

POLITICAL LEADERSHIP AND LEGAL CHANGE IN ZINACANTAN*

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This paper analyzes the role of local political leaders in channeling the impact of national development programs on the processes of dispute handling in Zinacantan, a Maya Indian community in the highlands of Chiapas, Mexico. Although the development programs have caused individual Zinacantecos to become more aware of the benefits they might obtain by appealing to remedy agents outside of the Indian community, few cases are taken to Mexican authorities because Indian leaders, who have a vested interest in handling the disputes of constituents, have sought to preserve the popularity of traditional conciliatory procedures by altering the types of settlements they suggest to disputants. As a result, traditional conciliatory procedures are flourishing, but the substance of the settlements reached through such procedures has begun to change toward conformity with codified state and national laws where those laws conflict with traditional Indian custom.

INTRODUCTION

Anthropologists interested in the effects of Western legal systems on the dispute handling processes of indigenous peoples have tended to emphasize the role of cultural differences in blocking the penetration of Western legal norms (Cohn, 1959; Bohannan, 1965; Gulliver, 1963; J. Collier, 1973). Sociologists, on the other hand, have been more interested in the structural and economic variables that affect the "impact" of national legal norms on the behavior of citizens in developing countries (Kidder, 1973; Massell, 1973; Abel, 1974; Trubek, 1972). In this paper I have tried to consider both cultural and structural variables in analyzing the role of Indian political leaders in channeling the impact of Mexican government development programs on the processes of dispute handling in Zinacantan, a Maya community in the highlands of Chiapas.

Indian informants report that before the Mexican government began to build roads and schools in Zinacantan in the

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1930s, few Zinacantecos would take their cases to the Spanish-speaking Mestizo legal authorities beyond the borders of the Indian community. Older informants say that an Indian who wished to make a complaint against another Zinacanteco would ask a local elder to settle the dispute or, in extreme circumstances, would take his case to the Indian civil officials at the town hall court who would conduct a hearing in Tzotzil, the native language, and try to persuade the disputants to compromise their differences. By the 1960s, however, when even remote hamlets of Zinacantan had schools and most were accessible by dirt road, informants reported—and direct observation confirmed—that Zinacantecos who had reason to expect a benefit from appealing to codified law instead of abiding by Indian custom were quite willing to consider taking their cases to the Mestizo authorities outside of the Indian community. But this willingness to consider appealing to outside remedy agents has not, in fact, led either to a flood of Indians patronizing Mestizo courts or to a decline in the use of the traditional conciliatory procedures in Zinacantan. Instead, the latter continue to flourish, but the substance of the settlements reached through such procedures has slowly, but surely, begun to change towards conformity with the requirements of codified state and national law where that law conflicts with traditional Indian custom. Zinacanteco officials are now reluctant to jail such people as an accused witch, the seducer of an engaged girl, or the relative of an escaped suspect; and daughters, who previously had no inheritance rights may now expect to receive a share of parental property. Mexican government efforts to integrate Indian communities into the mainstream of national life have thus simultaneously undermined and reinforced the system of customary law in Zinacantan. They have undermined the customary obligations that conflict with codified law, but they have actually reinforced traditional conciliatory procedures and those customary obligations that are recognized in codified law.

This paper examines the role of Zinacanteco political leaders in directing the limited amount of legal change that has taken place. Zinacanteco leaders, as the men who mediate between the Indian community and the outside (Mestizo) world, structure the options that are open to ordinary Zinacanteco disputants. They help a disputant present his case to the Mestizo authorities and they act as local mediators. They are responsible for the wide dissemination of information about the discrepancies between native custom and codified law, and they are the

ones who reiterate the native ideas of social and cosmic order that underlie traditional obligations and traditional conciliatory procedures. It is the argument of this paper that despite the efforts of the Mexican government to promote the economic and cultural integration of Indian communities through school and road building programs, Indian leaders still find it advantageous to stress the cultural differences between Maya Indians and Mestizo Mexicans and to persuade disputants to patronize local remedy agents. But in order to maintain the popularity of traditional procedures in the face of increased willingness of some Zinacantecos to consider appealing to Mestizo courts, the political leaders who sit on the town hall court of Zinacantan and who act as mediators in hamlet hearings have had to modify the substance of the settlements they advocate.

Although anthropologists working in small Mexican communities have noted that political leaders play a major role in handling disputes, they have seldom investigated the effects of political ambitions on dispute processing. Those who have concentrated on how disputes are handled (Nader, 1964a, 1964b, 1969; Metzger, 1960; Nader and Metzger, 1963; J. Collier, 1973; Selby, 1974; Hermitte, 1970) have usually played down political motives in order to concentrate on the wider social and cultural factors that shape case loads, procedures, and outcomes. At the same time, those interested in the political organization of small Mexican communities (Friedrich, 1965; Dennis, 1973; Betley, 1971) have glossed over the dispute processing function of community leaders in order to focus on their roles as "power brokers" or "middlemen" between the local political system and that of the region or nation. But other anthropologists have suggested how political ambitions might affect the ways local disputes are handled (e.g., Fallers, 1965, 1969). Barnes (1969), for example, has demonstrated how Ngoni chiefs in Zambia used their control over legal institutions for political ends and Swartz (1966), who studied the Bena of Tanzania, argued that political leaders profit from handling disputes because they derive both public legitimacy and control over dissidents by serving as adjudicators. Still other anthropologists (Silverman, 1967; Wolf, 1956) have suggested that political leaders who serve as "middlemen" between local and regional political systems have a particular interest in processing local disputes. Because a middleman's power rests on his ability to control the channels of communication between his local system and the larger whole, a middleman who hopes to keep his job must prevent his constituents from appealing to outside authorities by

themselves. Bailey, who also notes that "perfect communication will mean that the middleman is out of a job" (1969:169), argues that middlemen do all in their power to foster misunderstanding between local community members and outside officials. In other words, successful middlemen not only prevent their constituents from appealing directly to outside remedy agents, but they also take every opportunity to stress the cultural differences between insiders and outsiders. They try to foster that "systematic misunderstanding between the two cultures within a single power system" that Bohannon (1965:39) regards as "the mark of a colonial situation." And, indeed, Mexican Indian communities have been analyzed as "internal colonies" (Aguirre Beltran, 1967; G. Collier, 1975). The Hunts (1969) who studied a Mestizo district court in Oaxaca, Mexico, argued that the paucity of Indian cases reaching the district court testified to the continuing rigidity of the ethnic boundary. They comment wryly that "the role of the [Mestizo district] court is most significant when it does not appear to be involved" (Hunt and Hunt, 1969:139).

Because Zinacanteco leaders are middlemen, the initial effect of Mexican road and school building programs has been to reinforce traditional Zinacanteco culture but, by fomenting political competition within Zinacantan, these same programs have caused ordinary Zinacantecos to become more aware of the discrepancies between traditional custom and codified law. *Established* middlemen may benefit by preventing their constituents from appealing to outside authorities, but men who *aspire* to become middlemen must demonstrate an ability to manipulate Mestizo officials in order to attract followers. One excellent way to demonstrate such expertise is to help dissatisfied disputants appeal to Mestizo courts. As government development programs have opened up new areas of contact across the formerly rigid ethnic boundary, political competition has risen with the increase in potential middleman positions. Aspiring and established leaders now compete in demonstrating expert knowledge of Mestizo ways, and this competition has spread knowledge of the benefits an individual may gain by appealing to Mestizo authorities. In this climate of new knowledge, established leaders who hope to prevent constituents from patronizing Mestizo courts have had to modify the types of settlements they advocate. In order to maintain the popularity of local remedy agents, the political leaders of Zinacantan now offer disputants some of the advantages that might be obtained

from Mestizo courts at a fraction of the costs in money, lost time, and ruptured social relations. But in maintaining the traditional conciliatory procedures, political leaders have also ensured the survival of native custom, for they provide a forum where both customary obligations and national laws are considered in reaching a settlement.

