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Sovereignty, Indigeneity, Territory: Zapatista Autonomy and the New Practices of Decolonization

Since the morning of January 1, 1994, when the almost exclusively Indigenous Zapatista Army of National Liberation (Ejército Zapatista de Liberación Nacional; EZLN) took over seven municipalities in Chiapas, southeastern Mexico, and declared war on the Mexican government, thousands of pages have been written placing the Zapatista movement at the very center of indigenous movements in Latin America and of anti-capitalist projects around the world. Since those early days, a long series of attempted negotiations and government betrayals has led the Zapatistas to sever ties with the entirety of the Mexican political class, including the institutional Left embodied in the Partido de La Revolución Democrática (PRD) and its 2006 presidential candidate, Andrés Manuel López Obrador. This radical break by the Zapatistas has been interpreted by many as a sign of revolutionary purism, the consequence of which, according to these commentators, has been the increasing marginalization and consequent political irrelevance of the Zapatista movement.

This essay examines a rather different thesis. We believe that the position that the Zapatistas have taken continues to place them at the heart of discussions and imaginaries of social change

in Latin America. That is, at the very moment when movements throughout the region have increasingly found themselves drawn into what they have been able to construe retroactively as new forms of “neoliberal governance” under the banner of “progressive” governments, the Zapatistas have refused to walk down this path and have instead directly challenged the contemporary union of representative democracy and neoliberal global capitalism (what we might also call “Democracy, Inc.,” “actually existing democracy,” or “parlamento-capitalism”). Both drawing on and innovating certain social organizational patterns within what are today the Zapatista communities of Chiapas, they have presented their struggle in markedly different terms than the national liberation movements of the 1960s and 1970s or other similarly positioned indigenous struggles in the Americas today. We argue that the singularity of the Zapatista struggle arises in the practice of *mandar-obedeciendo* (rule by obeying), and we attempt a conceptual delineation that will help us understand the context and extent of the rupture implied by this practice. *Mandar-obedeciendo* has allowed the Zapatistas to formulate their struggle not as one for the establishment of sovereignty or even some form of subsovereignty (concepts that they show us are intimately tied to the history of conquest as well as to the regime of social control proffered by contemporary global capitalism), but rather as the practical and tendential unmaking of sovereignty, be it in classical or contemporary forms. This possibility for the active unmaking of sovereignty presents itself in Zapatista territory through a new spatialization of struggle that makes possible the creation and everyday maintenance of an intricate system for the development of what the Zapatistas have termed “autonomy.” This is an autonomy that the Zapatistas claim is central not only for the struggles of indigenous peoples but also as an antidote to the dispersed form of global “paracolony” that accompanies the appearance of what the Zapatistas have called “the Empire of money.”¹

Sovereignty, or Domination

Jus publicum Europaeum

If, as Michel Foucault believed, “sovereignty is the central problem of right in Western societies,” then the delineation of this concept would seem paramount.² Yet, due to the hegemonic force that political liberalism has retained and even gained (perhaps especially among contemporary social movements) through the increasing discourse of “rights” and its undergird-

ing legalism, sovereignty has continually been reduced to the requirements for the establishment of “national independence.”³ That is, sovereignty is characterized according to certain attributions, both internal (some form of state structure and constitutional regime providing effective territorial control) and external (legitimation provided by recognition from fellow nations). Given this framework, the very position (and perhaps cause) of subalternity is thus imagined as prohibition from the site of the effective exercise of sovereignty. In the context of decolonization in particular, it was presumed that Europe was this effective site, where the population of Europe enjoyed a degree of equality under a system of norms (“the rule of law”), whereas the colonies were the site of domination based on the application of an extranormative force of domination (i.e., the exception). Given this context, there has been a tremendous pull (not least among subaltern movements) to equate the freedom struggles of subaltern “peoples” with the establishment of some form of sovereignty or subsovereignty within the framework of an independent nation-state. The genealogy presented here will demonstrate what we consider to be a series of errors at the center of this liberal imagination, while it will simultaneously delimit sovereignty as one particular strategy of political organization that, in the case of the Zapatista movement, is challenged in toto (by the delineation and application of a counterstrategy detailed below) as the intersection of the continued subordination of non-Western peoples and the onset of new forms of domination associated with neoliberal global capitalism.

In sharp contrast to the liberal imagination, Carl Schmitt attempted to show that sovereignty itself was in fact an extrajudicial concept at the very heart of *jus publicum Europaeum*: “The norm requires a homogeneous medium. This effective normal situation is not a mere ‘superficial presupposition’ that a jurist can ignore; that situation belongs precisely to its immanent validity. There exists no norm that is applicable to chaos. For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists.”⁴ If sovereignty was this “highest power” of decision, then such a power could not by definition be derived from norms, as that would make it subsidiary to those norms. Thus, the norm had to be explained in relation to sovereignty and not the reverse, as the jurists of the international legal order in the twentieth century had come to believe. From Schmitt’s perspective, then, the “rule of law” (the application of the norm) can be viewed only by understanding sovereignty as that which subtracts itself (from the norm) to guarantee the situation in which the norm would have the neces-

sary regularity to be recognizable as such. Sovereignty stands outside the norm so as to decide what will be “taken outside” (i.e., marked as exterior to) the norm.⁵ In this way, the sovereign decision is the basis for the creation of a spatial ordering, a topographical relation in which insides (the norm) and outsides (chaos) are distinguishable in law by placing the outside “as that with which [the sovereign] maintains itself in a potential relation in the state of exception.”⁶ To use rather different language, we might say that Schmitt recognizes that the norm always (and everywhere) necessitates, and simultaneously stems from, an extrajudicial moment of the “primitive accumulation” of social force, the “transcendental exercise of authority” made possible due to “the victory of one side over the other, a victory that makes the one sovereign and the other subject.”⁷ Let us note, then, that for Schmitt it would make little sense to propose that there is a site of sovereignty (Europe) and a site of exception (the colonies), as sovereignty itself is the site of the exception par excellence.

