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# Managing the Commons Through Obligation: Communality in the Sierra Juárez of Oaxaca

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**Managing the Commons Through Obligation:  
Communality in the Sierra Juárez of Oaxaca**

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## **Agradacimientos**

Aunque el texto de éste trabajo de investigación es en el inglés me gustaría empezar con el español para agradecer a las personas que me apoyaron de alguna manera con éste trabajo.

Primero tengo que agradecer a las autoridades y gente de Santa María Yahuiche por su bienvenida a esa comunidad y platicar conmigo, compartiendo sus historias y experiencias.

Todos me hicieron sentir como parte de la comunidad. A demás me gustaría agradecer a Leonardo Ramírez Paz y Lourdes Ramírez Ramírez por hacerme sentir cómoda en su casa y familia. También tengo que agradecer a Fernando Ramos por su apoyo y su ayuda como mi asesor de proyecto. Me ayudó mucho en aclarar mis dudas y preocupaciones. Gracias a todos.

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## **Self History**

While doing research in the field, I have found it inevitable that my personality and personal history affect the way I interpret and go about my research. Although I made every effort to minimize these impacts it is impossible to escape my own history. Therefore I feel it necessary to briefly introduce myself.

The basics upon meeting me are obvious: I am a young, white woman, studying abroad in Mexico. While currently a student through the School for International Training's Mexico: Grassroots Development and Social Change program. I am regularly a student at Beloit College in southern Wisconsin. At Beloit, a small, liberal-arts college, I am majoring in Sociology. My studies in Sociology, and co-curricular activities in the Spanish Club and a community research foundation, have influenced my interests while studying in Mexico, and more specifically, my interest for this paper.

Social justice and development have been a growing and developing interests for most of my life. I was raised within the United Church of Christ, a small liberal denomination to which my father is a pastor. The UCC influence has thus been part of my childhood and also development. Although currently not affiliated with a religion, I feel the presence of the church still pervades my actions.

This is the most extended time that I have been away from family and familiarity, and has been a learning experience on many levels. I have enjoyed my time meeting new, gracious people and have also found a renewed energy to work for positive change in my home community.

## Introduction to Region, Terms, and Focus

As one of the most ethnically, culturally, and biologically diverse states in the Mexican Republic, Oaxaca proved to be a good location to learn about alternative forms of social organization. With 570 municipalities, Oaxaca has 23% of the municipalities in the entirety of Mexico.<sup>1</sup> The vast majority of Oaxaca's municipalities—480—are politically and socially organized through communality, a traditional form of self-government widely known as *usos y costumbres* (uses and customs).<sup>2</sup> Within the four weeks allotted for this research project the majority of my time was spent in the Northern Sierra Juárez in the state of Oaxaca.

I first visited the Sierra Juárez for a week in October to work with a local NGO in Guelatao. While on a trip to Ixtlán, a larger, neighboring community, I noticed signs in the entrances to both communities which read, "Private property does not exist in this community; PROHIBITED: The buying and selling of communal land". The classic economist argument of the "Tragedy of the Commons" immediately came to mind, and I wanted to find out how the theory and the community's reality co-exist, harmonize, and/or dispute one another.

How is it possible that private property doesn't exist? Nearly everything I knew as far as property and ownership in my home community focused around private property, and certainly what I had learned in my economics classes had taught me the value if not necessity of private ownership. I had always had my doubts about the assumptions surrounding the economic theory, but had never witnessed an alternative. I wanted to better understand how these communities

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<sup>1</sup> Velásquez, Maria Cristina. El nombramiento: Las elecciones por usos y costumbres en Oaxaca. Instituto Estatal Electoral. Oaxaca, México. 2000.

<sup>2</sup> Esteva, Gustavo. Introductory Lecture. Oaxaca. September 7, 2004.

organized and sustained a livelihood that centers around a communal existence which denies private property.

In mid November I had returned to Guelatao and the Sierras to learn more about how the economist's theory was or was not played out in the communities. I came to examine if and how the traditional political and social organization manage the commons. To do this, I did both formal and informal interviews within three communities—Ixtlán, Guelatao, and Santa María Yahuiche—all of which are politically and socially organized through varying degrees of the traditional means of communality. The majority of my time was spent in Yahuiche, the most traditionally organized of the three communities.

Yahuiche is a small community of 250 (although precise statistics become complicated by migration) and is not a municipality but an “agency” of the larger neighboring municipality of Ixtlán which has a population closer to 3,000. My observations and interviews in Yahuiche will provide the basis for my analysis of communality and the commons.

The four main institutional structures which make up communality are: cargoes, tequio (communal work), communal terrain, and fiesta. Cargoes are unpaid positions of authority and power which each community male between the age of 18 and 60, and widowed or single women with property, are obligated to fulfill on a rotating basis. In Yahuiche the cargoes of the agency such as agent (the head of authorities), police staff, and chief of work, rotate every year with eight months to rest before beginning a school cargo (and only men with school aged children are obligated to fulfill these cargos).<sup>3</sup> The rotation between rest and different cargoes is as follows<sup>4</sup>:

January-January – Agency Cargo  
January-September – Rest  
September-September – Fathers of the Family Cargo/ Committee  
September-January – Rest (then the cycle will repeat)  
Women also rotate cargos between Mothers of the Family Committee/Cargos (again, only

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<sup>3</sup> Ramírez Paz, Leonardo. Informal discussion in his home. Yahuiche. November 27, 2004.

<sup>4</sup> Ibid.

women with school-aged children are obligated) and cargos within the town health center.<sup>5</sup>

A complementary institution to cargos is the assembly, or the decision making body within communality. It is within the assembly that cargos are named and disputes are settled through discussion and direct vote of each eligible male citizen. Almost every Sunday of the year, excluding a month in June or July to allow for harvest, and the last weeks of December, the citizens in Yahuiche hold assembly or tequio.