Although this paper focuses on the behavior of political leaders in order to account for the limited nature of the changes that occurred in Zinacanteco dispute handling processes, the options open to leaders are, of course, structured by wider social and economic processes whose examination is beyond the scope of this paper. At a deeper level, the failure of Mexican development programs to produce more than minor changes in Zinacanteco processes of dispute handling must be attributed to the fact that, so far, they have produced relatively little "development." The Mexican government has raised the Indian standard of living, it has abolished the worst forms of Indian debt slavery, and it has promoted literacy, but it has not yet managed to change the basic agricultural character of the Chiapas region in which Indians, who own infertile mountain land, provide cheap labor for Mestizo-controlled agrobusiness in the fertile lowlands. In such a situation, the ethnic boundary between Indians and Mestizos remains rigid because it provides benefits—however unequal—to both sides. Mestizos obtain a source of cheap labor and Indians stress their ethnic identity in order to maintain control of the marginal lands that are the focus of their social and religious organization.¹

At the same time, Mexican development programs have failed to alter the basic economic and social structure of Zinacantan. Ordinary Zinacantecos remain dependent on the support of kin and neighbors, and people who might be tempted to gain an individual advantage by appealing to Mestizo courts must weigh the high costs of alienating the friends they may later need. From this deeper perspective the Zinacanteco leaders who are the active agents in the analysis presented in this paper become mere puppets on a larger stage. Their efforts to preserve traditional conciliatory procedures are "determined" by the rigid ethnic boundary, and the success of their efforts is "guaranteed" by the fact that Mestizo courts have relatively little to offer Indians.

1. For analyses of the relationship between Indian ethnicity and the regional economic structure see G. Collier (1975) and Aguirre Beltran (1967).

THE SETTING

Zinacantan is a community of approximately 12,000 Tzotzil-speaking Indians who wear a distinctive costume and live in small houses scattered over the forested mountains and valleys of their township in the highlands of Chiapas. They are corn farmers and because the land they own is relatively infertile, they grow most of their crops on lowland fields rented from Mestizo owners. Such fields are so productive that most Zinacantecos are able to feed themselves, pay their rent, and produce a surplus for sale on local and national markets. As new roads have been built, Zinacantecos have rented ever more distant fields and the real income of community members has been rising (Cancian, 1972).²

The ceremonial center of Zinacantan is located at one edge of the community territory. It contains two churches, the town hall, a few stores, and the scattered houses of men temporarily holding civil or religious office. The town hall is a long, low building with a covered porch running the length of the front. This porch is the local court, the only Indian-run forum recognized by the national government; it is authorized to handle all minor disputes among Zinacantecos, or between Indians and outsiders. Former Zinacanteco officials have told me that cases involving several hundred pesos or serious bodily injury should be referred to Mestizo officials beyond the boundaries of the Indian community, but they say that such cases are usually settled locally. The elected civil officials of Zinacantan spend their days seated on the benches that line the inner wall of the town hall porch, ready to hear and resolve any disputes brought before them. There are twelve civil officials who serve in groups on alternate weeks; the highest official, the *Presidente*, usually acts as chief judge.³

Zinacantan, in common with many other Maya Indian communities, also has a set of religious officials who serve for a year at a time caring for the saints in the churches and sponsoring the rituals performed on Catholic calendrical fiestas. The religious offices are divided into four ranks, and a man must serve an office at each lower rank before being able to take a higher one. Such religious service is expensive—often requiring the expenditure of several years' savings—but men who are

2. Zinacantecos differ from other Indians in the Chiapas highlands in having direct access to lowland fields. They are therefore able to acquire cash without having to serve as seasonal wage laborers on Mestizo plantations.

3. See J. Collier (1973) for more information on the town hall court.

able to serve in the most expensive positions gain not only spiritual blessing but a healthy amount of secular prestige. The rewards are so great, in fact, that the waiting list to serve in the most expensive and prestigious position exceeds twenty years.⁴

Although most Zinacanteco houses appear to be randomly scattered over the landscape, they are actually grouped into fifteen administrative units called *parajes* (hamlets), which vary in population from just over 100 to more than 1200 people. Each hamlet has two minor civil officials who act as messengers between the hamlet and the town hall, but the actual power to make decisions and settle disputes lies with local elders who do not hold recognized office. Hamlets vary in political organization. Some are run by a single leader, others are controlled by several leaders who cooperate, and still others are split into bickering factions. But every hamlet has some leaders who are known for their ability to act as mediators in disputes between kinsmen or neighbors.

The community of Zinacantan lies just outside of San Cristobal Las Casas, the Mestizo city that is the administrative, judicial, and economic center of the highlands. San Cristobal has a large fortified jail, policemen with guns, and judges trained in civil law. It also contains the headquarters of government agencies designed to promote social and economic development in the surrounding Indian communities. Most Zinacantecos, however, think of San Cristobal as a market town where corn can be sold and manufactured goods bought.

During the centuries after the Spanish conquest of Mexico, Zinacantan slowly came to resemble the typical Mesoamerican closed corporate community described by Wolf (1957).⁵ Mestizo leaders left Zinacantan to govern itself and, over time, the town hall court developed into a forum where customary norms were upheld and where Maya conceptions of social and cosmic order were used to rationalize proposed settlements. But since the Mexican revolution, national elites have taken a renewed

4. See Cancian (1965) for an analysis of the religious cargo system of Zinacantan and a description of the relationship between wealth and prestige.

5. The characteristics of a closed, corporate peasant community are (1) a measure of communal jurisdiction over land, (2) restrictions on membership, (3) maintenance of a religious system, (4) enforcement mechanisms to ensure the redistribution or destruction of surplus wealth, and (5) barriers against the entry of goods and ideas produced outside the community. Such "closed" communities are usually contrasted with "open" peasant communities where (1) communal jurisdiction over land is absent, (2) membership is unrestricted, and (3) wealth is not redistributed (Wolf, 1957).

interest in Indian communities. Spurred by a desire for national development and an ideology that glorifies the Indian past, national elites have instituted programs designed to promote economic progress without destroying the socially valuable elements of Indian life. These programs, implemented since the 1930s, have had mixed results.

Almost every hamlet in Zinacantan now has a school where children can learn Spanish and the rudiments of reading, writing, and arithmetic. Dirt roads have been built to most of the major settlements. Some hamlets even have electricity and others have piped water. Adobe houses with red tile roofs are gradually replacing the traditional wattle and daub, thatched-roof structures. But ethnic costume remains distinctive. Tzotzil is still the primary language in most homes and rituals honoring native gods have become more elaborate and expensive with the passing years.

Although Mestizo officials view many Indian customs as obstacles to desired social and economic progress, they have been reluctant to attack the legal system that supports these customs because the officials who staff the town hall court hold offices duly recognized in the state legal code. Mestizo planners have no desire to undermine the legitimacy of Indian township civil offices. They merely want to change the behavior of incumbent officeholders. They want them to learn and apply written laws so that Indian customs regarded by Mestizos as undesirable—such as witchcraft beliefs, bridewealth, compulsory religious service, and unequal inheritance between sons and daughters—will fall from use.

CONFLICTS, COURTS, AND COSMOLOGY

Most Zinacantecos spend their lives in the hamlets where they were born, living beside relatives and neighbors known since childhood. Disputes that arise among persons in such enduring, face to face, relationships are necessarily complex affairs of wrongs committed and duties omitted over a long period of time. Although Zinacantecos commit the standard range of crimes found all over the world—murder, assault, theft, rape, etc.—most disputes center on less dramatic actions and are resolved with an eye to the future relationship between the parties.⁶

6. Nader (1969), Gluckman (1955), and van Velsen (1969) stress the fact that conflicts between persons involved in multiplex relationships are usually handled with an eye to preserving the relationship.

