

The Legal Revolution in Town Politics: Oaxaca and Yucatán, 1812–1825

Karen D. Caplan

In May of 1813 the newly elected mayor of the central Yucatecan town of Nohcacab wrote an angry and frustrated letter to the *Diputación Provincial*, the council created the year before to administer regional affairs. Ceferino Domínguez wrote to report on a sudden burst of disorder among the indigenous population. Three leagues from the village center, a group of Maya were living in a small settlement known as San José Chac. From that base, Domínguez reported, 10 or 12 “*Yndios revoltosos*” were traveling the countryside, disturbing the peace along the way. Prompted by these troublemakers, all of the Maya in the settlement were now living “as if independent from justice,” never coming to town to hear mass, confess, or pay their church fees. Things were not much better in the town itself, he explained, where the town’s highest indigenous official was constantly drunk and mistreated the Indians under his charge. Yet despite his behavior, and despite the new authority represented by Domínguez, this cacique still commanded respect and obedience among the *indígenas*. Every day, Domínguez wrote, one could see “mobs of Indians that this cacique calls to the town hall without a known reason.” The mayor was quite certain about the source of all this disorder. It began, he said, with the decree of the Spanish Cortes issued on November 9, 1812, which had declared Indians free of the tax and service burdens of the colonial era and proclaimed their equality with Spaniards. Since this decree, Domínguez opined, all Indians were living “without God, without Law, without Religion.”¹

1. “Representación de Ceferino Domínguez, alcalde de Nohcacab, sobre la conducta delictuosa de unos indios, 1813,” Archivo General del Estado de Yucatán, Mérida (hereafter cited as AGEY), Colonial, Varios, vol. 1, exp. 17. Wherever possible, I have modernized the names of the towns I refer to. If there was any doubt about the identification of a town, however, I left its name as written in the documents. There were some towns that I have not been able to correlate with modern towns, either because their names have changed or because they no longer exist. A further note on terminology: I have chosen to use the word

What this local nonindigenous leader saw as the disintegration of social order was, in fact, evidence of an important transformation in the relationship between indigenous people and the state. The transformation began with the French occupation of Spain in 1808 and the liberal Spanish constitutional experiment of 1812–14 and continued with independence and the Mexican constitution of 1824. The Spanish constitution introduced major institutional changes in Mexico, including universal male suffrage, popular elections, and the elimination of legal distinctions between different groups of citizens. By formally ending the three-hundred-year-old legal and political distinction between indigenous peoples and Spaniards, the constitutional system altered the social and institutional worlds in which rural Mexicans lived. Once differentiated subjects of an absolutist regime, indigenous villagers would first become equal members of a constitutional monarchy and then citizens of a liberal republic with the right to vote and participate in local government and beyond. But at the same time, the new laws abolished any distinctively indigenous local authority and introduced new kinds of relationships with nonindigenous people who were also gaining new rights. For Mexico's rural townspeople, both indigenous and nonindigenous, liberal reform thus provided new opportunities for self-government and autonomy while curtailing certain privileges, a situation that made for a new and often conflictual relationship both with other villagers and with the state.

This article will address the early development of those relationships in two heavily indigenous Mexican states, Oaxaca and Yucatán. In both places, the transition to liberalism caused initial disruption in indigenous towns and prompted a reconfiguration of the relationship between state and subjects/citizens. Recent studies have shown that the years between 1808 and 1821 constituted a crucial moment in the development of local politics in Mexico's regions. It was a time in which many peasants and villagers, through their participation in insurgent movements, transformed their understanding of politics and of their place within it.² These studies also suggest the importance of the

"Indian" only when directly translating the Spanish word "indio" or when referring to a direct quote. In all other cases, I have used the word "indígena."

2. See, in particular, Peter F. Guardino, *Peasants, Politics, and the Formation of Mexico's National State: Guerrero, 1800–1857* (Stanford: Stanford Univ. Press, 1996), 44–80; Michael T. Ducey, "From Village Riot to Regional Rebellion: Social Protest in the Huasteca, Mexico 1760–1870" (Ph.D. diss., Univ. of Chicago, 1992), 108–204; and Ducey, "Village, Nation, and Constitution: Insurgent Politics in Papatla, Veracruz, 1810–1812," *Hispanic American Historical Review* 79 (1999): 463–93.

1812 constitution in implementing real change in political relationships in the countryside, both among villagers and between villagers and the state.³ Finally, this new work clearly shows that this experience was not uniform across Mexico; in particular, the relationship between indigenous and nonindigenous people varied significantly depending on local circumstances. In short, there was no one way in which the transition to liberalism affected the place of indígenas in the new Mexican polity. By juxtaposing the histories of Yucatán and Oaxaca, this article will shed light on the axes of such variation and thus expand our understanding of liberalism as an ideology in action.

At the same time, the article will juxtapose the experience of indigenous people with that of local political elites. I will demonstrate how both groups responded to one another as they reacted to institutional change. The combination of their responses resulted in local versions of the new liberal system. Indigenous people actively engaged the new institutions, attempting to use them to retain or even expand their own autonomy. Their actions, however, were both shaped and observed by governing elites, for whom liberalism both offered opportunities and presented challenges. Liberalism was an aspirational ideology; in theory, a liberal government sought not just to govern but also to transform society. But local conditions, especially the relationship between the indigenous and nonindigenous populations, affected not only the elites' ability but also their desire to effect such a transformation. Even where liberalism had already made significant inroads, the brief but remarkable experience of Spanish constitutional rule would teach local administrators much about how liberal institutions would affect the realization of their goals. Between 1812 and 1825 regional and local administrators observed and noted which aspects of liberal policy triggered dissension and upheaval, which could be peacefully integrated into a social order that would favor the continued ascendance of the nonindigenous elite, and which could be utilized to maintain or deepen that elite's control. The observations of these administrators would prove crucial after independence, when local elites codified new structures of citizenship in the state constitutions of 1825. In Mexico, liberal citizenship—initially defined by laws written in Spain—was then reinvented on the ground as local people, from villagers to legislators, sought to accommodate and take advantage of new institutions.

3. In addition to the works cited above, see Arturo Escobar Ohmstede, "Del gobierno indígena al ayuntamiento constitucional en las Huastecas hidalguense y veracruzana, 1780–1853," *Mexican Studies/Estudios Mexicanos* 12 (1996): 1–26.

For indigenous villagers in 1812, the most transformative institutions were those involving town government. Inside of indigenous villages, the Spanish colonial state had long relied on locally elected indigenous councils known as *repúblicas*, bodies that gave indígenas a measure of autonomy while providing the state with the means to implement policies and exert control.⁴ But the extinction of these indigenous bodies as such was a foregone conclusion in the Spanish liberal context, which assumed that indígenas had no distinctive legal personality. New policies instituted in 1812 replaced the *repúblicas* with constitutional *ayuntamientos*, municipal councils elected not by the indigenous communities but by the population of the towns as a whole.⁵ In Oaxaca and Yucatán, the change promised to be particularly momentous, both for indigenous communities and for provincial governments. For the villagers, the *ayuntamientos* represented a new way of designating authority within villages, because they raised the possibility of sharing power with—or losing power to—local non-indígenas. Local governments, on the other hand, faced the question of whether changes in administrative practices would allow the state to retain its access to the products, labor, and taxes that it had long extracted from the villages using colonial institutions.

By 1825, the successes and pitfalls of the new system were apparent to both indígenas and the political elite. The latter would have the opportunity to refine that system when they began the task of building new state structures after independence. The 1825 constitutions of both Oaxaca and Yucatán would reiterate and codify the innovations in municipal government, but they did so in ways that reflected the experience that began in 1812, an experience created by both indigenous and nonindigenous new citizens. Taken together, the events and immediate consequences of these years in Oaxaca and Yucatán constituted

4. Although there is much scholarly disagreement about the role of the *república*, it seems clear that, in varying degrees, it was a body that both provided a vehicle for Spanish exploitation *and* fostered local defenses. *Repúblicas* were responsible for the collection of tribute and had an important role in the distribution of labor drafts. But they also bolstered local autonomy and buffered communities from the direct exploitation of Spanish officials. For a review of this debate, see John K. Chance and William B. Taylor, “Cofradías and Cargos: An Historical Perspective on the Meso-American Civil-Religious Hierarchy,” *American Ethnologist* 12 (1985): 1–26. See, in particular, Jan Rus and Robert Wasserstrom, “Civil-Religious Hierarchies in Central Chiapas: A Critical Perspective,” *American Ethnologist* 7 (1980): 466–78.

5. “Formación de los ayuntamientos constitucionales,” 23 May 1812, *Colección de los decretos y órdenes de las cortes de España, que se reputen vigentes en la república de los Estados Unidos Mexicanos* (Mexico City: Imprenta de Galvan, 1829), 28–30.

a process of transition in which, through practical experience and legislation, broad new institutions were adapted to fit particular local circumstances.

Recently, Antonio Annino has argued that the establishment of ayuntamientos in small villages opened a breach in the colonial system of social and political control, providing an opportunity for communities to deepen their autonomy from the central state. Citing the large numbers of ayuntamientos established, especially in highly indigenous areas, Annino asserts that the villagers' interpretation of the role of the new councils led to "the disintegration of the viceregal political space" and a shift of the locus of power from the cities to the countryside.⁶ As Annino suggests, the key to regional differentiation in the establishment of ayuntamientos lay in their relationship with their predecessors, the repúblicas—a relationship that varied widely over the territory of New Spain. While the ayuntamientos and repúblicas were ideologically at variance, they could potentially serve a similar purpose, especially where most towns were indigenous. Either council could provide the government with a tool for mediation between the indigenous population and the state. Such mediation was vital. In both Oaxaca and Yucatán, almost the entire non-indigenous economy revolved around the capacity of non-indígenas to exploit successfully the capacity of the indigenous population. Depending on who controlled it, the ayuntamiento could either provide a tool to enhance that capacity or, as suggested by Annino, to potentially undermine it.

In some ways, Oaxaca and Yucatán confronted these changes from similar starting points. Both provinces had large indigenous majorities—88 percent in Oaxaca and 70 in Yucatán.⁷ Thus, their governments shared the difficulties of having populations to which the state had limited direct access and the challenge of incorporating those previously differentiated populations into one

6. Antonio Annino, "Cádiz y la revolución de los pueblos mexicanos 1812–1821," in *Historia de las elecciones en Iberoamérica siglo XIX*, ed. Annino (Mexico City: Fondo de Cultura Económica, 1995), 177, 209–10.

