

# First Invasion

## *Genocide, Colonial Institutions, and Resistance*

During the eighth dialogue meeting between the communities of Cotzal and Enel on September 2, 2011, it became evident that Enel would not take the demands of the communities of Cotzal seriously and that it would try to end dialogue (as it did soon after). An Ixil leader spoke passionately, recalling the injustices of the past:

Certainly, we do not speak Spanish well, certainly we do not read, but we know what we want. If you accept that, that we do know, and you do not ignore us, it seems that things can change. Your proposal shows your ignorance about us, the existence of Indigenous Peoples, that is the manifestation of your response. . . . You are going to come to give us candy, as you have always come to give us candy. We told you last time—*five hundred years ago you came with a mirror, now you have arrived with laminas* [tin sheets for house roofs, an offer from the company], now you want to give other things—we told you, we are not asking you for gifts, get that out of your mind, we are not asking for gifts. (emphasis mine)

These comments illustrate the ways that the Ixil and Maya are conscious of colonial structures, despite being wrongfully portrayed and perceived by dominant forces as ignorant and backward. That the Spanish arrived and committed genocide framed by discourses of salvation and civilization is symbolized by the mirror, which today has taken the shape of a *lamina* under the guise of development and corporate social responsibility (CSR) projects.

The same Ixil leader went on to criticize Enel's paternalistic and racist attitudes toward Indigenous Peoples: "You want to be our dad, you want to be our mom, you want to do things the way you want. . . . Deep down it's racism, sorry, that's what it is, it's racism at its core." Here we can observe how the Ixil are aware of the

racial hierarchies that view Indigenous Peoples as inferior and their manifestation in the arrogant and paternalistic attitudes held by foreigners, corporations, the state, ladinos, and others. To understand the conflict between Enel and the communities of Cotzal, and why the arrival of megaprojects constitutes a new invasion, an analysis of Spanish invasion is necessary.

Spanish colonization of the “Americas” led to the imposition of colonial identities and institutions based on white supremacy and patriarchy that favored European men and marginalized and oppressed Indigenous Peoples and women. Scholars have argued that a new model of power was established through the control of labor and the creation of the idea of race and new identities such as *criollo*, *peninsular*, *indio*, *negro*, and *mestizo*, which formed levels of a racial hierarchy (Quijano 2008). Colonial identities of *indio* and *negro* became associated with backwardness, laziness, and ignorance, whereas Europeans and their descendants came to symbolize modernization, civilization, wealth, beauty, and intelligence. The Spanish enforced their ideas of *limpieza de sangre* (purity of blood) in every aspect of colonial life through the *casta* system (AVANCSO 2015). For Europeans, these colonial identities justified the dehumanization of Indigenous Peoples and Afro-descendants and were the basis for genocide, slavery, oppression, and inferiority. In addition, being Spanish or European gained a racial connotation, with Europeans being perceived as “white” and the colonized as “colored” (AVANCSO 2015). The patriarchal system that colonizers imposed, in which Indigenous women were viewed as inferior to men, promoted sexism and gender violence (AVANCSO 2015; Cumes 2012; Julajuj Chamalé 2013; Lugones 2010). These imposed identities shaped the relations of domination between the “colonizers” and “colonized,” and they continue to rationalize the repression against women, LGBTQ+, Indigenous, and Afro-descendant Peoples.

During the first invasion, colonizers began to alter Indigenous perceptions of time. They imposed the Gregorian calendar’s day, month, and year systems and names, which use a linear understanding of time, in comparison to Mesoamerican calendars, like the Ixil calendar, which are cyclical. They also altered Indigenous concepts of spaces and geographies and began to label territories and create centers of power from which they could control Indigenous Peoples. Indigenous names for territories, peoples, and geographical locations were replaced by European identities and names such as “Western Hemisphere,” the “Americas,” and “Europe.” The power to name was used by the dominant groups to try to erase the histories and identities of Indigenous Peoples (Firmino Castillo et al. 2014, 31–33).<sup>1</sup> Colonized groups were forced into a social and political environment in which European cultures, languages, and identities were idealized, contributing to internalized racism and self-hatred that persist to this day (AVANCSO 2015; Fanon 1967). For instance, those who practice Maya spirituality continue to be persecuted, punished, and executed, and labeled as “savages” and *brujos* (witches).