Zinacantecos are ideally patrilineal and patrilocal. Fathers try to provide sons with nearby housesites and some farmland,⁷ for each man aspires to create his own localized and loyal descent group. Almost all disputes that occur between kinsmen are discussed by participants and outsiders as if they were quarrels over land or other forms of property. Bitterness between siblings or cousins and strains between parents and children that erupt into open fights are usually "settled" by a redistribution of property or a reaffirmation of existing rights. As noted in the introduction, however, the land that Zinacantecos own is relatively infertile. It is of little value for producing cash crops and will provide subsistence only with a very high input of labor. The primary value of highland property, therefore, lies not in possessing it, but in being able to give it away. A man who is able to provide his sons and sons-in-law with houseplots and some farmland is able to draw on their labor and surplus production to finance his own career of service in expensive, but prestige-giving, religious offices.

Marital disputes are the most frequent cause of legal action in Zinacantan. Given the norm of patrilocality, wives are seen as outsiders who cause quarrels among kinsmen. The early years of marriage are predictably unstable. Husbands have few means of asserting their culturally prescribed authority except to beat their wives, while uprooted and unhappy brides use every excuse to return home to mother. Marriage becomes more stable as the years go by, but husbands, when drunk, continue to beat their wives and angry women continue to seek redress.

Courtship in Zinacantan is a long and expensive affair, often lasting two years or more and costing the boy's family a few thousand pesos. Courtships begin with deception,⁸ for the boy and his petitioners must break into the girl's house and pressure her father to accept the initial bridewealth payment. Trust develops slowly, if it develops at all, and courtships are punctuated by periods of tension which may lead to legal action. A boy who does not receive his bride must be repaid, the angry

7. Men who do not inherit enough land from their fathers to provide for their own sons try to acquire more through marriage to a woman with land, or purchase land from neighbors. See G. Collier (1975: 103-5) for a description of how one successful man acquired land for his sons.

8. Zinacantecos assured me that most courtships begin with real deception. They felt that if the father of the prospective bride were forewarned, he would plan to be away on the night of the petition and thus foil the petitioners.

father of a daughter who elopes must be placated and paid, and any man who flirts with an engaged girl should be punished.

Zinacanteco neighbors quarrel over a variety of issues, from unpaid debts and broken agreements, to trespassing animals, drunken fights and malicious gossip. Such quarrels tend to be more straightforward than the complex disputes of kinsmen or spouses and can often be resolved by cash payments.

Accusations against individuals for failure to perform required community service or for committing a wrong that endangers the welfare of the group always carry political overtones. Whenever a leader accuses an individual of harming the group he reaffirms his right to speak for a collectivity, and whenever an individual refuses to fulfill community obligations he is challenging the authority of existing leaders. Cases of this type range from straightforward, very unequal, contests in which a powerful leader takes direct action against a lazy or rebellious subordinate, to complicated political battles between representatives of evenly matched factions where the overt accusation masks an underlying struggle for power.

When involved in a dispute, a Zinacanteco can appeal to a variety of remedy agents—ranging from witches and powerful Mexicans to local leaders, township officials and government courts—but only those remedy agents that involve a confrontation, direct or indirect, between the disputants will be considered in this paper. There are four types of such dispute settling mechanisms: begging pardon, mediation by a hamlet elder, arbitration before the town hall court, and adjudication by various Mexican agencies in the Mestizo city of San Cristobal Las Casas.⁹ Each forum may offer a different solution to the same conflict, and each involves different social and economic costs.

The least costly and time-consuming method of seeking a settlement in Zinacantan is for the offender to beg pardon directly of a person he knows he has offended. This can be a very formal procedure, involving several people, respected elders and gallons of rum, or it can involve only the two disputants and a bottle of beer. This method is most often used by sober and repentant husbands who want their beaten wives to forgive them and return home, but it is also used by someone who

9. Although it is often difficult to distinguish offender from offended in Zinacanteco cases, due to long-term relationships between the parties, begging pardon in a procedure usually initiated by someone willing to admit having wronged another, whereas the other dispute settling mechanisms may be invoked by either side.

wishes to make peace with a neighbor he has inadvertently wronged.

In every hamlet one or more respected elders, known for their wisdom in settling disputes, will serve as mediators if all parties consent. Hearings involve only the disputants and their immediate relatives and are usually held in the privacy of the mediator's house at a time convenient for all concerned. The mediator listens to both sides and suggests possible solutions. He does not have any formal power to impose a settlement on unwilling disputants, but his words carry weight and his proposed solution is likely to be repeated by the town hall court if the case should be appealed.

Hearings at the town hall court in the ceremonial center involve greater social and economic costs for disputants than do hamlet procedures. They take place in public, on the open porch where all who pass by may stop to listen, and disputants from outlying hamlets must waste valuable time in travel and in waiting for opponents to be summoned. Although the *Presidente* who presides over the court may sentence a wrongdoer to a short jail term or require him to pay a fine, he rarely imposes such punishments and behaves more like a hamlet mediator than an authoritative Mestizo judge. Rather than focus on past wrongs, the *Presidente* asks the disputants to state the outcomes they desire and tries to work out a compromise. A wrongdoer who refuses to beg pardon and compensate the person he has wronged may spend a few chilly nights in jail, but the ultimate aim is reconciliation, not punishment.

The Mestizo city of San Cristobal offers Zinacanteco disputants two very different fora: the state penal authorities (Agente del Ministerio Publico and Juez Penal)¹⁰ and the state-sponsored Department of Indian Affairs (Departamento de Asuntos Indigenas).¹¹ San Cristobal offers other possibilities, such as lawyers, Mestizo politicians, and the local headquarters of the National Indian Institute¹² but these resources are used more

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10. There is a civil court in San Cristobal, but the civil judge I interviewed claimed that his court was *never* used by Indians. After such a statement, I felt that it would be politically unwise to press my request to examine his records.
 11. The State Department of Indian Affairs was instituted to provide legal protection and advice for Indians. One of its principal tasks has been to ensure that the labor contractors from coastal coffee plantations do not violate the laws designed to protect Indians from debt slavery. But the director will listen sympathetically to all types of complaints from Indians. His waiting room was always full whenever I visited his office.
 12. The National Indian Institute is a federal agency that helps Indian communities by providing schools, roads, water systems, electricity, etc. It is also dedicated to stimulating crafts and to improving native agriculture.

by political leaders than by ordinary Zinacantecos involved in disputes. The state penal code contains no special provisions for handling cases involving Indians. Murderers, thieves, rapists, arsonists, and other malefactors should receive equal treatment regardless of ethnic origin. The presumption of equality is, however, hard to maintain. Indians who use the Mestizo courts are after vengeance, not justice, and feel free to fabricate evidence to prove a point. The officials, in turn, find that their frustrating experiences with Zinacantecos confirm the widely held view that Indians are morally irresponsible, superstitious, and childlike.

In contrast to the penal authorities who merely punish malefactors, the State Department of Indian Affairs is committed to reforming Indian practices. The long-term director of the Department was an intelligent and sensitive Mestizo who took seriously the task of teaching Indians to understand and use the national legal system. Whenever an Indian brought a complaint he would listen to the story and send him back to his town hall court with a letter to his *Presidente* stating the relevant written law. The case would then be settled within the Indian community, but the outcome would reflect the dictates of the state legal code.

