Un Mundo Donde Quepan Muchos Mundos: A Postcolonial Legal Perspective Inspired by the Zapatistas

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Abstract

On January 1, 1994, the day when NAFTA entered into force, a group of indigenous appeared from the Lacandon jungle in Chiapas, occupied the city hall of San Cristóbal de las Casas, presented themselves as the Zapatista Army and announced: “We are the product of 500 years of fighting. […] But today we say: It is enough.” This was the beginning of a rebellion which attracted international attention and is still going on today. Taking the announcement seriously, this article traces the history of 500 years from a legal perspective. By considering also the international dimension of this history, it shall be revealed that the reasons for the Zapatista revolt range from the Lacandon jungle through Chiapas, Mexico, Latin America, to the world and its global order. The article will focus on their demand for “land and freedom” which leads to the so-called agrarian question and the long history of bloody disputes about land, means of existence, natural resources, autonomy, sovereignty, power, dominance, oppression, life and death.

The history of Mexican land law (sometimes as a legal reflection, sometimes as a result and sometimes as an origin of these disputes) shows with outstanding clarity international structures of hegemony. Foreign influence and legal transfer in accordance with European and U.S. economic interest have been shaping this area of law since colonization. On the other hand, history also gave birth to strong counter-hegemonic movements: the Mexican Revolution at the beginning of the 20th century and today the Zapatista rebellion.

The objective of the article is the following: By putting the Zapatista struggle for land in the historical and global context, their “anti-systemic” or “postcolonial” quality shall be revealed. Against this background, the legal analysis of their rebellion shall be used to develop cornerstones of a postcolonial legal perspective. Hence, independent from the chronological order, the theoretical starting point is January 1, 1994. History will be approached as a memory that flashes on this day in the moment of uprising.

KEYWORDS: land law, Mexico, Zapatistas, agrarian reform, property, legal transfer, postcolonialism