and the municipalities were ordered by the central government to sell the land at cost to these people. Quiches also created the village of Xix in Nebaj, and Quiches have immigrated into Cotzal since the 1600s to the present.

Chajul

On April 27, 1894 the municipio of Chajul solicited three hundred caballerías of land: 100 each around the towns of Chajul, Ilóm and Chel. This request expressed their fear of losing most of their traditionally owned land ~~is expressed~~ since others were taking advantage of the law to claim vacant land. A month later they raised what they were asking for to 600 caballerías, but the government response was that given their small population, the smaller amount was adequate. In an analysis of their application, the government's preference for agriculture that would benefit the national economy is clearly stated.

An insatiable thirst devours some towns, particularly indian ones, to claim vast extensions of land, in whose hands they are completely unproductive; in this way, ^{the country is} deprived of important agricultural projects, the main source of Guatemala's wealth.

Comunal property is a serious delay to the progress of industrial agriculture and is in conflict with good economic principles. (AGCA, ST, Quiché 16:10 12 junio 1894)

In contrast, the people of Chajul state their preference for subsistence agriculture.

No greater gift can you give to an indian than a piece of land on which to raise his corn, care for his pigs and chickens, and rely on it as his heritage. (AGCA, ST, Quiché 16:10 8 may 1895)

An analysis of the population made by the Jefe Político de Quiché stated that there were only 600 individuals asking for the land. Nevertheless, he recommended that Chajul receive the land it was asking for.

In the presidential accord of 14 February 1900 a rather doubleminded decree is given saying both that the reasons given by the Chajuleños for receiving the land free are reasonable and that it isn't in the national economic interest for them to have such a large extension of land. In one claim the existance of Chajul's title is acknowledged and the grant is authorized only if it is confirmed to be outside that area. (AGCA, ST, Quiché 16:10 14 febrero 1900)

In the Chajul municipio a number of grants were made to military men. To the north in the Ixcán, the soldiers of Chiantla and Malacatán received grants of 200 caballerías each. In their request they state that these are in fact vacant lands which people from Chajul occasionally use for hunting, leaving small huts. Davis refers to some of these lands as hot country land cultivated at times by the people of Santa Eulalia. The motive of the people of Chiantla in attempting to get land is their own struggle with land scarcity which obliged them to go to the coast to work. (AGCA, ST, Quiché 26:7)

The grants to Chiantla and Malacatán were north of San Luis Ixcán and did not affect the people of Ilóm. However, the grant to Momostenango was just to the west of Ilóm in the area known as Las Pilas. This grant played a pivotal role in the creation of Finca La Perla.

Cotzal

The municipality of Cotzal applied for title and received it February 9, 1885. This extension did not include the eastern half of the municipio and so a series of claims to vacant land were able to be made in the following years.

A dispute with the municipality of Nebaj over approximately 20 caballerías at their adjoining boundary was to be resolved by splitting the land between them. The measurements were completed and title to nearly 10 more caballerías was extended August 9, 1913.

Two of the farms to the east of Cotzal were claimed by the Herrera family, reputed to be the second wealthiest in Guatemala. Though they built their fortune on coffee, they are now the largest sugar producers in Guatemala. A notable aspect of the Herrera's system of labor contracting is the ownership of farms in the highlands where workers raise food for the coastal plantations and are available during the labor intensive period of sugar cane cutting.

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Finca San Francisco

The largest finca in the Ixil area is the Finca San Francisco. It belongs to the Brol family of Italian descent. Pedro Brol, who was a labor contractor, purchased 16 caballerías in 1904 and bought land during the 20s and 30s from neighbors. These neighbors had claimed vacant land and bought or been given grants from the state.

Besides the seven pieces of nationally titled land, Brol bought municipal land from Indian owners. Rifling through the registry records, ^{one quite the impossible} ~~the image emerges~~ of a man constantly on the alert for opportunities to buy land and his name recurs as a lender or as an adjacent owner in all three municipios.

Forty registered pieces of property were consolidated into one 315c 45m 360v piece on April 19, 1960. Approximately 200 c. of this are in Uspantán municipality and were separated into six fincas in June 1970. The other approximately 100 c. are in Cotzal municipio. Given the confusion of the way the land is registered and the holdings scattered elsewhere, it is difficult to say exactly how much the Brol's own in the Ixil area.

Finca La Perla

The settlement known as "La Perla" is on land that was originally known as "Shamac". The initial claim to it as vacant land was made by Joaquín Fernández of Huehuetenango on October 15, 1893. This anticipated the claim to land made by the municipality of Chajul which began its claim on April 27, 1894 and received title February 14, 1900. Initially Fernández' claim to the land moved very smoothly with only the routine steps toward its titling. Even by August 1894, there was no negative reaction from the Municipality of Chajul. But by November 16, 1894 the municipality did not agree and did not participate in the surveyor's work since they believed they had a right to the land. The government pointed out their lack of documents and that the other claim was made first. The people of Chajul had to agree. In January 1895 at a municipal meeting after a long discussion they recognized that they could have and should have had the land, having placed it under cultivation themselves, but that before the law they realized they had to give it up. They conclude that their ignorance had left them defenseless. (AGCA, ST, Quiché 11:1)

The land was assessed and afterward the Diario Oficial announced the auction of 22 caballerías and 15 manzanas. At the auction Don Jesús C. Rivas offered 25 cents more per caballería than the assessed price. A 9 day wait as the law stipulated with no further offers was followed by the authorization of the title to Rivas on June 27, 1895.

