Property Relations and the Concept of Community in the Central Andes of Peru

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Abstract

In this paper we discuss land property relations in an indigenous Peruvian highland comunidad. We present the dialectic of the communal regime in which a disciplinary system of rules based on the ideology of equal access to land is combined with forms of exclusion, domination and what local people call ‘the slavery’ of the comunidad. We discuss how this regime links up with and resists governmental programs of privatization and titling of communal lands.

In political and academic circles two opposing views about the comunidad in the Andean region can be found. On the one hand, many intellectuals and indigenistas see the comunidad as an institution that should have a certain room for autonomous governance and jurisdiction. In this view, much emphasis is placed on the notions of justice and equality that play a role in the organization of the comunidad. Elements that are always mentioned are: strict local rules and regulations, reciprocity, ceremonies and faenas (working parties). The presence of strong localized customs and normative systems has led some scholars to conclude that Andean comunidades have their own system of law, outside State law. On the other hand, a prevalent opinion is that the peasant comunidad forms a serious hindrance to agricultural development as its customary institutions hinder the free use of land according to market principles. It is in this latter line of thought that today registration and privatization of communal lands is implemented. In this paper we analyse local property relations and the effects of the privatization and titling programs in the Peruvian highland communities.
Introduction: the Andean comunidad and property relations

In this article we argue that studies on property relations in Andean peasant communities are biased by a culturalist notion of the Andean comunidad. In the great majority of studies the comunidad and its internal institutions have been studied as the original expression of deep Andean values. For instance, fiestas (ceremonial festivities), the cargo system (distribution of public administrative functions) and faenas (working parties) have received much academic attention as functional to the Andean comunidad.

In our view, this culturalist view has affected the analysis of communal property relations, which were considered to be based on the fundamental Andean principles of justice and equality. Not much in-depth studies have been conducted about the complexities involved in communal property relations as local discourses about strict rules and punishment around property rights neatly fitted the image of the Andean community.

Here we present a study of property relations in an Andean comunidad from a different theoretical perspective. Rather than an ancestral institution governed by traditional communal rules we argue that the comunidad is a regime of governance, which has continuously been reshaped by struggles over resources and especially over land. We apply a force-field perspective to the operation of the comunidad and give special attention to the interlinking of property relations with the creation of socio-political categories and forms of discursive framing.

It is shown how relations of property which are defended and explained on the basis of the ideology of equal access to land are related to a disciplinary regime of rules and penalties. This results in forms of exclusion of specific groups, domination by others and - what some local people call - ‘the slavery’ of the comunidad. Finally, we argue that these intrinsic contradictions of the comunidad and its continuous adaptation over time to different external contexts, that explain its continuing importance as central institution in the Andean highlands.

History and Debate around the Andean Comunidad

The origin of comunidades in the Andean region of Peru, Bolivia and Ecuador is a hotly debated topic. According to some authors the Andean comunidad is a descendant of the pre-Inca ayllu while others rather argue that the Andean comunidad is the result of Spanish colonialism when Indians were forced to live in educciones or reducciones de Indios, initiated around 1570 to serve the colonial state. Today many scholars hold an eclectic view arguing that the peasant comunidad is based on a combination of Andean and Spanish influences, besides elements introduced during Peru’s Republican period (Nuñez 1995: 17).
Under the colonial regime, the Indian population in the Peruvian Andes lost much of its land to the hacendados who extended their landholdings by invading communal lands (del Castillo 1992: 39). By these invasions the Indian peoples were forced to move towards the highest and poorest regions in the mountains.

The Peruvian constitution of 1919 provided for the registration of all Indian community lands and the constitution of 1933 made it possible for highland communities to acquire legal recognition as comunidades indígenas (indigenous communities). The registration as an indigenous community provided the means by which a village could attempt to protect and demarcate its land and labor resources that before were claimed by the valley villages and haciendas (Roberts and Samaniego: 246). The official recognition of the first five indigenous communities in Peru occurred in 1926 and today there are 5680 comunidades campesinas with 2 million members (Censo Nacional Agropecuario de 1994) (del Castillo 2003).

As the state has been largely absent in the central Andean highlands, local governance regimes developed with their own economic and cultural institutions and specific sets of rules and punishments. Some scholars argue that Andean comunidades have their own indigenous system of folk law, separate from state law.

This article is based on research conducted in the San José de Queru district, department of Junín, located in the Peruvian Central Highlands. The region is characterised by a long history of struggles over territory in which highland indigenous communities have fought against hacendados (gamonales), lowland villages, mining companies, etc. Much competition also exists among highland communities themselves. In the Mantaro valley, the recognition of most comunidades took place between 1935 and 1943 (163 CCR) (Trivell: 1992: 31). The second moment is between 1985 and 1987 (45 CCR).