7. The number for Oaxaca is from 1810 and comes from Fernando Navarro y Noriega, *Memoria sobre la población del Reino de Nueva España* (Mexico City: Instituto Mexicano de Investigaciones Jurídicas, 1943), cited in Carlos Sánchez Silva, *Indios, comerciantes y burocracia en la Oaxaca poscolonial, 1786–1860*, Serie Dishá (Oaxaca: Instituto Oaxaqueño de las Culturas; Fondo Estatal para la Cultura y las Artes; and Univ. Autónoma Benito Juárez de Oaxaca, 1998), 48. The exact number (88.28 percent) is nearly the same as that listed in the Censo de Revillagigedo for 1793 (87.53 percent). For Yucatán, the number comes from 1806 and is derived from a variety of local Estadísticas compiled by Nancy M. Farriss in *Maya Society under Colonial Rule: The Collective Enterprise of Survival* (Princeton: Princeton Univ. Press, 1984), app. 1, "The Population of Yucatán," 397–98.

unified polity. But both the nature of those populations, and the states' relative desire to improve access to them, differed greatly. By the end of the eighteenth century, the economies of the two regions had developed in very different ways, and the relationship between indigenous and nonindigenous residents reflected those divergent paths. Oaxaca more closely resembled Annino's model, as villagers elected ayuntamientos in indigenous towns where few if any non-indigenous individuals resided. Here, the introduction of ayuntamientos, while disruptive within and among villages, was nevertheless an affirmation of indigenous autonomy. Because they were not interested in altering a successful system of exploitation, most non-indígenas had little motivation to reverse this situation, and few stepped in to try to extend their control. In Yucatán, by contrast, shifts in the economy had led to the settlement of nonindigenous producers in and around indigenous villages. Here, conflict after 1812 stemmed from the granting of political rights to the newcomers; these individuals quickly moved to take advantage of new institutions and just as quickly displaced indigenous authorities.

The constitutions that each state passed after independence would reflect these differences. The Mexican constitution of 1824 did not dictate the structures of town government. Thus, the new states faced the task of determining what kind of town governments they wished to have. Both constitutional congresses, which convened in 1823 and issued their final products in 1825, made important modifications to the colonial system, but they also modified the liberal reforms of 1812.⁸ They did so based in part on the experience of Spanish liberalism. Many other states underwent this process while trying to reestablish order in the wake of the Hidalgo and Morelos insurrections; however, the fighting had never arrived in the Yucatán peninsula, and in Oaxaca it was both limited in range and largely resolved by 1816. Instead, by 1823, the two provinces had experienced the full force of Spanish liberalism and its transformation of town administration. For the Oaxacan government, the experience

8. The minutes of the Yucatecan constituent congress were published daily in the *Gaceta de Mérida* between September 1823 and April 1825. I have unfortunately been unable to locate similar publications for Oaxaca and have had to rely on the legislation itself. The citations for the constitutions of both states are as follows: "Constitución política del estado libre de Yucatán, sancionada por su Congreso Constituyente en 6 de abril de 1825," *Yucatán a través de sus constituciones: Leyes fundamentales, 1823-1918*, Colección Historia Legislativa (Mérida: Ediciones de la H. Legislatura del Congreso del Estado de Yucatán, 1988-90), 7-33; and "Constitución particular del Estado de Oaxaca," *Las constituciones del estado de Oaxaca*, ed. Gustavo Pérez Jiménez ([Mexico City]: Ediciones Técnicas Jurídicas del Gobierno de Oaxaca, [1959]), 71-103.

had been relatively peaceful, and new institutions could be adopted with a few modifications tailored to the needs of the state; as of 1825 there was little call for the state to increase significantly its power in the countryside. Yucatecan legislators, on the other hand, wished to use the new institutions to further their vision for the economic development of the state, a vision that required reduced indigenous autonomy. At the same time, they recognized that in practice, indigenous Yucatecans *were* strikingly autonomous. They had defended that autonomy, sometimes violently, in the years since 1812, convincing the government that it lacked the power to destroy indigenous independence with one blow. In the end, the Yucatecan constitution reflected both of these competing factors. In short, in both states legislators carefully designed systems that they believed would protect the particular interests of the nonindigenous population and the state while maintaining the trappings of liberalism.

The years between 1812 and 1825 represented a crucial moment in Mexican state formation, when indigenous and nonindigenous citizens negotiated the parameters of the new relationship between state and society. In many ways, the transition to a liberal form of administration was incomplete. The implementation of new institutions was often piecemeal and, without doubt, too rapid and chaotic to fundamentally change the way that the state and its new citizens understood each other. But that incompleteness was in some ways built into the new systems that they constructed, which retained what was useful from colonial arrangements while introducing potentially beneficial liberal ones. The Oaxacan and Yucatecan governments built those systems based on their knowledge of the effects of liberal reform on the indigenous population, a knowledge that came in large part from their observations of indigenous reactions between 1812 and 1821. Thus, these years witnessed a learning process in which both *indígenas* and non-*indígenas* took active part, one that they would build and expand upon in years to come as they collectively determined what, precisely, liberal citizenship would mean.

The Politics of Local Power in Constitutional Oaxaca

At the turn of the nineteenth century, the Oaxacan countryside was a markedly indigenous place. The indigenous population, 88 percent of the total, controlled most of the region's resources. And yet, the economic balance of power was complicated by the fact that non-*indígenas* reaped most of the profits from those same resources. Indigenous towns owned the majority of Oaxaca's land, they collectively held considerable wealth in the coffers of their religious brotherhoods and community funds, and in many cases they controlled impor-

tant sectors of the internal market. Production from village lands dwarfed non-indigenous agriculture as a commercial endeavor. And most importantly, Oaxaca's principal exports—cotton weavings and cochineal—were produced directly in the villages. Meanwhile, the nonindigenous population (only 12 percent of the total) was concentrated in certain pockets, especially in the capital city of Antequera—the only region in Oaxaca where the indigenous population was in the minority.⁹ In 1777, in the Valley of Oaxaca, only 42 of 88 towns surveyed had any non-indígenas at all, and in the Sierra Zapoteca almost the entire non-indigenous population made its home in the *cabecera* of Villa Alta.¹⁰ And yet, this small nonindigenous minority was able to consolidate the resources of Oaxaca into wealth for itself. To do so, it had to be able to find ways to extract those resources from the indigenous population.¹¹

Not surprisingly, Oaxaca's nonindigenous merchant community responded to the crisis of the Spanish monarchy by lobbying for better access to indigenous resources. In particular, they called for the return of the repartimiento, which had been abolished in 1786. This system, in which non-indígenas prepaid indigenous communities and individuals in order to induce them to produce the goods that merchants sold, had long served the nonindigenous elite well as a mechanism of indirect exploitation.¹² It did not, however, imply extensive government control over the internal affairs of indigenous villages. Indeed, the stable relationship of the Spanish government in Oaxaca with the indigenous communities relied on the maintenance of extensive autonomy within the towns. Thus, as Oaxacan non-indígenas considered the possible effects of the municipal legislation of 1812, they envisioned a system of town administration as much like its colonial predecessor as possible.

The new laws would not, however, go into effect immediately in 1812. The wars of independence arrived in Oaxaca that year in the form of José María Morelos, the rebel leader who triumphantly entered the city of Ante-

9. Sánchez Silva, *Indios, comerciantes y burocracia*, 48.

10. William B. Taylor, "Town and Country in the Valley of Oaxaca," in *Provinces of Early Mexico: Variants of Spanish American Regional Evolution*, ed. Ida Altman and James Lockhart (Los Angeles: UCLA Latin American Center Publications, 1976), 76; John K. Chance, *Conquest of the Sierra: Spaniards and Indians in Colonial Oaxaca* (Norman: Univ. of Oklahoma Press, 1989), 39. On the nonindigenous population in the eighteenth century, see also María de los Angeles Romero Frizzi, *El sol y la cruz: Los pueblos indios de Oaxaca colonial* (Mexico City: CIESAS/INI, 1996), 207–8.

11. Sánchez Silva, *Indios, comerciantes y burocracia*, 61–81, 92–109.

12. Brian Hamnett, *Politics and Trade in Southern Mexico, 1750–1821* (Cambridge: Cambridge Univ. Press, 1971), 122–26, 128–31.

quera in November. Most of the fighting in Oaxaca was contained in Oaxaca City and in the nearby Mixteca region, which constituted an important passage between the capital and the province of Puebla.¹³ But with that exception, the fighting itself never reached great proportions in the Oaxacan countryside. A rebel administration governed the province until 1814, when royalist forces entered the city, and the war was largely over two years later.¹⁴ Thus, rebel forces were in control throughout the first period of Spanish constitutionalism. But the rebel government did not have much chance to put its often radical ideas about social organization into effect. Under both the rebels and the royalists, the older colonial system of town government remained the norm. There is clear evidence that the repúblicas continued to be elected regularly throughout these years, but there is no record of any ayuntamientos elected in the villages.¹⁵ Thus, when the liberal Spanish government reissued the decree calling for ayuntamientos in 1820, the councils had to be elected from scratch, rather than reinstated as they were in some parts of Mexico. In 1820 and 1821, then, the government scrambled to oversee the election of new town councils all over the province.

In his study of the process of “municipalization” in Oaxaca, Rodolfo Pastor has argued that the formation of ayuntamientos represented “the violent plundering of [indigenous] political prerogatives and the abolition of racial segregation,” resulting in a drastic loss of autonomy for indigenous pueblos and the ascendance of a mestizo elite.¹⁶ But my research suggests that the dis-

13. There is disagreement about the extent to which indigenous Oaxacans participated in the conflict, which was led for the most part by creole merchants and landowners. Leticia Reina, “De las reformas borbónicas a las leyes de reforma,” in *Historia de la cuestión agraria mexicana: Estado de Oaxaca, prehispanico-1824*, vol. 1, ed. Leticia Reina and José Sánchez Cortés (Mexico: Juan Pablos Editor for Gobierno del Estado de Oaxaca; Univ. Autónoma Benito Juárez de Oaxaca; and Centro de Estudios Históricos del Agrarismo en México, 1988), 213–16; Rodolfo Pastor, *Campesinos y reformas: La mixteca, 1700–1856* (Mexico City: Colegio de México, 1987), 415–20. Reina stresses that although some indígenas were coerced into fighting, “the indígenas also acted on their own account,” amounting to veritable “social agitation.” Pastor, on the other hand, argues that the indigenous villagers had little enthusiasm for either side.

14. José Antonio Gay, *Historia de Oaxaca*, 3rd ed. (Mexico City: Editorial Porrúa, 1990 [1881]), 481–501.

15. For records of república elections in the villages from 1812 to 1818, see Archivo General del Estado de Oaxaca, Oaxaca City (hereafter cited as AGEO), Real Intendencia y Período de la Guerra de Independencia, serie I, leg. 2, exp. 38; serie II, leg. 15, exps. 11 and 38; and serie II, leg. 38, exps. 10 and 11.

16. Pastor, *Campesinos y reformas*, 420–25. The quote is on page 421.

ruption caused by this initial phase of the transition to liberalism, while certainly significant both within the pueblos and without, did not fundamentally alter the way that the state related to the pueblos or the extent to which indígenas were able to govern themselves.¹⁷ For indígenas, the new laws called for a reconceptualization of local political power both within the villages and between them. The new institutions did not, however, fundamentally disrupt the notion that indígenas should govern themselves with a degree of autonomy from the regional government. For Oaxacan political elites, for whom this system had long worked in a relatively stable and productive fashion, there was little impetus for change. The elites were thus willing to negotiate solutions to any problems that did arise, particularly when they threatened the stability of the relationship between the government and the villages. Eventually, legislators would codify these negotiated solutions; the state constitution of 1825 reflected the experience of 1820–21 in very specific institutional ways.