GORDILLO PURCHASE

Lisandro Gordillo Galán purchased "Shamac" June 19th, 1900 for 800 pesos. Within five months he borrowed 3,000 pesos and later another 5,000 with the land as collateral. So begins a series of purchases which eventually resulted in "Finca La Perla, Santa Delfina y Anexos." Each piece of land has a complicated loan history with ever increasing amounts until today loans with the land as collateral total several million quetzales.

Gordillo acquired two more caballerías from the municipality of Chajul in 1917 and another caballería from two Ixiles in 1921. The following seven purchases were from the milicios de Momostenango who had been granted free land as a reward for military service. Gordillo purchased 15 caballerías in 1923, 24 caballerías in 1925, and 2 caballerías in 1927. Twenty of the caballerías purchased in 1925 belonged to ex-president Estrada Cabrera.⁹

The people of IloM protested that the land he was buying actually belonged to them, and today's records clearly show that they were right. President Estrada Cabrera had authorized a grant of 23 caballerías 49 manzanas and 409 varas called "Las Pilas" August 19th, 1903. (Segundo Registro, #3021, folio 258, tomo 16). On November 20th, 1903 one hundred caballerías were added

⁹ Gordillo paid Q2,772. This figure becomes startling when converted into pesos, at 60 pesos per quetzal. (Prober, 1973:197) He paid 166,320 pesos for 24 caballerías in 1925 to Estrada Cabrera; he paid 18,000 pesos for 16 caballerías to General Teodoro Cifuentes in 1923. However, it is difficult to assess comparative values, since inflation was obviously occurring. In 1927 Gordillo paid Q 10,000, for one caballería.

to the total land in the registry office. In 1928 it was specified that this land came from 54 caballerias of titled land of Nebaj, and 79 of titled land of Chajul. This ruling was annulled in 1930, but by then it was too late: Gordillo was firmly established as the owner of these pieces.

The relevant document in the Sección de Tierras in the Archives is irregular. (AGCA, ST, Quiché 17:10) The normal pattern of these documents is as follows: the application for land is made, a surveyor is commissioned, a detailed surveyor's report and map give the exact location of the land, the surveyor's work is checked by another engineer, title is applied for, payment for the land or exoneration is made, and the title is extended. In this case nothing is in the file before 1922 when an attempt to obtain the title from Señor General don Teodoro Cifuentes fails since he had lost it during the revolution two years before. After a document citing the Presidential decree and the registration of the land in the Segundo Registro in Quetzaltenango there is a complaint from the municipality of Nebaj saying they haven't been able to get any information. The 90 pages of surveyors work in the second part of the file have nothing to do with Ilom and Las Pilas, two of the towns within the area supposedly granted to Momostenango. Today's records clearly show that this land came from titled land belonging to Chajul.

PEOPLE OF ILOM

An elderly Ilom resident recounted his childhood memories of this land conflict to Stephen Elliott in Ixil on April 22, 1975.¹⁰ He was born in Chajul and moved to Ilom with his parents when there was a famine in Chajul, where his father had rented land. The land was good, the harvest was plentiful, there were animals and forests.

Then Lisandro came saying he had bought the land in Guatemala City. He had a title and said he'd return the land if they paid him. The sincerity of the offer to sell can be questioned, since he surely knew how difficult it would be for the Ixiles to come up with the amount he had paid: over 250,000 pesos. Some said they should buy the land. Others said that it already belonged to them by inheritance. They decided against buying it. (Gordillo)

Lisandro brought a surveyor and when the people saw them they were angry. They made prisoners of Lisandro and the surveyor. When Lisandro was released he sent a message for the military, saying the Lacandones had invaded and that Lisandro had been killed. A massive influx of soldiers arrived. Three men were shot. The mayor and two other men were publically whipped.

The narrator concludes: "If only they had bought the land, our life would be good today. They had good intentions, but they weren't very smart."

In 1975 the finca administrator expressed the wish that all of the people would see that it was to their advantage to work for the finca. Aproximately 80 households out of 200 in Ilom had made that choice. In essence, the pressure of lack of land forced the Ixiles to change into wage-laborers rather than remain subsistence farmers.

COURT CASE

The Municipality of Chajul took Gordillo to court in 1928. The people of Las Pilas (within the jurisdiction of Nebaj) also filed suit. (Corte de Primera Instancia, Juicio Ordinario, Leg 11A, Pieza 14) The lower court in Quiche ordered Gordillo to return the land of "Panchita", "Santa Joaquin" and "Lupita" to the people of Ilox and Tzotzil within three days of the sentence on October 24, 1928. The basis of the decision was that these lands were under Chajul ownership. This decision was upheld by the Apellate court nearly a year later. But on December 17, 1929 the Supreme Court ruled in favor of Gordillo Galán. The municipality had offered insufficient proof that these lands were within what they held title to and the court held that in fact, they were within what had been given to the milicios of Momostenango. (DAN, Quiche, Finca La Perla) m/3

The lawyer for Chajul gave his interpretation of the case in no uncertain terms. He said that the Registrar and Gordillo Galán knew they were taking land from Nebaj and Chajul, and that

¹⁰ An Ixil transcription and English text of the tape were published in Lengyel 19xx with linguistic and ethnographic notes.

the notary who authorized the title was bribed with land given to his wife by Gordillo.