Despite the formal separation between the criollo elites and the Spanish Crown in 1821, colonial ideologies and institutions within Guatemalan society have actively preserved and promoted these racist hierarchal attitudes that criminalize Indigenous Peoples and have led to physical, cultural, and spiritual genocide against the Ixil (Bastos and Cumes 2007; Firmino Castillo et al. 2014). In discussing the legacies of colonialism, some Maya have stated, “The Spanish never left,” referencing the fact that while the majority of people are Indigenous, a small oligarchy consisted of Euro-Guatemalans own the largest businesses and the best lands and control government institutions (Casaús Arzú 2007). For instance, by the 1950s, an estimated 72 percent of arable land was owned by “2 percent of land-owners, many of European. . . origin” (McAllister and Nelson 2013, 12).

In this chapter, I focus on the initial, physical Spanish invasion of the Ixil Region. I then examine displacement and the *congregaciones* that were created to control Indigenous Peoples. I then delve into the role that priests and the Catholic Church played in repressing the Ixil, collecting tribute, and creating factions and social divisions that served the overall objectives of European invaders. Last, I examine Ixil land tenure through a 1623 “ancient agreement” established among the Ixil themselves. These perspectives allow for an understanding of how the Ixil experienced and resisted colonization through multiple channels.

#### SPANISH INVASION AND RESISTANCE

The first invasion of the Ixil Region occurred through the violent arrival of the Spanish and their allies. Pedro de Alvarado was given orders by his commanding officer, Hernan Cortes, to invade the territory of what is today known as Guatemala. This campaign, which began in February 1524, was conducted by “120 cavalry, three hundred infantry, and several hundred Mexican auxiliaries from Cholula and Tlaxcala,” among other groups (Lovell [1985] 2005, 58). Alvarado went on to defeat the K’iche’ in Xelajú (known also as Quetzaltenango) and Q’umarkaj (also known as Uatlán), the Kaqchikel, and other opposing groups (Matthew 2012). The Itza were the last to fall to the Spanish in 1697 (Jones 1998). Disease led to thousands of deaths and aided the Spanish in defeating the Maya. While there are no exact figures on population size or the number of deaths caused by warfare and by diseases such as smallpox and pulmonary plague, it is estimated that about one-third or one-half of the Indigenous population died in the highlands during the Spanish invasion (Lovell [1985] 2005, 70–71). Lovell (1990) claims that it took the people of the Cuchumatanes, the highest nonvolcanic mountain range in Central America, where the Ixil Region is located, over four hundred years (1520–1950) to restore their population.

George Lovell’s *Conquest and Survival in Colonial Guatemala: A Historical Geography of the Cuchumatán Highlands, 1500–1821* ([1985] 2005) traces the

cultural and social impact that the Spanish invasion and subjugation had on the Cuchumatanes. According to Lovell, the Spanish invasion against the Mam and Ixil in the Cuchumatanes occurred between 1525 and 1530 in three military campaigns that comprised at least seven battles (60). After the Mam and their allies in Zaculeu fell in 1525, the Spanish ignored the Ixil and Uspantec, who were viewed as "too isolated and insignificant" at the time to invade. These sentiments changed when the Uspantec coordinated a defense against the Spanish (64). Lovell states that the first confrontation with the Ixil began in September 1529 under commander Gaspar Arias, who was able to take over Nebaj and Chajul, although no details are provided on this control (64–65). After Arias had to return to the capital for personal reasons, another commander, Pedro de Olmos, took his place; he led an assault on Uspantán but was later forced to flee back to Utatlán.

A second expedition started a year later under the command of Francisco de Castellanos, who led a force of "eight corporals, thirty-two cavalry, forty infantry, and several hundred Indian auxiliaries" (65). The Spanish first confronted the warriors from Nebaj and their allies, who numbered between four and five thousand. After the battle, the fighters from Nebaj retreated to their town. The Spanish and their Indigenous troops were able to enter the town, where they forced Nebaj to surrender and then branded and enslaved the surviving fighters as a form of "punishment for their resistance" (65–66). Lovell states that Chajul, on hearing this news, surrendered soon after. Cotzal joined Uspantán and other allies from Cunén, Sacapulas, and Verapaz to reach a force of approximately ten thousand. Though they fought the invaders, the Spanish eventually defeated them and subsequently branded and enslaved surviving warriors (65–66).