Tequios are communal work days in which each eligible male citizen is obligated to lend his services to the benefit of the community from 9am to 2pm on the designated Sundays. The work often involves maintenance of streets and water sources, but can also include the construction of new community buildings. My first visit to Yahuiche happened to be for the inauguration party of their new agency building, which was built through four years of tequio.

Through an examination of the core institutions of communality and the culture in which it is embedded, this paper will examine how communality has evolved and currently plays out in the modern debate between private and communal property. Through this analysis it becomes apparent that the culture and institutions of communality allow for successful management of the commons through a fundamental acceptance of obligation. Following a brief section on methodology, the history of indigenous communities' traditional forms of self-government will introduce the development of the modern-day functioning of communality. The paper will then examine how communality currently takes form to provide for social and political organization ensuring the participation of its members through institutional and cultural sanctions and punishments. The final section of the paper will be a theoretical analysis examining how Garrett Hardin's article, "Tragedy of the Commons"<sup>6</sup> provides misleading insights to the

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<sup>5</sup> Ramírez Ramírez, Lourdes. Informal discussion in her home. Yahuiche. November 24, 2004.

<sup>6</sup> Hardin, Garrett. "The Tragedy of the Commons". *Science*, 162(1968): 1243-1248



(mis)management of communal property in light of the communal structures of coercion and sanctions.

## **Methodology**

As this was my first time doing more extensive field research, the completion of an independent research project through field research has been a learning experience of the strengths, weaknesses, and limits of different methodologies and how to efficiently allocate the little time that I had. My goal for this project was to find a balance between both sources that would provide a more theoretical approach and sources which are living within communality on a daily basis. This balance was necessary in order to provide both a referential basis of analysis through theory and provide for the voices of the living experience. This, in many ways related to finding a balance between primary and secondary sources, both of which had their challenges.

I found it difficult to find all of the secondary sources I felt necessary for the research. Most of my secondary sources were loaned to me, and I am grateful for that, but it severely limited the selection of sources. Working with primary sources also had its challenges. The two main challenges I encountered were language and also culture, or interpretive manners. Although I feel very comfortable with my Spanish capabilities in day to day and personal interactions, attempting research through these capabilities was different. It took a number of interviews for me to feel comfortable asking for clarifications and reiterations I needed. The first interviews, I was hesitant to do this because I was not comfortable altering the informant's flow of thought nor did I want to influence their response by reiterating and slightly changing their opinion. With time, I learned how to balance these precautions and get the clarifications I needed. Although language differences were a challenge, I do not feel they jeopardized the information I gathered.

The second challenge with primary sources was more a cultural understanding, or way of interpreting events. As mentioned before, I felt it necessary to balance theory with experience, but yet when it came to interviews I found my questions met with puzzlement. I often formed questions in a more theoretical manner. I had to find a more straight-forward way to ask questions and then observe patterns of response between the various informants from which to draw more theoretical conclusions.

While I had originally thought I could also use participant observation, it quickly became apparent that participation was going to be very difficult for me—primarily as an outsider with very little time in the community, and also as a woman. Many of the community institutions I was observing are fulfilled by men only, local women do not even participate. I was readily allowed to observe, but participation was nearly impossible. I was able to participate and observe daily life through staying with a family in Santa María Yahuiche. This provided for both an enjoyable and helpful experience. Through living with a family I had more immediate access to other sources in the community as well as a space where basic questions could easily be answered.

The majority of my interviews were done in Yahuiche. Here I tried to interview a variety of ages and genders, but must admit I neglected to find opportunities to talk with younger adults and more women, both of which could have provided an important insight as to how the town will continue with its current social organization in light of migration and education.

## **History of Resistance and Modification**

In this day and age it is nearly impossible that a society or culture is able to remain an island. External forces are continually creating tension and resolutions causing change at various paces. What we would commonly call a “traditional” culture has no doubt been incorporating changes into their forms of living for centuries. It is important to remember that tradition is not static—what we call a traditional society or culture is not a mirror image of what it was 100 years ago, let alone 20 or 10 years ago. History shapes and molds societies. It is the wind and water that wears on a stone, molding and manipulating the society’s form and organization.

The indigenous communities in the Sierra Juárez are no exception. Over time communal living has changed shape and modified confronting new challenges such as colonization, privatization, and migration. Each new challenge proves to be wind and water to the original pre-Hispanic form of communal living. One historical question that I returned to throughout my research is: How have the communities in the Sierra Juarez of Oaxaca been able to maintain their traditional way of life and governing? Although never offering a precise conclusion, an examination of history shows the perseverance and development of a cultural respect of and dedication to land and community.

The pre-Hispanic or Mesoamerican roots of communality provided for an interesting mix of social hierarchy and communal functioning. María Cristina Velásquez writes:

...the Mesoamerican forms of government had, as a characteristic, the guarded unity between the political and the religious, a societal character of hierarchy and

stratification, structures of kinship and forms of organization linked to agricultural work, defense, and arguments over the control of territory, and a symbolic capital unifier and producer of a sense and identity which left its mark in that long run.<sup>7</sup>

Many of these characteristics are still visible in today's indigenous communities, some remaining closer in appearance to their pre-Hispanic counterpart than others. For example, kinship lines and relationships between families are still very strong within the communities as is evident by their extensive ties through marriage and *compadrazgo*, or godfathering (which can be on a religious or civic level).<sup>8</sup>

The characteristics of the Mesoamerican government are the extended, if not morphed roots of today's "traditional" social organization, communal governing and land management. When talking to Jaime Luna Martínez, a local anthropologist, singer, and intellectual of Guelatao about the history of property and culture in the Sierras, he was very clear that the propulsion of private property has always existed, but that in pre-Hispanic times it was coupled with a respect for communal governing of terrain.<sup>9</sup> With this foundation of communal respect and a unified sense of identity that Luna and Velásquez describe, the indigenous communities, upon the arrival of the Spanish conquistadors, took on parts of the dominating culture, but also had a foundation of identity and structure which helped them to retain their original autonomy and traditions.