This does not mean, however, that the formation of sovereignty should be thought of apart from, or incidental to, the history of the subjugation of non-Western peoples. To the contrary, as Schmitt himself points out, the conditions of possibility for the establishment of the sovereign decision, far from an abstraction of the intellect, were “a legendary and unforeseen discovery of a new world . . . an unrepeatable historical event.”⁸ Schmitt thus takes us to the very source of sovereignty and its relation to the non-West, as for him there is little doubt that it was exactly this historical event, the attempted conquest of the Americas by subjects with “a superior knowledge and consciousness,” that solidified the necessary “*Ur-acts of law-creation*,” the appropriation of land and the establishment of the colonies.⁹ Due to these *Ur-acts*, a double-ordering of sorts could take place, the establishment of an *Ordnung*, an order implying political domination, and an *Ortung*, a spatial localization allowing for the distinction of insides and outsides. In order to clarify the stakes of this double-ordering in the history of jurisprudence, we turn briefly to Juan Ginés de Sepúlveda and Thomas Hobbes.

In 1552, Sepúlveda, official chronicler for the Spanish kings Charles V and Phillip II, ended his justification of the conquest and his explication of the principal order of natural law by referencing what he believed to be the concept that best encompasses this natural order and its application to the indigenous peoples of the Americas—Aristotle’s notion of “natural slavery,” that some were born to rule and some were born to be ruled.¹⁰ Yet within book 1 of *The Politics*, the theory of natural slavery is for Aristotle the

political subsidiary of a related philosophical problem: “in every composite thing, where a plurality of parts, whether continuous or discrete, is combined to make a single common whole, there is always found a ruling and a subject factor.”¹¹ Given the permanence of this primal duality, according to Sepúlveda, a relation of command obedience (*mandato-obedecer*) must exist within all relations.¹² Consequently, in Sepúlveda’s eyes, because the indigenous peoples do not have rulers of their own, they must submit to the rule of their conquerors. Sepúlveda’s revival of the Aristotelian necessity of a ruling and subject factor in all relations,¹³ and the conquest it helped justify, should be considered the central building block on which the modern notion of sovereignty was constructed within and outside of Europe.¹⁴

Thomas Hobbes carried Sepúlveda’s project forward by breaking with the classical natural law tradition on which Sepúlveda had drawn, which took for granted that humans were born fit for society. In contrast, Hobbes posited that before “man” enters into “society” he lives in a “state of nature” consisting of a “war of man against every man.”¹⁵ According to Hobbes “the multitude,” the disaggregated and thus impotent and vulnerable subject of this state of nature, has not yet coalesced into one person.¹⁶ This multitude is incapable of any single action. It cannot make promises, keep agreements, or acquire rights except as individuals; thus there are as many promises, agreements, rights, actions, and, most important, conflicts as there are people.¹⁷ By introducing the notion of a state of nature, a “war of every man against every man,” as prior to the civil state (i.e., the rule of the sovereign), Hobbes can then claim that not only does man have to subject himself to the existence of a ruling and subject factor but that all rule by definition can exist only when man has submitted himself to the rule of the “common measure” provided by the One (will) (something Sepúlveda by his own admission was unable to accomplish). Thus, although Aristotle’s “natural slavery” has been left behind, the command obedience relation of the “ruling and subject” factor remains central, so that, as Schmitt insists, social disorder can give way to the “overwhelming force” of a distinct and transcendent political order (*Ordnung*).

For Hobbes, the state of nature and the presence of this multitude are not, as is frequently claimed, hypothetical conditions. Rather, as he clearly states:

It may per adventure be thought there was never such a time nor condition of war as this. . . . But there are many places where they live so now. For the savage people in many places of America . . . have no government at all and

live at this day in that brutish manner as I said before. Howsoever, it may be perceived what manner of life there would be where there were no common power to fear, by the manner of life which men that have formally lived under a peaceful government use to degenerate into, in a civil war.¹⁸

The identification of “America” with the existence of a people prior to the civil state is continued in John Locke, “In the beginning, all the world was *America*.”¹⁹ As Schmitt explains, this identification is not incidental: *Ordnung* is in fact subsidiary to the physical land grab that was made during the Spanish conquest, as it was this “taking of the land” from the indigenous peoples of the Americas that allowed for the very distinction and therefore decision over what would be “inside” and “outside” the norm (*Ortung*).

Having laid out this trajectory of the nature and origins of sovereignty, we can now more clearly present a series of misconceptions (if not paralogs) at the heart of the legalistic understanding of the concept of sovereignty that are key to its sustenance. First, the fact that there appears to be a space of norms (Europe) and a space for the application of the exception (the colonies) should not hide the fact that an extrajudicial force of domination (a unidirectional relation of command obedience) lies at the heart of both. As Hobbes’s work begins to demonstrate and as Foucault helps us clarify, by positing the state of nature as a condition actually present among the “savage peoples” of the Americas and thus as potentially ever present everywhere else, Hobbes can then claim that in both cases, in the colony and the metropolis, it is out of an internal and well-reasoned fear—of fellow man, be it conqueror or neighbor—that the “multitude” accedes to the rule of the sovereign. In this way, the conquest of the “savage peoples” of the Americas is once again legitimated while simultaneously used to bring a form of colonialism (sovereignty) *back* to the West under the banner of the necessity for protection from the potential threat of that which remains “beyond the line.”²⁰ As Foucault claims, the right of colonization formulated during the conquest of the new world created a “boomerang effect” in which “a whole series of colonial models was brought back to the West, and the result was that the West could practice something resembling colonization, or an internal colonialism, on itself.”²¹ Here the constitution of sovereignty, Foucault notes, no longer appears as the victory of one side over another in a reversible battle but rather as the product of a primordial will to live and thus to overcome the state of nature.²² What appears within jurisprudence after Hobbes, then, is not the overcoming of the exceptional nature of the sovereign decision (the rule of law) but the conceptual disap-