The highland comunidad in the Andes has traditionally operated as an institution for regulating people and natural resources and an intermediary form of governance between indigenous peoples and colonial powers, or the republican state. Small wonder then that the comunidad has been the central object of discussions regarding the peasant question and the transition to modernity of the highlands in Peru. In this context, two opposing views about the comunidad can be distinguished. On the one hand, many intellectuals have seen the comunidad as the basis from where to build a new society and a form of local organization that can be used in the struggle for the construction of a socialist society (Mariategui 1928; Castro Pozo 1936). On the other hand, a dominant view, from Republican times onwards, is that the peasant comunidad forms a serious hindrance to agricultural development as its customary institutions impede the free use of land according to market principles. It is in this latter line of thought that today registration and privatization of communal lands is implemented. Both perspectives, however, are very limited in their analysis of property relations as they coincide in a culturalist notion of the comunidad.
An important change concerning the *comunidades* takes place in the 1970s, when during Velasco’s land reform programs, rural co-operatives as well as (*Sociedades Agrícolas de Interés Social*) (agrarian companies of social interest) are established. In the San José de Quero district several SAIS were formed using the land and installations of expropriated haciendas. Most indigenous communities, however, were very displeased about not receiving the land themselves but only becoming members of an association run by external officials. For that reason, the SAIS have always existed under the threat of invasion by the member communities. Since the land reform of the 1970s the official name of (*comunidad indígena*) indigenous community changed into (*comunidad campesina*) peasant community.

In the 1980s the region of San José de Quero suffered a lot from the violence of the Maoist movement shining path (*sendero luminoso*). Many peasants liked the political agenda of *sendero*, especially the idea of bringing down the SAIS and dividing the lands under the member communities (*comunidades socias*). What changed the opinion of many people were the brutal killings of local authorities and the regime of violence that the *senderistas* introduced. Several SAIS were heavily attacked by *sendero* and many of its directives killed. The heaviest period of violence in this region was between 1987 and 1989. In 1991 self-defence committees (* rondas campesinas*) were organised in defence of the population and a national army base was established in the region. In 1992 the national president Fujimori even arrived by helicopter to the San José de Quero district to deliver rifles to the *rondas*. This co-operation of the Peruvian army with local self-defence groups can be seen as a way of the state to reclaim sovereignty in zones occupied by the rebellious movement (Starn 1995). The self-defence committees functioned until 1996. Since the 1990s the situation of subversion calmed down.

The last important change with respect to territorial rule takes place in the 1990s, when in the new Constitution (1993) and the new Land Law (1995) the way is opened to the privatisation of communal land rights. Together with these legal changes, large-scale programs of registration and titling of land - supported by international funding - are implemented in the Andean region. These land titling programmes have led to much internal discussion and division in peasant communities.

Currently, the Peruvian state has embarked on a national decentralisation programme aimed to improve the efficiency of local governance structures, such as the municipalities. This has been accompanied by the use of participatory strategic planning methodologies in partnership with NGO’s. This programme has also increased the competition between communities over state resources.

**Usibamba the ‘model community’**

Usibamba is a highland community of 2.200 inhabitants at an altitude between 3.600 and 4.100 m. in the Mantaro region in central Peru. In 1939 Usibamba was officially recognized as an indigenous community by the Peruvian government. At that time the population consists of 492 persons. Today the population of Usibamba consists of approximately 3.000 inhabitants. Living conditions in
Usibamba are harsh and poor. Usibamba fits the image of a typical Andean comunidad as a strictly organized and disciplined institution, where rigorous local forms of order and justice are followed. Even the establishment of research relationships with the locality corresponds to this image of a stern authority structure. Similar to other comunidades in the Peruvian highlands inhabitants are not welcoming outside visitors. To live in the comunidad, one first of all has to introduce oneself with the local authorities. This tends to be a formal procedure in which one has to explain well the aim of the visit and also make clear to what extent the comunidad can profit from the researcher’s stay. Permission to attend meetings of the comunidad is not self-evident at all. If the authorities of the comunidad wish to cooperate the request is officially dealt with at an assembly of the comunidad. Even after formal permission has finally been granted by the highest local authorities, it takes a long time before local people feel confident enough to talk to outsiders.

By far the largest part of the 3.640 hectares of land of the comunidad of Usibamba is divided into individual plots. To become a member of the comunidad and acquire access to a private plot of land one has to fulfill a series of requirements. Young married men from the age of 18 can become comunero upon payment of an entrance fee. In exchange for entering the comunidad they have to fulfill many duties. They have to participate in faenas, but also take part in committees, attend the meetings and in general behave as a responsible and respectable person. Among other things, this means taking care of the education of your children, not being drunk at meetings and not getting involved with married women. Through their participation in community tasks, and fulfilling of public functions (cargos), the comunero builds up a personal record. This record is taken into account when land is coming free and is reallocated among comuneros. Every year in August the re-allocation of plots takes place. The executive committee prepares the discussion and decisions about re-allocation that are then discussed and ratified by the general assembly of all comuneros.

Land in the comunidad becomes available through three mechanisms, firstly, when a comunero dies the land returns to the comunidad; secondly when a comunero after 25 years of duty decides to become exonerado, he has to return part of his land to the comunidad, thirdly, in case of punishment. When comuneros are punished for breaking the rules (part of their) land can temporarily or permanently be taken away from them.

The comunidad distinguishes different categories of comuneros and for each category the comunidad has set the maximum amount of hectares they are entitled to. An active comunero (activo) is entitled to 2 hectares of irrigated land and 3.5 hectares of rainfed land. When comuneros grow old and have fulfilled their duties to the comunidad, they become ‘exonerados’ or ‘passive’, meaning that they don’t have to participate in faenas anymore. They have to return part of their land to the comunidad. The number of hectares they can keep remains in their possession till they pass away. In the past comuneros could become exonerado after 30 years of service. Today they are allowed to ‘retire’ after 25 years.
The comunidad keeps elaborate lists with the size and type of land each comunero possesses. When a comunero passes away his land is given to other comuneros. Preference is given to relatives of the deceased comunero. For example, if the deceased comunero has sons who are comuneros, and who haven’t arrived at the maximum amount of land, the land usually goes to them. If no sons of the comunero have entered the comunidad, other relatives can ask for the land. If there are no relatives either with rights to more land, the comunidad decides to which of the comuneros the land will go.