From Repúblicas to Ayuntamientos

In October of 1820, authorities in the Department of Teposcolula began the process of ayuntamiento elections. Writing to the royalist *teniente* in the cabecera of Tlaxiaco, Manuel Megía sent along a copy of the chapter of the constitution that dealt with the proper form for the elections. He asked that the local priest be engaged to explain the rules to his parishioners, “in order that the people be instructed in the great purposes that our wise government proposes on establishing order and method in these elections.”¹⁸ In Oaxaca, the creation of ayuntamientos remained almost entirely under the control of Spanish offi-

17. Among those who have made similar suggestions about Oaxaca in the nineteenth century are Carlos Sánchez Silva, in *Indios, comerciantes y burocracia*; Peter Guardino, “The Renovation of Colonial Order in the Countryside: Villa Alta, 1820–1860” (paper presented at the annual meeting of the Latin American Studies Association, Miami, 16–18 Mar. 2000); and Guardino, “‘Me ha cabido en la fatalidad’: Gobierno indígena y gobierno republicano en los pueblos indígenas: Oaxaca, 1750–1850,” *Desacatos* 5 (2000): 119–30. More similar to Pastor is Marcello Carmagnani, who argues for a “second conquest” of the Oaxacan indígenas in the nineteenth century; he, however, sees this process as beginning later, after 1846. Marcello Carmagnani, *El regreso de los dioses: El proceso de reconstitución de la identidad étnica en Oaxaca, siglos XVII y XVIII* (Mexico City: Fondo de Cultura Económica, 1988), 230–38.

18. Manuel Megía to don Diego Antonio González, 20 Oct. 1820, Instituto Nacional de Antropología e Historia, Archivo Histórico en Micropelícula, Oaxaca, Mexico City (hereafter cited as INAH, AHM, Oaxaca), Archivo del Juzgado de Teposcolula (hereafter, AJT), roll 33.

cialists such as Megía. The colonial state was involved in the process from start to finish, deciding which villages could have ayuntamientos, overseeing the elections, and helping villagers negotiate the change in the local administrative system. The state had long overseen the election and functioning of the repúblicas; it would do the same for the ayuntamientos that replaced them.

Behind this facade of smooth transition, however, the change from one form of administration to another was not entirely seamless. Government officials in fact observed a considerable amount of disruption and confusion. In particular, they found that it was impossible to maintain a one-to-one correspondence between repúblicas and ayuntamientos. According to the constitutional decrees, only pueblos that had at least one thousand residents had the privilege of electing town councils. But in Oaxaca, very few villages fulfilled this requirement. In Teposcolula, for instance, most of the towns could only claim several hundred community members. Although some of these towns did apply to elect their own ayuntamientos, the government stuck to a policy by which local authorities arranged for the aggregation of towns into electoral units that would then elect a single ayuntamiento. In March of 1821, for instance, the towns of San Vicente Ferrer, Santa María Nduayaco, Santo Domingo Ticú, and San José de Gracia, with a combined population of more than 1,010 people, agreed to join together to create one ayuntamiento after government officials rejected their requests to elect separate councils.¹⁹ In cases like this, the pueblos were to agree upon some method of power sharing. In one aggregation of three villages, for instance, leadership would rotate according to the following arrangement: "Each year . . . the job of Alcalde revolves, first on some individual of the Pueblo of San Juan: in the next year on one of San Pedro Mártir and in the third of San Andrés de la Laguna. . . . [T]he Regidor who results or *síndico* of their respective Pueblos, should oversee public order, and if there is no obedience, he should be aided according to the case that occurs, by the Alcalde or by the entire Ayuntamiento, and the annual election should be celebrated in the Pueblo of the Alcalde [whose term] has ended."²⁰ There was thus an assumption that villages would work together in some

19. "Erección de Ayuntamientos en los Pueblos de . . .," 29 Mar. 1821, INAH, AHM, Oaxaca, AJT, roll 33.

20. "Creación del Ayuntamiento de los Pueblos de S. Juan, S. Andrés de la Laguna, y S. Pedro Mártir Yucunama," 10 Mar.–3 Apr. 1821, INAH, AHM, Oaxaca, AJT, roll 33. For a similar arrangement, see "Creación del Ayuntamiento de los Pueblos unidos de San Francisco Nuzaña, Magdalena y San Pedro Tidáa de la Doctrina de Tilantongo," 21–23 Mar. 1821, INAH, AHM, Oaxaca, AJT, roll 33.

things but not in others; communities retained autonomy within their own villages under the authority of one of the councilmen unless there was some sort of trouble that required intervention from the *alcalde*.

Many villagers, however, met this attempt to unite previously autonomous towns under a common government with some distrust. The mere fact of being subject to another village in some matters was not necessarily the problem; in most of Oaxaca, villages had long been arranged according to the *cabecera/sujeto* system, whereby several villages were subordinate in limited ways to a central town.²¹ Instead, the conflicts were often specific to the particular villages included in the aggregation. The town of San Antonio Monteverde, for example, had previously been subject to the *cabecera* of Chilapilla. Under the new system, however, its population was united with that of the town of San Marcos. In April of 1821, the *regidor* and *principales* of San Antonio complained that under the new arrangement, “we have experienced a disturbance of government.” The present *alcalde* was from San Marcos, and “said *Alcalde* wants with too much authority to insult us and impose on us taxes . . . for anything [he wishes].” To solve this problem, the villagers wanted not to be released entirely from outside control, but rather to be returned to the authority of “our *cabecera* Chilapilla.”²²

Objections to aggregation were not always responses to abuse of authority, but rather reactions to the possibility of uniting with a *pueblo* perceived as an enemy. San Francisco Nuzaña, for example, did not wish to unite with the town of Magdalena because the two villages were involved in pending litigation, and “the sons of the one view with total rivalry the sons of the other.”²³ In another case, representatives of six Mixteca *pueblos* explained their complaints in a letter to the local authorities. The combined populations of Santa Catarina Tlasiila, San Bartolomé Satola, Santa Marta Yolotepeque, San Juan Talistlahuaca, Santiago Camotlán, and Santiago Ystalhua amounted to an aggregation of only 719 villagers, making it “almost impossible to complete the number suggested by the wise constitution” in order to establish an *ayuntamiento*.

21. This was markedly *not* the case in Villa Alta, where towns were dealt with as individual entities. Chance, *Conquest of the Sierra*, 75; Guardino, “Me ha cabido en la fatalidad,” 122.

22. “Sobre que el Pueblo de S. Antonio Monteverde quiere separarse del de S. Marcos, y unirse al Ayuntamiento del de Chilapilla que es su *Cavecera*,” 7–12 Apr. 1821, INAH, AHM, Oaxaca, AJT, roll 33.

23. Gobernador y demas oficiales de Republica del Pueblo de San Francisco Nuzaña, n.d., in “Creación del Ayuntamiento de los Pueblos unidos de San Francisco Nuzaña . . .,” INAH, AHM, Oaxaca, AJT, roll 33.

Local authorities had proposed that they should add their population to that of other pueblos that were located at some distance from theirs. This measure they deemed entirely impracticable, both because of the difficulty of travel and because it would require them to “mix ourselves with others of diverse customs.” They thus requested permission to elect an ayuntamiento among themselves despite the shortfall in population, a privilege that the local Spanish official granted.

The same official reacted similarly to a case involving the towns of San Martín Huamelupán, Santa Cruz Tayata, San Pedro Mártir Yucuxaco, and Santa María del Rosario. Here the pueblo representatives complained that they were all to be attached to the large town of Tlaxiaco, that this aggregation was made against their will, and that the great distance to the seat of the ayuntamiento would be prohibitive to good government.²⁴ This role of mediator between villages was one that the Oaxacan colonial state knew well. But the difficulty of forcing new aggregations of villages to work together in an ayuntamiento was a new problem, and one that caused a good deal of disorder in town administration. In the end, the confusion over what to do about cases like these delayed the creation of many ayuntamientos indefinitely. The difficulty in arranging acceptable aggregations was taxing to the official in charge, who in March 1821 asked to be able to turn the job over to someone else, because to continue devoting his attention to it would mean the near abandonment of all his other duties.²⁵

But the delay was problematic in another sense as well. While provincial authorities deliberated on what to do (or perhaps simply failed to resolve the issue at all), towns were experiencing crises of authority. In many villages, the old repúblicas had remained in power pending the transition to the new system. But república offices were only supposed to be one-year posts; by March and April of 1821, many officials had been serving for upwards of 15 months. For these men the danger was not of losing power, but rather of keeping it. República posts could be expensive, as officials were expected to devote time and often money to village administration. The officials in the town of Yucunama, for example, foresaw disaster if they were not allowed to step down soon: “It is constant that the individuals that make up the body of the república in particular are significantly harmed, because in order to attend to our obligations, we forget our families, houses, duties, and what’s more our crops, which

24. No title, INAH, AHM, 21 Mar. 1821, Oaxaca, AJT, roll 33.

25. Aguilar, 10 Mar. 1821, in “Creación del Ayuntamiento de los Pueblos de S. Juan, S. Andrés de la Laguna, y S. Pedro Martir Yucunama,” INAH, AHM, Oaxaca, AJT, roll 33.

facilitate our annual sustenance, and it is clear that we perish from hunger for this cause, and we fear what will happen to us in this year if we remain in the cargo that we have suffered for fifteen months.”

Not only were the officers of Yucunama in financial trouble—they were also losing control of the village, where “the *vecinos* no longer respect us, nor obey us. And aside from our being extremely sensitive to this scorn in particular . . . it all redounds on harm to peace and public tranquillity.”²⁶ Indeed, all over the district of Teposcolula outgoing indigenous officials complained that they were unable to retain authority over their constituencies. Now that the regime transition had held up the process of the turnover, villages were experiencing a new kind of crisis, as the authority of local officials did not extend beyond their term of office. Thus, for many pueblos the creation of an ayuntamiento became imperative, not just because it was legally mandated, but because it meant the end of this interim during which there was no recognized authority in the village. The imperative held both for the outgoing officials, who were unable to maintain control over a recalcitrant populace, and for the rest of the townspeople, who were forced to endure the rule of officers they saw as illegitimate. Most pleas for intervention from the government came in the form of requests for a “change of staffs” (*cambio de varas*), the term for the ceremony in which the staff of office was passed from outgoing to incoming officers under the supervision of a Spanish official. Until this ceremony occurred, the old *república* was still in power. What most pueblos wanted from the government was official recognition of the council that they had elected or were to elect.

In some cases, however, conflict over the new councils may have reflected the very real innovations that the ayuntamiento system introduced. The *gobernador* and *república* of San Pedro Tídáa, for instance, wrote that the lack of obedience on the part of their fellow villagers, prompted by the illegitimacy of the *república* after its term of duty had expired, was aggravated by the fact that “the system that governs is a different one than that of the present one of the constitution.”²⁷ The authorities in the town of San Francisco Nuzaña, in

26. República de Yucunama, n.d., in “Creación del Ayuntamiento de los Pueblos de S. Juan, S. Andres de la Laguna, y S. Pedro Martir Yucunama,” INAH, AHM, Oaxaca, AJT, roll 33. A note on the use of the word “vecino”: this term, which usually denoted nonindigenous townspeople in colonial Mexico, was used here by indigenous authorities to refer to indigenous villagers. In Oaxaca, this usage was not unusual and would continue into the nineteenth century.