pearance of conquest, the ability within the West to present sovereignty as a question of “right” rather than domination. Second, subaltern people were never excluded *per se* from the site of sovereignty. The “New World” (and its “savages”) was not thought to lie outside of sovereignty (and thus to be of no importance to it) but was that on which the sovereign decision would have to be applied in order to guarantee the regularity of the internal European order. In other words, the non-West is here already “included” in the sovereign decision as the negation of European space and norms (as that which must be excluded).

In this schema, non-European people were not simply “excluded” from humanity as embodied in the exercise of sovereignty. Humanity was itself gathered in the sovereign decision under a single ontological universality (a human race to which the sovereign decision might apply), while the historical/particular existence and habits of non-European people were simultaneously thought incompatible with the exercise of sovereignty.²³ After this initial gathering, that human race is then subdivided through the application of a single measure—the capacity or incapacity to exercise sovereignty—into a superrace and subrace.²⁴ The superrace (Europeans) is endowed with the capacity for a purely sovereign (internal and temporal) determination, while the subrace is viewed as determined by exteriority and spatiality (by the necessity for external domination).²⁵ At the same time, the domination of the subrace becomes all the more urgent, in that due to its belonging within the single ontological universality of the human race, it constitutes an imminent threat to the internal order of the superrace itself (the actual, not hypothetical, threat pointed out by Hobbes of living like the “savages” of the Americas).

We, therefore, have two very powerful reasons why today’s subaltern movements for decolonization, such as that of the Zapatistas, might increasingly reject sovereignty as a viable strategy. First, to the extent that these movements imagine their aim as the establishment of freedom and not simply as a reversal of positions within domination, sovereignty stands as a direct obstacle. Second, the movements of both ontological gathering and historical segregation implicit in the conception of modern sovereignty create a powerful double-bind for these subaltern subjects. When considered as merely excluded from the site of sovereignty due to their violent domination by the West, non-Western subjects have little choice but to demand an ultimate inclusion, one in which their underlying humanity (i.e., sovereignty) might flourish. But when we examine the nature of the “inclusive exclusion” on which Western sovereignty functions, in which the play of

ontological universality and historical particularity creates hierarchical differentiations assigned to geographic locations (Europe/non-Europe) within a single humanity, this demand for inclusion serves as a surreptitious call for the self-annihilation of these subaltern subjects and their particular historical differences. In other words, when these subjects are viewed as “excluded” from sovereignty, the only trajectory afforded them on the road to freedom is to “assume” sovereignty, to leave behind their historical existence against which the concept of sovereignty has already been defined.

Decolonization and the Rise of Governance

The interstate European legal order based on absolute sovereignty that is defended by Schmitt and usually associated with the order emerging after the 1648 Peace of Westphalia has as its correlate a particular understanding of space. Not only does this spatial ordering contrast European and non-European locations, but the space internal to the European state is itself reduced (through violence) to a purely abstract or instrumental space. The advances in geometry at that time allowed the space of the state to be figured in metric, calculable, and therefore purely isotopic terms;²⁶ the territory of *jus publicum Europaeum* is figured as homogenous, abstracted space, available for and visualized from the bird’s-eye view of the sovereign.²⁷ Like the multitude, state territory must be reduced to a common measure. If Schmitt, throughout the 1950s and 1960s, felt compelled to defend a “Eurocentric spatial order of the earth,” it was exactly because such a system was coming to a certain end.²⁸ Although Schmitt identified the fall of the European international order as a result of the rise of international law, it is unquestionable that the success of the anticolonial movements throughout the late twentieth century and their achievement of formal sovereignty shifted the global relations of force and, according to Schmitt, “put everything European on the defensive.”²⁹ Through the assumption of formal sovereignty by the recently decolonized nations, the space of the outside, which had been the basis for the European legal order, came to a definitive end, though with ambiguous consequences.³⁰ One of these was the tendential delinking of sovereignty from national territory and the formation of a suprastate system that has been called Empire.³¹ This is not to say that in this process, frequently referred to as *deterritorialization*, territory has ceased to matter. Rather, Empire, as the instantiation of the capitalist world market, has extended the abstract and calculable space of the formally national territory to the entirety of the earth.³²

It is from this particular perspective that it can be claimed that Empire knows no outside. Simultaneously, sovereignty is no longer gathered in the guise of a Hobbesian transcendental accord, a single state-legitimizing contract.³³ Through the extension of this world market, sovereignty is dispersed onto the processes of exchange themselves.