Land tenure in the comunidad is extremely fragmented and for example, it is usual that a comunero with a total of 3 hectares of land has 10 different plots in diverse ecological zones. This is partly related to the process of gradual completion of the complete size of land that the comuneros are entitled to. Another important reason is that comuneros themselves want to have land in different ecological zones and at various altitudes.

Because of the high number of comuneros and the scarcity of land many young men who enter the comunidad only receive a tiny plot of land or no land at all. So, over the years they try to complete their share by asking plots of lands that come free. In order to be taken into account in the re-allocation they have to have a good record as comunero, have participated in faenas, and have fulfilled public functions. Hence, access to land is based on the personal ‘record’ of being a responsible comunero. However, because of the present shortage of land even ‘perfect’ comuneros never arrive at their complete share of land.

In Usibamba some elements of private tenure do exist under the communal regime. If people fulfill their duties within the comunidad, they can keep their plot for many years. Furthermore, kinship relations are generally respected in the adjudication of plots of deceased comuneros. Yet, land possession has certainly not turned into a form of private property like in many other highland communities. For example, if a comunero passes away and his son is not a comunero the land returns to the comunidad and the authorities adjudicate it to a comunero who is building up rights to land. In the case of sanctions by the comunidad land is taken away from comuneros and given to others. So communal re-distribution is still normal practice.

The internal rules in the comunidad are very strict. They are enforced by the executive committee of the comunidad that is elected every year. The highest authority of the comunidad is the general assembly of approximately 450 comuneros. An example that is everywhere mentioned as an illustration of the strict rules is the penalty of having your land taken away from you in case of adultery (cf. de Vries and Gilvonio 2001). Other strong punishments exist if comuneros do not send their children to the local school or do attend the market in the neighboring village of Chaquicocha instead of the market of Usibamba. Their ‘passion’ for rules and punishments is also reflected in the communal meetings when the authorities put their whips on the table in order to show their determination in securing the smooth running of the meeting.

Every month a meeting is organized in which a variety of issues is discussed and decisions are taken. Minutes of the communal meetings are carefully recorded and filed. These meetings take many
hours. For example, it is common that they start at 9.30 in the morning and end at 18.00 in the afternoon. For *comuneros* who have to look after their cattle and other activities, these lengthy meetings are an ordeal. So, many *comuneros* try to escape the obligatory assistance by signing the assistance list and then leaving the reunion. However, the authorities invent all kind of control mechanism, of which one is the closing of the doors with chains once the meeting starts. *Comuneros* who fall asleep during the lengthy meeting or who are drunk are publicly called to order. The meetings are characterized by a strict formality and much ritual. For example, before starting every meeting, the national hymn is sung. During the discussions, *comuneros* address each other in ceremonial and respectful ways. People tend to expose their opinion in the form of solemn speeches.

There are multiple functions (*cargos*) to be carried out in the *comunidad*; member of the executive committee, representative of one of the eight neighborhoods of the *comunidad*, participant in one of the multiple committees, etc. For developing you personal record it is important to take these positions very seriously and do a good job. When *comuneros* are asked to execute a public position it is very difficult for them to refuse. A refusal is only accepted if they have a good excuse, such as many others positions that they are performing at the moment or duties of much importance. If they don’t have a good excuse their refusal affects their personal record in the *comunidad*. People don’t receive a financial remuneration for these positions. *Comuneros* often participate in several committees at the same time. For example, it is quite common that a *comunero* participates in three, four committees a year.

The communal work parties (*faenas*) that the *comunidad* organizes and in which *comuneros* have to participate consist most of all of public works, such as the maintenance of irrigation canals, the construction of buildings and the clearing of roads. These *faenas* are always finished with ritual drinking parties and food. Non-participation in *faenas* or *comunidad* meetings (asambleas) are punished with fines. The different categories of *comuneros* are subject to varying penalties. Thus retired *comuneros* (exonerados) will pay less than active ones, while non-*comuneros* are also expected to contribute with labour to the *comunidad*, but since they have less rights they also have less obligations and lower fines. Also, special rules hold for migrants.

Over the past years important changes have occurred in Usibamba. To begin with temporary international migration has become important in the livelihoods of many Usibambinos. First, young men were recruited by intermediaries to work in sheep ranches in the USA. This led to more complex forms of transnational chain migration resulting in new livelihood strategies. Interestingly, the *comunidad* has been quite successful in imposing a tax system on *comuneros* who migrate.

Usibamba experienced the violent conflict between the Shining Path and the state from the 1980’s through the mid 1990’s. *Comuneros* from Usibamba who fled the region because of the violence were disqualified as *comunero*. In other words, they lost their land and in case they returned they had to build up their ‘personal record’ all over again. In this period new rules were issued and enforced. Thus it was decided that children who married to outsiders would not be eligible for
comunero status. This was seen by many as a reversion to old Andean endogamous practices. Interestingly in times of crisis there was much support for this measure as it projected a strong image of unity towards the outside world. This was necessary as Usibamba, like many other comunidades in the area, have been accused by the military and the SAIS Tupac Amaru of conspiring with the Shining Path against the latter.