Native cosmology—the set of beliefs about social and cosmic order, about spiritual relations between men, and about relations between men, and about relations between men and supernatural beings—offers Zinacantecos a rich and flexible language for interpreting and manipulating the social environment. These beliefs underlie conceptions of political power and prescriptions for settling disputes. Zinacanteco explanations for social behavior presuppose a world where the most significant interaction between persons takes place on a spiritual level (Vogt, 1969). Every Zinacanteco has two types of soul: an inner invisible one and an animal spirit companion. Destiny is decided at birth (although manifested later), for some people are born with strong souls and powerful spirit companions, while others are born with weak souls and insignificant animals. As time passes, those with strong souls flourish, take religious offices, and become leaders, while those with weak souls either die young or survive by seeking protection from a spiritually powerful patron. Only guilt can alter the immutable power hierarchy of souls. Wrongdoing renders the powerful vulnerable to punishment sent by the spiritually superior gods while innocence protects the weak.

These beliefs about spiritual ranking provide an idiom for rationalizing power differentials in a world where equality is stressed in direct interaction. Only age and office are accorded overt respect. The elderly drink first when a bottle of rum is shared, but all receive equal amounts of liquor. On ceremonial occasions, holders of civil and religious offices march, drink, and eat in prescribed order, but the order is dictated by the office and not by recognized wealth, prestige, or power. True political power often lies in the hands of middle-aged men temporarily without formal civil or religious office. Such leaders make the important decisions and expect obedience, but publicly defer to officeholders and the aged on ceremonial occasions.

Beliefs about spiritual interaction also underlie rationalizations for legal procedures. When one person wrongs another, the victim of the wrong is believed to carry anger in his heart that cries out to the gods for vengeance. If the victim is not placated, the gods will answer his repeated pleas and cause the offender, or some member of his family, to sicken and die. This belief explains the emphasis on future relations that pervades Zinacanteco hearings. The aim of a settlement procedure is to find a solution that placates the victim's anger without arousing anger in the heart of the offender. Any settlement that satisfies this requirement is deemed acceptable, regardless of its relation to the facts of the case or prevailing custom.

The belief in supernatural vengeance prescribes appropriate attitudes for all participants in a hearing. A person who has been wronged is expected to take his case to an elder or to the town hall and to be moderate in his demands for compensation. Hesitation in bringing up a case or adamant refusal to compromise is viewed as an indication that the person who has been wronged wants the wrongdoer to sicken and die. People who "do not know how to forgive" are open to charges of witchcraft, particularly if a known enemy falls ill.

Wrongdoers are also expected to seek a forum for compromise. The offender may go alone to beg pardon, he may ask a respected elder to help him "end his guilt," or he may wait until the person he has wronged brings up the case. But when the case is heard he must play an active role in seeking a compromise solution. He may argue about the extent of his guilt, he may blame his accuser for having started the quarrel, but he must eventually beg pardon and offer compensation in order to protect himself and his family from illness.

Zinacanteco cosmology prescribes a conciliatory role for mediators. Their job is to seek a compromise acceptable to all,

not to uncover the facts of the case and apply socially accepted rules. Although mediators are usually politically powerful leaders—for only such persons have the required soul strength to risk interference in the quarrels of others—they must not use their power to impose solutions on unwilling disputants. The mediator who forces one side to accept a settlement risks retaliation from the more powerful gods who will respond to the pleas of the wronged party.

A Zinacanteco hearing is a spiritually dangerous event for all who take part. Disputants and mediator may incur justified retribution from the gods or illegitimate retaliation through witchcraft from a dissatisfied party. The public consumption of rum at the end of a hearing symbolically serves to allay fears of vengeance, for rum is said to “revive the heart” and in reviving it to erase traces of anger. The person who is found to have committed the greatest wrong should present rum to his victim and the victim should accept the bottle as a sign of his willingness to forgive and forget. The rum is shared by everyone present, including onlookers, to insure that all hearts are satisfied.

FACTORS IN THE CHOICE MAKING PROCESSES OF DISPUTANTS

Although this paper focuses on the activities of political leaders, this section will present a superficial view of the choice making processes of disputants because the strategies of leaders appear senseless if removed from the context of followers' decisions. As noted in the introduction, Mexican development programs have not caused major changes in the economic and social structure of Zinacantan. Zinacantecos are still corn farmers who produce very little above their own needs and who therefore must rely on the help of kin and neighbors to see them through times of trouble. Individuals are still related to each other through multiplex ties, which are difficult to sever. But the road and school building programs of the Mexican government have caused some minor changes that need to be examined.

If disputants are assumed to maximize gains, then legal structures, like the political structures analyzed by Bailey (1969), must have a built-in element of self-destruction. Situations of dispute involving competition for desirable resources put a premium on innovative behavior. The disputant who can cite new rules or invoke outside authorities may win previously unimagined gains. The paradox of political competition—that

“the prize goes to the team which can act in a way unforeseen by its opponents, and perhaps unanticipated by the rules of the game” (Bailey, 1969: 121)—is paralleled in legal competition. Disorder and change lie at the heart of both law and politics, even while disputants and politicians invoke the rhetoric of order and stability.

Although the range of settlement procedures available to Zinacanteco disputants has not changed for the past half century, the relation of costs to benefits involved in appealing to each forum has shifted slightly with changes in the social and political environment. The San Cristobal authorities, once prohibitively costly fora where the chances of gain were minimal, have become a viable option for the ordinary Zinacanteco disputant. Roads allow access, school building programs have spread the skills necessary for dealing with the Mestizo penal authorities, and the government agencies designed to help Indians have altered the quality of Indian-Mestizo relations. Before the 1930s few Indians spoke Spanish and overt Mestizo discrimination discouraged appeals to codified law. But now many Zinacantecos are bilingual and well traveled, while the officials at the State Department of Indian Affairs are sympathetic to Indian problems.

Hamlet procedures—begging pardon and hearings before a local elder—involve the least cost in money, time, disruption of valued social ties, and fear of an unexpected or undesirable outcome, but disputants who might gain from an appeal to codified law must forgo potential benefits if they select this forum. The conciliatory nature of hamlet procedures combined with a lack of sanctions precludes any settlement too favorable to one side. An appeal to the town hall court is slightly more costly in terms of time, money spent on transportation and liquor, and disrupted social relations, but such hearings offer some advantages over hamlet procedures. Wronged parties who seek revenge or substantial compensation may ask the *Presidente* to jail an offender until he comes to terms. At the same time, the risk of an unexpected or undesired outcome is low. The hearings are conducted in Tzotzil and both sides can speak for themselves. The San Cristobal authorities offer potentially high gains to some classes of disputants, but at a high cost. Money must be spent on transportation and fees, time is lost in traveling and in waiting to be heard, Mestizo lawyers and judges may be misunderstood or hard to convince, and opponents are likely to harbor vengeance in their hearts. There is also great risk of an undesired outcome,

for both the penal authorities and the director of the State Department of Indian Affairs are more interested in applying the law than in satisfying the disputants.

What kinds of Zinacanteco disputants might wish to invoke codified law? They fall into four broad categories: (1) those wishing to avoid customary obligations not recognized in the state and national legal codes, (2) those seeking rights unobtainable in Zinacanteco custom, (3) persons wanting an enemy jailed in San Cristobal, and (4) offenders seeking to avoid jail terms in Zinacantan or wishing to escape high compensation payments. The first category includes men who hope to avoid required public service (particularly in those low prestige civil or religious offices that require the expenditure of time rather than money and where the duties far outweigh the rewards)¹³ and persons wanting to escape the obligations of courtship: fathers who wish to drop an undesired suitor without having to repay the full bridewealth, girls who refuse to marry a boy accepted by their parents, and boys who have eloped but hope to escape heavy bridewealth payments. Among Mestizo officials at the State Department of Indian Affairs, Zinacantan is famous as the community of courtship disputes. This pattern is easy to understand, for Zinacanteco courtships are the most expensive in the Chiapas highlands. There is a lot of money to be gained or lost in legal action. At the same time the social costs of invoking the Mestizo authorities are low. Relations between the two families involved in a courtship transaction are always strained and marked by suspicion, while a girl who elopes or who refuses the suitor chosen for her must necessarily break her ties with her parents whether or not the case reaches San Cristobal.

