Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas

RIGHTS IN REBELLION: INDIGENOUS STRUGGLE AND HUMAN RIGHTS IN CHIAPAS


Reviewed by Richard A. Brisbin, Jr., Department of Political Science, West Virginia University. Email: Richard.Brisbin [at] mail.wvu.edu.
pp.613-617

Despite studies of the impact of judicial decisions, quantitative analyses of popular support for courts and court decisions, studies associating procedural and distributive justice to obedience to the law, and interpretive studies of the effects of law and judicial decisions on social identity and political behavior, many aspects of the political outcomes of legalized disputing and judicial actions remain in need of more extensive examination. One such topic is resistance to legality. Resistance to legality is individual or group recognition of legal advantages that generate a struggle against existing legal relationships in order to achieve an idealized future. Such struggles can occur through the use of legal institutions, as with the NAACP LDF campaign to end school segregation, or it can occur outside or against the law through various acts of civil disobedience or social disorder that challenge the law, such as the sit-in movement’s defiance of Jim Crow laws. Although resistance to American legality has received scholarly attention, especially in historical case studies of minority group and labor politics and political movements such as abolitionism, studies of resistance to legality in other regimes are rare (but see Lazarus-Black and Hirsch 1994).

In RIGHTS IN REBELLION cultural anthropologist Shannon Speed provides a valuable addition to the comparative study of resistance to the law in third world regimes. Her book explores how various ideas of rights and legality contributed to a discourse of opposition and a range of acts of resistance to legality in the state of Chiapas, Mexico. Although the rebellion against the laws and political order imposed on the indigenous people (Tezeltal, Tzotzil, Ch’ol and other ethnic Indian groups) came to a head during an armed insurrection in 1994, Speed notes that the actions of the migrants were but one part of a much longer history of resistance to state law in Chiapas. She does not offer a detailed chronological history of these events, but rather offers an analysis of resistance and, in her fourth chapter, an ethnographic case study of the evolution of resistance in one community. (For those who are interested, her bibliography provides a guide to the extensive English and Spanish language literature on the history of political unrest in Chiapas).

Speed opens her study with a preface about her research methodology. As an employee of human rights NGOs working in Chiapas, she admits that her political commitments colored her participant-observation data collection and assessment of the rebellion. However, she claims that such an approach afforded her inside knowledge of the motives and emotions of the [*614] indigenous population and their vision of law and justice. Acustomed to a tradition of neutrality in data collection and the quantitative assessment of hypotheses, some political scientists might find her interpretive approach questionable. For this reviewer it provides alternative insights on human behavior and the role of law and rights in the Chiapas resistance movement.

In the first and second chapters, Speed argues that an underlying set of tensions and occasional acts of defiance against the law of the Mexican state by indigenous people took on a new form in the early 1990s. The trigger was the recognition of new knowledge by both the state and the local Chiapas population. The Mexican state leadership determined that its quasi-socialist, corporativist, and protectionist policies required recasting to conform to the neoliberal policies required for its entry into the North American Free Trade Agreement in 1992. The regime then ended land redistribution policies and removed restrictions on rent and sale of land that had protected the income of the rural corn and coffee-raising populace of Chiapas. At the same time the government amended the constitution and abandoned the text that stated all Mexicans shared a common mestizo ethnicity. It then constitutionally recognized some rights of cultural self-regulation by the indigenous people who populated much of Chiapas. Meanwhile, using the natural rights discourse provided by liberation theology, a Catholic bishop and many priests conveyed a message of human rights and dignity. As an employee of human rights NGOs working in Chiapas, she admits that her political commitments colored her participant-observation data collection and assessment of the rebellion. However, she claims that such an approach afforded her inside knowledge of the motives and emotions of the [*614] indigenous population and their vision of law and justice. Acustomed to a tradition of neutrality in data collection and the quantitative assessment of hypotheses, some political scientists might find her interpretive approach questionable. For this reviewer it provides alternative insights on human behavior and the role of law and rights in the Chiapas resistance movement.

As Speed discusses in her third chapter, the accord did not terminate the conflict because the Mexican government failed to implement fully its provisions. Rather, both sides shifted their tactics. What is striking is how the local mestizo economic and landowner elites, the Coletos, and the leadership of the regime co-opted the discourse of rights to counteract human rights claims made by the EZLN and indigenous communities. By claiming that the collective rights interfered with their personal liberties as property owners and threatened the rule of law, they sought the legal protection of their interests as “rights.” These rights-claims by elites justified government intervention to repress local activists, especially those of the EZLN and other indigenous peoples’ parties attempting to establish local political [*615] autonomy for indigenous people and agricultural landholding collectives.

In chapter four, Speed describes how the indigenous people of a community developed a sense of collective rights to contest state law and the individual rights claims of elites. For the agricultural populace of the community, who had identified themselves as campesinos or peasants, perceptions of rights gradually evolved. Especially in the years after the 1994 insurrection, these individuals abandoned the identity of campesino and began to consider themselves as members of an indigenous people who possessed collective cultural and land ownership rights. Their recognition of an identity as rights-bearers fostered a reconstruction of their views on politics and the economic order. They also reconstructed the meaning of rights through a unique meshing of cultural and individual rights. Especially in...
chapter five, devoted to the emergence of women’s rights, Speed illustrates the localized conflation of multiple ideas of natural, liberal, feminist, and collective rights of women in the effort to assert autonomy and overcome subjection. She argues that the conflation of these ideas produced a cultural climate conducive to a reconsideration of the role of women within the local villages.