27. El Gobernador y demas oficiales de republica del Pueblo de San Pedro Tídáa, n.d., in “Creación del Ayuntamiento de los Pueblos unidos de San Francisco Nuzaña . . .,” INAH, AHM, Oaxaca, AJT, roll 33.

demanding the establishment of an ayuntamiento, were even more explicit: “[T]he sons [of the pueblo] do not obey because . . . there should be an Ayuntamiento, and the Gobernador and other officials do not conform to the present system whereby an Alcalde has more authority than a Gobernador, and that in the Pueblo we lack that privilege, to which they add that the present república expired at the end of last year.”²⁸ Outgoing village authorities consistently paired together these two explanations for crisis: the república was considered invalid both because it had overstayed its official term of office and because it was not an ayuntamiento. Such cases may have resulted from power struggles within the villages touched off by the new laws. The laws governing the election of the ayuntamientos represented a drastic broadening of the franchise within villages. This change had the potential to throw traditional forms of local government into disorder, and in the long run it would do so.²⁹

At the same time, however, some Spanish officials were discouraged by the shallowness of the change. One official, in writing to his superiors to ask for advice on the many difficulties he was encountering, complained that the villagers of San Bartolomé Soyaltepec had taken it upon themselves to elect a new council, but that it was made up of a “Gobernador and other officials of the República, created in the old system, and this is contrary to what is required in the constitution.” This was a problem in the whole of his district: “Most of the pueblos of this *partido* are applying to solicit the cambio de varas in the old system, or that of illegitimately elected Ayuntamientos.”³⁰ Thus, while some villages seemed to be taking advantage of new laws to elect new kinds of councils, others used them to perpetuate an older system of local power.

But in 1820 and 1821, the general relationship between villagers and the government exhibited striking continuity in the forms of local administration. By 1821, most indigenous villages had their ayuntamientos. Some were probably much like their predecessors, while others may have reflected the villagers’ embrace of new liberal forms of allocating authority. But all were locally elected, and all reflected the continued autonomy of the pueblos under the Spanish constitutional regime.

28. El Gobernador y demas oficiales de la República del Pueblo de San Francisco Nuzaña, n.d., in “Creación de los Pueblos unidos de San Francisco Nuzaña . . .,” INAH, AHM, Oaxaca, AJT, roll 33.

29. For accounts of this conflict in the years after independence, see Peter Guardino, “The Renovation of Colonial Order,” 5–7; and “‘Me ha cabido en la fatalidad,’” 123–27.

30. Aguilar, 10 Mar. 1821, in “Sobre que se crie Ayuntamiento en el Pueblo de San Bartolomé Soyaltepec,” INAH, AHM, Oaxaca, AJT, roll 33.

Of course, not all pueblos in Oaxaca were entirely indigenous. Oaxaca did have a minority nonindigenous population that, outside of Oaxaca City, clustered in the political cabeceras and along the southern coast. In towns with significant nonindigenous populations villagers had, in the past, tended to work out methods of allowing self-government for each group.³¹ As Oaxaca's intendant Francisco Rendón put it, "The old political institutions wisely established in [these towns] two repúblicas, one of Indians, and the other of Pardos, and so it is that, although united in residence, they are governed economically by Alcaldes and Regidores of their particular nature, and they maintain order and tranquillity without resentment of being judged one by the other."³² In such cases, the advent of the ayuntamiento system had the potential to upset the existing structures of power, as indígenas and non-indígenas would now participate in one council where once they had each elected their own. The new ayuntamiento could pose a threat to the indigenous community, since the new mestizo councils theoretically replaced the old indigenous repúblicas. In some places, especially larger political cabeceras, this did happen.³³

But elsewhere, especially in smaller towns that were not major political cabeceras, the situation would prove more complicated. Here the ayuntamiento also posed a threat, but not to the indígenas; in small towns, minority nonindigenous communities felt themselves to be under siege, threatened by the possibility that the end of legal separation would mean an end to their own autonomous governance within the indigenous worlds that they inhabited. In particular, they were concerned that in a universal election the indigenous majority would easily gain control of the government and that the indigenous officials "in no case will know how . . . to govern the others, neither will those accommodate themselves to it." These were the words of José Joaquín Péres, a representative of the southern coastal town of Huazolotitlán, which had 470 *casta*, or mixed-race, families. Péres was convinced that the indígenas of his

31. Even in entirely indigenous towns, Oaxacan villagers often had to accommodate various ethnicities, which they did by formally alternating groups in power positions or by formally splitting those power positions among the ethnicities. See Carmagnani, "Local Governments and Ethnic Government in Oaxaca," in *Essays in the Political, Economic, and Social History of Colonial Latin America*, ed. Karen Spalding (Newark: Univ. of Delaware, 1982), 112.

32. Francisco Rendón to Diputación Provincial, 4 Nov. 1820, "El Yndendente de Oaxaca haciendo varios consultas sobre elecciones," Archivo General de la Nación, Mexico City (hereafter cited as AGN), Ayuntamientos, vol. 183.

33. See Rodolfo Pastor's description of the election of the ayuntamiento of Tlaxiaco in 1821 in *Campesinos y reformas*, 423–24.

town were sure to win any general election. Thus, he proposed that the castas should have their own ayuntamiento.³⁴ For many such towns, political amalgamation under the indígenas was similarly unthinkable. An official in the district of Tehuantepec asked what should happen in the town of Juchitán, which was composed of both indígenas and a smaller population of mulattoes. Should these two “repúblicas” be governed by one “Ayuntamiento *de Yndios*,” or should they elect two ayuntamientos, “one of each class”? In the case of the town of Yxtaltepeque, where the numbers were reversed, the same official wondered “of which of the two classes should [the ayuntamiento] be composed?”³⁵ And the intendant, Francisco Rendón, complained that after the ayuntamiento elections in the districts of Tehuantepec and neighboring Jamiltepec, in towns that originally had “diverse repúblicas,” the non-indígenas “will inevitably remain subject to the Indians”—a sure recipe for resentment and disaster.³⁶

There is no evidence of how these multiethnic towns eventually resolved their constitutional crises. But all parties seemed to assume that indígenas should continue to govern themselves. At no point did local nonindigenous people, or even regional officials, suggest explicitly that indígenas should not have control over their local affairs, and at no point did their actions suggest that they were eager to supplant the indígenas and control the towns as a whole. Even in many places where non-indígenas had a significant local presence, they did not take advantage of the situation in order to diminish indigenous autonomy. In most ways, the early institution of the liberal administrative system did not prompt significant questioning of the desirability of indigenous self-governance. The transition introduced some problems for the state, especially the difficulty of getting autonomous villages to join with others in the election of an ayuntamiento. But in the end, these were not problems that would threaten the fundamental basis of indigenous autonomy. In Oaxaca, the events of 1820–21 had not fundamentally altered the balance of power in the countryside by threatening indigenous villagers’ privilege to govern themselves.

34. Joaquín Pérez to Juan Ygnacio de Eyzaguirre, 20 Sept. 1823, “El Yndendente de Oaxaca haciendo varios consultas sobre elecciones,” AGN, Ayuntamientos, vol. 183.

35. Ricos Bermúdez to Intendant of Oaxaca, 21 Oct. 1820, “El Yndendente de Oaxaca haciendo varios consultas sobre elecciones,” AGN, Ayuntamientos, vol. 183.

36. Francisco Rendón to Diputación Provincial, 4 Nov. 1820, “El Yndendente de Oaxaca haciendo varios consultas sobre elecciones,” AGN, Ayuntamientos, vol. 183.

The Oaxacan State Constitution

Oaxaca's break from Spain began in Huajuápan in June 1821, when Antonio de León, a creole army captain who had fought against the insurgency, declared independence in response to the Plan de Iguala and marched for the city of Oaxaca. After the fall of Iturbide in 1823, Oaxaca was among the first of the new states to install its own sovereign legislature in an attempt to force the national congress to adopt a federalist system.³⁷ By November, Oaxaca had reaffirmed its place in the new Mexican republic and convened the sessions of a state constitutional congress. That congress would issue a "Ley Orgánica" for the internal government of the state in May 1824, soon to be followed by the constitution itself in January 1825.³⁸ The challenge for Oaxaca's elected representatives was to build a new system that incorporated the fundamental structures of liberal republicanism while continuing to foster a stable relationship with the indigenous villages. The experience of Spanish liberalism had shown that this was not impossible. At the same time, the events of 1820–21 had demonstrated some of the problems with the ayuntamiento system as formulated by the Spanish Cortes and thus suggested some ways in which that system could be improved.

That the congress felt no immediate need to make major reforms to the Spanish system was apparent in the "Ley Orgánica," which had very little to say about the administration of towns and villages. In a single small paragraph it expressed without reservation the need to maintain the constitutional status quo: "[T]he alcaldes and ayuntamientos of the pueblos of the state will continue, as they have until now, in the use and exercise of their functions that the laws presently in force on the matter designate for them."³⁹ In writing the constitution, however, legislators would make several key changes. The Spanish constitution had allowed towns of one thousand or more inhabitants to elect

37. The other states were Yucatán, Jalisco, and Zacatecas. Jaime Rodríguez O., "La constitución de 1824 y la formación del estado mexicano," *Historia Mexicana* 40 (1991): 520. Oaxaca declared itself to be a free state on 28 July 1823, in the "Bases Provisionales," in which they pegged their eventual participation in the Mexican republic to federalism. In *Las constituciones de Oaxaca*, 32–34.

38. "Ley Orgánica para el gobierno del estado libre de Oaxaca," 25 May 1824, and "Constitución particular del estado de Oaxaca," 10 Jan. 1825, in *Las constituciones de Oaxaca*, 42–58, 71–103. For a narrative of the process of independence in Oaxaca, see Jorge Fernando Iturribarría, *Historia de Oaxaca, 1821–1854: De la consumación de la independencia a la iniciación de la reforma* (Oaxaca: Ediciones E.R.B., 1935), 7–58.

39. "Ley Orgánica para el Gobierno del Estado de Oaxaca," Capítulo VI, Artículo único, *Las constituciones del estado de Oaxaca*, 51.

their own ayuntamientos. This provision had been the only part of the liberal program that had caused real trouble in the Oaxacan context, as smaller villages were often unwilling to combine and share a single ayuntamiento. To solve this problem, Oaxacan legislators made a distinction between smaller and larger towns, while retaining the ideal of universal participation in the process of choosing local administrative councils. According to the state constitution, Oaxacan towns that had at least three thousand inhabitants would elect ayuntamientos, to be composed of a mandated number of alcaldes, regidores, and síndicos. But less populous towns were not to be left without elected representation. In villages of less than three thousand townspeople, the new citizens would elect smaller municipal councils called “repúblicas.”⁴⁰

Repúblicas and ayuntamientos were responsible for a similar range of duties, including the establishment and running of primary schools, the management of resources, the administration of common funds, and, of course, the collection of state taxes. Thus, the major formal difference between the two bodies was one of size, both of the town and of the council itself. But the distinction between the two types of council also had a strong ethnic component. Ayuntamientos were clearly intended to be the governing institutions in towns that had substantial nonindigenous communities—these towns being the ones most likely to meet the population requirements. But some nonindigenous towns that did not have the sufficient numbers had a chance to elect ayuntamientos as well. In a law published in 1825 to regulate the town councils, the congress stipulated a process in which a settlement smaller than three thousand could apply to elect the more prestigious ayuntamiento form of government if it could establish that its “enlightenment or industry” were sufficient. Although literacy was not a requirement to either vote for, or serve on, ayuntamientos and repúblicas, it was an important factor in whether a town could gain an ayuntamiento in this manner. Congress was to make the final decision based on the following criterion: “[T]he enlightenment of the towns is measured principally according to the number of their vecinos who can read and write.”⁴¹ Implicit in this statement is that they would be able to read and write in Spanish, a requirement that eliminated the large majority of new indigenous citizens. Meanwhile, the constitutional república—as its very name suggested—

40. “Constitución particular del Estado de Oaxaca,” *Las constituciones del estado de Oaxaca*, 42–58.