The attorney's condemnation of President Estrada Cabrera who had arranged the initial "theft" of the land in 1902 is particularly eloquent, accusing the President of considering himself above the law. He says that if a precedent is established that municipal lands can be lost in this way, it opens the door to many frauds. Furthermore, that lower functionaries are not excused by having an order to disobey the law, so he asks that the land be returned to the people of Chajul. (AGCA, Corte de Primera Instancia de Quiché, Juicio Ordinario, Leg 11B, Pieza 16)

The case deteriorates into incomprehensible complaints and counterarguments about legal procedure, obscuring completely the merits of the case. In Gordillo's defense, the favoritism toward national export agriculture again occurs: The Government gave "the aforementioned land to the Soldiers of Momostenango, with the purpose of making them productive, since in indian hands they remain unused, and this purpose has in part been realized: in this area there are now a number of coffee farms, cattle and important roads."

LUIS ARENA BARREDA

Don Lisandro was able to begin development of his finca. The area was too large to be cultivated with coffee immediately, so the people were allowed to continue planting their milpas of corn, beans and squash on finca land. Don Lisandro himself proved to be amiable enough, treating his workers well and making many improvements in the area. However, he overextended himself in such projects as building a mule trail to Chajul to get the coffee out.

In 1922 he sold two small parcels to Francisco Fernando Egger Forster. And in 1934 he sold "La Perla" to Forster. The Bank repossessed all of the parcels on September 17, 1936.

August 7, 1941 don Luis Arenas began making payments to buy the finca from the bank. Don Luis immediately set barbed-wire fences around his property, and limited the use of the lands to those who applied to him. Those who were granted milpa plots might then be called upon for working at the finca. Don Luis built an airstrip at Panchita so that he could more easily split his time between administering the finca and his home in Guatemala City. At least two planes crashed there, which contributed to his turning the finca back to the bank October 29, 1962.

OCTOBER REVOLUTION (1944-54)

The variety in land expropriation cases after the Agrarian Reform Law was introduced is demonstrated in the Ixil area. The law allowed the government to take ownership of unused land of large farms, pay for the land, and give it to small landowners. After the coup in 1956 many of these expropriation decrees were cancelled.

The tensions and confusion introduced by this law can be glimpsed in one Ixil case. One small landowner asked to have the expropriation decree revoked and named the peasants active at other nearby fincas. The Agrarian Department reported back that no one had ever filed any expropriation decree against his land.

Municipal land cases

The municipal land claims show an increased consciousness of the desirability of holding a nationally recognized title. In Nebaj one claim of Acul land was immediately contested by the people of Acul. The decision to expropriate 5 caballerías and give them to 21 families was revoked. In the decision that it remain municipal land after all, the point is made that the original claimant had actually been acting on his own and all he had really been after was 16 manzanas baldios.

In Cotzal the renters of municipal land (for 10c a cuerda per year) made a claim with which the mayor of Cotzal agreed to. In another Cotzal case, the renters had been using the land for 20 years. After the expropriation was approved it was then returned to the municipality under the new government, saying the rental arrangement was beneficial for both the municipality and for the landless poor. (DAN, Quiche Municipal land #40, #46)

The claims by the heirs of four pieces of titled land on the eastern border of Chajul were not technically claims to municipal land. However, they illustrate that people were less willing to hold title in common, wishing to have clear individual titles. The heirs made a claim but it turned out that it was actually an attempt to decide inheritance between 30 heirs. Once expropriation decrees were being overturned the mayor of Chajul objected that it was actually an attempt to take land from Chajul municipio. In the end, the land remained with the heirs with a common title. (DAN, Quiché, #845, #948)

Small fincas

Several small fincas near Finca La Perla had small expropriations. The law stipulated that fincas of less than 6 caballerías could not be expropriated if 2/3s of the land was under cultivation. The leaders of the appeal to expropriate were the same "Andrés Perez y compañeros" that also made the claim against Finca La Perla. The Secretario General of the Federación Campesina Departamental, Rosendo Girón Toledo, also participated in these attempts. In one of the cases, an heir of Lisandro Gordillo explains that his father would have liked to give the workers their pieces of land, but since he represented only 11 of the 33 heirs, anyone of whom could object to the decree, he placed the *recurso de revocatoria*, the cancellation of the decree, and it was honored. (DAN, Quiché, Las Pilas) Another of the small finca owners protested that the people of Chel had plenty of land that they weren't cultivating and he couldn't understand why they were trying to get any more. (DAN, Quiché #232, San Joaquin) All of the expropriations of these small fincas were overturned.

Finca San Francisco

The Minister of Agriculture under Arbenz was Nicolás Brol, one of the co-owners of Finca San Francisco. Since the expropriation law clearly stated that it applied only to uncultivated portions of fincas, the efforts of the owners of Finca San Francisco were expended in the direction of showing that their land was well and extensively in production. They offered aerial photographs of the land and a report by an outside agent that described extensive development: They were raising coffee, sugar cane, corn, maguey, cypress, forest, heramiles?, beef. They had a coffee processing plant, wheat milling plant, wood processing, sugar processing, a brick factory, a factory for making sacks, and silos for storing grain.

The first claim brought against the finca was brought by the Unión Campesina of Cotzal led by Rosendo Girón Toledo on February 25 1953. Three days later two other claims were made by different colonos of the finca, one by 750 workers, and it appears that yet a fourth small claim was made on another finca. The owners stated that they would be delighted to give the land to the workers, as long as it was to those who currently were living and working there.

Girón offered a number of objections to the claims of the 750 workers and their 19 pages of thumbprints. One was that they didn't know what they were signing. Another was that they were not being paid the minimum wage of 80 cents a day, but were only receiving 40 cents. He asked that impartial people deal with the case since the finca belonged to the Minister of Agriculture and his brothers. He wanted a clear indication of how much land the workers would receive, fearing that they would be content with less than the law specified they should receive.

The eventual combined expropriations of the Brol holdings were 86 caballerías. However, the decree was overturned on July 5, 1956 after the coup which placed a new government in power.