It is important to note that this delinking does not imply that the structure of command obedience or the processes of racialization required by sovereignty have disappeared. Sovereignty has, rather, overflowed its prior location in the state (even if these processes of denationalization were made possible through the state).³⁴ If the extension of abstracted space represents sovereignty's elimination of what was previously considered its outside, then this has simultaneously internally displaced the state and forced a reorganization of its previous internal division—the public and the private. In the domestic space of the suprastate system, public and private can no longer be considered to function in a dialectical relation. On one level, the state has transitioned from a concern with *government* to a concern with *governance*. As Kenneth Surin summarizes:

The movement from a form of political organization in which the official state apparatus employs its hegemony over its semi- and nonofficial counterparts to insure the primacy of the state in the regulation of economic, political, social, and cultural life, to one in which the official state apparatus reduces or relinquishes its direct involvement in the regulation of these domains and concentrates instead on . . . provid[ing] the conditions and resources which enable nongovernmental and semigovernmental apparatuses to organize themselves.³⁵

The privatization process that occurs concomitantly with this decentering of the state creates a situation in which there is a new massive proliferation of enclosures, sponsored this time by private bodies. On another level, space that remains public is characterized—in a sense, enclosed—by a kind of *opening*, a direct integration of this space into the production process whereby dispersed social cooperation and collective production are gathered, displayed, and made intelligible—and therefore capturable—in the name of the “public interest.”³⁶ In other words, today public space functions as a location for the pragmatic coordination of seemingly spontaneous and self-generated but carefully manicured “interest.” Those who refuse to exhibit their commitment to the public interest, those with “no interest,” are placed in the same structural position as that of those “savages” of the Americas in the state sovereign tradition: insolent, incapable of

order, and necessary to eliminate from public space. Not surprisingly, it is those non-Western peoples who were never accepted as citizens of a sovereign state nor are today considered productive members of the stakeholder (or stockholder) society and are still relegated to the status of a subrace.³⁷ It is this situation that has been so clearly understood in the Zapatista assertion that the previous nation-state-centered system has been surpassed. In the words of Zapatista spokesperson Subcomandante Marcos, “We rose up against a national power only to realize it no longer existed. . . . What we have is a global power that produces local and uneven dominations.”³⁸ New struggles for decolonization, the Zapatistas signal, must now be focused on overcoming the new structure of sovereignty imposed through Empire and governance.

Autonomy, Another Power Is Possible

Rule by Obeying

The Zapatista insurrection that erupted on New Year’s Day 1994 involved only twelve days of armed conflict, as millions of people took to the streets all over Mexico to support the rebel demands but also to protest the violence and call for a cease-fire. The peace talks that ensued would stop and start over several years amid trouble at the negotiating table but more importantly would generate significant public interest in Zapatista initiatives to create alternative political spaces. A series of government betrayals of the San Andrés Accords (negotiated and signed by the federal government and the EZLN) culminated in the passage of a regressive constitutional reform on indigenous rights supported by all three principal political parties and rejected by the EZLN and the representatives of the fifty-six indigenous peoples represented in the National Indigenous Congress. As a consequence, the Zapatistas retreated from public light and into what was, to both their enemies and their allies, an unsettling silence. All dialogue and negotiations with the government were over, and the Zapatistas would not again take up discussions or relations with any political party. The demands made in the San Andrés Accords were no longer a matter for legislative consideration or a question of rights to be granted. As Subcomandante Marcos explained, there is a time to ask power to change, there is a time to demand change from power, and there is a time to *exercise* power.³⁹ In the eyes of the Zapatistas, after open betrayals by the entire spectrum of the Mexican political class, this third “time” was long overdue. The Zapatista com-

munities thus delved into the long process of unilaterally implementing “autonomy” without any official recognition or legal endorsement.

The EZLN statement at the moment of this final government betrayal echoed a sentiment expressed years earlier when it stated that its strategic goal was not to take power but to exercise it.⁴⁰ This statement points to what we think is a fundamental irresolvable antagonism between two practices of power, one that can be taken (sovereign power) and the practical exercise of another power, present in the Zapatista communities, which challenges both sovereign power and its contemporary derivative in governance. The EZLN’s insistence that it does not want to “take power” is often misunderstood as either the denial of the necessity or desirability of any system or organization of rule (something like a crude anarchism) or of the intent to leave or divide the Mexican state to create another, parallel system of (sovereign) rule. The former is usually related to a conceptualization in which all power is a negative force of pure domination, imposed from “above,” and thus one’s position in relation to power is always and only to resist and oppose. The subject’s relation to power is thereby limited to victim (acted on) or protester (acting against). The latter is most commonly represented by a use of “autonomy” as separatism or secession, whereby people are defined by claims to exceptionality, a group deserving of a different system of sovereign rule or a subsystem of sovereign rule within the existing sovereign state. The EZLN, however, with the idea of the exercise of power, suggests that there is a form of social organization that completely bypasses the sovereign and its necessary relation of command obedience. This is a form of power that is not contracted to (via the “social contract”) nor derived from (via demand or petition) the sovereign.⁴¹ According to the EZLN, this type of power is not only possible but was already present within the indigenous communities in Chiapas and would strongly mark the initial stages of the EZLN’s formation in the Lacandón Jungle.⁴² This is not to say that this was the only form of power existing within these communities and that we could therefore pose, in some form of absolute exteriority, indigenous society against the state. To the contrary, the exercise of this other power put many indigenous communities in direct conflict with the traditional indigenous power structure, and the Mexican state would try to domesticate this other power by opening spaces for indigenous participation.

The Zapatista method for implementing “autonomy” took the form of what they called rule by obeying. In direct contrast to *mandato-obedecer*, which lies at the base of the sovereign tradition, rule by obeying draws on

the community practices of self-organization through assembly that tentatively disperse power (through a series of mutual obligations, shared responsibilities, and the accountability and revocability of delegates), effectively preventing the accumulation of power that might ensue from delegation.⁴³ In classical juridical terms, such a system places *this* “multitude” in the permanent position of command and delegated authorities in a subordinate position of immediate accountability. In effect, this power exceeds the options between the rule of the one (i.e., sovereignty) and no rule (i.e., anarchy) by posing the possibility of the permanence of the rule of all.⁴⁴ Despite the fact that these practices were present in some of the indigenous communities of Chiapas, their existence for the EZLN would not be sufficient to spontaneously overtake sovereignty or its current manifestation in governance. Rather, through a system of what we would like to call (borrowing from Henri Lefebvre’s borrowing from Gilbert Simondon) “transduction,” the EZLN would take practices that already existed at a limited degree of potentiality and work to intensify the consistency, connectivity, and truth content of those practices. That is, they created a network of practices that would in effect select for this “other” type of power.

