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David Correia’s elegant introduction mobilizes theory from critical legal studies and geography to shed exciting new light on the fraught history of struggles over the ownership and control of Spanish and Mexican communal land grants in the US Southwest over more than 150 years. He persuasively argues that law and property were mutually constituted, neither operating as transcendent or autonomous, always mobilized by particular parties, with violence enmeshed in each. He illustrates that argument with illuminating, accessible and engaging accounts of particular contests over one of the largest communal land grants, the Tierra Amarilla grant.

Correia finds surprising continuities and similarities between Mexican and Anglo property regimes, notions of private property, and performance. Both regimes rendered opposing claimants legally invisible, for example. Though singularly unable, as were the US victors for several decades, to vacate the Apaches and Utes, the Spanish and the Mexicans did succeed in rendering them legally invisible as claimants to the land. In turn the US courts rendered equally and additionally invisible the Mexican villager claimants brought to the communal grant by Manuel Martínez (the original grantee), confirming the grant as Martínez’s individual private property despite his own desires and actions to the contrary.

Moreover, unlike previous historians, Correia finds that the notion of the commons was not entirely at odds with notions of private property. Both relied on notions of exclusive use. “Common property, where it existed,” Correia explains, “was not an open access commons but rather a village-level resource in which a variety of spatial exclusions occurred at multiple scales (colonial, territorial, local) and drew in various subjects (political authorities, land grant settlers, Indian societies)” (35).

Correia avoids reducing any set of actors to a monolith. Hispanos battle Hispanos, Anglos differ over the desirable scale of private property, and the nasty nature of insider politics and political machines colors the region from the Spanish days forward. He covers particular moments in depth, each of which displays its own logic regarding property and possession, and its own savvy participants, who, like Martínez, struggle to manipulate Anglo property regimes to their own communal ends. The text begins with the early days of (failed) attempts to settle Mexican villagers, through the more familiar story of Anglo acquisition and Hispano dispossession and the successful solicitation of global capital. Other topics include the fence cutting of the 1910s in which Correia struggles to explain rather than dismiss the invocation by the fence cutters of the KKK (though I do think he downplays the presence of anarchist ideas brought home by migrating coal miners); the court battles led by La Corporación de Abiquiú from the 1930s on; and the dramatic intervention of Reies Lopez Tijerina which Correia characterizes as “interrupting the logic of planning that blamed poverty on local communities” (174), a logic that, “like the law, presents itself as rational, scientific, and beyond challenge ... in which property is merely a technical problem of land use and an object wholly legible to the state” (173) rather than a set of social relations. He ends with the small victories and large losses of the past thirty years and the links to Puerto Rican radical nationalism. He also mentions the case of a would-be
luxury Canyon Ranch-type developer who claimed, “I’ve negotiated with the Russians. I’ve done projects in China. I’m not going to get my ass whipped by a bunch of local sheepherders” (172) and who, hit by the Great Recession, did negotiate a sale with the Jicarilla Apaches who appear in chapter 1 and then virtually disappear from the book until the epilogue, when they return to buy back their land using riches gained from extracting natural gas on their nearby reservation.

In each case Correia introduces the reader to particular actors on all sides – claimants and activists, lawyers and speculators, machine politicians and third-party organizers – rendering what could be a largely schematic and abstract argument into an intensely human account of how these processes work out on the ground and with what effects. After reading of failed Spanish and Mexican attempts to vacate the Utes and Apaches in possession, Anglo speculations similarly doomed, and the continuous use since the mid- to late nineteenth century of small-scale communal claimants, the most amazing element by 2014 is not the level of violence so much as the persistence of the contest, the land grant heirs, and the relatively “undeveloped” nature of the grant.

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