41. “Se prescriben las condiciones necesarias para el establecimiento de ayuntamientos y repúblicas en los pueblos del estado,” 25 Jan. 1825, *Colección de leyes y decretos del estado libre de Oaxaca* (Oaxaca: Impr. del Estado, 1879), 1:106–9.

was assumed to be an institution of indigenous self-governance. The new republica, in its outward form, essentially replicated its colonial predecessor; the essential relationship of these councils to the state would not change.

With these provisions, Oaxaca's legislators deftly rewrote both the colonial system and liberal forms into state law without fundamentally threatening an arrangement that, for Oaxaca's nonindigenous population, had resulted in relative order and relative prosperity throughout the colonial era. This system, despite its outward adherence to liberal forms, deliberately maintained a political distinction between the state's indigenous and nonindigenous populations and reaffirmed the fundamental right of indígenas to govern themselves. Thus, colonial ideas about the relationship between state and society deeply informed the laws that Oaxacan legislators devised to conform to the liberal republican foundations of the new nation.

The Politics of Local Power in Constitutional Yucatán

As suggested by the local official whose words begin this article, Yucatán became a disorderly place in the wake of the passing of Spain's 1812 liberal constitution. Not only did elite political groups clash over the ideologies and policies brought into question by the change in regime, but conflict also erupted in the countryside among and between Maya and non-Maya peasants and villagers. As in Oaxaca, Yucatán experienced institutional innovations that transformed local structures of power that had remained relatively static over much of the long colonial era. Yucatán's experience, however, was far more conflictual and, in the long run, far more transformative. Before the eighteenth century, Yucatán's economy—not unlike Oaxaca's—had depended on the indirect exploitation of the production of indigenous communities. By 1812, however, it was based increasingly on direct production by non-indígenas and on the paid labor of indigenous individuals who were drawn away from their towns. Thus, whereas Oaxaca's non-indígenas were largely content to maintain village autonomy, in Yucatán they wished to break that autonomy down.

The 1812 reforms would prove conducive to this goal. Because Yucatán's transition to the new economy had already progressed significantly by the time of independence, the peninsula's towns had an increasing number of non-indigenous residents, who were well positioned to take control of the new constitutional ayuntamientos. But at the same time, indigenous autonomy would not be such an easy target. In the early nineteenth century, Yucatán was considered to be—and in many ways *was*—an overwhelmingly indigenous place, a frontier zone of European settlement. As Nancy Farriss puts it, “[I]n Yucatán,

Indians are ubiquitous.”⁴² Of course, Indians were ubiquitous in Oaxaca as well. But the way they participated in the social and economic structure of the province created a dynamic very different from that of Yucatán. In large parts of Yucatán, state control over the indigenous population was tenuous at best. And even where control was established, indigenous communities retained a good deal of autonomy and had long proven resistant to state attempts to curtail it.

Spanish liberalism, which offered the opportunity for non-indígenas to gain control of indigenous town administration, seemed well suited to fulfill the goals of the elite. But the limits of Spanish access to indigenous communities would, by the time the state constitution was promulgated in 1825, force regional elites to modify their goals and to retain important elements of the colonial system that they sought to dismantle. Terry Rugeley has characterized the upheaval of these years as “the Caste War’s first rehearsal,” in that it provided the Maya peasantry with an experience of organized dissent and revealed the possibilities of agrarian revolt.⁴³ This may well have been the case. But the disorder can obscure the fact that these years were crucial in another way as well: the brief constitutional experiment and its aftermath prompted indígenas and non-indígenas to define and redefine their relationship and thus cleared the way for a peculiarly Yucatecan conception of the place of indigenous villagers in the republican polity.

Mayas and Non-Mayas, Repúblicas and Ayuntamientos

By the final years of the colonial regime, rural Yucatán was no longer an entirely Maya place. A combination of local demand for higher agricultural production and wider demand for export products such as cotton and sugar led to the direct participation of nonindigenous people in the process of production. By the time of independence, haciendas employing indigenous workers were on the rise (although they were still in an early stage of transforming the nature of indigenous settlement patterns), and most indígenas still lived in villages. More important for those villages was the growing number of nonindigenous smallholders who had settled in and around indigenous communities.⁴⁴ Non-Maya

42. Farriss, *Maya Society*, 108–9.

43. Terry Rugeley, *Yucatán’s Maya Peasantry and the Origins of the Caste War* (Austin: Univ. of Texas Press, 1996), 34.

44. Robert W. Patch, *Maya and Spaniard in Yucatán, 1648–1812* (Stanford: Stanford Univ. Press, 1993), 138–43, 232–43.

individuals were not officially under the jurisdiction of the repúblicas. They were, nevertheless, affected by república administration, especially regarding the use of resources such as water and land. They were also excluded from some benefits of town living, including participation in the collection and use of *fondos de la comunidad*, or community funds. Rural Yucatecan vecinos thus led an anomalous and sometimes insecure life among the Maya villages.

This changed with the institutional rearrangement laid out in the 1812 constitution. In Yucatán, the shift to a system of universal participation in local government would have a profound effect, as a growing sector of the population that until now had been unable to exercise control over its immediate environment was suddenly given the chance to vote and serve on new local councils. Thus, while in Oaxaca the ayuntamiento had remained a largely indigenous institution, in Yucatán it provided an opportunity for the growing rural population of nonindigenous people to make incursions on de facto indigenous control in the countryside.

This would not, however, be an easy thing to accomplish. Although the ayuntamiento theoretically replaced the república as the officially recognized local administrative body, the repúblicas did not simply disappear. From the indigenous point of view, there was no reason to wish for a wholesale change in the nature of village self-governance. As Marco Bellingeri has noted, the new universally elected town council, which was open to all villagers, forced the Maya to share local power with non-Maya for the first time.⁴⁵ But because the república was largely self-perpetuating, its abolition by the distant Spanish Cortes was unlikely to have much effect. However, Maya villagers were quick to recognize the importance of the ayuntamientos, and there was substantial Maya interest in participation in the new councils *as well as* in the old repúblicas. The persistence of the repúblicas made it easier for the ayuntamientos to fall into the hands of non-Maya, but this was by no means a foregone conclusion.

Rugeley and Bellingeri have both examined Yucatecan *planes de arbitrios*, the plans drawn up by town representatives in 1813–14 to demonstrate the towns' ability to function as constitutional municipalities. These documents show that Maya often did participate in the formation of the new town councils, but also show that their participation was neither universal nor evenly distributed. Some ayuntamientos were entirely Maya, while others had no mem-

45. Marco Bellingeri, "Las ambigüedades del voto en Yucatán: Representación y gobierno en una formación interétnica, 1812–1829," in *Historia de las elecciones*, ed. Annino, 276.

bers with Maya surnames.⁴⁶ In most cases, there were one or two Maya participants.⁴⁷ It is quite likely that the indigenous political elite were expected to take part in some way in the formation of the ayuntamiento—indigenous officials were, after all, usually the only administrators that a town would have had before the Cádiz constitution was signed. This was true even in towns where Maya were not the overwhelming majority. Thus, in the western towns of Chicbul and Sahcabchén, with relatively high proportions of non-Maya residents (approximately 40.2 and 30.7 percent, respectively), the ayuntamientos had some regidores with Maya surnames and, in the latter case, the *síndico procurador*, the town's legal representative.⁴⁸ Even in Buctzotz, which in the 1780s had over 80 percent non-Maya residents, Maya were involved in the request for an ayuntamiento.⁴⁹

Given the long history of indigenous self-government, however, what is striking is not Maya participation in the ayuntamientos, but rather the relative lack thereof. There is little doubt that, for the most part, control over the ayuntamientos fell into non-Maya hands. In the town of Tahdzibichén, for

46. Using names as an indication of ethnicity is by no means a foolproof method. Whenever possible, I have depended on self-identification, which fortunately occurred with some frequency. Also fortunately, the correspondence of Maya surnames and Indian civil status seems to have held quite firm in Yucatán. Don E. Dumond established that in the very early nineteenth century, “of men in the legal and taxable category of Indian, 22 individuals (0.4 percent) have Spanish names; of those legally *vecinos*, 106 or nearly 8 percent have Indian names. Put another way, of men with Indian names, nearly 1.8 percent are *vecinos*, while of men with Spanish names the same percentage are legally taxed as Indians. In demonstrating this relatively small overlap, the figures . . . lend credence to the Yucatecan expectation that civil status could be predicted on the basis simply of the paternal surname. For with any given male of Indian name the chance was only about one in 55 that he would not be a legal Indian, and for a male with a Spanish name the chance is almost exactly the same that he would not be a *vecino*.” Don E. Dumond, *The Machete and the Cross: Campesino Rebellion in Yucatán* (Lincoln: Univ. of Nebraska Press, 1997), 41–43.

47. Rugeley, *Yucatán's Maya Peasantry*, 45–46; Bellingeri, “Las ambigüedades del voto,” 253. Bellingeri found that out of 46 new ayuntamientos, 21 had at least one Maya member, with two towns electing Maya alcaldes.

48. “Comunicando a la Diputación Provincial la instalación de ayuntamientos en Sahcabchén y Chicbul, pueblos de esa cabecera, 1813,” AGEY, Colonial, Documentos de los Ayuntamientos, vol. 1, exp. 11. For these and all subsequent population percentages, see “Non-Indians in the Villages of Yucatan, 1777–91,” app. B, in Patch, *Maya and Spaniard*, 259–63, unless otherwise noted.

49. “Expediente promovido por los vecinos para probar que dicho pueblo reúne las condiciones para tener Ayuntamiento, 1813,” AGEY, Colonial, Documentos de los Ayuntamientos, vol. 1, exp. 7a.

instance, which had a small 16.7 percent nonindigenous population, only half the members of the new ayuntamiento had Maya surnames.⁵⁰ Relatively complete records exist for the election of the ayuntamiento in the town of Ucú, near Mérida. Ucú's elections took place on February 6, 1814. Under the supervision of the primary alcalde of the capital, the residents of Ucú elected 16 electors. Of these men, half had Maya surnames. On the six-member ayuntamiento they selected, however, only one man, Juan Santos Chan, was likely to have been Maya.⁵¹ The election process effectively winnowed out the majority of Maya candidates, producing a mostly non-Maya council.

Although many towns elected Maya individuals to the new ayuntamientos, the councils neither replaced the older repúblicas nor functioned as universally representative bodies. Champotón, for instance, is a town on the west coast of the peninsula that was approximately two-thirds non-Maya. In 1813, the town's newly elected ayuntamiento wrote to the Diputación Provincial to report on a request received from the "principal Indians of this pueblo in the name of their *común*." Apparently, these principales had requested the division of village lands, but the ayuntamiento was convinced that they had none, "not even with the name of Community."⁵² In this town, the ayuntamiento was clearly not a reproduction of the older Maya council, as a version of that council continued to exist and to function as the representative of the indígenas. The ayuntamiento had taken on the role of representing the indigenous population to higher authorities, but it did so in an indirect way: the indígenas were represented by the principales—who were most likely the remnants of the now illegal república—and the principales petitioned the ayuntamiento. The ayuntamiento had now become the conduit through which indigenous communities would have to funnel their communication with the provincial government.