The principle of rule by obeying is formally implemented as a system of self-government centered around Councils of Good Government headquartered in each of the five zones that constitute Zapatista territory. Each zone of Zapatista territory is composed of a number of autonomous municipalities, around forty in all, which are in turn composed of a variable number of communities, home to around 300,000 people, primarily of Tzotzil, Tzeltal, Chol, and Tojolobal indigenous groups.⁴⁵ Even before the Zapatista insurrection in 1994, there had been an explicit attempt to subordinate the military structure and the EZLN to civilian bodies within the Zapatista communities. This effort took a large leap forward with the establishment in 2003 of the Councils of Good Government, which formalized civilian authority over matters of daily life in Zapatista territory. Nevertheless, rule by obeying should always be viewed in constant tension with the hierarchical structure of command still in force within the Zapatista army.

The Councils of Good Government provide a form of rotating autonomous government charged with carrying out the mandate of the community assemblies, from which council delegates are chosen and to whom they are accountable.⁴⁶ The councils operate as a local justice system, a source of financial management and accountability for the distribution of funds and the coordination of collective projects, and they are in charge of protecting and handling disputes over the recuperated lands. The term lengths,

form of rotation, number of members, and other details of the councils are decided locally by each zone, ranging from turns of one week to three months serving as part of the governing body.⁴⁷ This variability helps us understand that *mandar-obedeciendo* is not a form; that is, it is not absolute horizontality. Rather, it is an ethic open to multiple forms adequate to move a particular political context toward the overall strategy of developing autonomy. Common across all zones, community members delegated to the councils take their turn governing and then return to the daily work of the community; each community in turn covers the daily work and sustenance of its currently governing members.⁴⁸ The distinction between this mandate and that which is given or assumed in what we can generally call “representative democracy” is not only the rotating function of governance, which prevents the professionalization of political participation and the formation of a political class, but also the relation of government to the community assemblies, which holds the core of decision-making power. The assembly system locates power firmly at the base and precludes the attachment of authority to a position of delegated responsibility—what would enable a command obedience structure to reemerge. The practice of recognizing and generating power from “below” structures all the other relations to be mediated and tasks to be completed: “In sum, to ensure that in Zapatista rebellious territory, whoever rules, rules by obeying.”⁴⁹

Given the EZLN’s practices and statements, we can conclude that it views political struggle neither as purely spontaneous nor as the vertical transcendence of the social, but rather as the organization and potentialization of certain radical tendencies already existing within the social, in this case forged through hundreds of years of resistance to conquest. For the EZLN, then, autonomy is the daily struggle to act within *mandar-obedeciendo* over and against sovereign power and its derivative in governance. From this perspective it becomes clear that what was at stake for the EZLN in the San Andrés Accords, and what the Mexican government could not accept, was not some form of subsovereignty or secession, nor was it even the recognition of indigenous “identity” (a claim to “who we are”). Rather, the debate over autonomy for the EZLN centered around the demand for the nonimpediment of parallel but radically disparate practices of power that from its perspective would continually allow indigenous peoples to decide and control “who we want to become” (an effective self-determination).⁵⁰ This conception of power holds within it a radical antagonism to politics as it exists today, the ramifications of which are clear in the following EZLN statement: “We think that if we can conceptualize

a change in the premise of power, the problem of power, starting from the fact that we don't want to take it, that could produce another kind of politics and another kind of political actor, other human beings that do politics differently than the politicians we have today across the political spectrum."⁵¹

Empire and the Rise of New Territorialities

The EZLN uprising was most immediately visible in the successful military takeover of seven municipal headquarters in Chiapas in what turned out to be a spectacular surprise and show of force on the day the North American Free Trade Agreement (NAFTA) was to enter into effect. What received less initial attention was the simultaneous occupation of somewhere between 500,000 to 700,000 hectares (1.2 to 1.7 million acres, or 2,000 to 3,000 square miles) of land "recuperated" from the *latifundistas*, or large landowners, who for centuries had run something similar to plantation-style haciendas with indigenous labor.⁵² These takeovers affected some 12 percent of the total land area of Chiapas and marked a significant shift in the relations of production in the state.

In 1992, in preparation for the implementation of NAFTA, then president Carlos Salinas de Gortari modified article 27 of the Constitution of Mexico, which stipulated that *ejido* lands, a kind of collective or social property, could not be bought from or sold by their communal owners or titled by an individual owner. The inclusion of article 27 in the postrevolution Constitution of Mexico had classified 101.8 million hectares of Mexican land as "social property," representing 51.94 percent of the total landmass of the country, banning their privatization and thus preventing their expropriation as collateral or through debt payment.⁵³ The modification of article 27 in 1992 eliminated this protection. Accompanying the constitutional change, a government program, PROCEDE (Certification Program for Ejidal Rights and Titling of Parcels) was put in place in 1993 to "register" (individually title) common lands, purportedly and with much publicity as a form of "development" for peasant farmers. In its fourteen years of operation, PROCEDE would privatize 28,790 agrarian units in the country, equivalent to 92.24 percent of the total social property.⁵⁴ This policy would constitute not simply regressive land reform, with particularly devastating consequences for indigenous people, but a respatialization of social control.