The disputants who fall into the second category are often regarded as more selfish than those in the first because they seek benefits for themselves at the expense of others. They face no exceptional loss of time, money, or prestige. They merely hope to gain privileges that most Zinacantecos must do without. Women who invoke codified laws requiring equal inheritance by all children regardless of sex take land away from their brothers (a father will rarely give farmland to a

13. Such low prestige offices include the year-long job of *mayol* (unpaid errand boy for the civil officials) and some of the cheaper religious offices in which the incumbent must spend his own money on ceremonies but acquires little prestige in return for his year of service to the gods.

daughter if there is a son to receive it¹⁴), and debtors who appeal for relief from exorbitant interest rates—ranging as high as 10 percent per month—cheat their creditors out of their expected gains. The rare husbands or wives who try to invoke codified marriage laws to preserve a failing union or to obtain support after divorce are regarded as merely stupid. Most men find it easier to get another wife than to put up with an unwilling one, and a divorced woman who tries to obtain support from an estranged husband may get back the husband along with his money—a consequence most divorced women would prefer to avoid.

The third category—persons wanting an enemy jailed in San Cristobal—includes a few people who have allowed anger to outrun reason but is largely made up of faction leaders who appeal to the Mestizo penal authorities in the hope of having a rival leader temporarily removed from the political arena.

The fourth category—offenders who wish to avoid Zinacanteco settlements—includes persons who seek to escape punishment for acts treated as “crimes” in Zinacantan but not recognized as such in the legal codes: witchcraft and flirting with a girl who is engaged to someone else. It also includes a few people who are willing to risk San Cristobal jail terms to avoid the high compensation payments demanded in Zinacantan, but the category is largely made up of Spanish-speaking offenders who hope that their expertise in handling Mestizo officials will allow them to escape punishment altogether.

Although there are some Zinacanteco disputants who can expect to benefit by appealing to Mestizo courts, the point made in the introduction—that Mestizo courts have relatively little to offer Indians—still holds true, for Mestizo courts do not control access to the crucial economic resources that underlie the system of social stratification in Zinacantan. Unlike parts of Africa, Asia, and Latin America, where the amount of land a family controls directly determines its lifestyle and where there is a growing class division between wealthy landowners and landless wage laborers, the land owned by a Zinacanteco family has only an indirect effect on family lifestyle and wealth. A principal economic division in Zinacantan is age: young families begin life in debt to the husband’s parents who provided the bridewealth for the marriage and the land for the family house, whereas older men, who can draw on the labor and surplus

14. For a more complete description of Zinacanteco inheritance practices and patterns, see G. Collier (1975: Chap. 4).

production of indebted sons and sons-in-law, can profitably farm large tracts of rented lowlands and finance prestige-giving religious service. Because the stratification system of Zinacantan rests on "moral" debts rather than on the legal control of crucial resources, Zinacantecos lack the overwhelming economic incentive that drives some peasant agriculturalists to refuse compromise in order to exploit every available means of gaining control of land or avoiding its loss (see Cohn, 1959; Fallers, 1969; Starr and Yngvesson, 1975; Thomas, 1974; Odenyo, 1973).

THE IMPACT OF MEXICAN DEVELOPMENT PROGRAMS ON ZINACANTECO DISPUTE PROCESSING

Although Mexican development programs have had only a minor impact on Zinacanteco processes of dispute handling, some changes have occurred. The *Presidente* and hamlet leaders are now reluctant to jail people who refuse to honor customary obligations not recognized in the legal codes. They prefer to invoke other means of persuasion, including appeals to common values, offers of rewards for compliance, and threats of supernatural vengeance. But at the same time, the increased awareness of harsh Mestizo penal sanctions has strengthened the hand of mediators advocating traditional compromises in cases where codified law coincides with Indian custom in condemning a particular behavior. Thieves, rapists, and those who have injured others now have added reason to seek a conciliatory Zinacanteco settlement. Such people fear being turned over to the Mestizo penal authorities and beg for mercy from those they have injured. Although an especially angry victim, or one with a political axe to grind, will refuse such a plea, most Zinacantecos find it difficult to remain obdurate. The fear of being thought a witch, or of losing all compensation if the case should reach the Mestizo authorities, leads most victims to accept a compromise solution. But victims are not above invoking the threat of harsh penal sanctions to extract as much compensation as possible from an offender. For example, a former *Presidente* told me of a case in which he had deliberately kept three men in jail, and threatened to send them to the penal authorities, in order to force them to pay damages to two men they had injured during a fight. The fight had occurred in the ceremonial center when all five men were drunk, and it had been broken up by policemen who took the three winners—a man and his two grown sons—off to jail. Later, at the hearing, the injured men said that they wished to be paid for the clothes

destroyed in the fight (100 pesos), their medical expenses (100 pesos), and the time they had spent in bed (at 10 pesos a day). The *Presidente* told me that he cooperated with the injured men and helped them to get the compensation they wanted by threatening to send the jailed men to the penal authorities in San Cristobal. He also kept the latter in custody until all of the money had been paid. After they were released, the *Presidente* had them sign a statement declaring that they had paid willingly, and the injured men signed a similar statement saying that they were satisfied with the compensation they had received.

Even though relatively few cases from Zinacantan reach the penal authorities or the State Department of Indian Affairs,¹⁵ it appears that Zinacanteco political leaders have altered the types of solutions they offer disputants so that disputants who might expect to benefit from appealing to the Mestizo authorities can obtain some of the benefits of codified law without sacrificing the advantages of a conciliatory settlement. Evidence for this statement can be obtained by comparing the complaints brought to the State Department of Indian Affairs during 1960-1961 with statements by informants collected later. For example, my notes on the 1960 files of the State Department of Indian Affairs record the following case: A Zinacanteco man came into the office to complain that he had been shut in jail the day before for refusing to serve in the religious office of Alferes Santa Rosa. The director of the Department wrote a letter to the *Presidente* of Zinacantan requesting that “en lo sucesivo sus actos tengan como norma las prescripciones de la Constitucion Politica de la Republica, procurando que todos los vecinos de ese lugar gocen de las garantias a que tienen derecho.” (Freely translated, it is a request that “in the future, the

15. During the summer of 1970 I examined the files of the Juez Penal in San Cristobal to record the number of cases involving Zinacantecos. I examined only three and a half years because the task was very time-consuming, since all cases handled in a single year are filed together, regardless of community of origin. I therefore had to go through the approximately 250 cases for each year in order to pick out the few that involved Zinacantecos: 1961-15; 1965-4; 1969-9; January-August 1970-6. This material provides no evidence for an increase in the number of cases brought to the penal authorities by Zinacantecos. The State Department of Indian Affairs kept its records by community of origin, but the files included miscellaneous administrative matters as well as accounts of complaints brought by individuals. During 1960 there appear to have been twenty-four complaints brought to the director by Zinacantecos, and during 1961 there were sixteen. I do not have data from other years because in 1973, when I asked for permission to examine past records, I was told that they had been destroyed.