50. "Acta de instalación del Ayuntamiento, 1813," AGEY, Colonial, Documentos de los Ayuntamientos, vol. 1, exp. 16. In modern Yucatán, there are two towns with similar names, Tahdzibichén and Tándzibichén. Patch has records only for the former, and those are the numbers I am using, based on the presumption that the other town's foundation dates from a later period. This presumption is supported by the existence of a 1655 encomienda at the site of the former town, known as "Tacchebilchen," which was the spelling used in the AGEY document. Peter Gerhard, *The Southeast Frontier of New Spain*, rev. ed. (Norman: Univ. of Oklahoma Press, 1993), 86.

51. Centro de Apoyo a la Investigación Histórica de Yucatán, Mérida (hereafter cited as CAIHY), Libros Manuscritos, Libro de Acuerdos de la Municipalidad de Ucú, 1814–24, 6 Feb. 1814. Santos Chan, with a Spanish paternal name and a Maya maternal name, could easily have been mestizo as well.

52. "Representación del Ayuntamiento a la Diputación Provincial, solicitando el repartimiento de las tierras comunales, 1818," AGEY, Colonial, Documentos de los Ayuntamientos, vol. 1, exp. 6.

There was no single pattern resulting from the creation of ayuntamientos in Maya villages. But by the time of independence, the ayuntamiento as an institution had already taken up the place in the colonial political structure that had formerly been held by the república. In land disputes from the early 1820s the ayuntamiento was consistently the major player.⁵³ Ayuntamientos were expected to turn in plans for local spending to be approved by the Diputación Provincial and to keep track of tax records, as the *subdelegado* of the Costa district emphasized in 1820.⁵⁴ They were also responsible for local education and involved themselves in the building and repair of schools.⁵⁵ Even where the ayuntamiento was controlled by vecinos, it did not necessarily represent exclusively non-Maya interests. For instance, the ayuntamiento of Hampolol—a town located in what is now Campeche state and having more than 80 percent non-Maya residents—became involved in a land dispute with neighboring hacendados in 1823. In particular, they were concerned with the preservation of the town's legal *ejido* and with the villagers' access to bordering land. In their petition to the Diputación Provincial, they cited the Laws of the Indies, in particular those dealing with the provision of communal land for Indians.⁵⁶

Ayuntamientos could, then, represent the indigenous community; the Maya were too important to the functioning of any town to be ignored, and traditional rights were deeply ingrained. But even where they were relatively benevolent, ayuntamientos had become a real force in village life, and the practical power of the repúblicas to act directly in indigenous interests was ebbing away.

The authority of the repúblicas did not, however, disappear entirely. Regular government-sponsored activities such as census taking necessarily involved Maya officials because, in practice, non-Maya council members were unlikely to have the resources to keep track of the Maya population on their own.⁵⁷ The

53. "Representación del Ayuntamiento del pueblo del Hampolon . . .," 10 July 1822; "Sobre el perjuicio que reciben los labradores con el ganado . . .," 21 Apr. 1823; "Expediente promovido por don Francisco Polanco, natural y vecino de Cenotillo . . .," 26 May 1823; "Expediente promovido por Dn. José María Andrade, vecino de Cenotillo . . .," 26 May 1823; and "Concediendo la propiedad del pozo Ixtepal . . .," 2 Sept. 1823, AGEY, Poder Ejecutivo, Tierras, vol. 1, exps. 4, 7, 8, 9, 11.

54. "Instrucciones a Dn. Francisco Genaro Cicero, subdelegado del partido de la Costa . . .," n.d., AGEY, Poder Ejecutivo, Ayuntamientos, vol. 1, exp. 5.

55. "Presupuesto de obras presentado por el Ayuntamiento de Tenabo . . .," 9 Sept. 1823, AGEY, Poder Ejecutivo, Ayuntamientos, vol. 1, exp. 9.

56. "Representación del Ayuntamiento del pueblo de Hampolon . . .," 10 July 1822, AGEY, Poder Ejecutivo, Tierras, vol. 1, exp. 4.

57. See, for example, "Cuenta de cargo y data de la Contribución Patriótica en el pueblo de Hoctun . . .," 20 Sept. 1822, AGEY, Poder Ejecutivo, Ayuntamientos, vol. 1, exp. 4.

indigenous hierarchy also had a hand in land transactions, such as an arrangement in Tiholop in 1823 that involved both the ayuntamiento, as the deciding party, and the cacique, who certified the claims made by the individual concerned.⁵⁸ Ayuntamientos continued to depend on Maya authorities because even where the ayuntamientos were firmly controlled by nonindigenous vecinos, these new officials faced another and perhaps more difficult obstacle: gaining control of local government did not automatically mean gaining control over the people to be governed. To the extent that the ayuntamiento provided a way for rural non-Maya to gain an official body to represent their interests to the higher authorities, it had a good chance for success. But it had far less potential to succeed as a way of gaining control over local resources, which in resource-poor Yucatán essentially meant gaining control of local people. In the end, conflict would center on this issue of governability and the question of how, quite literally, to keep the Maya in their place.

The Maya Retreat from Colonial Authority and the State's Solution for Control

In fact, the events that began in 1812 had revealed significant problems for those who wished to control the Maya, as much of Yucatán's indigenous population had initially responded to the provisions of the Spanish constitution by asserting their own autonomy and retreating from imposed village structures. The church, the most direct target of the Maya reaction, responded to indigenous actions with alarm. But church authorities were not the only ones concerned about Maya rejection of authority. By the 1820s, representatives of the state were fast realizing that their control over what happened in Maya villages was woefully inadequate. They had long relied on the church to maintain day-to-day order in the villages. But in the aftermath of the breakdown of religious authority, the state would increasingly seek a secular solution. In doing so, they focused on the ayuntamiento as a conduit of government control. Thus, the new councils were vital not only to the rural nonindigenous population, but also to the regional government.

For most of the colonial era, those charged with controlling the movements of the Maya population had been religious, rather than secular, authorities. In colonial Yucatán, parish priests were often the closest approximation

58. "Concediendo la propiedad del pozo Xtepal . . ." 2 Sept. 1823, AGEY, Poder Ejecutivo, Tierras, vol. 1, exp. 11.

to representatives of the Spanish state.⁵⁹ Because these priests facilitated taxation and labor drafts, the state had long depended on their ability to influence the actions of indigenous communities. But by 1814, the church claimed that Maya villagers were abandoning their religious duties on a large scale. Local priests and their superiors interpreted this retreat as a direct response to the 1812 proclamations. In the eyes of the church, the problem lay with the constitution's abolition of Yucatán's religious taxes, known as *obvenciones*. High church authorities complained that the loss of these taxes would be disastrous, not only because it would eliminate one of the church's major sources of income but also because it would destroy the fabric of authority that held local parishes together. After 1812, Yucatán's priests claimed to be seeing the evidence of this disaster unfolding before their eyes.

In May 1813, Fray Pedro Guzmán wrote twice to the Diputación Provincial of Yucatán to complain about his indigenous parishioners. Since the publication of the new constitution, he had lost control of his parish in the town of Uayma, near the eastern city of Valladolid. The Indians were, he claimed, misinterpreting the constitution to mean that they were released from the "obligations of a Christian" and that the churches should be closed and abandoned. He could not convince his parishioners to provide the services they owed to the church, not even by offering them double pay. "Every day," he wrote, "the insubordination increases, until it is almost an insurrection."⁶⁰ In late 1813 or early 1814, higher church authorities took the initiative in investigating such incidents by sending a questionnaire to priests stationed in Maya villages, asking them if they had observed any signs of rebellion among their parishioners.⁶¹ In response, a number of priests reported failings similar to those of

59. Yucatán, unlike other parts of what became Mexico, did not have *corregidores* or *alcaldes mayores* before 1876. The closest approximation to these provincial Spanish officers were the *tenientes del rey* and *capitanes a guerra*, who had no real authority over the indigenous population. Farriss, *Maya Society*, 88–90, 356–57.

60. "Representación de Fray Pedro Guzman, cura de Vayma, sobre la conducta observada por los indios al otorgarles su libertad la Constitución," AGEY, Colonial, Varios, vol. 1, exp. 18.

61. The text of the questionnaire was as follows: "Tell me how much the Parochial fees amount to in [the pueblos] in your charge, those that were charged from January first to the end of December of last year, and those that remain to be paid, and if there are some that have not been paid the motives that have impeded their collection; [tell me also] if some Yndios are absent in the wilderness and ranchos or have come down from the Haciendas to live in the town [*en poblado*], and of those moved there how many attend Mass and *Doctrina*, if the Lamp in your Residence remains and how you maintain it, if the Churches are well-served, if the Casa Cural also has some service and how you acquire it,

the villagers of Uayma, claiming that their Maya charges were not participating properly in the religious life of their towns. Furthermore, several priests made an explicit connection between the insubordination they were observing and the new institutional context, just as had Guzmán. As don Juan Pío Albarado y Domínguez, the *cura* of Tixcaltuyú, wrote in 1814, “The lack of obedience, subordination, and respect that appears in the Indians may be in part the effect of the influence of certain seducers; but the principal cause is that they now consider themselves exempt from all punishment, the only thing that they have feared.”⁶²

In interpreting this round of indigenous retreat from the villages, Yucatán’s priests may have overestimated the particular significance of the church as the target of this wrath. Yucatecan indigenas were quick to take advantage of their legal liberation by refusing to pay both secular and religious taxes, abandoning churches and schools, and generally failing to submit to Spanish authority. As Rugeley has noted, the Maya reaction in 1812 was often confused and unfocused and consisted of Maya taking advantage of the situation to try to right a variety of wrongs, both sacred and secular.⁶³ Such wrongs were highly local in nature and thus called for specific local responses.

In addition, although Maya actions were often aimed at the church, they produced a reaction on the part of the state as well. As with the church, among secular authorities the overwhelming response to the events of 1812–14 was alarm. Secular authorities did not, however, agree with the church that the solution was a return to colonial structures; instead, the disorder seemed to demonstrate the utter unreliability of religious mechanisms of control in the countryside and to call for a different kind of change. In the midst of the chaos, state officials saw an opportunity to assert their own control. The new constitutional ayuntamientos seemed to offer the perfect solution for this problem, and regional representatives of the state would increasingly turn to the new

and if there is someone who is seducing the people, if he is from the same area or another.” Jose Gmo. Espinola, 25 May 1814, *Demography and Parish Affairs in Yucatán 1797–1897: Documents from the Archivo de la Mitra Emeritense*, Selected by Joaquín de Arrigunaga Peón, ed. Carol Steichen Dumond and Don E. Dumond (Eugene: Univ. of Oregon Anthropological Papers no. 27, 1982), 380. This letter is a copy, sent by a priest to his tenientes.

62. Don Juan Pío Albarado y Domínguez, 10 Mar. 1814; Br. Bart.e Jose Granado Baeza, 5 Mar. 1814, *Demography and Parish Affairs*, 444, 450. The wording of these two letters is very nearly the same, suggesting the two curas may have been using some sort of stock letter.

63. Rugeley, *Yucatán’s Maya Peasantry*, 43–44.

councils as a way of both reestablishing order and of wresting control of the indigenous population from the church.