Among state officials in the region, as well as comuneros of other communities in the region, Usibamba is known as a ‘model community’. There are several reasons that contribute to this image. Firstly, Usibamba keeps the practice of yearly land re-distribution within the comunidad in honor, while this tradition got lost in most of the Andean region. Furthermore, as was described above, Usibamba follows a very strict regime of discipline and punishments in the management of the community and its control over land. Another important reason is that under the Peruvian land reform of president Velasco of 1969, Usibamba was one of the few communities in the nation that underwent a ‘complete restructuring’, meaning that all the plots of individual comuneros were recovered by the comunidad and re-distributed in equal ways among all comuneros. This event is well known in the region and for all these reasons Usibamba is widely acknowledged as the ‘model’ community, one of the few Peruvian comunidades where ancestral links between people survive, and where values persist that have been lost in other parts of the Peruvian Andes.

However, in-depth ethnographic research about property relations conducted in different fieldwork periods between 2003 and 2006, present a much more multifaceted view of the underlying principles governing access to land in Usibamba. It is our argument that through the detailed study of the working of the community and the history of land distribution processes a totally different picture of socio-political relations and property rights emerges. To that end it is also necessary to study critical historical events and the effects these have on present-day practices.

The local myth of the total re-structuring

As was mentioned above one of the most important reforms of the government of Velasco Alvarado was the new agrarian legislation and the new statute of comunidades in the 1970s. Usibamba was one of the very few communities that underwent a ‘complete restructuring’ in which all the individual plots were re-distributed in equal ways among all comuneros.

The comuneros in Usibamba refer a lot to the famous restructuring in the 1970s that turned them into the ‘model community’. Stressing this re-distribution, a comunero from Usibamba explains: Before there were three types of possession: the comuneros who had much, those who had little and those who did not have anything. In 1970 a restructuring of the comunidad took place and since then we all have the same quantity of land. ... Before the restructuring the comunidad was not the owner of the land, it was different politics, a different form of land tenure. There were some landowners, monopolizers, who had much
and others who did not even have enough to let their cow graze. ... Since the restructuring the rich and the poor no longer exist [se acabó el rico y el pobre].

According to the comuneros, the restructuring-project tackled the phenomenon that communal property in practice had changed into private land tenure. It made the comunidad return to genuine communal property relations.

Another comunero: In the past the lands were considered to be private property (propiedad privada). ... there was no equal distribution. Some land owners had more than thirty hectares. When people were dying they made their will and left the land to their sons. ... Now we are a restructured comunidad, we possess the land, usufruct it, we are not owners. When a comunero passes away his lands return to the comunidad who gives it to another comunero.

Also in neighboring communities and cities, the image of Usibamba as a ‘communist’ community is strong.

For example, a comunero from the district capital San José de Quero said: Usibamba is a restructured comunidad, possibly the only one in the region. Everybody has the same; there is equality in land tenure of the community lands. It is internal communism, there is no private property and they internally initiated this. It is the model comunidad.

In our research we wanted to find out several things around this famous restructuring of Usibamba. We wondered what it had really involved. It seemed an improbable and amazing project to us that the entire land of a community had been taken back from the comuneros and re-distributed anew. If this amazing project had really happened, why then in Usibamba and not in other places? Was Usibamba really an exceptional community reigned by norms of unity, equality and justice? In other word, we were struck by this act of equalitarianism, which by the local people was still very much kept alive.

In order to get some answers to these questions we reconstructed the history of the comunidad of Usibamba from a practice-force field approach of of property relations (cf. Nuijten and Lorenzo, 2005). A force field is defined as a field of power and struggle between different social actors with respect to certain resources and around which forms of dominance, contention, and resistance develop, as well as certain regularities and forms of ordering. In this view property relations are not necessarily the result of normative agreements or rules, but of the forces at play within the field. This concept of force field resembles Bourdieu’s notion of a field that has its own logic, rules and regularities which are not explicit and which make it resemble the playing of games (Bourdieu and Wacquant 1992: 94-115).

This approach takes distance from a reification of the formal law, as well as ‘customary law’. Besides regularities around access to and distribution of land, the focus is on conflicts and fields of tension. In addition, much attention is paid to the ways in which people claim rights to land and express themselves about different entitlements and obligations, in other words to the discursive modes in which the bundle of rights and relationships are framed. Not because what people say
directly indicates reality, but because it is a reflection of ideologies, different categories of property
holders, rules, practices and differing interests. Together with other data from archival studies and in-
depth research of practices around land, the meaning of these discourses can be analysed. From this
perspective we reconstructed the history of the community of Usibamba.

At the end of the 19th century, the villagers of Usibamba started their struggle for recognition
as autonomous community and independence from Mito. Up till that moment Usibamba was an annex
of Mito, one of the biggest communities in the valley. This meant that the usibambinos had to carry
out faenas, such as the construction of churches and bridges, and the cleaning of roads for the
landowners of Mito.