Presidente act in accordance with the prescriptions of the Constitution of the Republic, making sure that the people of his township enjoy their guaranteed rights.”) In an interview with a former *Presidente*, held in 1963, I was told that present officials no longer jail men who refuse to serve in religious offices. Although *Presidentes* sit with the high religious officials when they order someone to serve, persuasion is now the primary tactic used. The reluctant appointee is offered help in collecting the money and materials he will need, and he is gently reminded that failure to serve may result in supernatural sanctions. One informant, who had reluctantly accepted a religious office after dreaming that the gods had told him to do it, testified to the efficacy of supernatural sanctions by telling the story of a man who had been eaten by a jaguar—“all except for the bones and face”—after refusing to accept a religious office.

The 1960-1961 files of the State Department of Indian Affairs contain records of six cases in which the parents of a marriageable daughter complain about the behavior of a rejected suitor who allegedly demanded his money back, assaulted the parents, or tried to rape the girl. All of these complaints reflect Zinacanteco marriage customs that entitle a suitor to receive either his bride or the return of his bridewealth. In one case the director of the State Department of Indian Affairs wrote to remind the *Presidente* of Zinacantan that it is both immoral and illegal for a father to force his daughter into marriage; in another case where a suitor had changed his mind and was demanding 125 pesos as repayment for the first installment of bridewealth, the director reminded the *Presidente* that the money was spent on a spontaneous gift given without previous agreement. During 1963, informants told me that Zinacanteco officials no longer supported the efforts of a father to force his daughter into marriage, but that they did try to help a rejected suitor claim his bridewealth. Fathers who may be reluctant to repay bridewealth are reminded that repayment is an ancient Zinacanteco custom; that boys must marry and need bridewealth to acquire a wife; and, finally, that unpaid rejected suitors cause endless trouble. It appears, however, that rejected suitors rarely receive all the money they claim to have spent. In one case, a father who was prevented from forcing his daughter into marriage paid only 200 pesos to the rejected suitor—a rather small amount for a year of courtship.

Other evidence that Zinacanteco political leaders have altered the solutions they advocate comes from direct statements

by informants. In 1967, an informant who was a close friend of the incumbent *Presidente* told me that hamlet elders who are called in to help divide a disputed inheritance always give sons a larger share of land than daughters. But because disinherited daughters have complained to the San Cristobal authorities and obtained orders requiring land to be divided equally, the *Presidente* now tries to see that both the sons and the daughters of a family receive equal shares. It is also true, however, that the "equal" shares given to daughters include more land that is useless for farming or housebuilding (see G. Collier, 1975).

On another occasion, the same informant told me that the *Presidente* now refuses to impose harsh punishment on young men who attempt to seduce girls engaged to other men. Such youths used to be sentenced to four weeks in jail just as if they had been guilty of seducing another's wife. Because the authorities in San Cristobal will order the *Presidente* to release a boy if they learn of his being jailed, the incumbent *Presidente* now refuses to jail such youths in the first place. But the *Presidente* has a deeper reason: he is afraid that if he jails a seducer, the boy's parents will appeal to the San Cristobal authorities and obtain an order allowing them to escape having to repay the bridewealth expenses of the jilted suitor, as well as an order for the release of the prisoner. Because the *Presidente* feels it is more important for a jilted suitor to be repaid than for a seducer to be punished, he tries to give the seducer's family no reason for appealing to the San Cristobal authorities where they might learn that repayment is not required.

Most modern mediators claim a knowledge of codified law and friendship with Mestizo officials which they use as both carrot and stick in persuading disputants to agree on a compromise solution. Disputants who expect to gain from appealing to San Cristobal may be persuaded to accept a Zinacanteco settlement by stressing the advantages of reconciliation and goodwill. No Zinacanteco is so rich and secure that he can afford to alienate the kin and neighbors on whom he must depend in times of need. At the same time, the mediator often advocates a compromise solution that provides some, but not all, of the benefits that might be gained from an appeal to the Mestizo authorities. Disputants who resist these inducements and refuse to compromise may also be threatened. The mediator, speaking as an expert on codified law, can stress the risks involved in appealing to San Cristobal and can even threaten to aid the opponent if

the case should reach the Mestizo authorities. For example, in 1966, two hamlet elders told me about a case in which someone who expected to benefit from appealing to the San Cristobal authorities was persuaded to accept a settlement in Zinacantan. The two elders became involved in the case when a young man told them that his sister's husband was trying to take away some of the land he had inherited from his father. If the youth refused to give up the land, his brother-in-law had threatened to take the case to the San Cristobal authorities where he expected to have a decisive advantage because his wife spoke fluent Spanish (she had worked as a servant in San Cristobal). The youth, who spoke only Tzotzil, appealed to the elders because one of them, who had been to school for many years, also spoke fluent Spanish and, as a political leader, knew many important officials. The elders, however, were reluctant to go directly to San Cristobal without attempting to settle the case in Zinacantan. They summoned the youth's sister and her husband to a hearing. When these two appeared, the sister's husband argued that his wife deserved more of her father's land because she had been an adult, and was doing a woman's work when the land had been purchased, while the youth had been a mere child—a drain on his father's resources rather than a contributor. The two elders, however, argued that the land had been fairly divided since brother and sister had received equal shares. They warned the brother-in-law that the San Cristobal authorities would agree that the land had been fairly divided. The brother-in-law finally gave in and the two elders supervised the remeasuring of the land to be sure that the shares were indeed equal.

In 1963, a former *Presidente* told me of an incident in which he had persuaded an angry man not to take his case to San Cristobal, even though the man was determined to exact revenge for having been severely beaten. The complainant had drunkenly entered the house of another man and had been badly beaten by the homeowner, who was also drunk. The homeowner was later jailed in Zinacantan, but the complainant's wife demanded that the prisoner be sent to the penal authorities in San Cristobal. Although the *Presidente* was legally required to turn the prisoner over to the penal authorities—since serious injuries had resulted—he was reluctant to do so because the prisoner had begged for mercy and had asked the *Presidente* to handle the case in Zinacantan. The prisoner at that time was holding one of the most expensive religious offices in the com-

munity and claimed that if he were jailed in San Cristobal the entire township would suffer from his inability to serve the gods. Not only would he be unable to perform the necessary ceremonies while in jail, but getting out of jail would require so much money that he would not be able to afford to pay for future ceremonies. So the *Presidente* decided to keep the prisoner in jail in Zinacantan for three days in order to give his victim a chance to recover. When the latter was able to come to the town hall, the *Presidente* explained that although he could insist that the prisoner be sent to the penal authorities where he would be jailed and made to pay a high fine, such a course would be unwise. Not only would the work of the gods suffer, but the complainant himself might be liable for punishment. The prisoner spoke excellent Spanish and, if sent to San Cristobal, might even be able to convince the authorities that the complainant should also be jailed. After all, he had entered the house of another man and had drunkenly attempted to climb into bed with the latter's wife. The *Presidente* also stressed the fact that the prisoner had already spent three days in jail and could be fined in Zinacantan. Finally, the complainant agreed to let the case rest.

Just as a mediator may use his "expert" knowledge of codified law to persuade a disputant to accept a compromise in Zinacantan rather than appeal to the Mestizo authorities, so he may dissuade a disputant from insisting upon a customary solution by cautioning him that his claims would not be upheld if the case were to reach San Cristobal. For example, a former *Presidente* told me that during his term of office he had persuaded the father of girl who had eloped to lower his bridewealth demands from 2,500 pesos to 500 pesos by reminding the father that the San Cristobal authorities might give him no money at all.