Because of difficult access, location in the mountains, and a lack of silver and gold, the Ixil Region was not settled in a significant manner by the Spanish and other outsiders until the end of the nineteenth century. This is in comparison to Kaqchikel and K'iche' territories, where the Spanish created new centers of control and colonial power in places such as Xela, Tecpán, and Antigua. A lack of trails and roads to the Ixil Region made it difficult to import and export products (Patch 2002, 185). Few economic incentives meant little presence of outsiders during the colonial era.

The Spanish often complained of travelling to Nebaj. In 1768, Archbishop Pedro Cortés y Larraz (1712–87) wrote during his travels: "From the town of Santo Domingo Sacapulas to that of Santa María Nevah [Nebaj] there are eight leagues, heading from south to north. The road is the worst you can imagine. The Nevah Indians came to the town of Sacapulas with sedan chairs for the whole family, saying that they could not go to their town in any other way" (Cortés y Larraz 2001, 313). When they arrived at a ranch, the road was so bad that the archbishop was forced to get off his mule. As he summed up his experience, "It would be a tedious tale to describe every stage of the road, but in short it is all a narrow path with swamps, pans, and palisades where the mules sink up to the girths; the little

that there is of solid road is very slippery ground. . . . The poor Indians are sinking in the mud up to their knees and slipping very frequently, without being able to help each other competently, because of the narrowness of the road" (313). During this visit the archbishop also acknowledged the challenges that priests, who were instrumental in the repression of Indigenous Peoples, experienced in colonizing the area.

#### DISPLACEMENT AND CONGREGACIONES

After the initial physical and military invasion, "spiritual conquest" through Christianization by Catholic priests would begin in the late 1540s through the creation of *congregaciones* (Lovell [1985] 2005, 77). These *congregaciones* were characterized by the forced resettlement of various communities in the highlands to centralized locations that would later form the *municipios* and towns of today such as Chajul, Cotzal, and Nebaj. Each of these towns was renamed and given a patron saint. Thus K'usal became San Juan Cotzal, Txaul became San Gaspar Chajul, and Na'baa became Santa Maria Nebaj. Some of these towns were constructed on or near existing settlements. In each, a church, housing for the local priest, and a plaza were built (Colby and Van den Berghe 1969, 69). Often, churches were strategically built on top of Maya sacred sites (Firmino Castillo et al. 2014, 31–32). The purpose of these *congregaciones* was to forcibly Christianize Indigenous communities, as well as to centralize them so that collecting tribute and controlling labor could be more efficient.

By the 1610s, the *congregaciones* in the Ixil Region were listed by Dominican friar Antonio de Remesal as follows: "In the Sierra de Zacapulas, [Chajul], there the towns of [Juil], Boob, [Ilom], Honcab, Chaxa, Aguazap, Huiz, and four others, and each of these had other joint small towns as suffragans. Vacá, Chel, Zalchil, Cuchil, and many more than twelve others joined the town of Aguacatlán, [Nebaj]. The town of [Cotzal] was joined by Namá, Chicui, Temal, Caquilax, and many others" (Remesal 1964, 178–79). Within these *congregaciones* were *parcialidades*, smaller community groups who maintained their own community identity and in some cases paid their tribute directly to the Spanish and had their own land rights (Lovell [1985] 2005, 81–82). Some of the *parcialidades* consisted of communities that were forced to resettle from elsewhere and were given the *parcialidad* name of their prior home. In 1683, Chajul reported four *parcialidades*: San Gaspar, which had sixty-four tributaries; Ilom, with thirty; Uncavav, with nine; and Box, with three (Lovell and Swezey 1990, 30). In Cotzal, there were three *parcialidades*: San Juan, with twenty to twenty-nine<sup>2</sup> tributaries; Chil, with ten; and Cul, with twenty-eight. Nebaj had four *parcialidades*, with Santa Maria providing seventy-six tributaries, Cuchil twenty-six, Osolotan sixteen, and Salquil ten to nineteen (Lovell and Swezey 1990, 30). Some of the names of *congregaciones* and *parcialidades* continue to exist today, such as Zalchil in the town center of Nebaj. The original community

may also exist outside the town center, as in the case of Namá in Cotzal, which was a *parcialidad*. Lovell ([1985] 2005) states that it is not known whether the original sites were resettled by people as the towns increased in population. Some may have moved there to avoid paying tribute or providing labor for the Spanish (244n23).