In 1896 the Usibambinos won a law suit against the Lozano family of Mito in which they
received property rights to land. The law suit was initiated by a group of around 40 people from the
village, the so-called *primeros cotantes*. In 1907 the same *‘cuarenta y tantos cotantes’* buy an
additional tract of land from the Lozano family. These families who acquired this land maintained a
strong control over village matters in the decades to come. They claimed privileged access to land in
Usibamba because of their initial efforts. The phenomenon of leaders, who fought for the
independence of their village and afterwards controlled the newly recognized community, was quite
common.

On several other occasions, Usibamba manages to acquire additional terrains through purchase
and through legal claims on hacienda lands. From the very start that Usibamba acquired land, it was
immediately divided into individual plots and soon developed into a form of private land tenure. This
quickly resulted in a highly unequal land distribution. Especially poor people sold their land out of
necessity and misery. Their land often had to be sold to pay for their own burial. The *comunidad*
permitted these land sales, which were formalized with a notary and/or *juez de paz*. Obviously, those
who could profit most by this situation were the wealthier *comuneros* who bought up the land. They
took most of the lands and the best lands. In multiple letters written to the ministry of agriculture in the
first half of the 20th century, Usibambinos complain about the inequality in land tenure in the
*comunidad*. The letters reveal severe internal conflicts and the search for external intervention by the
state.

As mentioned above, for a long time, the first *cuarenta y tanto cotantes* and their descendents
kept a dominant position in the village. In the letters to the ministry of agriculture Usibambinos protest
against the fact that these *cuarenta y tanto cotantes* have taken the largest and best parts of the land,
while the majority of people don’t have any land. In these letters they even talk about: ‘communal
anarchy’. In 1930 a first formal intent is made by some *comuneros* in Usibamba to change the highly
unequal distribution of land and the domination by the first *cotantes*. A re-distribution of land is
carried out but the landowners who were dispossessed of their land started a law suit. The court
decided in their favour and demanded that the re-distribution would be cancelled. Other authors have
also written about attempts to internal re-distribution of land in *comunidades* and the resistance by local people who did not want to give up their plots (del Castillo 1992: 45).

In the 1950s several *comuneros* of Usibamba again try to break the dominant position of the small group of *comuneros* who monopolized the land. This initiative of re-distribution meets fierce opposition and is not executed. Finally, in 1959 and 1960 Usibamba carries out the first restructuring of the *comunidad*. Documents in the regional archive of the ministry of agriculture in Huancayo describe fierce conflicts and disorder in Usibamba in those years because of disagreements about the distribution of the land. Support was sought at the ministry and an engineer from Lima arrived to do the measuring of plots and to implement the redistribution. The costs were divided between the community and the ministry.

Restructuring involves a drastic transformation in which a new parceling out of plots takes place and a new distribution of these plots among *comuneros*. It will be clear that such a transformation is a sensitive process that is not easy to carry through as especially the rich and influential lose rights to land that they have possessed for many years. The land that was the object of the restructuring in Usibamba had been in possession of the *cuarenta y tanto cotantes* and their offspring since 1897. Naturally, these families opposed these changes and many went to court. Some landholders left the village, when they realized that their protest was to no avail and that they were about to lose their plots. The adjudication of all plots and sub-plots during the restructuring was registered in the ‘book of adjudications’ of the *comunidad*.

As was mentioned above, during the agrarian reform of Velasco large landholdings were expropriated and the land given to associations - SAIS - that were formed on the basis of several member *comunidades*. Usibamba became one of the fifteen member *comunidades* of the SAIS Túpac Amaru, which was established in 1970. In addition to the establishment of these cooperative companies, the Velasco government wanted to address the problem of internal fragmentation within the *comunidades*, which are known for their severe fragmentation of plots. *Comuneros* generally possess many tiny parcels in different parts. According to the Peruvian government the solution to this problem was the complete surveying and re-distribution of land in a *comunidad*. Usibamba was chosen by the government for this transformation project. There were several reasons to choose Usibamba for this pilot project and make Usibamba the ‘model community’ (*comunidad modelo*).

First of all Usibamba was member community of the SAIS Túpac Amaro and received support and resources from that side. In addition, an irrigation project was planned for Usibamba. Most importantly, however, the selection of Usibamba was based on the fact that several young *comuneros* of Usibamba had already initiated law suits again the rich families who monopolized the land. For the government it was easier to introduce a radical redistribution of land in a community where there was already a movement going on into that direction. In order to facilitate the process, the government asked the German Mission - active in development projects - to develop activities in Usibamba. They were going to give agricultural support and introduce improved pastures. Much money was invested in
Usibamba by the Germans in order to support the restructuring and the development of collective projects. Hence, together with support of the German Mission and engineers from the Ministry of Agriculture, the land distribution of the whole community of Usibamba was re-organized. All land sales that had taken place since the 1920s were annulled by the authorities of the comunidad. Hence, for the second time in the history of the comunidad land was taken from all comuneros and re-distributed on an equalitarian basis.

Especially the older landowning comuneros in the village opposed to this transition as they were the ones with the largest extension of land. For that reason, the army was sent to Usibamba to secure the implementation of this program. That is why people tend to say that: ‘Usibamba was restructured at the point of a gun (a punta de pistola).’ The comuneros refer to this period as ‘complete restructuring’ (re-estructuracion total), meaning that all land was taken and divided into equal parts. However, they do not tend to talk about the pressure by the government and the army. Although they do talk about the difficulties and heavy internal conflicts before and during the restructuring, they don’t give much weight to outside forces. They convey the image of their own strong fight for justice. The image of the only comunidad that has carried out a total restructuring would obviously lose much of its ideological glamour by adding that they had been forced to do so. Later we will return to the reasons of the Usibambinos for stressing this image of unity and equality within the comunidad to outsiders.