In 1966, a hamlet elder who spoke excellent Spanish told me the story of how he had defended a man accused of witchcraft. The accused witch, fearing that he would be beaten and dragged off to jail in the ceremonial center, had begged the elder to defend him before a hamlet assembly scheduled for the following day. At the assembly, the witch's accusers showed evidence of burned candles and all the men began crying out that the witch should be jailed and punished. But the elder reminded the people that even if they sent the witch to the ceremonial center, he could not be jailed for very long because the San Cristobal authorities would intervene. Mestizo officials do not believe that someone should be jailed for merely burning

candles in an open field. The elder also argued that if one curer were punished for burning candles, all curers should be punished, for all burn candles. (There are subtle differences, however, between candles burned during a legitimate curing ceremony and candles burned for witchcraft.) While the elder pleaded with the people, the accused witch knelt before the man who was running the meeting and begged his pardon. This leader finally heeded the pleas of the accused and urged the men of the hamlet not to press for punishment on condition that the accused witch promise never to burn candles again under suspicious circumstances.

In the long run, very few cases reach San Cristobal because disputants who might wish to invoke codified laws seldom have the competence to approach the Mestizo authorities alone, but must ask for help from a political leader. And, because the most visible political leaders tend to be men with a vested interest in acting as mediators, disputants are usually urged to stay within Zinacantan and to accept a compromise solution. To the degree that mediators are successful in promoting reconciliation, Indian cases never reach the Mestizo authorities.

Although the social and political changes of the past forty years have not led to dramatic changes in Zinacanteco patterns of court usage, both Zinacanteco mediators and the solutions they offer have changed over time. Monolingual mediators without expertise in Mexican law have been replaced by men who speak Spanish and who have had experience in handling Mestizo officials. At the same time, the terms of compromise settlements reached in Zinacantan increasingly correspond with codified law. But by continuing to flourish, Zinacanteco conciliatory procedures provide a forum where claims based on traditional modes of action may be aired along with claims based on codified law.

FACTORS IN THE CHOICE MAKING PROCESSES OF LEADERS

This section presents the central argument of the paper, for it examines the strategies of the political leaders who channeled the impact of government development programs on Zinacanteco processes of dispute handling. There are three parts: the first discusses how the continuing rigidity of the ethnic boundary ensures the survival of Zinacantan as a separate political arena; the second describes the changes that occurred as a result of the development programs; and the last analyzes the effects of these

changes on the activities of established and aspiring Zinacanteco leaders.

The leaders I knew can be loosely grouped into three cohorts: (1) a set of elderly, largely monolingual Tzotzil speakers who, during the 1930s, participated in the movement to obtain land for Zinacantan under the national land reform program; (2) a group of men in the prime of life who spoke fluent Spanish and who, during the 1960s, acted either as henchmen or opponents of the elders who had obtained land; and (3) a group of young aspiring leaders who were attempting to obtain more land for Zinacantan by agitating for further implementation of the national land reform program and/or by organizing groups of Zinacantecos to buy Mestizo ranches.

Although I have argued that land ownership does not play a major role in determining the relative wealth of individual Zinacantecos, land plays a crucial role in determining the wealth of communities. It is something of an oversimplification, but not too great a one, to say that the entire system of ethnic stratification in the Chiapas region rests on differential control of land, for "Indians" are precisely those people who practice subsistence agriculture on relatively infertile, relatively inaccessible land and who provide cheap labor for the growing of export crops on the relatively fertile, relatively accessible land owned by Mestizos. Land is also the basis of Zinacantan's existence as a political community. Throughout its history, Zinacantan's most powerful leaders have been those men who managed to preserve its land base in "bad" times or to expand its land base in "good" times, such as the present.

The Enduring Aspects of Political Relations

In the introduction to this paper I noted that Mexican development programs have had so little effect on Zinacanteco processes of dispute handling because they have, as yet, failed to undermine the system of ethnic stratification in the Chiapas region.¹⁶ As a result Zinacantan remains, in Bailey's terms, an "encapsulated political arena," with its own rules about "prizes, personnel, leadership, competition, and control," which exists within a wider and more powerful structure that has different rules about such matters (Bailey, 1969: 20). Although individuals may cross the ethnic boundary (and people have been known to go both ways), political resources remain tied to the

16. See Adams (1970) for a theoretical discussion of the factors that lead to the breakdown of systems of ethnic stratification.

ethnically differentiated arenas. The Indian politician who tries to enter the world of Mestizo politics necessarily loses the Indian followers who form the source of his power. As a result, Indian leaders remain Indian and compete with other Indians to become "middlemen"—brokers between Zinacantan and the Mestizo world.

Because leaders are middlemen, they take care to emphasize the cultural differences between their local system and the outside (thus ensuring the survival of "native culture") and they try to handle all disputes within the community in order to prevent constituents from appealing to outside remedy agents. Although all political leaders benefit from handling the disputes of constituents—for control over legal institutions is a sign of prestige and authority, conferring legitimacy and providing a means of control over people which a leader may use for his own ends—leaders who are middlemen have far more to lose if they fail to handle the disputes of followers than do leaders whose power rests on wealth, legitimate political office, or control of an army. At the same time, the fact that Zinacantan's top leaders are middlemen structures the nature of political competition within the community, for it means that men who aspire to leadership positions must demonstrate three types of expertise. First, they must prove their ability to deal with outside officials. Second, they must be capable of handling the disputes of followers. Finally, they must be proficient in the native culture. In Zinacantan, this means that they must be expert at manipulating Tzotzil metaphors and must learn to speak in the ritual language of semantic couplets.

The Changes in the Political Environment

Mexican government development programs have introduced two major changes into the Zinacanteco political system: (1) school building programs have spread the skills needed for interacting with the outside world and have thus enlarged the pool of Spanish speaking aspirants for political power; (2) programs designed to promote economic growth have opened up new points of contact across the ethnic boundary. In the old days there were few Zinacantecos who spoke Spanish and there were few benefits to be obtained from the outside world. But now there are many young men who speak, read, and write Spanish and the government is eager to give away such benefits as schools, roads, clinics, water systems electricity, etc. Any Spanish speaker who can gather a few followers and some

money can hope to obtain something, or to block a rival leader's efforts to do so.

The Results of Change

Mexican development programs have led to an increase in the amount of political competition and to some changes in the career patterns of would-be leaders. When the world outside of Zinacantan was threatening and hostile, the restricted nature of interethnic contact combined with the low level of bilingualism allowed very few men to become power brokers—to attain the top leadership position of community protector or benefactor. Lesser leaders competed for the role of intermediary between such top leaders and the hamlet. The typical aspiring leader would attach himself to an established leader and slowly build up his contacts with important Zinacantecos and Mestizos until he could become a leader in his own right. I knew a few of these leaders who were still active during the early 1960s. Most were monolingual Tzotzil speakers and were said to be effective mediators because their recommended settlements were usually upheld at the town hall court.

In creating "room at the top" by opening up more opportunities for middlemen, Mexican development programs caused the once pyramidal political structure of Zinacantan to collapse into something of a free-for-all. Aspiring leaders who might once have attached themselves to established leaders began to compete with those leaders by cultivating contacts with Mestizo officials. During the 1950s and early 1960s a group of aspiring leaders sought to gain control of the land obtained under the national land reform program by challenging the established leadership. They lodged criminal charges with the Juez Penal against Zinacantan's most influential leader and succeeded in having him jailed for a while. Younger supporters of the jailed leader, in turn, used their contacts with Mestizo officials to try to secure his release. By the late 1960s, however, this cohort of challengers and supporters of the older leaders were becoming established leaders themselves. The few members of the group who continued to help disputants present cases to the Mestizo authorities had developed reputations as specialists to be paid by the day, whereas those members of the group who used their expert knowledge of Mestizo ways to persuade disputants to compromise their differences were taking over leadership positions and were developing reputations as wise elders.