FINCA LA PERLA

The "Finca La Perla, Santa Delfina y anexos" had over 86 caballerías, but the cultivated portion was only 5 caballerías+; 7 caballerías+ was devoted to pasture for cattle, and the remaining 65 caballerías+ were forested.

On November 13, 1946 Luis Arenas, the owner of the finca, gave the people of Ilom 4 caballerías. This was the steep hillside slope that the town itself was situated on.

An attempt was made in 1952 before the passage of the agrarian reform law to redress the lack of land of the people of Ilóm and Chel. Ten caballerías were taken from Santa Delfina for

Ilóm, and fourteen for Chel and Sotzil from Daniel Tello on June 11, 1951. (Mendez Montenegro, Decreto Numero 817, pg. 719-20) But this law appears by local accounts never to have been enforced.

A further attempt after the Agrarian Reform Law was passed began February 10, 1953. On March 30, 1954 52 caballerías were expropriated as requested by Ixil leaders and Girón Toledo who was a representative of the Confederación Campesina. The decree cites that the law favors the peasants that live in a particular area, so that the people of Ilóm and Sotzil should receive the land, but that Arenas would retain all the land under cultivation and pasture land for his cattle. The forests on land with 30 degrees inclination would be retained by the state as forest reserve. Arenas protested the ecological irresponsibility of the campesinos who would destroy forest land and provoke erosion.

This expropriation was the first to be cancelled in the Ixil area on June 4, 1956. Once it was cancelled some of the Ixiles named in the expropriation request disassociated themselves. Juan Caba made a statement that he had nothing to do with these matters. Alejandro Rivera admitted that he was involved but not of his free will, having been threatened by agrarian activists. Furthermore, he had to flee to Huehuetenango for a year.

The reasons given for the annulment were a series of violations of the Agrarian Reform Law. The first was a lack of fairness toward the owners.

There was, on the part of the former authorities and agencies of the Agrarian Reform, a manifest evil intent to harm the interests of private property, breaking the economic and productive unity of private companies, without taking into account the difficulties and the arguments in their defence offered by the owner, arguing only that Decreto 900 (the Agrarian Reform Law) was intended to eliminate feudal property in the countryside, without taking into account the other provisions of the law, and without foreseeing the grave consequences for the economy of the country and in particular the economy of the owner. (DAN, Quiché, La Perla)

The owner protested that there were no lands that were not directly used by the company and that the land given to workers was not to compensate for deficient salaries. They justified more pasture land for their cattle and protested that they were using the forests belonging to the finca.

EXPORT EXPANSION (1954-1978)

The Finca La Perla reverted to the Credito Hipotecario bank on October 29, 1962. The nine years of bank ownership are remembered as good for the people of Ilóm. The bank administrators allowed the use of finca lands for as large a milpa as one wanted to work, charging only twenty-five cents a year per cuerda. Work for cash was available at the finca, principally at coffee harvest time. November 4, 1971 the sons of Luis Arenas bought Finca La Perla, and the renting of lands ceased.

The striking change in this period was the formation of three stock based companies, in part a logical arrangement when there were a number of heirs and in part a form of modernizing agricultural companies. On May 14, 1971, the four Brol heirs established "San Francisco Cotzal, S.A." as a stock based company, with 500 shares of Q 1,000.00 each. The finca Sta. Avelina in Cotzal had been in the Hodgson family of English descent since 1925. On December 17, 1973 they formed the company "El Pacayal, S.A." The Arenas brothers created "Finca La Perla y Anexos, S.A." on November 21, 1977. The society owned 2,304 shares worth Q100 apiece, totaling Q230,400 which was the value of the property. However, since the indebtedness was Q200,00 the 6 members owned 50 shares apiece, thus contributing a capital of Q 30,000. The remaining capital was to be raised by selling the rest of the shares.

The Zequiuel case

The finca Zequiuel had been titled to a military man to settle the dispute between Cotzal and Chajul. The grantee presumably didn't begin to use the land, and eventually the Brol company bought it in 1933. They did not exploit it either, though the nationally registered title belonged to them.

However, the municipality of Chajul had extended titles on *papel sellado*, legal paper, to the long term Mayan residents. Half of them were immigrants from Totonicapan and half Ixiles and all of them respected one another's land rights and had been using the land for between 50 and 100 years. (DAN, Quiché, Zequiuel) In 1952 the municipality and the Brols went to court and the ruling was in favor of the Mayans and their continued use of the land, on the basis that the land had been abandoned for more than six months. National title, however, remained with the Brols.

The inherent contradictions between locally recognized title and nationally recognized title came to light thanks to the INTA (Instituto Nacional de Transformacion Agraria) taxes on idle lands. INTA moved against the Brols to collect these taxes in 1971. The Brols offered to give Zequiuel to INTA in payment of those taxes based on a newspaper article saying this was an acceptable out. INTA engineers went to measure the land, the Municipality of Chajul protested their ownership, and the people requested help in getting nationally registered titles. But since Brols still held the national title, in 1976 INTA finally accepted the exchange instead of back taxes. The result: INTA received the national title in December 1976 and recognized the municipally extended titles to the entire piece of land.

THE VIOLENCE (1978-1984)¹¹

The large expanse of basically unsettled land in the Ixcan just north of Ixil country invited settling and several colonization projects from the Quiche region and from the Kanjobal region were made. In those areas of land scarcity, Catholic priests saw expansion to new territory as a reasonable course of action. This land was technically part of Chajul municipality until a separate municipality called Ixcan was made in 1977.