**Practices around property relations and the contested comunidad**

During the research it soon became clear that internally there is much tension, frustration, arbitrariness and conflict in the comunidad in general and in relation to land distribution in specific. In fact, when seen from the inside it appears that consensus is difficult to find and that important contradictions exist between comuneros and non-comuneros, older and younger comuneros, men and women, migrants and non-migrants. While for an outsider the comunidad of Usibamba seems to be very well organised, internal criticisms about the way it functions are pervasive. Thus comuneros with complex livelihood strategies complain that they are exploited by the comunidad as they are forced to participate in work parties (faenas) and all sorts of committees. Many older comuneros complain about the ineptitude of the new leaders. Last but not least, non-comuneros complain that the comunidad has taken over the tasks of the village, in other words that it does not only govern the land but the whole village including the many villagers who are no member of the comunidad. In this way the comunidad functions both as a resource distribution entity and as a local governance institution, hence excluding the no-comuneros from local decision-making processes. The comunidad in Usibamba, thus, is a contested institution, it does represent a majority, but not the entire population, and not all in the same way. At the same time, as we will see, the comunidad, does provide opportunities for many to access resources, but there is a price for this.
Breaking the rule is common practice. Proof of this is that one of the mayor sources of income of the comunidad is precisely the money collected by means of cashing the fines. Fines are a daily practice and the comunidad is even imposing more radical rules every day. However, the comunidad not only punishes the comuneros but also supports them in many different ways. They offer them loans without interest, permits to go to work in other parts of Peru (especially to the tropical forest) and abroad, they give a family plot to sons of comuneros who have become orphans, assistance to the family to pay the costs of the burial of a comunero, etc.

In our study we wanted to find out how these strict rules and the meticulous registration of land possession and land transfers relate to the practices of property relations on the ground. To that end, we studied in detail the different books in the comunidad that keep track of land distribution in different parts of the 3.640 hectares of communal territory. This was compared with the communal lists of all comuneros with their different plots. Finally, these data were put side by side to information we had on the basis of our own field research. On the basis of this enquiry, we arrived at several conclusions. For the purpose of this article, the most important point is that there is much inequality in land possession. For example, active comuneros are entitled to 2.5 hectares of irrigated land. However, the amount of hectares active comuneros possess varies between 0 and 2.35 hectares with an average of 1 hectare. The differences between 0 and 2.35 hectares can only partly be explained on the basis of the local rules and for the other part seems to be based on informal arrangements. This inequality in land distribution is accompanied by the fact that the registration of plots and comuneros in the books of the comunidad is less accurate than is suggested by the formality that surrounds these books. Although the majority of information is correct, we also found considerable omissions and discrepancies.

The asamblea communal, though conceived to be the maximum authority within the ‘official’ discourse of community is not really able to enforce the rules it promulgates. Thus many decisions and rules are either taken before these meetings or not (entirely) enforced. In fact, it is common for penalties to be renegotiated with the culprits. This is the reason why so many comuneros complain about the arbitrariness of the decision-making process, and why so many adopt a pragmatic, even opportunistic, stance with regard to the comunidad.

Several dividing lines influence opinions about the operation of the community. One strong dividing line in the comunidad is that between generations. The older comuneros resent that the present leaders are self-interested, irresponsible and ineffectual. One reason for this is that in the past a comunero only could aspire to an important position in the comunidad after having passed a large number of lower cargos, whereas at present a new generation of young comunidad leaders has emerged who have passed all cargos in a record time. These leaders are better educated than the old comunidad authorities and aspire to higher political positions at district level. The older comuneros thus resent the fact that upon retirement they lose power within the asamblea comunral, and that they
become subordinated to what they see as the whims of the younger generations. As we will see later complaints centre in particular on land redistribution practices.

In their turn, the young comuneros have other reasons to complain. They have to fulfill all these obligations but have to wait for many years before land might come available for them. Furthermore, many comuneros will never achieve the total size of land they are entitled to because of the land scarcity. This image of a ‘regime of slavery’ is reinforced by the fines that are given when comuneros do not accomplish their many tasks. Henceforth, the image of Usibamba as a communist comunidad where access to land is egalitarian contradicts the experience of most younger comuneros who have to show much commitment to the institution in return for what they see as an increasingly small amount of land. Also, comuneros who migrate to the USA have to participate in a system of fines for not participating in faenas and committees.

Although the majority of men in Usibamba still are comunero an increasing number of men decide not to enter the comunidad. If they get their income from other activities than agriculture, entering the comunidad would only mean the extra burden of cargos and faenas that one has to carry out. In addition, as a comunero you’re only allowed to migrate or temporarily live elsewhere if you pay penalties. You have to send your children to the local institute, etc. For many young men the promise of a tiny piece of land in the future is not enough compensation for the many tasks and obligations set by the comunidad. Thus, it seems that comuneros have a rather pragmatic view on benefits and drawbacks of becoming a member of the comunidad. Young people give highly pragmatic reasons for becoming a comunero or not. They weigh the ‘pros’ carefully against the ‘cons’. Seen from this point of view the comunidad lacks any mystique in terms of an ethos of solidarity, reciprocity and egalitarianism.