When the Spanish conquistadors arrived in the "New World" they were met with an already highly developed and stratified society. Over the years of colonial domination which ensued, the indigenous social organization gradually mixed with that of both the Spanish colonizers and Catholicism. Upon their arrival, colonizers instituted new ways of governing that were within their hierarchical understanding of organization. They quickly noticed structural similarities between the indigenous societies which met their arrival and the agrarian societies of medieval

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<sup>7</sup> Velásquez, Maria Cristina. *El nombramiento: Las elecciones por usos y costumbres en Oaxaca*. Instituto Estatal Electoral. Oaxaca, México. 2000. p80. (Original text in Spanish, my translation).

<sup>8</sup> Moldonado, Benjamín. Academic Seminar lecture. Oaxaca. September 28, 2004.

<sup>9</sup> Martínez Luna, Jaime. Interview. Guelatao. Wednesday, November 17.

Europe,<sup>10</sup> proceeding to modify communities into *cabildos* or *ayuntamientos* which would become the basis for the modern day municipality. To control their newly claimed colony from overseas, the royalty divided the society into a caste-like system from which information could filter through.<sup>11</sup> Nader describes the imposed form of organization as “designed to keep [the indigenous societies] isolated and self sufficient” but still within the Spanish crown’s control.<sup>12</sup> The medieval caste-like system rearranged the indigenous noble structure, but was not able to erase their basis of communal existence.

When asking residents of Yahuiche what they thought were the advantages of living in their community and within the traditional social organization, the most common response was that it is tranquil and quiet. In her book analyzing various indigenous society’s organizational basis of harmony, Laura Nader describes a model of harmony as “contra-hegemonic political strategy used by colonized groups to protect themselves from the powerful invaders or hegemonic strategies used by the colonizers to defend their organized subordinates”<sup>13</sup> In citing Eric Wolf, Velásquez describes how the roots of harmonic social organization evolved from a historical necessity in fighting colonial powers, characterizing it as a “mechanical solidarity in the fight to survive a hostile environment”.<sup>14</sup>

In addition to harmonic strategies to combat the colonization process, the introduction of Catholicism, while equally imposing and hegemonic, may have also served to strengthen the indigenous communities’ communal mode of life and survival. Velásquez describes the introduction of Catholicism as a moment which,

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<sup>10</sup> Velásquez, Maria Cristina. El nombramiento: Las elecciones por usos y costumbres en Oaxaca. Instituto Estatal Electoral. Oaxaca, México. 2000. p20.

<sup>11</sup> Frohling, Oliver. Academic Seminar lecture on Mexican History. Oaxaca. September 13, 2004.

<sup>12</sup> Nader, Laura. Ideología armonica: justicia y control en un pueblo de la montaña zapoteca. Stanford University Press, 1990. p30. (Spanish Text of original English translated by Lucrecia Orensanz, my retranslation to English)

<sup>13</sup> Ibid. p.25.

<sup>14</sup> Wolf, Eric. As cited in: Velásquez, Maria Cristina. El nombramiento: Las elecciones por usos y costumbres en Oaxaca. Instituto Estatal Electoral. Oaxaca, México. 2000. p87. (My translation)

...gave way to the cementation of the Spanish system of domination in the conquered lands, but was also the starting point of a profound contradiction which opened the scene for the pueblos of pre-Hispanic origin and the generations to come, developing diverse mechanisms not only to maintain and reproduce the integrity of their way of life and culture, but also to adapt themselves to the conditions of oppression, exploitation, and economic poverty that would be the meaning of their existence until the end of the 18<sup>th</sup> century.<sup>15</sup>

The integration of Catholicism into pre-hispanic cosmology and social organization proved to solidify the indigenous communities' resistance to and survival of domination. Through a unique and distinct cosmo-vision, members of the communities are linked to a higher power and to their antecedents. José Bedolla Gómez reiterated the historical role religion has played by describing how the Day of the Dead is a distinct cultural vision of life and death which provides reason to be because the dead are alive for that day.<sup>16</sup> Through celebrating the dead living, people find connection to their past and meaning for their present, allowing for the future to take care of itself.

Although unknown to them, the future the indigenous communities faced was one of a “modernization” process through revolution and privatization, both of which have also contributed to the form traditions take in the modern day Sierra Juarez. Through playful, but meaningful metaphor Jaime Luna described how geography and history aided the survival and structure of communality. Geography, as Luna described, provided limits of physical circumstance—mountainous terrain—which aided both a communal existence and inhibited the possibility of extensive, monoculture farming.<sup>17</sup>

In a historical sense, throughout the political push for privatization during the formative years of the Mexican state, Oaxaca and the south of Mexico were almost entirely left out of the political changes.<sup>18</sup> Why? According to Luna two of the presidents who played formative roles in

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<sup>15</sup> Velásquez, Maria Cristina. *El nombramiento: Las elecciones por usos y costumbres en Oaxaca*. Instituto Estatal Electoral. Oaxaca, México. 2000. p19. (Original text in Spanish, my translation).

<sup>16</sup> Bedolla Gómez, José. Interview in his home in Ixtlán. November 18, 2004.

<sup>17</sup> Martínez Luna, Jaime. Interview. Guelatao. November 17, 2004.

<sup>18</sup> Ibid.

Mexico's development as a nation-state—Benito Juárez and Porfirio Díaz—were both from the Oaxaca region. Although they advanced private property in the rest of the country they did not touch Oaxaca.<sup>19</sup> If they had been so sure of their policies, why wasn't their home region the first to be “developed” and “modernized” through their policies of privatization?