The guerrillas who crossed over from Mexico in 1972 worked alongside the colonists, helping some of them and politicizing them. Consequently, when the guerrillas began making armed attacks, the army killed many of the colonists, knowing they had some sympathy for the armed revolutionaries.

Three of the major landowners in the Ixil area were killed and one was kidnapped during the violence that shredded the stability of the Ixil area from 1975 to 1984. And the Ixiles suffered very badly: a comparison of 1973 and 1981 census figures shows a 22.9% population loss, 33.5% in Nebaj.

Don Luis Arenas, owner of La Perla, was shot by guerrillas June 7, 1975 as the first armed act of what was to become the *Ejercito Guerrillero de los Pobres*. Mario Payeras describes in *Days*

¹¹ Since the focus of this article is land tenure, the description of the violence is given here only very briefly. However, there are a number of sources that explain the events of this period in much more detail. An excellent set of essays in *Harvest of Violence* (Carmack, 1988) tell what occurred in different parts of the highlands with an analysis based on the previous fieldwork of the authors. This gives depth that other sources lack. *Witnesses to Political Violence* (Davis and Hodson, 1982) summarizes the well-documented cases of violence from newspaper accounts and contains interviews with missionaries and community development workers.

Mario Payeras gives the revolutionaries' perspective and vivid descriptive narrative of the trials of the nascent movement in the Ixil area in *Days of the Jungle*. International connections did exist (to obtain arms and education--Payeras recalls elsewhere his days as a student in East Germany). However, the rumors of Nicaraguans, Cubans, Soviets, and North Vietnamize in the Ixil area were probably merely rumors; all of Payeras' companions were Guatemalans. In *El trueno en la ciudad* (1987) he describes the actions of Guatemalan urban revolutionaries. And in *Latitude del flor y el granizo* he gives a lyrical ecological description of the Cuchumatanes and an argument for an alternative to capitalist exploitation of nature and of people.

Mike Richards (198?) gives a lucid summary of the social processes and attitudes that created such violence. Victor Perrera (1990) has a chapter on the "Ixil Triangle: Heart of Darkness" based on his own interviews. Arturo Arias (1985) explains the indigenous movements that in some cases joined with the revolutionaries or were destroyed. His article includes extensive quotes from an Ixil student who became a revolutionary leader. One of the indigenous groups, CUC, is described in more detail in Fernández (1988). He gives a complete transcription of the "Declaración de Iximché" which Mayan leaders made after the Spanish Embassy incident. A description of the taking of Nebaj by the guerrillas was given by an anonymous revolutionary sympathizer in *Polémica* of Costa Rica (get reference). This article outlines the guerilla's strategy to which I refer. Beatrice Manz (1988) gives data on the development of the Model Villages as well as the refugees in Mexico.

Obviously, these sources refer to even more material from the Guatemalan Church in Exile, Amnesty International and other human rights organizations for those wishing to grasp the horror of what happened.

in the Jungle how he and 15 other Guatemalans secretly had crossed the border from Mexico in 1972 to encourage the campesinos to join their revolutionary movement. Late in April of 1975 they started toward Finca La Perla with a few temporary recruits. The difficulties of the trail showed how weak the political convictions of the new recruits were and they made various excuses to return to their villages. After failing to ambush him, they shot Don Luis as he was paying his workers and gave speeches describing him as an exploiter of the people and calling for armed revolt.

The army reaction to the murder of Don Luis was immediate. They shot 38 cooperative leaders in the Ixcán the following day and spent several months combing the mountains in an unsuccessful attempt to find the guerillas.

Another landowner, Roberto Herrera Ibárgüen, was kidnapped December 31, 1977 by the *Guatemalan Army of the Poor (EGP)*. The Guatemalan army mobilized one of the most intensive searches of recent times and even did a house to house search in Nebaj at the end of January. Herrera was released when his family paid a ransom and published EGP communiqués in the papers and radios. One communiqué recited Herrera's specific acts as a counter-insurgent leader. (*El Gráfico*, January 1978)

Jorge Brol had been shot in 1969 by Ixiles. No political group claimed responsibility. Eventually one Ixil was executed for the crime. Enrique Brol was shot in January 1979, in his home, by a guerrillera. The EGP occupied Nebaj on January 21 to commemorate the search of the town the previous year for Roberto Herrera Ibárgüen. A meeting held in the market to explain the revolutionary goals included a denunciation of Enrique as an exploiter of the people. One of the indian women protested the exploitation of women by men like Don Enrique. Another Ixil man explained:

The older people know what things were like before. We had land. The people had food when there weren't labor contractors. You know how we have been losing our land to powerful families such as that of Don Enrique.

That same evening 100 special troops arrived from Quiché and the army organized a meeting to denounce the communist agitators the next morning. In February the *Policia Militar Ambulantes* were established in Nebaj. The number of disappearances and incidents of torture rose. In June 1979 the army was installed. As of that date the estimate was that there were 3,000 soldiers in the area. Army bases were established in Nebaj, Cotzal, Chajul, and on Finca La Perla.

The guerrillas carried out "armed propaganda actions" including their new Ixil recruits. The army tried bombing in the mountains for several months, but found it to be ineffectual.

Following a grisly execution in Chajul of seven campesinos who had been kidnapped in Uspantán, 100 residents of Chajul, Nebaj and Uspantán went to Guatemala City to request a commission to be established to investigate the recent killings. They went to Congress, the OAS, radio stations, newspapers, student groups and political parties and felt that no one was hearing them and willing to help. So on January 31, 1980 they occupied the Spanish embassy. It was bombed and 39 people were killed.

Violent confrontations escalated through 1980 and in 1981 entire villages were destroyed. By the end of the military campaign of 1982, almost all of the aldeas of the Ixil area had been destroyed.