Thus the common representation of this comunidad as a highly organized, disciplined and centralized institution does not accord with reality. It would be easy from here to jump to the conclusion that the image of rule and order just functions as a facade behind which local power relations and inequality is concealed. However, this would not be a truthful reflection of the situation. Although there certainly is no equality with respect to land distribution, there is no monopolization of land either. In addition, although it is clear that the local rules are not straightforwardly implemented and that there is ample room for negotiation and informal pressures, the rules certainly play an important role in the taking of decisions. In other words, the rules are very crucial in the organization of the comunidad even though they are not always followed.

There is a paradox, in the subordination of comuneros to an institution that they increasingly see as authoritarian and exploitative. One possible remark at this point could be that Usibamba is a comunidad in decay. In fact, in much of the literature the existence of struggles within comunidades have been seen as an index of decline, due to processes of internal socio-economic differentiation. But this is not the case, as we will see, as Usibamba has been able to weather quite successfully a number of challenges thus making the comunidad as a form of territorial defence more important than ever. If,
alternatively, explaining the persistence of community in terms of Andean notions of reciprocity and egalitarianism will not do, what would be a good explanation for the deadlocks and ambiguities of a comunidad that by many is seen as a remnant of old Andean traditions?

**Conflicting Discourses of Comunidad**

In Usibamba one finds two ways of talking about the comunidad which at a first glance seem contradictory but actually characterize particularly well the central dimensions of this institution. In other words, these contradictory views, or discourses, express the conflicting meanings and functions of the comunidad in the lives of individual people and the collectivity.

It is common to hear people complain that their lives would be easier without the comunidad, that comuneros are slaves of the comunidad, that rules are established in an arbitrary fashion and that they only serve to subject them to a disciplinary regime. Thus many Usibambinos complain that they have to fulfill official duties and positions, participate in many faenas, attend endless meetings and in return they receive access to a tiny piece of land. The older comuneros of Usibamba put these practices in the following light: ‘So many years of service to the comunidad and my plot will go to the son of somebody else ... that is the major injustice of being a re-structured comunidad. We’re not owners, we’re only on a loan, nothing else [estamos de prestadito no mas]’. This quotation expresses well the frustration of older comuneros who are forced to ‘retire’ by putting at the disposal of the comunidad part of their land.

The discourse of ‘comunidad slavery’ belies the rhetorics of comunidad service wielded by the authorities. This narrative stresses the importance of the comunidad for collective duties and organizing the many tasks in the village, from maintenance of communal fields, to the cleaning of roads and canals and the negotiations with government agencies about new village projects. Within this rhetorics it is stressed that participation in the comunidad and its many function is important as a form of duty, a responsibility to the collectivity. As said, this is a powerful discourse that comuneros gladly enact in special events and when presenting the comunidad to visitors and state authorities.

At the same time there is a lot of talk of envy (envidia) and distrust (desconfianza). Many complain about the arbitrariness of decision-making in the midst of the asamblea comunal, and about petty family rivalries. It is also common for successful comuneros or migrants to complain that they fear that people may use the comunidad in order to dispossess them from their land. Furthermore, there have been cases of adultery handled by the asamblea comunal in which comuneros have lost their land.

This great importance of the rules is shown in several ways. For example, the rules and regulations of the comunidad are energetically discussed at communal assemblies. Even though the comunidad can be adamant when they decide to punish somebody, they always take ample time before
intervening in an affair. Similarly, penalties are not passively accepted but are the object of heavy criticism by the people who receive them.

Discourses of community in terms of egalitarianism and reciprocity on the one hand, and of subordination and slavery on the other are related to the existence of different socio-political categories. We distinguished local inhabitants who for different reasons have no membership to the comunidad, whether because they are not eligible (newcomers, locals with multiple residences), or because they choose not to be part of it. Besides contradictions between insiders and outsiders there are also differences between ‘rich’ and ‘poor’ comuneros, which often (but not necessarily overlaps with age), and between comuneros holding to different livelihood strategies (such as migrants). We see then that the reproduction of the comunidad as an institute is coterminous with the construction of socio-political categories through processes of differentiation and exclusion.

We argue that the severity of the disciplinary regime that characterizes Usibamba is more apparent than real. Yet, at an ideological level these images serve to project a semblance of resolution and control that is effective in relations with outsiders. At the same time such images of discipline and control do have symbolic effects, as they serve to exclude certain socio-political categories on the basis of localized rules that operate in a rather conjunctural manner. These are the ‘organizing practices’ that conform the ‘rules of the game’, and which without being ‘managed’ provide opportunities to certain sets of actors, to represent their own interests and images of community. Finally, the talk about envy and distrust in relation to the comunidad should not be read literally as a condemnation of the institution as such, but as a continuous engagement with an institution that has important effects on people’s livelihoods. The community then becomes a focal point in discussions, reflections and imaginations about social order, justice and livelihood opportunities.

We argue that it is precisely in the formulation of regulation and discussions about rules and of contrasting principles that the Usibambinos create their comunidad. This coincides with visions expressed by other authors that the formation of the comunidad is a continuous process of struggle and re-configuration. There is always much internal division and inequality in the comunidad. Especially in the struggle for the acquisition of land, one sees internal fights and divisions (cf. Smith 1989).