The territorial aspects of the Zapatista conflict allow us to understand that despite the fact that sovereign functions have been deterritorialized

(from the territorial nation-state), this does not mean that territory in and of itself has ceased to be central to social struggle. On the contrary, the production of space lies at the very heart of contemporary social antagonisms. It has become apparent, however, that space is inextricable from the social relations created on it (something that was at least somewhat disguised by the nation-state).⁵⁵ By adopting geographer Carlos Walter Porto Gonçalves's triadic notion of territory (physical location), territorialization (a manner of taking hold of that space), and territorialities (the identities implied in the processes of taking hold),⁵⁶ we can better distinguish antagonistic strategic propositions within a situation of paracolony, where dominator and dominated find themselves in the same space.⁵⁷ In this sense, a number of projects of territorialization can exist in the same physical location. Therefore, the lack of a preexisting geographic or even subjective exteriority to neoliberal governance should not lead us to assume the unidirectionality of physically overlapping political phenomena. Rather, it should direct our attention toward the delineation of the logics that might underlie an antagonism of strategies present on the same territory and possibly within the same subject. Though the institutions and practices of neoliberal governance create enormous destruction in their attempt to fold all territory into the calculable space necessary for the functioning of the world market, this new situation simultaneously gives rise to countervailing projects that no longer need to wait to take hold of the territorial state to give expression to their political ends. This allows us to see that in the case of the EZLN land occupations, what was enabled was not simply traditional "land redistribution" in favor of a peasant class or even the "revolutionary" act of "taking the means of production" into one's hands, although the latter certainly played an important role. Rather, the new Zapatista territory became not only an escape from direct labor exploitation and an independent means of subsistence, but the literal ground for the creation of autonomy, for the creation, sustenance, and growth of a self-organized collective subject. The development of the Zapatista autonomous municipalities essentially created a rupture in the system of representation configured by the state and the possibility of social relations unmediated by state stratification. Autonomous territorialization created a spatialization of struggle that essentially, or at least tendentially, disallowed the sovereign relation and provided the possibility for another kind of government—"good government" in Zapatista terms.

The establishment of rule by obeying, the existence of the Councils of Good Government, and the new spatialization of struggle by the EZLN

have had significant successes. In their role as local justice systems, the Councils of Good Government have proved to be so successful and well received that people from non-Zapatista communities and even parties oppositional to the EZLN often opt to take their cases or complaints to the autonomous councils rather than to the official municipal or state courts.⁵⁸ Where general illiteracy rates within indigenous areas of Chiapas were estimated at around 42 percent throughout the 1990s, with only 11 percent of the population completing primary school and with the state school system negligent or completely absent in the area,⁵⁹ there are now autonomous primary and secondary schools in all Zapatista autonomous municipalities and autonomous high schools in several zones, each already with several generations of graduates.⁶⁰ Seven years after the uprising, while 11 percent of children in pro-government communities had received no primary school education at all and with only 20 percent going beyond primary school, in Zapatista communities *all* children had received some level of primary education, and 37 percent entered secondary or higher levels of education.⁶¹ The region in general has long held the highest infant mortality rates in the country, around 20 percent,⁶² and had a child malnutrition rate in the poorest part of the state (primarily indigenous areas) of upward of 70 percent (official indices qualify 80 percent to be conditions of famine).⁶³ The ratio of doctors to population in the state in the early 1990s was one per 1,000 persons, the lowest in the country; in areas where the indigenous population was higher than 70 percent, the ratio reached one per 25,000 persons.⁶⁴ In 2007, the autonomous health systems were calculated as having two hundred community health clinics; twenty-five regional clinics, including ophthalmological, gynecological, and dental centers and clinical analysis laboratories; and several municipal-level hospitals.⁶⁵ While there is no official data measuring differences between autonomous areas and non-Zapatista areas in terms of health, independent studies have documented that in some autonomous regions where maternal mortality was once the highest in the country, under the autonomous systems there have been periods of up to eight years without any maternal deaths;⁶⁶ 63 percent of women in Zapatista communities receive prenatal care, compared to only 35 percent in non-Zapatista communities; and 74 percent of households in Zapatista communities have latrines, compared to 54 percent in non-Zapatista communities.⁶⁷ Both the education and health systems have been so popular that many non-Zapatista indigenous go to the autonomous clinics, and non-Zapatista children attend the autonomous schools rather than state institutions.⁶⁸ Again, while official statistical data is unavailable

with regard to social indicators in the autonomous communities, general indices of severe poverty in the region have shrunk, and as reported by the EZLN and no small feat in rural Chiapas, hunger has been eradicated in Zapatista territory.⁶⁹

Conclusion

Zapatista autonomy as a practice of decolonization seems to us of vital importance given the contemporary parameters of global political struggle. That is, at a time when many have attempted to eliminate colonial and paracolonial systems either through the reassertion of state sovereignty or through the new forms of participation afforded by neoliberal governance, Zapatismo has innovated conceptions of indigeneity and autonomy beyond these options. Although this has brought the Zapatistas into direct confrontation with the Mexican institutional Left (and therefore cost them substantial sectors of support), their project does in fact provide a concrete alternative to the insistence (in Mexico or elsewhere) that the best that can be hoped for is the election of the “least worst” option within “parlamento-capitalism.”

At a moment when Mexico’s social indicators are at a crisis level, with skyrocketing unemployment, falling migrant remittances, massive social unrest, generalized distrust in the political system, and a narco war that has killed more than 30,000 people in the last four years, the political class has been obviously and wholly incapable of providing the most minimal guidance toward alleviating these conditions. Despite the fact that academics and journalists have for the most part turned their gaze elsewhere, the singularity and continued viability of the Zapatista project makes an engagement with their struggle essential to understanding the forms of antagonism that have made themselves present in Latin America in the last decades and that are increasingly likely to arise elsewhere. Given this situation, it is highly unlikely that we’ve heard the last of the Zapatistas.