Once the army had regained military control, they began to rebuild the villages in a development program that resettled displaced people in *model villages*. By 1989, most of the guerrilla supporters hiding in the mountains had turned themselves in to the army, and the guerrillas no longer had the widespread popular support they had gained by 1980.

CURRENT ADJUSTMENTS

The level of disruption of agriculture throughout the violence was profound. People hid in the mountains, unable to plant corn and subsisting on yucca and other plants that could not be so readily seen from the air. Massive displacement of the population has had repercussions. The army or INTA have settled displaced people without regard to previous ownership. (Manz, 1988b) Since so many people have been dispossessed by their involuntary exodus, disputes seem an

a
not previously identified
some of the leaders

inevitable result for the forthcoming years.

The violence had a profound effect on the major landowners. The most striking change was that of the Herrera company. As well as the two farms they had initially bought, they purchased two others in the 1920s so that their total landholdings were approximately 58 caballerías in Cotzal. On November 30, 1982 they gave all of this land to the Guatemalan government. The Hodgson's company gave their 36 caballería holding to approximately 400 individuals. The Brols gave approximately 40 caballerías in Uspantán to the government. And at Finca La Perla, an employee stock ownership plan was instituted.

Some non-profit development organizations have attempted to enable displaced groups to purchase land. AGROS Foundation purchased 2 caballerías of land near Chajul. This municipal land had become ladino owned. They hope to purchase several more pieces in the Triangle: all former municipal land that had become ladino owned. They offer technical assistance and attempt to help create the infrastructure of social services of a small community. Ixil Fund purchased 2 caballerías near Nebaj for displaced people originally from Salquil. Pedro Brol had purchased it from an Indian owner and passed it on to his heirs. The Catholic church purchased property near Nebaj called Las Violetas, also for displaced people.

Solidarismo¹²

Finca La Perla was collapsing financially in the midst of the violence. The production had gone down from 6,000 quintales of coffee to 1,500. In the face of this, in 1984 the owners tried to modify the traditional relationships between management and workers by introducing "Solidarismo." This system, begun in Costa Rica, sets up a worker credit union which can be used to create coops, spin-off businesses, and make investments. In La Perla's case, the workers and management agreed that the investment would be in the finca itself, buying 40% shares over 8 years after a 3 year grace period. The purchase would be financed by the owners without interest. There was an immediate effect on productivity: in 87 they had 8,000 quintales of coffee.

For some of the Arenas brothers, these changes were motivated by a sincere charismatic Catholic faith, believing that God was directing them in prayer. They claim their faith in this regard was confirmed by a letter from Pope John. They believe that the success of their experiment will be made public knowledge and will have a widespread and positive effect in Guatemala, but that they need more time to show solid results.

For Ricardo, the most passionate defender of Solidarismo as a viable alternative to communism and guerrilla warfare, belief in the system included doing his thesis at Marroquin on the topic. He presents his case with great idealism, lamenting the blinded and selfish attitudes of other landowners who are unwilling to participate. He explains that Lic. Marten wrote *El Comunismo Vencido* in 1952 in which he states that Marx admired capitalism for its productiveness but was troubled by a basic deficiency he saw. That is, that a very few receive the majority of the benefits. This critique led to the creation of socialism and the revolutionary movement. The mistake that capitalists have made is to fight the effect, guerrilla warfare, rather than the cause. The cause is the inequitable distribution of wealth. He proposed that the solution was to create an ambiance and system where everyone--worker and management--is benefitting. This mutually beneficial relation is not based on paternalism and its counterpart: begging. The confirmation of the political rightness of this system was given by a commendation from President Reagan when Ricardo and the President of the association visited Washington. Enrique, who actually administers the finca, is perhaps the most business-minded and sees the practical effects in productivity.

The unions are vitriolic in their condemnation of the system, claiming it is pure and simply a way of fending off the creation of real worker power and influence through their organizing. It stifles worker leadership and independence and assures that power remains in the hands of management.

¹² Interviews with Jorge and Ricardo Arenas in March, 1989.

CONCLUSIONS

It appears clear that there are two fundamentally different and incompatible views of land in Guatemala. One is the traditional Mayan view of land bounded only by respect for the land itself and ones' neighbors. This land is used for self-sufficiency, not to accumulate wealth. This can account for the dispersion of Mayan groups throughout the highlands from an initial nucleus in the pre-conquest period. It is one reason for the preference for a dispersed settlement pattern and the continuing attempt to return to a dispersed pattern in spite of Spanish efforts to nucleate settlements. Economic necessity rather than a mystical attachment to ancestral lands is given as the reason for migration by the Ilom man telling of his parents' move. The Ixil society of pre-history was not an utopian egalitarian society, but included a wealthy ruling class. But the ruling class presumably did not limit the search for new land. Nor did population pressure limit the land. Before the conquest the land supported the existing population and since it did not again reach that level until the 1950s, there were relatively wide expanses of unused land throughout the colonial and independence periods.

The second viewpoint of land is the modern capitalist one. In this view, land is a commodity which can be exploited for maximum profit. It is something to be bought and sold, something whose value is determined by potential use. Even today's development agencies most sympathetic to campesinos have this as the underlying viewpoint. They are interested in seeing campesinos obtain a larger piece of the profit, either in better wages or in independent participation in the market. But it is all within the framework of this modern view of land. Since the 60s USAID has been attempting to create programs for small farmers to become a part of the export economy through cooperatives, loan programs and land purchase programs. They contend that small family sized farms (3.5 hectares) can be exploited more productively than large fincas where large extensions of land lie fallow. And land tenure studies in general show greater productivity for small farms.