When asking Fernando Ramos about this, he described it as a type of frontier that exists among professionals that have grown up within the embrace of communality.<sup>20</sup> This certainly resounds with Luna's description of how bringing privatization to their home region would have been as if they had come home and tried to bring problems into the house of their own family.<sup>21</sup> Their core identity nurtured within communality did not disappear even though a new manner of self-presentation was being shown to the outside world. They could not privatize, or in effect sell, the land in their home region. This is a historically significant demonstration of how ingrained the culture of communality had become, even to those that chose to live outside of its daily functionings.

Although communality has an extensive and established place within the experience of thousands of Mexican citizens, it has only been in the last 15-20 years that it has found a legal space at the state and federal level. Velásquez points to the reform of the local constitution in 1990<sup>22</sup> through adding the 25<sup>th</sup> article as being the starting point for the public and legal recognition of an alternate, traditional form of local government.<sup>23</sup> More reforms and amendments and laws were to be passed in the ensuing years—1995 saw the creation of the Code of Political Institutions and Electoral Procedures in Oaxaca; 1997, the reformulating of the Local

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<sup>19</sup> Ibid.

<sup>20</sup> Ramos, Fernando. Progress check-in and brief discussion. Guelatao. November 17, 2004.

<sup>21</sup> Martínez Luna, Jaime. Interview. Guelatao. November 17, 2004.

<sup>22</sup> “Usos y Costumbres y Derecho Indígena”. [www.usosycostumbres.org/html/queson.htm](http://www.usosycostumbres.org/html/queson.htm) (accessed 12/2/2004)

<sup>23</sup> Velásquez, Maria Cristina. *El nombramiento: Las elecciones por usos y costumbres en Oaxaca*. Instituto Estatal Electoral. Oaxaca, México. 2000. p12.

Constitution's Article 25, 28, and 29; and in 1998, the Law of the Rights of the Indigenous Pueblos and Communities in Oaxaca—all contributing to the public legality of communality at the state and federal level.<sup>24</sup> It is important to stress that these reforms contributed to the *public* legality, because as history has shown the traditions and form of self-government have been in existence, adapting, embracing, and resisting for centuries, embedding themselves into the consciousness of each individual located among the collective.

### **Communality—Obligation and Rights**

As a cultural consciousness, communality has slowly, yet profoundly embedded itself into the core of those within its collective jurisdiction. Why does it still exist? How do people cooperate and maintain order with little to no external help? What types of social and institutional sanctioning occurs? In Yahuiche, the line between cultural and structural was very difficult to distinguish and this, perhaps, is what most aids its success and longevity. Culture is institution, and visa versa. Each support and add legitimacy, one to the other. Through observation and discussions with community members in Yahuiche it became apparent that communality's social and political organization ensures the participation of community members through culture and structural sanctions and coercion that are founded in the acceptance of obligations preceding rights.

Through discourse, communality can easily be manipulated into a utopic form of communal living where all live within equality, trust, confidence, and support of their neighbors. While these characteristics play a definitive role within communality, it is important to bring the term and the image it wields closer to the daily experiences of the people living within its framework—daily,

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<sup>24</sup> “Usos y Costumbres y Derecho Indígena”. [www.usosycostumbres.org/html/queson.htm](http://www.usosycostumbres.org/html/queson.htm) (accessed 12/2/2004)



weekly, and annually experiencing the main cultural and institutional presences of cargos, tequio, fiesta and terrain. Before beginning with a more conceptual analysis of communality's social and organizational function, it is therefore important to clarify how it takes on meaning for those who locate themselves within it.

The majority of people living within communality don't conceptualize it, they live it and unconsciously think it. According to Jaime Luna, communality is better understood as a "communal philosophy"—it is not just territory and land, but "vision, spirit, culture, medicine".<sup>25</sup> While sipping coffee, and eating bread from All Saint's Day with the marigold-adorned altar behind him, Luís Ruíz Santiago, a community poet in Guelatao commented, "Communality is a united social relation of the pueblo... it is the social *conviviencia* \* ... it is mutual help".<sup>26</sup> José Bedolla Gómez discussed communality as a custom, a way of life which will not be described by community members as a general concept but through the concrete structures of land, work, tequio, fiesta.<sup>27</sup>

All of these comments remained consonant with my experiences and observations through talking to community members in Yahuiche. I got blank stares when I asked about what "communality" meant to them, but got knowing nods and smiles when I asked about fiesta, cargo, and tequio. To community members, communality is not an abstract term but their way of life through communal property, shared work and responsibility, and shared festivity and celebration. Terrain, tequios, cargoes, and fiesta—the four main pillars of communality—are what they know and will willingly talk about.

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<sup>25</sup> Martínez Luna, Jaime. Interview in his office at UNOSJO. Guelatao. November 17, 2004.

\* *Conviviencia* has been a word I have struggled to adequately translate as it can include any form of social gathering—parties, weddings, and funerals. It is a word I have come to really like, on its own terms, and so have decided not to translate it.

<sup>26</sup> Luís Ruíz Santiago. Interview in his home. Guelatao. November 20, 2004.

<sup>27</sup> José Bedolla Gómez. Interview in his home. Ixtlán. November 18, 2004.

While I tried to get a technical grasp of the basic, mechanical functions of each cargo, what interested me most was its characteristic as an unpaid obligation. The interaction between obligations and rights is the driving force behind not only cargos, but also the other institutions of communality—tequio, assembly, land, fiesta—and even the culture itself. Benjamin Maldonado discussed how in western society we often talk about our inherent rights without ever considering what our obligations may be, but in the communities organized through communality, a person's obligation comes before his/her rights.<sup>28</sup> Within the social organization of communality, the norm that obligation will precede rights assures that community members participate and contribute to communal work and responsibility.