This was not always easy. In some cases, the disorder of 1812–14 may itself have been exacerbated by the loss of Maya autonomy in the face of the new ayuntamientos. The 1812 constitution, while removing some of the harsh demands of the church, also imposed new secular institutions that were not always under the control of local Maya. Villagers in towns where ayuntamientos pressed their authority could react to this new and often unwelcome imposition just as they did to their sudden “freedom.” In 1814, for example, the first act of the new ayuntamiento of Ucu was to select auxiliary alcaldes for three neighboring ranchos: San Antonio Papacab, San Antonio Huch, and San Antonio Telchac. Of these three men, only the new alcalde of Telchac had a Maya name. By May 1814, the two nonindigenous men were in trouble and asked for the help of the Ucu ayuntamiento to contain the locals’ disobedience. If the populace did not begin to obey, the alcaldes would have to penalize them “severely enough to contain the abuses and insurrections that have occurred against order and the common good, seeing that obedience is the principal base on which the honest administration of justice is supported.”⁶⁴ These non-Maya officials observed in their new constituencies the same kind of behavior that priests were seeing; they saw it, however, as a threat to *secular* authority.

But despite the possibility of adverse local reactions to the new councils, administrators expressed great hopes for the ayuntamientos; if they could be strengthened, the councils could provide a solid nonindigenous foothold among the Maya villages. To varying degrees, administrators expected that the new town councils would foster democracy in the villages, eliminate obstacles to the administration of indigenous communities, and, once and for all, consolidate Yucatán’s towns into something approaching the civic ideal promoted by the Spanish since the earliest years of the empire. The disorder of the first years of the constitutional experiment was, in the eyes of the Diputación Provincial, a chance for the ayuntamientos to demonstrate their ability to reshape relationships of power in the countryside. Secular administrators were just as concerned with the disobedience of the Maya as their ecclesiastical counterparts. Their reasons, however, were not entirely the same, nor were their proposed solutions. While the church argued that a liberal system that failed to support its religious base was morally bankrupt, the diputación was convinced that the answer to the problem of control over the Maya lay in the

64. CAIHY, Libros Manuscritos, Libro de Acuerdos de la Municipalidad de Ucu, 1814–24, 25 Feb. and 12 May 1814.

new structures proposed by liberal Spain. The deputies were concerned about the religious implications of the problem, but their fundamental disquiet involved the civil aspects of town life—precisely the area that ayuntamientos were there to regulate.

As early as 1814, the Diputación Provincial made a clear connection between disorder in the villages and the responsibilities of the ayuntamientos, and they exhorted the priests to take advantage of the power of the councils. Thus, in response to Father Guzmán in Uayma, the deputy for Valladolid suggested the following: “[Father Guzmán] should turn to the Political Chief of the district . . . and to the respective Constitutional Alcaldes, and they will help him in pastoral care, compelling and obligating those who lack milpas, occupations, or known modes of subsistence to work and serve with preference to the Parishes for prudent pay [so] that they punctually attend to all their Christian duties, punishing those who are stubborn and rebellious.” Thus, the diputación suggested that power in the villages—in particular, power *over* the villages—was no longer to be the sole preserve of the priests. Religion, it conceded, was vitally important, but it would be the ayuntamientos who made it possible for the priests to function. The deputy hinted at further secular action to stem the tide of withdrawal: “Very soon, this Diputación will circulate a Plan of general and economic government . . . in all the inferior Pueblos of this Province, which will end as much as possible these maladies.”⁶⁵

Such assertions indicated a profound ideological shift. Just as they pushed for secular control over the villages, the deputies also projected a new and more secular characterization of the villages themselves. In short, they were promoting a definitively civic, rather than religious, ideal. Thus, Deputy José María Ruz responded to the disgruntled mayor of Nohcacab, Ceferino Domínguez, with this suggestion to the Diputación Provincial:

If generally it has been necessary that men live in society, under the order and immediate watch of their respective authorities, because failing this, ignoring the law, people will lack education, enlightenment, and Religion, and far from being useful to the state they will be [unreadable] to their *Patrias*; with greater reason we should avoid this pernicious abuse in the class of the Natives, who unfortunately . . . have been regularly abandoned to their passions. . . . I feel that you should circulate decisive and clear dispositions to the Ayuntamientos, so that they . . . avoid these

65. “Representación de Fray Pedro Guzmán, cura de Vayma, sobre la conducta observada por los indios al otorgarles su libertad la Constitución,” AGEY, Colonial, Varios, vol. 1, exp. 18.

arbitrary settlements and destroy those already established, effecting a reunion of the individuals of which they are composed and locating them in the nearby Pueblos that are most convenient.⁶⁶

The new councils were envisioned as a tool to effect the final congregation of the Maya into towns and their integration into the larger polity as educated citizens and sovereign political beings. Since the earliest years of colonization, the Maya had been particularly resistant to Spanish attempts to get them to live in towns.⁶⁷ But the major player in this process had always, in the past, been the church. Now, in the hands of the Diputación Provincial, the civic ideal had a new liberal and democratic face, and the vehicle of its dissemination was clearly to be the ayuntamiento.

In the long run, Yucatecan indígenas would not retain their newfound freedom from unwelcome church taxation. When the constitutional era ended abruptly in 1814, its innovations disappeared; the church was allowed once again to charge *obvenciones*, and the newly created ayuntamientos were officially disbanded.⁶⁸ But on the constitution's return in 1820, only one of these two innovations returned with full force. Yucatán declared its independence in 1821, and the clergy regained all of its original privileges. But Yucatecan legislators, eager to assert their own authority, would no longer be satisfied with the stability that the church could provide; indeed, they wished to improve state access to the resources of indigenous villages, a goal in which the church could be a hindrance. Thus, the new institution of local secular administration, the ayuntamiento, became part and parcel of the new state project—indeed, one of its central components.

Yucatán's Constitutional Congress and the Observation of Liberalism in Action

The Yucatecan government's new interest in controlling affairs in the villages was not, however, merely ideological in nature. Rather, the ideas were closely related to a set of elite aspirations for the economic development of the region. When Yucatán broke officially from Spain in 1821, it did so with some very

66. "Representación de Ceferino Domínguez, Alcalde de Nohcacab, sobre la conducta delictuosa de unos indios, 1813," AGEY, Colonial, Varios, vol. 1, exp. 17.

67. On this process of reduction of indigenous towns and its failure, see Farriss, *Maya Society*, 206–10.

68. Rugeley, *Yucatán's Maya Peasantry*, 58–60.

specific economic goals in mind. The province's initial reluctance to join Mexico in independence was based in large part on its unwillingness to declare war on Spain and thus cut commercial ties with the island of Cuba, Mérida's only direct trading partner.⁶⁹ In 1820 and 1821, however, Yucatecan authorities were increasingly in conflict with the liberal government in Spain over issues of free trade. When Yucatán's government did accept both independence and allegiance to Mexico, it did so in the expectation that the national government would be receptive to Yucatán's economic needs, at least to the degree that the Spanish were, if not more so. In 1823, when Iturbide fell, Yucatán set up its own "federal republic" pending the confirmation of Mexico City's commitment to a federalist system, which Yucatán hoped would ensure the new states' autonomy. When that system was declared, Yucatán confirmed its existence as a state in the federal republic of Mexico.⁷⁰

The regional government's agitation for free trade was intimately linked to its aspirations for internal production and thus to its designs on the villages. The products that Yucatecan non-indígenas hoped to export—dyewood, sugar, salt, rice, and henequen—all required a fundamental reorganization of the Yucatecan social structure. Indigenous people would have to be convinced, one way or the other, to lend their land and labor to this state project. Not coincidentally, liberalism as an ideology was particularly well developed in Yucatán by the time of independence, in the form of an influential political group known as the *sanjuanistas*.⁷¹ Many liberals espoused the idea that indigenous production was not as efficient as nonindigenous production could be and thus that control over indigenous resources, both land and labor, was a crucial goal. These ideas had particular cachet in Yucatán at a time when nonindigenous agricultural producers were expanding into the countryside. Thus, Yucatecan administrators were quick to see the ayuntamiento as a way of deepening non-indigenous control. As they observed the functioning of those ayuntamientos, however, those administrators—first in the Diputación Provincial and later in

69. Alejandra García Quintanilla, "En busca de la prosperidad y la riqueza: Yucatán a la hora de independencia," in *Los lugares y los tiempos: Ensayos sobre las estructuras regionales del siglo XIX en México*, ed. García Quintanilla and Abel Juárez (Mexico City: Ed. Nuestro Tiempo for COMESCO; Univ. Veracruzana; and Univ. Autónoma de Nuevo León, 1989), 86–87.

70. Paul Joseph Reid, "The Constitution of Cádiz and the Independence of Yucatan," *The Americas* 36, no. 1 (July 1979): 23–25; Rugeley, *Yucatán's Maya Peasantry*, 30–38.

71. Reid, "The Constitution of Cádiz," 23–25; Rugeley, *Yucatán's Maya Peasantry*, 38; Eligio Ancona, *Historia de Yucatán desde la época más remota hasta nuestros días*, vol. 3 ([Mérida]: Gobierno del Estado de Yucatán, 1917 [1881]), 15–58.

the constitutional congress—would lose their enthusiasm for the *ayuntamiento* as a complete solution to the problem of access to the villages. Surveying a landscape in which long-standing indigenous autonomy hampered the ability of the *ayuntamientos* to function, they began to call for some distinctly illiberal policies. In seeking an institutional solution to the problem of town administration, the Yucatecan state congress thus attempted a compromise that borrowed heavily from the past.

At first, the *ayuntamientos* appeared to be a problem largely because they had taken on an exploitative cast. In October 1822, Francisco Bates and José Joaquín Torres reported to the *diputación* on the state of the province's *pósitos*. They noted that the *ayuntamientos* had taken control of these grain repositories in most villages, but that their administration of the repositories was less than scrupulous:

[W]e are advised that many *Ayuntamientos* have distributed the corn amongst themselves and their partisans, depriving the poor of this benefit, it being very regrettable that they then sell it at inflated prices, and with harm to the [village] funds, resulting from this intrigue that various quantities are lost under the pretext that the debtors have gone bankrupt . . . and thus it seems more convenient that in any case they sell the corn to the public, even when there would be some loss, as the *pósito* was not established only with the aim of creating, but also of fulfilling the necessities of the pueblos.⁷²

It was thus clear to the *diputación* that the idealistic future proposed for the *ayuntamientos* would never come to pass if the councils themselves replicated, and in some cases worsened, the inequalities and abuses of power that had always existed in the countryside. When the constitutional congress began to meet in late 1823, deputies expressed similar concerns about the *ayuntamientos'* abuse of power; Congressman Manuel Rodríguez de León called the recent administration of public funds “scandalous,”⁷³ and Francisco Genaro de Cicero and Tiburcio López noted that the election of *ayuntamientos* had already become a spoils system.⁷⁴

But the problem was not simply that the *ayuntamientos* were corrupt or incompetent administrators. It was also that they had replaced a system that

72. “Exposición de los comisionados José Francisco Bates y José Joaquín de Torres . . .” 7 Oct. 1822, AGEY, Gobernación, vol. 1, exp. 6.

73. *Gaceta de Mérida*, no. 46, 21 Jan. 1824, session of 30 Dec. 1823.