Some of the appeal of the recent revolutionary movement for the Ixil was the illusion that there could be a return to a land surplus, not recognizing that population growth would make this impossible even if they did remove the landowners who had invaded their land. Ixil population in 1981 was just under 45,000 people. This is expected to double in approximately 20 years.

Consequently, national level land-titling is a fundamental encroachment on Mayan life on the part of capitalism. The change from a view of land bounded only by natural geography and local agreements to one bounded by national level agreements that include "outsiders" is such a striking conceptual change that it is an explosive moment. It invites conflict between Mayans and outsiders as well as between Mayans having to demarcate their "space" which had been more fluid.

A key reason the shift to national level titling is the most significant point of change is that it represents a shift in the basis of law on which land tenure is determined. Under Mayan common law, cultivating virgen land or inheriting what ones' ancestors cultivated determined land rights. Under national law, the written decrees of the state and transactions made within those decrees determine land rights. First the Crown in Spain and later, elected representatives in Guatemala City, made those laws and in both cases (except perhaps under Carrera) the Mayan viewpoint was only weakly represented.

In the case of the conflicts between Cotzal and Chajul, the Cotzaleños showed much greater sophistication regarding the importance of titles. So many immigrants, particularly from Quiche areas, that had arrived by the late 1600s (Colby and Van den Berghe, 1969: 64) may have played a part in this greater sophistication. The Quiche Lords of Totonicipán had written documents that they desired the Spanish to honor as early as 1580. Similarly, the Cotzaleños carefully defined their boundaries and maintained a written document in their own language. They became involved in a series of disputes with the Chajuleños over a trivial amount of land: what they were fighting for was the validation of the existing document over a century old. But having a written title caused them not to claim more land when they obtained national title. This left vacant unclaimed land to the east of them that eventually evolved into the Finca San Francisco which then began to pressure them for both labor and more land.

The demand for labor reached the Ixil along with the demand for land. These went hand in hand throughout Guatemala, slowly spreading from central areas to more peripheral ones. The disparity in the Mayan and the capitalist view shows up in constant complaints about the "laziness" of the Indian who, if not obligated to work in the capitalist economy by various laws, would not do so. "Land accumulation...occurred at varying rates in different parts of the country--based partly on the desirability of the land for coffee production, and partly on the need to control land so as to ensure sufficient labor for the coffee harvest." (Handy 1988b:677) The Ixil/La Perla case seems to illustrate the latter situation.

In the Ixil titling documents, the consciousness of the competition between the Mayan and the capitalist views is striking. And the creation of Finca La Perla seems symbolic of the violence inherent in the meeting of these two systems. The proposal that land titling is a fundamental invasion by the west of traditional Mayan culture is an attempt to integrate observations made by current Guatemalan historians with the Ixil data.

Lovell speaks of three basic conquests of the Maya: that of imperial Spain, that of national and international capitalism, and that of state terror. Recurrent motifs of these three conquests include the superior weaponry of the winners, forced labor, campesino guerrilla revolts, forced changes in relation to the land, and labor obtained by taking land. The form in which capitalism conquered was clearly bound up with the titling of land. But this occurred at different times in different places in Guatemala. In some places it occurred in the 16th century, in others in the 17th and in the Ixil area, not until after the liberal reforms at the end of the 19th century. Consequently, the ensuing conflicts and social changes occurred at a different rate in different places. Pre-capitalist mercantilism was part of the process since "the Captaincy-General was from the outset integrated in a 'world capitalist system'" (McCreery, 1976: 439) The new agriculturalists of the coffee era were simply more successful and efficient and eventually displaced many of the earlier landowners. However, a case can be made that they were pre-capitalist as well: they relied on a feudal-like system of debt peonage and low wages that did not allow workers to accumulate savings and advance. In any case, they are part of a world market system.

Davis gives a masterful analysis of the traditional Mayan viewpoint of land and the changes introduced by titling. Since Sta. Eulalia was, like the Ixil, titled relatively late, he is able to make observations on the resulting social changes. "Following land titling, communal lands took on new cultural meaning. [N]ational agrarian law restructured the modes in which Indians classified the land." (Davis 1970: 245) Davis compares the earlier conception as a checkerboard where the limits are forests and other natural features. Land titling laws put many of the squares out of bounds. (Davis 1970: 189)

Solórzano⁽¹⁹³⁷⁾ explains the political challenge to the liberals who took over after independence by the conservatives as a land-related protest by campesinos who wished to preserve their traditional way of life. The subsequent liberal triumph was also land-related as coffee growers desired to make changes in land tenure and struggled for the authority to do so.

Smith⁽¹⁹⁷⁹⁾ offers an economic analysis of Guatemala in which she distinguishes not only between core (economic center) and periphery (the dependent surroundings), but also between periphery and marginal areas (more or less self-sufficient economy.) Much of Guatemala remained marginal until the coffee era, which is particularly clear among the Ixil. Communities closer to the core developed more types of work even during the colonial period. Totonicapan became the center of a regional marketing system. The reasons for this position included being a pre-conquest commercial center, but more importantly, its relative location in the colonial era relative to Spanish power. It was close enough to be pressured (including land pressure) but not close enough to be completely controlled. This was an area titled relatively early, creating land limits and the need to find economic alternatives, one choice being to migrate into Ixil lands. The Ixil, on the other hand remained agriculturalists, neither producing nor selling other products, still living in the "locally bounded land" period much longer than more centrally located groups and showing fewer social divisions.