One instance which clearly demonstrated this cultural assumption was Yahuiche's last assembly meeting of the year in which they named the next year's agency authorities. What immediately caught my attention while observing was that not one of the men being nominated for each position was asked if he accepted the nomination. A call was made for nominees and when a man got nominated his name was put on the chalk board with no questions asked. It didn't seem to be of question if he would accept or not. Within communality you are obligated to fulfill these cargos, so naturally it isn't of question whether the nominee *wants* to fulfill the cargo or not, as a citizen of that community he must and will fulfill it.

This became even more apparent to me when talking with Aureliano Ramírez Marcial about tequios. I asked him what would happen if someone didn't want to participate in a tequio. He quickly and emphatically replied that it isn't a question of *wanting* to do the work because it is an obligation.<sup>29</sup> Few people seem to give this a second thought. It is part of their culture and daily life, so for the majority it has become an unconscious act of fulfilling communal responsibilities.

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<sup>28</sup> Maldonado, Benjamín. Academic Seminar lecture on indigenous communities. Oaxaca. September 28, 2004.

<sup>29</sup> Ramírez Marcial, Aureliano. Interview in his home. Yahuiche. November 23, 2004.

Under the structure of communality obligation precedes rights. This is both a social/cultural and political/institutional norm as is evident by the various types of sanctions and punishments that can and will result from incompliance and misbehavior including: revoking of rights, gossip, and criticism and even expulsion from the community. Velásquez writes,

As with all normative systems, the prescriptions which assure the reproduction of the system of cargoes also mean a series of prohibitions. In other terms, the normative system regulates and prevents the possibilities of transgression and establishes sanctions.<sup>30</sup>

Communality, although made up of various institutional structures, is embedded within such a normative system. Therefore, the sanctions which occur come from both the structure of the institution through legal sanctioning, such as the revoking of rights, and from the structure of the culture through social sanctioning, such as gossip or criticism.

The social sanctions that occur in Yahuiche are possible through interpersonal networks and face to face interaction, solidifying an individual's social capital and understanding of social norms. Ronald Smith writes,

[Interpersonal networks] represent the repeated patterns of discussion that individuals create, and thus they constitute the key interface between the larger institutional context and the individual actor.<sup>31</sup>

Through interpersonal networks people come to learn and understand the consequences of their behavior. According to José Bedolla Gómez, gossip is a very unique characteristic to the culture.<sup>32</sup> The implications of living in a community of the size, culture, and organization of Yahuiche are that one can not easily hide his/her mistakes, nor defect from communal responsibilities.

Inadequate fulfillment of a cargo will be sanctioned with criticism and gossip and even a request to

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<sup>30</sup> Velásquez, Maria Cristina. *El nombramiento: Las elecciones por usos y costumbres en Oaxaca*. Instituto Estatal Electoral. Oaxaca, México. 2000. p158. (My Translation)

<sup>31</sup> Smith, Ronald. "Freedom and the Tragedy of the Commons: How Social Capital and Interpersonal Networks Enable Collective Action". *Humane Studies Review*. Vol. 14, No.2.

<sup>32</sup> Bedolla Gómez, José. Interview in his home. Ixtlán. November 18, 2004.

step down from the position.<sup>33</sup> Jaime Luna brought up the saying “small town, big inferno” saying that he better understood it as “small town, harmonic inferno”. He said, “we are people of the street, basketball court, party, and assembly” commenting that each of these provides people with opportunity to interact and resolve problems through confrontation.<sup>34</sup> Social sanctioning through gossip and direct confrontation and discussion are social mechanisms that allow for social norms to be reiterated and strengthened.

Institutional sanctioning also occurs when social norms are broken. When I asked Aureliano Ramírez Marcial if there were any examples of people not fulfilling a cargo they were named to do, he had told me that there were none. But as I learned through interviews with some patience and further questioning, instances would be remembered. Aureliano Ramírez Marcial finally did tell me of one example six to eight years ago in which a person had been named, but had said he wasn't going to comply.<sup>35</sup> The man was told that was fine, but... from that point on he could not enter the town by car, he would not have access to potable running water, nor would he be allowed to access the community's electric line. The man decided to comply.<sup>36</sup> Had he decided not to comply with his obligations he would have faced the decision between losing his rights to collective benefits such as water and roads or leaving the community altogether.

Fernando Ramos called instances such as the example given to me by Aureliano Ramírez Marcial a type of “civic death”.<sup>37</sup> They may still be permitted to live within the community but even when physically within it, they are apart from it because they have lost all of their rights, they no longer function within the civic structure. Benjamin Maldonado writes that when a person refuses a cargo or will not participate in communal work s/he is, in effect, signaling to the

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<sup>33</sup> Velásquez, María Cristina. *El nombramiento: Las elecciones por usos y costumbres en Oaxaca*. Instituto Estatal Electoral. Oaxaca, México. 2000. Ibid. P160. (My Translation)

<sup>34</sup> Martínez Luna, Jaime. Interview. Guelatao. November 17, 2004.

<sup>35</sup> Ramírez Marcial, Aureliano. Interview in his home. Yahuiche. November 23, 2004.

<sup>36</sup> Ibid.

<sup>37</sup> Ramos, Fernando. Lecture. Ixtlán. October 29, 2004.

community that s/he no longer want to be or feel a part of the community.<sup>38</sup> As rights are intimately linked and dependent on the fulfillment of obligations, through refusing norms of communal obligation a person is, in effect, voluntarily removing him/herself from the community and its collective benefits.