Notes

- 1 Subcomandante Marcos, EZLN, “The Fourth World War,” Chiapas, November 20, 1999, published in *La Jornada* (Mexico City), October 23, 2001.
- 2 Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–1976*, trans. David Macey (New York: Picador, 2003), 26.
- 3 This is not to imply that all struggles for “rights” are inextricable from legalism and sovereignty. For an instance of a struggle that doesn’t fall into this category, see Shan-

- non Speed and Alvaro Reyes, "‘In Our Own Defense’: Rights and Resistance in Chiapas, Mexico," *Political and Legal Anthropology Review* 25.1 (May 2002): 69–89.
- 4 Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George D. Schwab (Cambridge, MA: MIT Press, 1985), 13.
- 5 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 18.
- 6 *Ibid.*, 21.
- 7 Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000), 87, 98.
- 8 Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press, 2003), 39.
- 9 Jan-Werner Müller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought* (New Haven, CT: Yale University Press, 2003), 88.
- 10 *Ibid.*, 21; and Lewis Hanke, *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World* (Bloomington: Indiana University Press, 1970).
- 11 Aristotle, *The Politics*, book 1, trans. H. Rackham (New York: G. P. Putnam’s Sons, 1934), 19.
- 12 J. G. D. Sepúlveda, *De Regno* (Pozoblanco, SPA: Ayuntamiento de Pozoblanco, 2001), 48.
- 13 This should not be confused with, or reduced to, Sepúlveda’s application of Aristotle’s theory of “natural slavery” to the indigenous peoples of the Americas; that formulation is immediately challenged by both Bartolomé de las Casas and Francisco de Vitoria.
- 14 Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999), 43.
- 15 Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett, 1994), 78.
- 16 Thomas Hobbes, *On the Citizen*, ed. Richard Tuck and Michael Silverthorne (New York: Cambridge University Press, 1998), 76.
- 17 *Ibid.*
- 18 Hobbes, *Leviathan*, 77; see also Hobbes, *On the Citizen*, 30.
- 19 John Locke, *Two Treatises of Government: Second Treatise* (Cambridge: Cambridge University Press, 2004), sec. 49.
- 20 Schmitt, *The Nomos of the Earth*, 93.
- 21 Foucault, “*Society Must Be Defended*,” 103.
- 22 *Ibid.*, 26.
- 23 This analysis is inspired by Denise Ferreira da Silva. Although her work centers on the formation of the “transparent subject,” we believe her thesis holds valuable insights for understanding political sovereignty. See Denise Ferreira da Silva, *Toward a Global Idea of Race* (Minneapolis: University of Minnesota Press, 2007).
- 24 Foucault, “*Society Must Be Defended*,” 61.
- 25 da Silva, *Toward a Global Idea of Race*, 4.
- 26 Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Malden, MA: Blackwell Publishing, 1991), 278–82; and Stuart Elden, “Missing the Point: Globalization, Deterritorialization and the Space of the World,” *Transactions of the Institute of British Geographers* 30.1 (2005): 15.
- 27 John Pickles, *A History of Spaces: Cartographic Reason, Mapping, and the Geo-Coded World* (New York: Routledge, 2004), 107–110.
- 28 Schmitt, *The Nomos of the Earth*, 140.

- 29 Schmitt as quoted in Alberto Toscano, "Carl Schmitt in Beijing: Partisanship, Geopolitics, and the Demolition of the Eurocentric World," *Postcolonial Studies* 11.4 (2008): 417–33, 428.
- 30 The argument we construct here should not be thought to delegitimize tactical struggles for the recognition of formal legal sovereignty. As Frantz Fanon points out, *in struggle* the colonized come to understand that the attainment of "sovereignty" is from the beginning inextricable from a larger strategic struggle for dignity, for the recognition that "people are no longer a herd and do not need to be driven." See Frantz Fanon, *The Wretched of the Earth*, trans. Richard Philcox (New York: Grove Press, 2004), 139, 127.
- 31 See Alexandre Kojève, *Outline of a Phenomenology of Right*, trans. Bryan-Paul Fox and Robert Howse (Lanham, MD: Rowman and Littlefield, 2007); Jean-Marie Guéhenno, *The End of the Nation-State*, trans. Victoria Elliott (Minneapolis: University of Minnesota Press, 1995); and Hardt and Negri, *Empire*.
- 32 Elden, "Missing the Point," 16.
- 33 Kenneth Surin, *Freedom Not Yet: Liberation and the New World Order* (Durham, NC: Duke University Press, 2009).
- 34 Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton, NJ: Princeton University Press, 2006).
- 35 Surin, *Freedom Not Yet*, 76.
- 36 Stefano Harney, "Governance and the Undercommons," InterActivist Info Exchange, April 7, 2008, <http://interactivist.autonomeia.org/node/10926>.
- 37 For an examination of the inextricable links between governance and contemporary forms of racialization, see Fred Moten and Stefano Harney, "Policy," *Roundtable: Research Architecture*, 2010, <http://roundtable.kein.org/node/1164>; and Anibal Quijano, "Coloniality of Power, Eurocentrism, and Latin America," *Nepantla: Views from the South* 1 (2000): 533–80.
- 38 *Zapatista*, dir. Benjamin Eichert, Richard Rowley, and State Sandberg (Big Noise Films, 2001).
- 39 Gloria Muñoz Ramírez, "Interview with Subcomandante Marcos: A Time to Ask, a Time to Demand, and a Time to Act," *Americas Program*, January 16, 2004, www.cipamericas.org/archives/1120.
- 40 EZLN communiqué, "To the soldiers and commanders of the Popular Revolutionary Army," Flag.Blackened.Net, August 29, 1996, http://flag.blackened.net/revolt/mexico/ezln/ezln_epr_seg6.html. The complete quote is, "What we seek, what we need and want is for all those people without a party or an organization to make agreements about what they don't want and what they do want and organize themselves in order to achieve it (preferably through civil and peaceful means), not to take power, but to exercise it."
- 41 Speed and Reyes, "'In Our Own Defense,'" 53–54.
- 42 Yvon Le Bot and Subcomandante Marcos, *El Sueño Zapatista: Entrevistas con el subcomandante Marcos, el mayor Moises y el comandante Tacho, del Ejército Zapatista de Liberación Nacional* (Barcelona: Plaza y Janes, 1997).
- 43 Despite similarities between our interpretation of the Zapatistas and the work of Pierre Clastres, we feel a fundamental ambiguity remains in his work as to whether "a society against the state" is the product of political initiative or of some natural ten-