One of the best examples of these relocations is the community of Ilom, north of the town center of Chajul. It bordered the territory of the Lacandon people, who would raid their community (Banach 2016, 35). The people of Ilom were forced by the Spanish to settle in the center of Chajul and were placed in front of the Catholic church (Garay Herrera 2013, 43). Yet some fled and returned to Ilom. Today, the largest and oldest *cantones* in the town of Chajul are Ilom and Chajul, and people are conscious of the boundary between them: those who live in front of the Catholic church are in *canton* Ilom, and those behind it live in *canton* Chajul.

### PRIESTS AND THE CATHOLIC CHURCH

Missionaries' attempts to settle the Ixil Region began in the late sixteenth century and were conducted by priests who did not have a permanent residence there and operated from Sacapulas (Colby 1976, 78).<sup>3</sup> Catholic priests used violent measures to force Indigenous Peoples to attend mass and practice Christianity. According to Colby and Van den Berghe (1969), during this era the Ixil were punished by eight or ten whippings if they did not go to mass (81). In the 1760s the Dominican parish priest Friar Eusebio Guerra appointed an agent to force people, by threat of physical punishment, to attend Sunday mass and force children to attend catechism (Patch 2002, 187).

Catholic priests and church officials created social divisions among the Ixil and called in the armed forces whenever they lost local control. In 1768, Friar Antonio Toledo and Friar Guerra wanted to remove Miguel Matóm<sup>4</sup> as the head of the *cofradía* of Our Lady of the Rosary in Nebaj, and intervened in local elections to gain the influence to make this happen. Two factions emerged, one supported by the friars and the other supported by the people of Nebaj as well as the people of Chajul, who also feared the priests' intervention since they belonged to the same parish (Patch 2002, 188). As a result, two sets of elected officials for the posts of senior and junior "Indian magistrates" went to the village of Chiantla "to have their elections confirmed by the royal high magistrate, or *alcalde mayor*, of the province of Huehuetenango-Totonicapán" (188). That magistrate, Juan Bacaro, consulted with Friar Guerra and selected the priest-backed faction of senior and junior "Indian magistrates"; afterwards, these new officials tried to remove Miguel Matóm from his post (188).

The losing faction contested this decision and went to the capital to meet with the attorney general. He ruled that new elections had to be held and gave them a letter to that effect to take to Bacaro. Those given the letter decided to open it and take it to a ladino in Nebaj "who could read Spanish and speak Ixil"; along with an Ixil scribe he translated the letter (189). But the letter was translated incorrectly,

for the men “concluded that the dispatch had given them the right to depose the undesirable village magistrates and to put their own people into power” (189). Consequently, an open revolt led by *principales* (ancestral, traditional authorities) began in Nebaj on February 23, 1768 (189, 194–95). Some of these leaders were reported to be in their sixties, and one was estimated to be ninety (195).

The pro-priest magistrates were removed from power and the junior Indian magistrate was arrested. Friar Toledo was later driven out of Nebaj by women who threw rocks at him. In response, Bacaro sent a force of fifty men to end the revolt, as well as sending a letter to Chajul and Cotzal telling them not to join Nebaj (191–92). Bacaro’s lieutenant ordered “the Indian magistrates of Chajul and San Juan Cotzal to provide twenty-four mules or horses each so that the militia soldiers could go mounted,” an order the Ixil refused to carry out (192). The people involved in the revolt were arrested in Sacapulas when they were en route to Totonicapán, and even more were arrested after colonial forces took back control of Nebaj. In total, there were forty-seven prisoners. The case was later investigated by a judge, who found the leaders of the revolt guilty and ordered them to be whipped and jailed for at least six months.

In 1793, there was another conflict involving a priest who reportedly insulted the Indigenous governor (*indígena gobernador*) of Nebaj (AGCA, A1 24.14, Exp. 39,856, Leg. 4658). A colonial official reported that in February of that year the governor of Nebaj, Andres de Leon, appeared before him with his “whole body contused and full of bruises.” The governor testified that “without reason or precedent” the “*indio mayor*” had come to his home, insulted him, and announced that he was going to take him to prison on the orders of the priest Fray Francisco Orellana. With a group of three men and two women, the “*indio mayor*” beat the governor and his wife and took the governor to prison for six hours. After being released, the governor returned home to recover from his injuries, and on the following day he headed out to Huehuetenango to make a formal complaint against his attackers. But his opponents notified the priest, who sent thirteen men to catch up to him and bring him back to Nebaj. “They gave him strong and repeated blows, and, tying him up, took him to the convent of Nebaj, where, without speaking to the priest, they took him to the *cabildo* (town hall). Then the said priest arrived and, together with the mayors, ordered him tied to the pillory. They gave him more than a hundred lashes, saying loudly that he was being punished for gossiping and that his government would last until Easter” (AGCA, A1 24.14, Exp. 39,856, Leg. 4658). After Governor Andres de Leon was released, he went to make his complaint, which led to the arrest of the two *alcaldes* involved in the beating. Others involved would also admit to their crimes but placed responsibility for their actions on the priest.