Rights are only revoked in more severe situations such as a flat out refusal to fulfill a cargo. Less severe manners of punishment, or institutional sanctioning are used when a person fails to attend a tequio. If a man does not participate in a tequio he will be called in by the agency authorities and given a “repayment” job, such as cleaning the ditch along the entirety of one street, which will be done alone. If the man does not do that work within a certain time period he will be incarcerated for 24 hours in addition to the repayment work.<sup>39</sup> Missing a tequio doesn’t seem to be an uncommon phenomenon and is thus met with less severe punishment—the person will just make up the work they missed by doing it on his own time. Only when they show sustained deviant behavior by failing to make up the missed work will they be brought to jail to reiterate the institutional and cultural norm of participating in communal work.

Obedience to the decisions made by the majority in the assembly is also a normative expectation in Yahuiche and other communities organized through communality. Luís Ruíz Santiago continually emphasized the role and obedience to the assembly. He stated, “Here we do what the assembly says...we must do so because it is what the majority says”.<sup>40</sup> Through communality the majority has the decisive voice in the assembly. If a dispute can not be settled through discussion with the community authorities, it will be brought up in the assembly, and decided there.

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<sup>38</sup> Maldonado, Benjamín. “La comunalidad como una perspectiva antropológica india”. Essay in a production by the Consejo Nacional para la Cultura y las Artes. México, D.F. 2003. p15.

<sup>39</sup> Ramírez Marcial, Aureliano. Interview in his home. Yahuiche. November 23, 2004.

Police Staff: Eliceo Ramírez Paz, Leonardo Ramírez Paz, Abel Ramírez Martínez, Miguel Carlos Gomez, Israel Lopez Ramírez. Group interview and discussion. Yahuiche. November 28, 2004.

<sup>40</sup> Ruíz Santiago, Luís. Interview in his home. Guelatao. November 20, 2004.

In addition to the voice of the majority having an institutionalized role in the society it also seems to have a more culturally normative role. While cleaning fish for the mid-day meal, comida, Señora Epifania described to me what types of behavior would cause a person to lose respect within the community. She said people that lose respect are “those that do not obey what the pueblo has demanded of everyone”.<sup>41</sup> Señora Epifania continued to say that to gain respect a person must first respect others and also serve and help the pueblo.<sup>42</sup> The norms of what constitutes good, respectful behavior are intricately linked with communal service and obedience to the voice of the majority.

Through obedience to communal service and the voice of the majority communality may succeed in providing a type of social leveler—something which acts as an antidote to the social and economic differences which naturally exist within communities. The fulfillment of obligations is what “equals the unequal” or at least makes the inequality that exists less obvious and apparent.<sup>43</sup> Within communality all work, all contribute. The obligations which exist are applied to every male citizen and single or widowed women with land regardless of their economic or social status. They are obligated to comply, either through directly doing the work themselves or paying for the work to be done by another. I thought perhaps it would be looked down upon for someone to pay for the work to be done, that somehow the community would view that as an incomplete contribution to the collective, but based on conversations that is not so. Whether a person pays, or does the work him/herself, s/he is fulfilling his/her obligation, and that is what matters.<sup>44</sup>

While in some ways fulfillment of obligation levels the differences in society, it is important to note that communality is still not a picture-perfect image of equality and cohesion. While talking

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<sup>41</sup> Paz Cruz, Epifania. Interview in her home. Yahuiche. November 23, 2004.

<sup>42</sup> Ibid.

<sup>43</sup> Maldonado, Benjamín. Interview. Oaxaca. November 15, 2004.

<sup>44</sup> Cordoba, Daniel. Interview in his home. Yahuiche. November 28, 2004.

with Victor Paz Paz one evening as he constructed figures and props for his children to use in Yahiche's upcoming fiesta for its patron saint, he discussed the presence of both individual and collective senses within the community. He commented, "We work for everyone...we are more just...but we are not socialists where everyone is equal."<sup>45</sup> The differences do still exist, and in many ways communality leaves the individual choices alone-- so long as they are not interfering with the collective. Victor commented that people will make their own decisions and can make themselves rich if they want to, but in the end they will have to contribute the same.<sup>46</sup> While communality is structured around the collective, the individual sense still exists.

### **Communality, Obligation and the "Tragedy of the Commons"**

Assumptions surrounding an individual's freedom of rights and sense of personal incentives were the driving force behind Garret Hardin's article, "Tragedy of the Commons".<sup>47</sup> In this article Hardin examines problems stemming from an expanding population free to make individual decisions which will eventually be of detriment to the collective population. He argues that individual incentives will eventually lead to an over-usage of communal resources and hence people are not to be entrusted with the management of resources, and policies must be initiated to legally check and limit each individual's incentive. The assumptions surrounding this article are that people will always attempt to maximize their individual good and so in a communal situation where excludability is not possible will become free-riders or defectors<sup>48</sup>.

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<sup>45</sup> Paz Paz, Victor. Interview in his home. Yahuche. November 30, 2004.

<sup>46</sup> Ibid.

<sup>47</sup> Hardin, Garrett. "The Tragedy of the Commons". *Science*, 162(1968): 1243-1248

<sup>48</sup> Smith, Ronald. "Freedom and the Tragedy of the Commons: How Social Capital and Interpersonal Networks Enable Collective Action". *Humane Studies Review*. Vol. 14, No.2. (accessed on November 27, 2004 through <http://www.theihs.org/libertyguide/hsr/hsr.php/58.html>).

While researching in the Sierra Juárez, I kept Hardin's claims in mind, trying to determine if and how the communities manage communal land and avoid Hardin's tragedy. After coming to a better understanding of communality's culturally ingrained institutions, the interchange between Hardin's theories and communality's reality became more apparent. Through a comparative analysis between Hardin's claims and the structure of communality it becomes evident that the so-called Tragedy of the Commons is avoided through institutional structures and cultural norms which create mutual coercion and excludability.