McCreery observes that rebellions and land disputes had a high incidence in the Conservative era and were less prevalent after the liberal reforms. The change from merely local

to national level involvement regarding land ownership was well underway in the early 1800s. "Repeatedly the government sent surveyors to attempt to bring an end to these conflicts by drawing acceptable boundaries." (McCreery: 10) The very need to define boundaries, particularly when the mechanisms recognized as valid were undergoing change, doubtless created conflicts. This is the theory advanced by the Corregidor of Totonicapan when he explained why he had not followed through on the request of the Nebajeños to obtain nationally recognized title, because of "the trouble that the survey could cause". The picture of the "massive assault on indian lands" (McCreery, 1976: 457) which occurred under coffee expansion is complicated by the extent to which land had already been titled in more centrally located or more fertile areas.

Cambranes describes the complexities in the conversion of Guatemala to a coffee state. His map shows the gradual geographic spread of coffee cultivation, presumably also corresponding with the spread of land titling. "All the regions where coffee growing was developed became densely populated within a very short period of time." (Cambranes 1985: 47)

Handy points out the conflicts over municipal land in the October Revolution (1944-54) period. In other words, the campesino/landowner conflict was not the only arena of disagreement. In the Ixil cases it seems that the concept of private property with individual title reached even further into indian consciousness in this period. No longer content with "municipal land", some wanted it to be individually titled and parcelled. This correlated with an increase in political and religious factionalism as political parties, Catholic Action, and protestant churches increased during this time.

There is no question that the political and religious factionalism within Ixil society bears a lot of the responsibility for the level of violence in the most recent assault of "state terror." However, many of these factions were, in fact, created by the tensions introduced by the conquest of capitalism, so that we of the outside share responsibility.

One of the instruments of the state, the military, has an undeniable stronghold on current Guatemalan society. The militarization of civilians, the level of political control and the economic power of the military are well known phenomenon of Guatemala today. But I was struck by these same factors in the period after Barrios came to power. One could even look back to precisely the same phenomenon after the conquest by Spain. How widespread was the level of economic and political power of the military after the liberal reforms? What percentage of land was given to the military throughout the country?

Some memories of a man raised in Amachel¹³, in the north of Chajul's titled land, show the evolution of the process that surely occurred throughout Guatemala at different times. His grandfather took his family to settle out in this remote place in 1955 where there were a few settlers, the first one having arrived in 1940. When they happened upon a particularly nice piece of land in a valley they agreed to split it equally between the father and three sons and informally laid out boundaries. When another Ixil was defining his extensive boundaries somewhat later, he crossed this piece of land. They discussed their differences and came to an agreement that he would honor their claim and shifted the boundary line together. As the population in the settlement increased, documents were written describing the boundaries of each family's land, with local witnesses present. These documents were honored as valid by the municipality of Chajul. These were large pieces of land which allowed the family to cultivate small portions of it, giving them sufficient to pass on to their sons. When Quiche immigrants came to the community they eventually appealed to the national government to send surveyors to divide the land between the two groups. The division left the original valley within Quiche jurisdiction, but in a face to face discussion, the Quiches agreed to honor the right of the original Ixil settlers. In both cases of dispute, the fact that these men had first cultivated the land was the determining factor in their favor. The government formally recognized the settlement as an aldea and it appears on recent maps.

¹³ Interview with Manuel Lopez Santiago, October 1989.

This story from the past 35 years illustrates the change from unbounded land which can be claimed by whoever arrives first, to "family" division of land, to having to decide boundaries in an oral society through face to face discussion, to creating written documents honored locally, and finally joining the national land titling system. As long as the population density was low enough, the municipal boundaries allowed the old system to continue a while longer. But eventually, population pressure forced greater and greater formality, beginning on the municipal level and eventually leading people to register property in the national land registry.

The following evolution of land ownership can be seen among the Ixil: pioneering settlers, neighbors making oral agreements, neighbors making written agreements, agreements confirmed by local authorities (from aldea to municipality to informally recognized outsiders such as the local Catholic priest), agreements confirmed by national authorities (from notaries ascending through the bureaucracy, including the courts, to the president), to the creation of agricultural companys with stock-based ownership. If unsuccessful at reaching agreement on any of these levels the next higher authority was called in to mediate. But also as people or groups became aware of the existance of a higher level system of land ownership, they would anticipate protecting themselves by validating their ownership at that level.

I'm tempted to a burst of nostalgia for the traditional Mayan view of land. I am charmed by the tranquil, positive, independent life I participated in by living in a Mayan community. More of the world has lived like this than in the frantic heart-attack inducing pace of our modern industrial and information hungry society. It is with profound regret that I acknowledge that the capitalist view of land is winning over the traditional Mayan view. Rather than merely lamenting the changes, I look forward to seeing how the Ixiles adjust to new realities. Mayans have shown remarkable resiliance in maintaining their cultural identity while adjusting flexibly to new situations.

Our world has been taken to an ecological crisis point by what I'm calling the capitalist view of land. The Mayan traditional farmers have been remarkably successful in developing great varieties in the kinds of corn, chiles, beans, etc. they raise, as well as creative systems of intercropping. Perhaps the Ixiles will join the "information age" and share their heritage of knowledge for the ecological preservation of Guatemala and the rest of the world. We would do well to learn from the Mayan humility before the land that apologizes to every plant or animal that is sacrificed for our preservation.

Archival Sources

AEG	Archivo Eclesiástico de Guatemala, Guatemala City
AGCA	Archivo General de Centro América, Guatemala City
DAN	Archives of the Departamento Agrario Nacional, Guatemala City
SR	Segundo Registro de la Propiedad Inmueble, Quetzaltenango
ST	Sección de Tierras of the AGCA

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