The case demonstrates how priests forced Ixil to commit crimes against those who opposed their influence, and the ways in which even Ixil in positions of colonial power, in this case a governor, were subjected to harsh violence by church officials. At the same time, it demonstrates the ways that Ixil used the colonial system



to denounce church officials, although the complaint ended in the arrest of the Ixil perpetrators and not the priest himself. In 1798, five years after the incident, complaints against Orellana continued (AGCA, A1 24.14, Exp. 39,864, Leg. 4658).

In a third case, in 1798, Ixil women protested and expelled a priest and a Spanish medical team after they transferred the cemetery from the Catholic church to another site on the outskirts of town as a form of disease control against typhus (Dunn 1995). In the 1790s, typhus was spreading across the Cuchumatanes, leading the Spanish to try to control it in order to avoid any disruption in tribute collection and to secure their own food and labor supply (596). Spaniard doctor Vicente Sorogastua Carranza was sent to try to stop the spread of typhus, along with his team, which included a barber and a bleeder. They had worked in Jacaltenango, Todos Santos, and San Martin, where they attempted to cure and treat patients with eighteenth-century methods such as “bloodletting, alcohol rubs, and the serving of ‘*bebidas frescas*’ (cool drinks)” (597). In more extreme cases, the medical team called in the militia to control people as they burned “homes and possessions of the sick” (597).

In December 1797, Dominican priest Francisco Abella, who oversaw Chajul, Cotzal, and Nebaj, wrote to the *alcalde mayor* of the department to inform him that at least twenty-two tributaries had died and that many others were sick (597). Dr. Sorogastua Carranza was sent to alleviate typhus in the Ixil Region and began using bloodletting, *bebidas frescas*, and alcohol to treat people. The doctor and Father Abella threatened the people of Nebaj by stating that if they followed the doctor’s treatments “it would not be necessary to torch their property” (597). Toward the end of December, Carranza and Abella decided to close the cemetery at the church and establish a new one outside of town; they also required that burials at the new site should be done quickly and without rituals. This conflicted with local burial practices, which included a vigil to accompany the recently deceased and a procession the next morning. Thus when three died, including a child, and were buried without a vigil or procession, a riot broke out. On January 1, 1798, at least seventy-three women entered the patio of the church where Carranza, his team, and the priest were located. The women were accompanied by another five hundred Ixil in the plaza who were “armed with machetes and sticks” (599). The priest and doctor “feared for their lives” and were concerned that the Ixil of Nebaj “might unite with those of Chajul and Cotzal in a regional uprising” (599). One protester would tell the doctor and the priest “that the town and the church were the property of their ancestors” (600). Carranza, his assistants, and the priest would remain trapped inside the church and the priest’s room for three days.

During the Ixil women-led uprising against Spanish officials, the Ixil reburied four of the recently deceased, transferring them from the new cemetery to the church. The priest and Spanish medical team were eventually allowed to leave after a group from Chajul came to retrieve the priest to oversee their town festival, which took place between January 4 and 6. The people of Nebaj made it clear to the priest that “there would be no more trouble as long as the dead were allowed” to be buried



in the church (601). This uprising demonstrates the importance of burial practices, Maya spirituality, and the important role that women held as political and spiritual leaders in Nebaj. It also showcases the ways that the Spanish imposed their medical practices on the Ixil and Maya, which included the burning of their homes. The Spanish intervened to combat typhus less to ensure the well-being of the Ixil than to secure their own access to tribute, labor, and food. Spanish survival during the colonial era was predicated on the repression of Indigenous Peoples, and this case also shows the agency and resistance that the Ixil practiced against invaders.

In 1824, the local priest of Nebaj worked on a Spanish-Ixil grammar and vocabulary handbook that is considered to be the oldest known available document written in Ixil (Romero 2017). The author of the handbook is anonymous, and the work contains Ixil basic words and their Spanish translations, along with Ixil translations of the Padre Nuestro, El Credo, the Dios te Salve Maria, La Salve, the Ten Commandments, the seven sacraments, the articles of faith, and confessions. The work also documents the payments received by the priest from Chajul, Cotzal, and Nebaj for performing masses and other religious services. These included monetary payments and payments in food such as eggs, chilies, corn, and beans (Cura Párroco de Nebaj 1824). The Ixil grammar and dictionary was created for the purpose of indoctrination within the Catholic Church.