In chapter six, Speed further details the sources of the multiplicity and conflation of rights discourses among the indigenous population. She credits NGOs with introducing human rights and political education. These groups supported identity-based rights claims and provided something of a support structure for claims for community rights through the expression of claims that community assemblies should assign control of land through popular consensus. They encouraged local organizations such as Red de Defensores Comunitarios to defend indigenous people within the Mexican legal system. Thus, they tended to resist state laws through legal forms or act “inside the law.” However, in chapter seven, she examines how the EZLN approached resistance by acting “outside the law.” Party supporters in many communities took over the governing process and established the autonomy of these communities from the Mexican state. In so doing they replaced a privileged neoliberal legality and liberal constructions of rights with collective rights for community members to determine how to manage land. To suppress the community’s choice to act outside state law and reconstruct rights discourse, the state determined to apply its legal monopoly of force and violence to control the Chiapas resisters. Military units occupied some communities. As the conflict continued, local elites allied with PRI, the governing political party, apparently supported a paramilitary campaign against the leadership of the EZLN and other activists for the rights of indigenous communities. Paramilitary groups’ violence resulted in hundreds of deaths and thousands of refugees.

Through her bottom-up study of resistance to law and the role of rights in struggles against powerful interests and the state, Speed offers further evidence of the constitutive power of law in contemporary politics. She also exposes eddies in the development of a legalized international discourse of human rights, the possibilities and limitations of a politics of rights, and the emergence of [*616] violence both under and against legality. Finally her book provides an illustration of the ways in which people mix ideologies and conceptions of collective and individual rights to address political and economic disadvantages in the distinct context of their communities. She therefore shows the reader how local politics and other circumstances constitute popular ideas of rights and legality that do not fit into the neat categories offered by jurisprudential scholars. In their efforts to alleviate their social, political, and economic disadvantages act as bricoleurs who create their resistance to legality from a diverse range of ideas about the meaning of rights.

Despite its positive attributes, Speed’s book could benefit from a broader compass and critical engagement with other studies of legal and political resistance. For example, she neglects the law and society scholarship about resistance to legality “outside the law.” Whether undertaken by sociologists (e.g. Ewick and Silbey 1992, 1995, 1998 pp.165-220, 2003; Lazurus-Black and Hirsch 1994; Polletta 2000; Wagner-Pacifi 1994) or political scientists (e.g. Brisbin 2002; Gilliom 2001; Lipsky 1970), comparison of her findings to these studies would situate her research in terms of the broader body of scholarship on rights and legality. Much more comparison to the various strands of social movement theory also might confirm and expand the significance of her findings.

Speed’s study also exposes one of the gaps in the resistance literature. As with many political scientists and sociologists who conduct research on resistance, she focuses on the behavior of social movements and institutions. She fails to give much attention to the individual psychology of resistance. We do not learn much about why only some indigenous people become conscious of a disadvantage, become motivated to act, blame legality or legal institutions for their disadvantage, and express their anger through subversion, complaint, organized protest, or violence directed at the elites and institutions that enforce their legalized subordinate status. We do not learn why others appear to be content to be inactive or free riders. She also gives only limited attention to the role of individual leaders, as opposed to institutions such as the NGOs and the EZLN, in nurturing new ideas of rights and encouraging acts of resistance among the local populace. Despite these limitations, through her exposition of the discursive practices of the Chiapas resisters, Speed presents an important corrective to the progressive assumption that law and liberal rights are always instruments for the creation of a more just and humane political order.

REFERENCES:


© Copyright 2009 by the author, Richard A. Brisbin, Jr.
Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas - Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas. By Shannon Speed. Palo Alto, Calif.: Stanford University Press, 2007. Pp. xvii, 244. Photographs. Notes. Speed examines the discourse of the state regarding human and indigenous rights as it sought legitimation for its neoliberal project, global discourses used by the Zapatistas and their supporters in an effort to tap into transnational movements of solidarity, and indigenous communities' particular claims of rights that fit uneasily with Western liberal-positivist discourses of universal human rights. The crux of the argument is that state constructions of human rights, including the formal recognition by the neoliberal state of collective group rights, are different from autonomous constr Armed clashes in Chiapas ended on January 12, with a ceasefire brokered by the Catholic diocese in San Cristóbal de las Casas under Bishop Samuel Ruiz, a well known liberation theologian who had taken up the cause of the indigenous people of Chiapas. The Zapatistas retained some of the land for a little over a year, but in February 1995 the Mexican army overran that territory in a surprise breach of ceasefire. Women have the right to participate in the matters of the community and hold office if they are free and democratically elected. Women and their children have the right to Primary Attention in their health and nutrition. "The Politics of Indigenous Identity, Neoliberalism, Cultural Rights, and the Mexican Zapatistas". JSTOR 40971622. * Hiddleston, Jane (2009).