But time never stands still and a new generation of aspiring leaders has arisen to challenge the established leaders of the

1960s. These younger men have sought to lure supporters away from the established leaders by claiming to know different or higher Mestizo officials. Whereas established leaders have strong ties with Mestizo lawyers and government officials in San Cristobal, the younger aspirants are cultivating contacts with officials in the state capital and in Mexico City. The result of their endeavors is chaos, at least in the eyes of government planners who complain that it is impossible to institute a coherent program of social and economic development in Zinacantan because there is always some faction ready to oppose any specific project.

Although the aspiring leaders of the present have not followed their elders in becoming wise mediators, they face strong pressures to do so if they wish to retain their growing constituencies. The young leader I know best made his reputation through efforts to obtain land under the land reform program, but he is now faced with the fact that his constituents come to him with all of their problems. This young leader, however, relishes exercising power and has no desire to spend his time playing the patient mediator. He is not interested in minor complaints and would rather stay out of the marital disputes of his neighbors. But because he refuses to mediate, gossip against him has been growing as dissatisfied followers have united with opponents in criticizing his overbearing ways. Only time will tell what the future holds for him. He may develop into a skilled mediator and respected elder or he may leave Zinacantan to drift into the Mestizo world he knows so well. Alternatively, he may become a peripheral Zinacanteco like the aspiring leaders of the 1950s who continue to help disputants take cases to the Mestizo authorities or, if the development programs of the Mexican government succeed in changing the basic agricultural character of the region, he may obtain a permanent official position or amass sufficient wealth to allow him to keep his Zinacanteco followers without having to become a mediator.

In summary, an analysis of the three cohorts in Zinacanteco leaders who were active during the time of field research suggests that there is a definite career pattern to leadership which affects the processes of dispute handling in the community. Aspiring leaders must first demonstrate an ability to deal with Mestizo officials and then, to retain their followings, must prove their worth as mediators. The fiery young men who challenge custom and urge disputants to go to San Cristobal must turn into wise elders who use their knowledge of the Mestizo world

to persuade disputants to compromise and become reconciled. Those who fail to make this transition seem to lose their followers to better mediators. This pattern may be changing, but the problems faced by the young leader who dislikes mediating suggest otherwise.

As a few members of each generation of young leaders cement their power by becoming elders, the new challengers who arise must demonstrate an ever wider knowledge of Mestizo ways in order to compete successfully. They must attract litigant followers by claiming to know higher Mestizo officials, or to have a better knowledge of codified laws than the established leaders they hope to replace. The oldest leaders, who were bastions of conservatism when I knew them, had risen to power through their contacts with the Mestizo officials in charge of implementing the national land reform program. The most successful of these leaders dominated the town hall court, and satellite leaders in the hamlets retained their followings by claiming to offer disputants the same settlement they could obtain at that court without the costs of travel, lost time, and unwanted publicity.

During the 1960s these aging leaders were being replaced by men in the prime of life who rose to power through their contacts with Mestizo lawyers and officials in San Cristobal. This second cohort of leaders had been very active in spreading knowledge about the advantages to be gained from appealing to codified law because they used Mestizo courts both to attract followers and to have enemies jailed. But by the 1960s the most successful of these leaders had become wise mediators. They were beginning to dominate the town hall court and to produce the limited legal changes recorded in this paper. They sought to preserve Zinacanteco conciliatory procedures by altering the substance of settlements.

The newest cohort of aspiring leaders have continued to urge disputants to appeal to Mestizo courts, but they have also established contacts with Mestizo health officials, bankers, engineers, agronomists, educators, etc. Their willingness to help disputants appeal to the Mestizo legal authorities has put continual pressure on established leaders to advocate settlements congruent with codified law, but their contacts with other Mestizo officials have not yet had direct effects on Zinacanteco processes of dispute handling.

At the same time that the development programs of the Mexican government have caused leaders to change the sub-

stance of the settlements they advocate, these programs have strengthened the native ideology that provides the justification for conciliatory procedures. By creating more openings for middlemen and by teaching Spanish in the schools, the development programs have promoted an increase in political competition within Zinacantan which, in turn, has provided more occasions for invoking native beliefs about the inequality of souls. And as leaders increasingly invoke cosmology to justify their positions, thereby ensuring the relevance of native beliefs to present-day concerns, they contribute to the vitality of Zinacanteco culture. The result is that Tzotzil, as a language and a way of viewing the world, is not only surviving but flourishing. Zinacantecos are deeply concerned about "speaking well," for rich political rewards seemingly await the man who has command of elaborate Tzotzil oratory.

Government development programs have contributed to Indian ethnic identity in still another way, for the channeling of government funds to minority peoples has given Indian leaders additional incentive to stress native identity. Zinacanteco leaders who visit Mexico City are careful to wear their most colorful native outfits, and highland Chiapas thus resembles the many other areas of the world where efforts to promote national integration have stimulated the development of ethnic bloc politics (Geertz, 1963).

CONCLUSIONS

In this paper I have examined the career pattern of three cohorts of Zinacanteco leaders in order to show how the development programs of the Mexican government affected traditional processes of dispute handling: how they caused limited changes in the substance of settlements but did not affect procedures. In the introductory section, I pointed out that government development programs were destined to have little effect on Zinacanteco dispute handling processes because they have, as yet, failed to alter the basic economic structure of the Chiapas region as a whole. They have not yet eradicated the division between highland subsistence and lowland export agriculture which reinforces the ethnic boundary between Indians and Mestizos. As a result, Zinacantan's leaders remain middlemen who benefit from obstructing contact between constituents and outside officials, and ordinary Zinacantecos have little incentive to pursue individual advantage at the cost of antagonizing the kin and neighbors who provide security against bad times.

But against this background of stability in social and economic relationships some changes have taken place. The school and road building programs of the government, and the activities of aspiring political leaders trying to demonstrate expertise in handling Mestizo officials, have made ordinary Zinacantecos more aware of the discrepancies between Indian custom and codified law, whereas these changes, combined with the declining hostility of Mestizos toward Indians, have led those Indians who might benefit from invoking codified law to consider appealing to the Mestizo authorities beyond the borders of Zinacantan. This increased willingness to invoke outside authorities has led, in turn, to the changes in the substance of Zinacanteco settlements recorded in this paper. I have argued that because of the rigid ethnic boundary, success in becoming a community leader is reserved for those Zinacantecos who become effective mediators: who are successful in preventing their constituents from appealing to rival leaders or directly to the Mestizo authorities. And, in order to become effective mediators in the face of the increased willingness of some Zinacantecos to appeal to the Mestizo authorities, the men who have assumed leadership positions have altered the types of settlements they offer disputants. As a result, the substance of Zinacanteco settlements has begun to change toward conformity with codified law in cases where that law and traditional custom are in conflict.

Although most of this paper has been devoted to analyzing the factors that produced changes in the substance of Zinacanteco settlements, I have devoted some attention to factors that ensured the survival of Zinacanteco conciliatory procedures. For example, I have noted that Zinacanteco leaders are under pressure to produce settlements that do not alienate a disputant, and that disputants, by and large, prefer conciliatory settlements, which preserve crucial social ties. And I have paid particular attention to those Zinacanteco beliefs about the nature of social and cosmic order which provide the justification for conciliatory procedures. But unlike anthropologists who have stressed the role of conflicting values in restricting native use of Western-style courts (Cohn, 1959; Bohannan, 1965; Gulliver, 1963), and who have come under increasing criticism (van Velsen, 1969; Kidder, 1973), I have treated values as a dependent, as well as an independent, variable. I have noted that Zinacanteco leaders, as middlemen, have a particular interest in preserving native culture; I have discussed how the government development programs aimed at assimilating Indians have had the reverse

effect of stimulating ethnic behavior and, finally, I have argued that increasing political competition within Zinacantan has contributed to the relevance, richness, and complexity of native cosmology by increasing the occasions on which it is invoked.

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