### TRIBUTE

One way that the Spanish exploited the Ixil was through tribute. Because of the colonizers' inability to find what they determined to be precious metals such as gold or silver in the Ixil Region, there were few economic incentives for them to settle there. The tribute system was a violent way to extract labor, services, food, and other goods (Colby and Van den Berghe 1969, 65).<sup>5</sup>

It was also through tribute that the Spanish documented the number of people and families that lived in each town, as well as the various waves of illnesses and epidemics that would affect Indigenous communities. Tribute was paid in salt, beans, chickens, honey, corn, chili, and cotton, as well as coerced laborers known as *indios de servicio* (Lovell [1985] 2005, 97–99). A tributary was “classified as a married Indian male between eighteen and fifty years of age, together with his wife and children,” and “widows, widowers, and unmarried adult males and females were defined as half-tributaries” (101). People considered as *reservado*, or exempt from paying tribute, included leaders, their eldest sons, children, the elderly, the sick, and those who worked for the Catholic Church (102). In 1549, there were thirty-five tributaries from Nebaj; they had to pay the *encomendero* Francisco Sánchez Tamborino the amount of two *fanegas* of corn, three dozen chickens, and four *indios de servicio* (98). Moreover, the *encomienda* system provided compensation to Spanish invaders and military officials in the form of control of land and forced labor from people from those lands (Colby and Van den Berghe 1969, 64). By the early eighteenth century, interest in encomiendas decreased, and “most

Cuchumatán *encomiendas* were then declared vacant and reverted to the Crown” (Lovell [1985] 2005, 99).

A *tasación de tributo* (tribute assessment) was a recorded count of the number of tributaries in a given place, from which the amount of collective payment was calculated. Once a tributary died, the collective payment amount would be reduced, and not updating a *tasación de tributo* might lead to overpayment. In 1703, the *pueblo* (town) of San Juan Cotzal and the *parcialidad* of San Marcos requested to update their *tasación de tributo* following the deaths of tributaries (AGCA, A3.16, Libro 2813, Ex. 40780). At the time, the people of Cotzal reported that there were six married tributaries, ten married with Indigenous women from other *parcialidades*, four widows, one single person, and ten married with people from other *parcialidades* who were tributaries. Payment was sixty-four *tostones* in *dinero* (money). As mentioned, the amount of tribute varied depending on the payer’s social status. In this instance, married full tributaries were to pay four *tostones*, a widow one *toston*, and those married to people from other *parcialidades* two *tostones*. In Cotzal, tribute was paid twice a year on June 24 and December 25 and was collected by Indigenous *alcaldes* or *corregidores* (mayors), and failure to do so led to imprisonment or punishment.

Reports on tributes included information regarding the size of a town’s population and demographic information on tributaries. For example, in 1756, it was reported that Cotzal contained 148 married and full tributaries; of these, 38 were married to “*indias*” from other pueblos, 4 were *reservados* (exempt from tribute), 30 were married to “*indios*” from other pueblos, 3 were married to mestizos, 8 were widowers, and 6 were widows (AGCA, A3 4259). With a growing population the amount given in tribute increased. In Chajul, a 1752 *padron de los tributaries* (census of tributaries) provides information on tributaries from Chajul and the *parcialidades* of “Ylon” and “Uncap” (AGCA, A3.16, Exp. 17,657, Leg. 945). Among tributaries in 1752 Chajul were Ixil who were married to people who paid tribute elsewhere, such as Nebaj and Sololá (AGCA, A3.16, Exp. 17,657, Leg. 945).

Diseases, death, and unforeseen circumstances at times affected tribute payments. For example, in 1798, there were reports of *peste de la tabardillo* (typhus fever) in Nebaj, which prevented payment (AGCA, A3.16, Exp. 4814, Leg. 242). In 1812, the towns in the Ixil Region were unable to pay tribute because of a plague (AGCA, A3.16, Exp. 43,178, Leg. 2900; AGCA, A3.16, Exp. 43,154, Leg. 2900). In Cotzal, thirty-three tributaries died from disease in January 1812 and only 390 *tostones* was collected (AGCA, A3.16, Exp. 43,178, Leg. 2900). The people of Chajul also reported deaths due to disease (AGCA, A3.16, Exp. 43,171 Leg. 2900; AGCA, A3.16, Exp. 43, 154 Leg. 2900). Despite Cotzal and Chajul’s dire situation, Friar Salvador Naraváez, writing from Chajul in 1816, informed the *alcalde mayor* of Totonicapán and Huehuetenango that the *peste* would not exempt Ixil from paying the tribute they owed (AGCA, A3.16, Exp. 43,239 Leg. 2901).