74. *Gaceta de Mérida*, no. 49, 29 Jan. 1824, session of 10 Jan. 1824.

legislators now understood to have worked quite well, especially in the vital area of tax collection. In September 1823, Deputy Juan N. Rivas compared the new state of affairs with the república system that had preceded it:

The experience of those years since the erection of the Intendancies in New Spain until the establishment of the Constitution has confirmed in an incontestable and grievous manner that the so-called *casiques* aided by the officials of the repúblicas collected the tributes with ease, to their own profit and the convenience of the community of tax-payers . . . and without corruption. Compare this conduct with that of the present *alcaldes*, councilmen, and clerks: add to this the amount that these have swindled from the most recent contributions and the ancient *pósitos* . . . and you will find that the changing of hands and of the manner of tax collection and the administration of public funds has only served to promote vice . . . converting these functionaries not only into true vagrants [*vagos*] but also into demoralizers of the Indians. . . . Being more ignorant, corrupt, and insolent than the Indians themselves, what can the patria expect from them, what civilization can they give to the Indians?⁷⁵

Not only had the ayuntamientos replaced the repúblicas to the detriment of the Indian population, they were also far less efficient at funneling revenue to the center. Putting town government directly in the hands of the local non-Maya elite was a risk to the revenue of the state, almost certainly more so than leaving it in the possession of Maya mediators.

At the same time, however, legislators expressed concern about towns where nonindigenous control of the ayuntamientos was not assured. They worried that there were far too many ayuntamientos, many of them in very small towns. In October 1823, the congress received a letter from the ayuntamiento of the city of Valladolid asserting that the existence of town councils in the smaller pueblos was harmful. That same month, a group of partido electors weighed in with the claim that “in some of the pueblos the ayuntamientos are burdensome and unnecessary.”⁷⁶ In congress, Rivas asserted the necessity of reducing the number of ayuntamientos to those in which there was “an abundance of individuals capable of performing the duties assigned to these municipal bodies by the constitution.” In those towns that did not have a sufficient number of such qualified people, the ayuntamientos should be extinguished,

75. *Gaceta de Mérida*, no. 14, 14 Oct. 1823, session of 25 Sept. 1823.

76. *Gaceta de Mérida*, nos. 22 and 24, 29 Oct. and 1 Nov. 1823, sessions of 17 Oct. and 31 Oct. 1823.

and a lesser official, such as a “*cabo de justicia*” or a justice of the peace, should be appointed to deal with municipal administration. These were measures that were particularly necessary in towns where there was “scarcely one vecino who knows how to read and write.”⁷⁷

Such complaints reflected politicians’ fears that, under the legislation as it stood, many ayuntamientos would fall into Maya hands. Legislators relied on Maya officials, who were more able than nonindigenous leaders to collect the taxes that were the lifeblood of the Yucatecan state. But they also wanted local political figures who were not Maya and whose authority would check the autonomy of indigenous government. Finally, they wanted to limit the exploitative tendencies of the ayuntamientos.

In the end, legislators worked to accomplish these seemingly contradictory goals with two major legislative decisions. First, the congress approved a measure suppressing ayuntamientos in towns that were not cabeceras, effectively limiting their election to towns that had considerable non-Maya populations. Towns that had previously had ayuntamientos would be governed by an attorney representing the community and an appointed justice of the peace.⁷⁸ Later legislation would introduce the *junta municipal*, a smaller elected council, in most mixed-race towns that were not cabeceras.⁷⁹ The second step was more controversial. In May 1824, four congressmen proposed “that for the collection of the established taxes, and only for this objective, respecting the indígenas, the old repúblicas de indios should be reestablished. This proposition, which seems scandalous in a republican system, is not, given the total lack of funds in our accounts and our precarious way of supporting ourselves without any type of . . . industry among the indígenas of Yucatán.”

To justify this unorthodox suggestion, the congressmen looked to history. Under the Spanish colonial regime, they asserted, collecting taxes had always been difficult, requiring a great deal of coercion. Maya had often fled in order to escape the exactions and the punishment that accompanied their nonpayment. But under the monarchy, the repúblicas still had access to these dispersed members of their community, to the great benefit of the Spanish state. Independent Yucatán, without indigenous mediators, did not have this advantage regarding the errant Maya: “[T]heir reduction, which did not cost the Spanish government anything, would now be very expensive to this Free State,

77. *Gaceta de Mérida*, no. 14, 14 Oct. 1823, session of 25 Sept. 1823.

78. *Gaceta de Mérida*, no. 49, 29 Jan. 1824, sessions of 12 and 14 Jan. 1824.

79. “Sobre el régimen económico y Juntas municipales del Estado,” 20 Sept. 1824, *Colección de leyes, decretos, y órdenes del agosto congreso del estado libre de Yucatán* (Mérida: Tipografía de G. Canto, 1896), 1:310–18.

as the same causes cited above still exist and the same contributions cause them to flee, but the same punishments and the vigilance of those authorized to impede the flight no longer exist.”⁸⁰ The government of Yucatán simply did not have the resources to control the Maya communities and keep them within the tax-paying community. Non-Maya ayuntamientos were not sufficient, both because they did not have the proper authority among the indígenas and because there was no guarantee that they would channel resources to the center rather than keeping them for themselves. A compromise solution was necessary.

On July 26, 1824, congress officially reestablished the repúblicas. The official motive was “to remove the obstacles that thwart the collection of public contributions, contain the dispersion of the indígenas in the forests, and find them an honest occupation that makes them useful to society.”⁸¹ The Maya elite were thus exhorted to keep their communities contained, productive, and subservient to the state. As Rugeley has noted, this decree pointedly ignored the function that the repúblicas had traditionally served as institutions for self-government, the provision of justice, and the reproduction of social hierarchy.⁸² The primary responsibility of the repúblicas, according to the letter of the new law, would be the collection of taxes. All other official administrative tasks belonged to the ayuntamientos or juntas municipales.⁸³ In practice, the decree was an attempt to utilize the aid that the Maya repúblicas provided in controlling the indigenous population, while simultaneously narrowing their role by curtailing their political power.

Rather than setting up a system with one clear source of local authority, the Yucatecan state congress had created dual avenues to power: one explicitly indigenous and the other ostensibly open to anyone. The idea behind this arrangement was to preserve traditional methods of tax collection vital to the Yucatecan economy while providing an institution of self-government for the long-unrepresented non-Maya population that would thus establish a measure of control over indigenous villagers. Retaining the ayuntamientos allowed the congress to preserve the notion of universal popular sovereignty established in 1812 and reaffirmed with independence. At the same time, the reestablishment of the repúblicas allowed them to retain legal differences between indígenas

80. *Gaceta de Mérida*, no. 92, 2 June 1824, session of 28 May 1824.

81. “Sobre Repúblicas de indígenas,” 26 July 1824, *Colección de leyes*, 1:277–80.

82. Rugeley, *Yucatán's Maya Peasantry*, 94.

83. “Sobre el régimen económico y Juntas municipales del Estado,” 20 Sept. 1824, *Colección de leyes*, 1:310–18.

and non-indígenas. This formalized dual system was an exception in Mexico. Although it preserved the notion of universal citizenship both in the vote and in theoretical access to power, it maintained a separation between indigenous and nonindigenous political actors that was antithetical to the guiding principles of Mexican liberalism. That substantial differences in wealth, power, and status remained between indígenas and non-indígenas in *all* of Mexico is not in doubt, but only in Yucatán did a de jure *legal* difference remain.

Conclusion

In both Oaxaca and Yucatán, state legislators in 1825 devised municipal systems that simultaneously introduced liberal innovations and retained distinctions between the indigenous and nonindigenous populations. However, both their motivations for doing so and their manner of doing it differed. In Oaxaca, the liberal institution of universally elected town governments was acceptable in large part because it allowed for the reproduction of colonial practices that facilitated the exploitation of village resources. In Yucatán, by contrast, legislators actively promoted the same institution because it had the potential to change those same practices, which had become a hindrance to economic advance. Both legislatures allowed for, and even promoted, differentiation between indígenas and non-indígenas. In Oaxaca, however, such differentiation was intended to keep indígenas in their autonomous villages, while in Yucatán it was intended to reduce indigenous autonomy. After 1825, the bulk of the Oaxacan indigenous population continued to be governed by indigenous councils, while the small nonindigenous population, clustered in a few locales, would elect local governments along a more liberal model. In Yucatán, most indígenas retained their indigenous administrations while now contending with local nonindigenous oversight. In effect, the Oaxacan congress legislated a geographic separation of indígenas and non-indígenas between villages while the Yucatecan congress arranged for an administrative separation *within* individual towns.

While they pursued different strategies in the two cases, the choices of both sets of legislators were the culmination of a process of change that began in 1812. From 1812 to 1814, and again in the early 1820s, political elites in Yucatán and Oaxaca had a rare opportunity to watch liberalism in action. Soon after, they would apply their observations to the task of creating systems of government for what were now new states in independent Mexico. Like the Spanish constitutional system, the new arrangements would be liberal ones, but they would be liberalisms that reflected local situations and drew heavily

on the exigencies of colonial relationships that had been many years in developing. In Yucatán and Oaxaca, the largely indigenous population presented a particular kind of administrative problem. The colonial governors of both regions had long relied on legal distinctions between indigenous and non-indigenous individuals and on the administrative system that allowed the former to govern themselves under the watchful eye of the latter. The liberal reforms of the Spanish constitutional regime had particular significance in Yucatán and Oaxaca because they eliminated this distinction and redrew the local administrative map to accommodate universal citizenship.

In the end, the systems settled upon in both Oaxaca and Yucatán reflected a deep concern for the need to maintain order and to create systems that would facilitate governability and economic exploitation. In most ways, this concern would trump liberal tenets in determining how the states would manage their internal affairs. But this did not mean that liberal ideas were unimportant. They exercised a restraining influence on local administrations and sometimes introduced elements that could increase and support the state's presence in previously inaccessible areas, as the ayuntamiento did in Yucatán. But even where there was continuity with earlier regimes, as in Oaxaca, villagers were aware that changes in terminology and institutions required new ways of representing themselves to the state. Most importantly, in both cases, indígenas and state officials understood the systems that the two states produced in 1825 to be new and specifically liberal systems. Liberalism, both in its ideology and in its institutions, restructured the relationship between indigenous communities and the state, forcing indígenas and non-indígenas to negotiate that relationship according to new terms.

That negotiation would begin immediately after 1825, as local people and the two state governments continued to work out and revise the political relationships laid out in the preceding years. Oaxaca's experience would be relatively peaceful, as the state remained flexible in the face of villagers' expectations of autonomy and protection. Yucatán's future, on the other hand, would be filled with conflict. In the 1820s and 1830s, the government made new demands on indígenas, challenging their notions of the proper role of the state, which eventually resulted in war. The roots of these divergent results are found in the state constitutions of 1825. Both documents reflected, to varying degrees, the needs and aspirations of elites and local people. And both constitutions laid out notions of liberal citizenship that allowed for, and even sanctioned, a unique *indigenous* citizenship as well. But despite these similarities, the two states devised two very different notions of the relationship

between state and society. These notions were the result of negotiation between elites and local people and would continue to be the subject of further negotiation in the years to come. Thus, Mexico's national system of government was at its inception a fragmented one, composed of multiple and changing local liberalisms.