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Historia Agraria de América Latina

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Helga Baitenmann, *Matters of Justice: Pueblos, the Judiciary, and Agrarian Reform in Revolutionary Mexico*. Lincoln: University of Nebraska Press, 2020. 342 pp. ISBN: 978-1-4962-1948-0.

In *Matters of Justice: Pueblos, the Judiciary, and Agrarian Reform in Revolutionary Mexico*, Helga Baitenmann challenges some of the most longstanding perceptions of Mexico's land reform initiatives, with particular focus on the shift away from providing restitutions of ancestral communal lands to the government's distribution of *dotaciones*, or land grants. By analyzing the competing revolutionary initiatives of peasant insurgent Emiliano Zapata and Constitutionalist leader Venustiano Carranza, Baitenmann highlights the role of the judiciary and peasants in bringing about the reform's most lasting symbol, the *ejido*. At its core, this history seeks to rectify misconceptions about the purpose and consequences of the agrarian reform. Baitenmann argues that the agrarian reform as it is known today emerged largely as an unintended consequence of two competing efforts to resolve the nation's "agrarian problem." Baitenmann's intervention is twofold: first, it dispels post-revolutionary administrations' claims that Zapata's Plan de Ayala (1911) laid the foundation for the country's agrarian reform. Second, she argues that "restitutions and *dotaciones* were not intended to be legal or procedural tools for a long-lasting redistribution of landed property in Mexico" (p. 4). Through a fine-grained analysis of thousands of land disputes housed in Mexico's agrarian archives, Baitenmann builds upon Frank Tannenbaum's and John Womack's classic works on Mexican agrarian history along with more recent works by Emilio Kourí and Samuel Brunk to demonstrate the key interventions that peasant communities made using the judicial system to obtain lands before, during, and after the armed stage of the 1910 Mexican Revolution.

Chapter one of *Matters of Justice* examines land dispute practices throughout the nineteenth century and at the onset of the 1910 Mexican Revolution. In doing so, Baitenmann demonstrates how villagers persistently utilized the courts as a means to resolve land disputes during the dictatorship of Porfirio Díaz (1877-1880, 1884-1911). Though scholars have long suggested that corruption and bias among Porfirian judges was one of

the primary grievances of peasants prior to the Revolution, Baitenmann suggests that most suits were rejected by the judiciary due to a lack of substantial evidence proving villagers' claims to the land. Through a detailed examination of approximately one hundred petitions, Baitenmann argues that, along with judicial corruption and bias towards landowners, intervillage disputes were a critical motivation for the court's rejection of pueblo restitution cases. Despite these obstacles, archival records indicate that villagers continued to litigate for their rights, filing *amparo* protections at all levels of the judiciary and utilizing liberal policies to obtain communal rights to land and water resources, often by pitting different branches of government against one another. Though largely unsuccessful in their efforts, the persistence of villagers' in their engagements with the court system challenges many historiographical assumptions about peasant agency during the Porfiriato.

Chapter two focuses on the public land laws enacted during the short-lived presidential terms of Francisco León de la Barra and Francisco I. Madero. After Porfirio Díaz was ousted in 1911, many pueblos sought redress over land and water claims by appealing directly to the executive branch of government rather than the judiciary. Villagers hoped that de la Barra and Madero would be more sympathetic to their calls for land restitutions; however, both presidents rejected the widescale redistribution of land and instead maintained most Porfirian land practices, including placing the burden of proof on village plaintiffs. Whereas Madero aspired to privatize communal land holdings as dictated by nineteenth-century liberal property laws, Zapata rejected Madero's agrarian policies and called for the immediate redistribution of land to the peasantry with his own agrarian initiative, the Plan de Ayala.