In 1819, a *matricula* (registry) collected data on the three towns for the purposes of determining tribute payment and each resident's social and familial status, noting names of every member of the family. For example, the last three entries of Nebaj's *matricula* are: "Magdalena Jacinto, widow of Miguel Brito, has Ambrosio, who is sixteen years old, and Cecilia; Miguel Brito, nineteen years old, married to Jacinta Bernal without children; Jacinta Bernal, widow of Miguel Brito, has a five-year-old Jacinto, Maria, and Catarina." In 1819, the *total de almas* (total of souls) claimed in each town was 1,826 in Nebaj, 1,017 in Cotzal, and 1,913 in Chajul (AGCA, A3.16, Exp. 34467, Leg. 2332; AGCA A3.16, Exp. 34466, Leg. 2332; AGCA, A3.16, Exp. 34464, Leg. 2332). These documents show the meticulous record keeping that priests, and colonial agents used in their control over Indigenous Peoples. In addition, the *matriculas* demonstrate the surnames and kinship groups that were particular to certain towns. For instance, in Nebaj, the common surnames included Brito, Cobo, Bernal, Rivera, Raymundo, Corio, and Santiago; in Chajul, Asicona, Caba, Ramirez, Laynez, Bob', Anay, and Yjon (also spelled Ijom); and in Cotzal, Toma, Aguilar, Cruz, Sambrano, Cordova, Velasco, Ostuma, Perez, Lopez, Aviles, Ordoñez, Gómez, and Chamay. These surnames continue to be common in and associated with each of these towns. Moreover, they reveal that the K'iche' were still not a significant presence in the region. Most K'iche' today have surnames such as Lux, Us, and Santay, and many trace their elders' and grandparents' arrival to the Ixil Region back to the late nineteenth and early twentieth centuries, particularly from the department of Totonicapán.

As a result of having to pay tribute and deal with abusive colonial officials, some Ixil fled the *congregaciones* and Spanish control. For instance, in 1819, the *comisionado* of Nebaj reported that tributaries had fled to the mountains (AGCA, A1.1 Exp. 56,749, Leg. 6118). Archbishop Cortez y Larraz labeled these Ixil as "fugitives," but many were resisting being forcibly incorporated into colonial systems of governance and rule (Cortés y Larraz 2001, 313–18). Tribute was a repressive practice that extracted wealth and labor from the Ixil. When the criollos gained independence from Spain, the Ixil from Chajul asked the new government in 1821 if they were still required to pay tribute; their question is reflective of what the Ixil's perception of "independence" was and for whom (AGCA, A3.16, Exp. 37,716, Leg. 2569).

#### LAND TENURE AND THE 1623 ANCIENT AGREEMENT

During the colonial era, the Spanish Crown claimed to be the owner of the land by "right of conquest," while simultaneously recognizing Indigenous Peoples' "natural right" to land by "prior occupation" (McCreery 1994, 49). According to McCreery, Indigenous Peoples by "virtue of possession 'from time immemorial' and regardless of whether or not they had papers . . . had full rights to their community lands"

(49). McCreery states that the sale and titling of land was a source of revenue for the Spanish and that among the reasons that many Indigenous communities did not want to title their land were not wanting to pay taxes and wanting to avoid state intervention in local affairs (50). In the post-Independence period, Liberals passed laws to make communities title their lands. Many Indigenous communities held ejidos, and despite not having land titles, they were able to manage their lands. It is important to note that the titling office and regulation did not come into existence until the 1870s under the dictatorship of Justo Rufino Barrios (1873–85).

Cotzal and Nebaj requested their land titles in 1878, with Cotzal obtaining their ejido title in 1885, Chajul in 1900, and Nebaj in 1903 (Elliott 2021, 119). In Nebaj measuring had begun twenty-five years earlier, in 1878, and was delayed because of conflicts with neighboring towns. Before land titles were issued by the state, Chajul, Cotzal, and Nebaj relied on a 1623 “ancient agreement” among themselves, written in Ixil by the *principales*, to determine territorial limits and resolve disputes; this agreement was recognized by the church and by state officials.