The institutionalized social coercion that is found within communality makes obligatory work and hence cooperation and self-management of the commons possible. Hardin wrote,

The social arrangements that produce responsibility are arrangements that create coercion of some sort. [...] The only kind of coercion I recommend is mutual coercion, mutually agreed upon by the majority of the people affected.<sup>49</sup>

This very closely reflects what I observed in Yahuiche. The coercion that exists in Yahuiche finds its legitimacy in the culture and institutions based in communal living including the assembly. Important decisions made are made by the majority in assembly meetings, thus achieving Hardin's goal of "mutual coercion, mutually agreed upon by the majority".

In Yahuiche, one detail which inhibits the decisions made from being "mutually agreed upon by they majority" is that widows and single mothers who are obligated to fulfill cargos are still not allowed to attend assembly. In the assembly to name new cargos it was discussed whether or not those women should be invited to participate in assembly. While no decision was reached in this meeting and it is not the first time the issue has been brought up, it is of concern and importance and steps, although slowly, are being made to remedy it.

As previously mentioned, the issue I continually returned to and tried to understand is, Why do people obey with their obligations and cooperate? Malinowski (as cited in Nader) writes:

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<sup>49</sup> Hardin, Garrett. "The Tragedy of the Commons". *Science*, 162(1968): 1243-1248



Legal regulations...are not sanctioned by a mere psychological reasoning, but by a defined social machinery of powerful obligatory force that, as we know, is based in mutual dependence and expresses itself in a system equivalent to reciprocal services...<sup>50</sup>

This resonates with the functioning of communality. Communality does not count on people to voluntarily cooperate as Hardin may worry about. There are self-imposed institutional mechanisms such as the assembly and norms such as obligation which will assure that people do cooperate. Ronald Smith writes, “Individuals pool resources and act cooperatively in the self-imposition of norms, rules, or institutions precisely to combat perverse incentives and enhance their well-being.”<sup>51</sup> In Yahuiche, communal responsibilities come before personal work realizing that “If I am helping [the community], then I am helping myself”.<sup>52</sup> People realize that it is to their own benefit to support and work within the collective. Communality successfully blends individual and communal incentives through institutional obligation.

When discussing why cargoes and communal responsibilities come before personal work Victor Paz Paz commented, “if it didn’t come first, everyone would want to be doing his/her own work”. At the same time, though, he realizes the benefit of doing the work as a community and avoiding the costs of contracting it out.<sup>53</sup> This reflected the main advantage noted and discussed with the police staff—the services they do not have to pay for, such as water, which are their right to access if they fulfill their obligations.<sup>54</sup> Through the intricate linking of obligations and rights, if they do not fulfill their obligations as citizens they face losing their rights to water.

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<sup>50</sup> Malinowski as quoted in Laura Nader’s Ideología armonica: justicia y control en un pueblo de la montaña zapoteca. Stanford University Press, 1990. p61. (Spanish Text of original English translated by Lucrecia Orensanz, my retranslation to English)

<sup>51</sup> Smith, Ronald. “Freedom and the Tragedy of the Commons: How Social Capital and Interpersonal Networks Enable Collective Action”. Humane Studies Review. Vol. 14, No.2.

<sup>52</sup> Cordoba, Daniel. Interview in his home. Yahuiche. November 28, 2004.

<sup>53</sup> Paz Paz, Victor. Interview in his home. Yahuiche. November 30, 2004.

<sup>54</sup> Police Staff: Eliceo Ramírez Paz, Leonardo Ramírez Paz, Abel Ramírez Martínez, Miguel Carlos Gómez, Israel López Ramírez. Group interview and discussion. Yahuiche. November 28, 2004.

Through the inseparability of rights and obligations in communality, excludability is possible and can legally be enforced. Excludability was of utmost concern to Hardin. According to Hardin, without the possibility of excluding an individual from the use of a common resource would prevent them from using it for their own limitless benefit? In a community organized through communality, Hardin need not worry. Citizens can be and have been excluded from the rights to communal benefits.

One such example occurred in Yahuiche about 15 years ago. Someone was found to be growing marijuana on his plot of land. He was incarcerated and an assembly was called to decide what to do. According to Aureliano Ramírez Marcial, there was no one in his favor, and he was told he had to leave the community—“The town was who ordered him to leave”.<sup>55</sup> The man had stepped outside of the community’s norms and had broken his obligation as a citizen. His actions had a consequence—his rights as a citizen, including the right to land, were completely revoked.

Through discussions with community members it became evident that while property is legally recognized as communal there is an underlying respect for the boundaries of each person’s plot. At first this seemed to me to be a direct contradiction to the very institution of communality, for one of its main pillars is common terrain. When discussing this confusion with Fernando Ramos he clarified that while there may be an underlying respect of it as private property, the property is still communal and still within the jurisdiction of communality. This means it is still a right that can be revoked—as is evident by the previous example.<sup>56</sup> Even though respected as if it were private property, the land still retains its function as one of the four pillars of communality in which rights are revocable and intimately linked to communal obligations.

If Hardin’s tragedy of the commons were to occur, it is not *within* a community organized through communality, but on the periphery of the community. It is at community borders, or

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<sup>55</sup> Ramírez Marcial, Aureliano. Interview in his home. Yahuiche. November 23, 2004.

<sup>56</sup> Ramos, Fernando. Progress check-in and discussion. Guelatao. December 5, 2004.

within resources such as air or water which have no border where cooperation and communication are much more difficult. At the periphery, cultural norms between communities break down and the possibility of excludability can not be assured and hence nor can behavior.

Water issues in Guelatao demonstrate this challenge to communality. Both Ixtlan and Guelatao get their potable water from a river which runs through land within Ixtlan's limits. Guelatao's water takes are downstream from both Ixtlan's own tanks and the community itself. By the time the water reaches Guelatao's takes it is contaminated with trash and also run-off from several trout nurseries. Addressing and remedying the problem has proven to be extremely difficult. To correct this issue, much energy will have to be put into inter-community communication.