Chapters three and four provide comprehensive assessments of the agrarian initiatives proposed by the Zapatista and Constitutionalist insurgencies in light of the many obstacles both factions faced following the closure of all federal and municipal courts. Chapter three examines the application of Zapata's agrarian initiative, the Plan de Ayala, which alleviated villagers of the burden of proof to their disputes and allowed peasants to immediately reclaim usurped lands "with arms in hand." However, Baitenmann is careful to note, despite Zapata's insistence on providing restitutions for pueblos, the lack of sufficient evidence from peasant communities regarding how and why their lands were taken complicated such initiatives. In Chapter four, Baitenmann shifts her focus to the Constitutionalist agrarian initiatives. Unlike Zapata, Venustiano Carranza—himself a prominent landowner—rejected the national redistribution of land. In an effort to quell rural rebellions, Carranza enacted the 6 January 1915 law, which made villagers who failed to meet the requirements of a restitution to immediately eligible to receive a *dotación*, land and water rights allotted from expropriated hacienda properties for peasant subsistence farming. The law made claims for restitution nearly impossible to obtain, as it required

villagers to possess titles; demonstrate when and how their lands had been illegally acquired; and that the loss of land occurred after the 1856 Lerdo Law that stripped civil corporations of their lands. Unbeknownst to Carranza, his hopes to quickly tame rural land takeovers in actuality created a new bureaucratic administration that would be used to redistribute lands to landless peasants for the rest of the twentieth century.

In chapters five and six, Baitenmann explains the long-term implications of the Constitutionalist's land initiatives following the reestablishment of the judiciary in 1917. Chapter five shows how the newly reinstated Supreme Court upheld Carranza's 1915 agrarian policies, making the *dotación* a distinct form of land distribution protected under federal law. Though in violation of the 1917 Constitution's separation of powers, the Supreme Court's relinquishment of duties gave the executive branch the authority to arbitrate land grievances, provided villagers' new communal protections, and limited landowners' use of the courts. In chapter six, Baitenmann analyzes the incorporation of Zapatista forces into the state's land reform initiative following the assassinations of Emiliano Zapata in 1919 and Venustiano Carranza in 1920. Between 1920 and 1924, Zapatista agrarian officials in Morelos pushed the limits of Carranza's 1915 land reform law to allocate a record number of provisional land grants. As *dotaciones* galvanized many villagers, Zapatista and interim governor of Morelos José G. Parres used land grants as an expedient solution to distribute as much land to as many peasant communities as possible. Though not the utopian vision of redistribution articulated in the Plan de Ayala, Baitenmann suggests that the Zapatistas' adoption of the 6 January 1915 law proved to be one of the first instances in which postrevolutionary statesmen sought to reconcile the tensions between the conflict's warring factions.

Baitenmann's epilogue compares the impact of the Zapatista and Constitutionalist agrarian initiatives. She argues that both initiatives used *dotaciones* as an expedient method of arbitrating land disputes. Although faced with similar obstacles in resolving agrarian conflicts, the two reforms represented ideologically distinct means of reconciling the nation's social and economic inequalities. Despite the "unfulfilled utopia" proposed in Zapata's Plan de Ayala of redistributing land throughout the country, Baitenmann notes the irony that it was the Constitutionalist's agrarian initiatives that forever altered Mexican society and laid the foundations for the *ejido* system, which "redistributed about half the national territory to more than thirty thousand population centers, created corporate rights to land and water resources, and established permanent authorities and representative organs parallel to the municipal governments recognized by the Constitution" (p. 200).

*Matters of Justice* is an important contribution to the field of agrarian studies, peasant agency, legal studies, and the history of the Mexican Revolution. Baitenmann's detailed use of agrarian archives also provides useful opportunities for future works to examine the role of gender and radical politics in the first wave of Mexican agrarian

reforms. Regarding gender, Baitenmann notes the patriarchal nature of Mexico's agrarian censuses as well as numerous instances when women petitioned for restitutions and *dotaciones* as heads of the family. Though briefly detailed in Chapter five, further research on women's land petitions would provide valuable insights into peasant women's efforts to obtain political and social autonomy during the Revolution. Secondly, scholars of Mexican radical movements may wish to expand on Baitenmann's analysis of the ideological foundations of the Zapatista and Constitutionalist agrarian reforms. Although Baitenmann convincingly suggests that both initiatives were steeped in liberal traditions, more could be said regarding the role of the anarchists and former Partido Liberal Mexicano members Juan Sarabia and Antonio Díaz Soto y Gama, who helped shape both factions' agrarian initiatives. A meticulously researched and succinctly written work, this book should be required reading for undergraduate and graduate students of modern Mexican history.

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