The fact of having so many rules that are impossible to abide by and so many punishments does not make them into a model comunidad, nor into an equalitarian comunidad. The Usibambinos themselves are very aware of this and at the same time are very clever in using the image of ‘we are the only restructured comunidad’ to outsiders. Despite all the well kept archives, registers, committees, rules and registration the comunidad is less transparent than these appearances suggest. Contrary to the popular image conveyed by government officials, academics and Usibambinos themselves, the comuneros do not have an exceptional inclination towards equality and communitarian ideology.
CONCLUSION: THE COMUNIDAD AND THE IMAGE OF RULE AND ORDER

There is the common, ‘official’ discourse of the Andean *comunidad* as a unified, well ordered and structured institution that has been highly successful in organizing the lives of the *comuneros* since time immemorial. As we saw, Usibamba is locally as well as externally described as a ‘model community’ where access to land is ‘still’ organized on the basis on Andean principles of justice and equality. This is not only related to the history of restructuring of the *comunidad*, but also to the strict regulation that governs the *comunidad* today. The highly ceremonious character of meetings, the existence of a large number of committees, and the existence of complicated accounting mechanisms attest to this image of the *comunidad* as a well-organized entity with clear rules. This ‘model’ image is especially used during official events and when presenting the *comunidad* to outsiders (state authorities, non-governmental organizations, anthropologists, etc.). However, local practices differ much from this ideal image and internal discussions within the *comunidad* show a more complicated picture.

As has been mentioned by many authors but cannot be stressed too often ‘property is not a relation between people and things, but between people with respect to things’. This means that property relations are embedded in multiple fields of force (Nuijten 2003) and have different meanings and functions (F. and K. von Benda Beckmann 2001). For that reason property relations in any context can only be understood and analyzed by taking into account the history of land acquisition and the political and social relations involved in the access and distribution of plots. We used a force field approach to study the historical development of property relations around land in Usibamba. Within this approach it is argued that property relations can become established over time but without a ‘centre of control’ that ‘manages’ these practices on the basis of ‘localized rules’. With this we mean that over time established practices of property relations can develop without these being based on the application of a set of explicit or conscious rules. It is also argued that property relations tend to change in relation to developments such as the growing scarcity of land, or increasing out-migration. This may, for example, have the effect that land is no longer left to more than one child or that more women are entitled to receiving land. However, this often is the result of a gradual adaptation instead of the deliberate change of rules.

An important focus in the practice – force field approach is that the cohering of force fields around certain resources and the resulting forms of ordering, are accompanied by the unfolding of socio-political categories with differing positions and interests. This explains that the patterning of property relations and the accompanying forms of domination and struggle are related to active dialogues, self-reflection, irony, and the production of multiple meanings through imagination and the work of interpretation.

On the basis of a historical re-construction of land relations in Usibamba, we argue that rather than being based on a cultural script of equality and discipline, the organization of the *comunidad* is
based on material struggles for land and power. Since the establishment as independent comunidad, Usibamba has passed through several periods of strong internal division and struggle for land among different local groups. In alliance with state institutions, and new agrarian legislation, in 1969 the poorer families of the village managed to counter the land monopolization of the influential families and effectuate a complete restructuring of land relations in Usibamba. This restructuring of land was accompanied by serious and violent local conflicts. Hence, the restructuring was a project that the subordinate groups forced upon the rich people with support of the state. Contrary to popular beliefs, this was not a collective decision based on local values of equality and justice, but a ‘successful’ fight of the majority of comuneros to break the power of local powerholders. This goes against the common notion of the Andean comunidad as an example of internal ‘communism’ built on a deeply anchored culture of justice and equality.

The problem with romanticized and culturalized visions of livelihoods and comunidad is that they hardly pay attention to the contradictions, inconsistencies and power struggles that characterize every institution. The romantic image of the peasant group fighting for rights to land in their agrarian struggle is conveyed in many books on agrarian revolt in Latin America. As Smith points out, when peasants rebel, we are often tempted to slip back into stereotypical and de-contextualized notions of the peasant comunidad as one of tradition and homogenous solidarity (Smith 1999: 56). Yet, these moments of revolt and change are precisely the times that intensive dialogue amongst peasants themselves start about what ‘ownership’ of land means or what it means to identify oneself with (be a ‘member’ of?) a comunidad (ibid.: 64).

In the case of Usibamba, it is not only the famous process of ‘total restructuring’ that gives them the name of the ‘model comunidad’. The strict disciplinary regime that is kept today and the many examples of punishment of comuneros also add to this image. However, the extremely thorough forms of land registration and strict ceremonial organization of meetings and procedures do not reflect the practices on the ground. In fact, in depth studies of land distribution and land conflicts show that practices are much less equal and much more varied than according to the rules would be the case. We can conclude that in this force field land tenure practices have developed that do not represent egalitarianism but are neither totally dominated by power relations either. Cultural notions of justice, service to the common good and the ideology of equality definitely play a role in the allocation of land. We argue that it is precisely in the continuous discussion about and contestation of the local principles, rules, and punishments that property relations in the comunidad are constructed, maintained and transformed. It is also this condition of ambiguity, paradox and continuous adaptation that enables the comunidad to persist over the centuries in spite of so many pressures aimed at its demise.
References