Migration through education and lack of jobs has also proven to be a challenge to the ability of communality to ensure the behavior of its citizens. The problem that Yahuiche and many other communities face is whether or not citizens of the community who currently live outside of the community should or should not be obligated to fulfill communal work and responsibilities. If they should be, how can the community ensure their fulfillment? How the community decides to deal with migration and citizens living outside of the community may play a role in determining communality's ability to obligate its citizens and hence its future longevity as a structure which can adequately manage the commons.

## **Conclusion**

Through an intimate linking of cultural norms and institutional practices communality has found a unique way to manage its commons. At its very core of successful management lies another intimate link between obligations and rights. In communities such as Yahuiche a

person must fulfill his/her obligations to the community before s/he is given any rights to collective resources and benefits. The right to the communal land is no exception.

Excludability was one of Hardin's utmost concerns and doubts about the successful management of the commons. Fortunately, through the linking of obligation to rights communality assures that excludability can be enforced even though private property is prohibited. The interplay between obligations and rights is at the core of communality's viability.

In the upcoming years, communities such as Yahuiche will have to come to a decision in the assembly of how to confront modern challenges of migration, female-headed households and also education. How the communities decide to integrate these challenges into communality may very well play a determining role in its future as a successful and feasible mode of social and political organization. But as history has shown, the modern challenges are not the first nor likely the last obstacles to a communal structure of political and social organization.

Institutional and cultural sanctions ensure that obligation is possible. The institutions of communality are inseparable from the culture they are located within. Each intimately interact with the other, at times making it difficult to find clear definitions between the two. Communality ensures the participation of its members and also ensures that its members can be excluded from the collective benefits. Obligation coupled with methods of social and institutional sanctioning create a powerful obstacle and antidote to the "Tragedy of the Commons". At least for now, Hardin need not worry about the Sierra Juarez, the commons are in the capable hands of communality.

## **Bibliography**

### **Interviews, Lectures, Discussions**

Bedolla Gómez, José. Interview in his home in Ixtlan. November 18, 2004.

Cordoba, Daniel and Rocio Ramírez. Interview in their home. Yahuiche. November 28, 2004.

Esteva, Gustavo. Introductory Lecture. Oaxaca. September 7, 2004.

Frohling, Oliver. Academic Seminar lecture on Mexican History. Oaxaca. September 13, 2004.

Ramos, Fernando. Progress check-in and brief discussion. Guelatao. November 17, 2004; December 5, 2004.

- Lecture. Ixtlán. October 29, 2004.

Maldonado, Benjamín. Academic Seminar lecture on indigenous communities. Oaxaca. September 28, 2004.

- Interview. Oaxaca. November 15, 2004.

Martínez Luna, Jaime. Interview. Guelatao. November 17, 2004.

Paz Cruz, Epifania. Interview. Yahuiche. November 23, 2004.

Paz Marcial, Isabel. Interview. Yahuiche. November 24, 2004.

Paz Paz, Victor. Interview. Yahuiche. November 30, 2004.

Police Staff: Eliceo Ramírez Paz, Leonardo Ramírez Paz, Abel Ramírez Martínez, Miguel Carlos Gómez, Israel López Ramírez. Group interview and discussion. Yahuiche. November 28, 2004.

Ramírez Marcial, Aureliano. Interview. Yahuiche. November 23, 2004.

Ramírez Ramírez, José. Interview. Yahuiche. November 27, 2004.

Ramírez Ramírez, Lourdes. Informal discussion in her home. Yahuiche. November 24, 2004.

Ramírez Paz, Leonardo. Informal discusión in his home. Yahuiche. November 27, 2004.

Ramos, Fernando. Lecture. Ixtlán. October 29, 2004.

Ruíz Santiago, Luís. Interview. Guelatao. November 20, 2004.

## **Secondary Sources**

Hardin, Garrett. "The Tragedy of the Commons". Science, 162(1968): 1243-1248. (accessed through <http://dieoff.org/page95.htm>).

Maldonado, Benjamín. "La comunalidad como una perspectiva antropológica india". Essay in La comunalidad. Modo de vida en los pueblos indios. Consejo Nacional para la Cultura y las Artes. México, D.F. 2003.

Martínez Luna, Jaime. Comunalidad y Desarrollo. Consejo Nacional para la Cultura y las Artes. México, D.F. 2003.

Nader, Laura. Ideología armonica: justicia y control en un pueblo de la montaña zapoteca. Stanford University Press, 1990. p30. (Spanish Text of original English translated by Lucrecia Orensanz, my retranslation to English)

Ostrom, Elinor. Trans Corina de Iturbide Calvo and Adriana Sandaval. El gobierno de los bienes communes: la evolución de las instituciones de acción colectiva. Cambridge University Press, 1990.

Smith, Ronald. “Freedom and the Tragedy of the Commons: How Social Capital and Interpersonal Networks Enable Collective Action”. Humane Studies Review. Vol. 14, No.2. (accessed through <http://www.theihs.org/libertyguide/hsr/hsr.php/58.html>).

“Usos y costumbres y derecho indígena”. [www.usosycostumbres.org/html/queson.htm](http://www.usosycostumbres.org/html/queson.htm). Accessed 12/2/2004.

Velásquez, Maria Cristina. El nombramiento: Las elecciones por usos y costumbres en Oaxaca. Instituto Estatal Electoral. Oaxaca, México. 2000.

## **Observation**

Assembly to Name Authorities. Yahuiche. November 21, 2004.

Tequio. Yahuiche. November 28, 2004.

Meeting for Comité of Mothers of Family. Yahuiche. November 30, 2004.