- 44 dency within society as such. Here we hope to show that the Zapatistas do identify tendencies that move in the direction of eliminating the autonomy of the political sphere but simultaneously make such tendencies into a strong political project. See Pierre Clastres, *Society against the State: Essays in Political Anthropology* (New York: Zone Books, 1989).
- 45 As Gustavo Esteva notes, in contrast with Antonio Negri's formulation, the Zapatista notion of *mandar-obedeciendo* moves in the direction of definitively uncoupling the pair constituent and constituted power so that constituent power can become its own permanent state of affairs and not make its presence simply as the continual unsettling of constituted power. See Gustavo Esteva, "A Celebration of Zapatismo," *Humboldt Journal of Social Relations* 29 (2005): 127–67.
- 46 El Kilombo Intergaláctico, *Beyond Resistance, Everything: An Interview with Subcomandante Insurgente Marcos* (Durham, NC: Paperboat Press, 2008).
- 47 Raúl Ornelas, "La autonomía como eje de la resistencia Zapatista," in *Hegemonias y Emancipaciones en el Siglo XXI*, ed. Ana Esther Ceceña (Buenos Aires: CLACSO, 2004).
- 48 Subcomandante Marcos, "La Treceava Estela," part 5, July 2003, available at <http://palabra.ezln.org.mx>.
- 49 Ibid.
- 50 Ibid., part 6, July 2003.
- 51 Speed and Reyes, "In Our Own Defense," 76.
- 52 EZLN, *Crónicas Intergalácticas: Primer Encuentro Intercontinental por la Humanidad y contra el Neoliberalismo* (Montañas del Sureste Mexicano: Planeta Tierra, 1997).
- 53 This number is unofficial and much disputed; estimates range from 200,000 to 700,000. The higher number is most recently cited in Hermann Bellinghausen, "La otra campaña, opción para agrupar a las organizaciones campesinas en lucha," *La Jornada* (Mexico City), March 1, 2007.
- 54 Secretaria de Reforma Agraria, Estados Unidos de Mexico, "Acuerdo por el que se declara el cierre operativo y conclusión de Programa de Certificación de Derechos Ejidales y Titulación de Solares (PROCEDE)," *Diario Oficial*, November 17, 2006.
- 55 Ibid.
- 56 Lefebvre, *Production of Space*.
- 57 Carlos Walter Porto Gonçalves, "Da geografia às geo-grafias—um mundo em busca de novas territorialidades," in *La guerra infinita—hegemonía y terror mundial*, ed. Ana Esther Ceceña and Emir Sader (Buenos Aires: CLACSO, 2002), 217–56.
- 58 We owe this notion of paracolony to Kenneth Surin as developed in "The Sovereign Individual, 'Subalternity,' and Becoming-Other," *Angelaki* 6.1 (2001): 47–63.
- 59 See Gemma van der Haar, "El movimiento zapatista de Chiapas: dimensiones de su lucha" (LabourAgain Publications, International Institute of Social History, 2005), www.iisg.nl/labouragain/ruralmobilisation.php (accessed October 14, 2010).
- 60 National Institute of Geography and Statistics (INEGI), "Censo General de Población y Vivienda 2000," www.inegi.org.mx/est/contenidos/Proyectos/ccpv/cpv2000/default.aspx (accessed November 14, 2009).
- 61 EZLN, "Informe de 1 año de la junta de buen gobierno corazón céntrico de los zapatistas delante del mundo," *Radio Insurgente: La voz de los sin voz*, September 24, 2004, available at www.radioinsurgente.org.
- 62 Sánchez Pérez H., Arana Cedeño M., and Yamin A., "Pueblos Excluidos, Comunidades

Erosionadas: La Situación del Derecho a la Salud en Chiapas, México” (Physicians for Human Rights and El Colegio de la Frontera Sur, Centro de Capacitación en Ecología y Salud para Campesino, Boston, 2006).

62 Pablo González Casanova Henríquez et al., “La Situación de la Nutrición de las y los niños preescolares en la selva, frontera y altos de Chiapas durante la crisis bélica y social de 1994,” *Revista CIMECH* 6.1–2 (1996): 14.

63 Ibid.

64 Gustavo Castro and Miguel Pickard, “Los Derechos Economicos y Sociales en Chiapas: Salud y Educación,” part 2, *CIEPAC Bulletin* no. 163, July 25, 1999, www.ciepac.org/boletines/chiapasaldia.php?id=163.

65 J. H. Cuevas, “Salud y Autonomía: el caso Chiapas” (report for the Health Systems Knowledge Network, World Health Organization, March 2007).

66 Ibid.

67 Pablo González Casanova Henríquez, “El Zapatismo avanza ante el desastre,” *La Jornada* (Mexico City), January 24, 2009.

68 As reported by the Council of Good Government of Oventic in the “Second Encounter between Zapatista Peoples and Peoples of the World” (Oventic, Chiapas, Mexico, July 21, 2007).

69 Laura Castellanos, *Corte de Caja: Una Entrevista al Subcomandante Marcos* (Nezahualcoyotl, MEX: Grupo Editorial Endira México, 2008).