A report from the AGCA documents a request, dating back as early as 1807, from the residents of Chimulaj and Magdalena to have their land measured and titled (AGCA, Sección de Tierras [hereafter ST], Quiché, P. 3, Ex. 1). As a result, the surveyors measuring land boundaries requested that neighboring towns present themselves “with their respective titles” (AGCA, ST, Quiché, P. 3, Ex. 1). On February 25, 1807, the *alcaldes* of Cotzal presented themselves to the surveyors, who noted:

On the same day, the mayors of the town of San Juan Cotzal, Juan Lopez and Juan Rodriquez, with their notary Juan [Toon], said that they had not appeared earlier because *they did not have titles, or lands to dispute*. The southern markers [of their lands] are on the top of the Sierra, those of the East are in the middle of the road to Chajul, those of the west in the middle of the road to Nebaj, and those of the North do not have an end, because they are uncultivated mountains, which they do not know, nor do they have a [presence there]. (emphasis mine, AGCA, ST, Quiché, P. 3, Ex. 1)

The *alcaldes* of Chajul and Nebaj also presented themselves and in the same manner declared that they did not have any land titles to present (AGCA, ST, Quiché, P. 3, Ex. 1).

While I found no mention of state-issued land titles within the AGCA before the ejidos, there are at least three references regarding the above-mentioned *convenio antiguo* (ancient agreement) written in Ixil, and a fourth reference mentioning the recognition of ancestral rights among the Ixil.<sup>6</sup> Details of the ancient agreement such as its date and contents are found only from its transcription in the surveyor’s report on the ejido of Cotzal (AGCA, ST, Quiché, P. 3, Ex. 11). The surveyor sent to measure the ejido of Cotzal, Carlos Rosal, documented a conflict surrounding the territorial limits of Pulay, which was being claimed by both Cotzal and Nebaj.

During a meeting between authorities from Cotzal and Nebaj, the former claimed that Pulay rightfully belonged to them and backed their claims through an ancient document dated November 21, 1623, which they presented to Rosal. The surveyor then wrote in his report:

This document, as old as it is confusing, whose original is written in the language of these Indians, contains a landmark agreement between those of Cotzal and those of Chajul and Nebaj. . . . The landmark named "Pulay," where we met with the municipality and *principales* of Nebaj who presented me with their land title, . . . was measured at the end of 1878 and at the beginning of 1879 by the surveyor Don Felix Vega and revised by the civil engineer Don Alejandro Prieto. . . . [Those from Cotzal said that the titles] were false, that they had never given their consent to Surveyor Vega; that, on the contrary, they had gone to complain several times to the general president at the time and that they had always protested to the surveyor himself against his proceeding while ignoring such protests, and that for this reason they had destroyed the marker. (AGCA, ST, Quiché, P. 3, Ex. 11)

On another date of measuring, Rosal transcribed part of the agreement, which I cite in its entirety in his words because of the document's historical importance:

This document, as I have already said, dates from 1623. It is written in the language of the Indians, the original of which, badly composed and almost illegible, has been translated into Spanish. No less confusing and bad is said translation, although it is faithful. . . . [It] thus refers to the agreement entered into among the contenders: "Thus says the writing that we principally do now on November twenty-first in this year of 1623 years. Now the title is created and that is done here by us *principales*, it can never break down, and we already said it before God, we the *principales* did it and we did it now. We already put two crosses at the top of the hill on one side of "Pulay" above "Chisis." We have already done it now, *principales*, so that no one has to fight and no one has to ever scold, since it has already been said in court. We are the *principales* and we did it now, we have said it, and we, the owners of the provisional land and all the people of the town, did it. And the *principales*: the owners of the lands never fight because God is in front of everyone. . . . No one has to fight, and whoever starts conflict will be given sixty lashes by order of justice and fined thirty *pesos* because we, the *principales*, have already made this deed. . . . (Signed) I, Mr. Jose [Mexias]. I, don Juan Coronel. I, don Ambrosio Castro from "Nebaj." Mayor Cristobal Luis. Mayor Jose Raimundo. Councilor Matias Pacheco. Councilor Domingo Cedillo. Notary Public Juan Bautista. Mayors of San Juan Cotzal. Don Pedro de Abiles and Juan Belasco. Alderman Francisco [Gómez]. Alderman Rafael Sanchez. Notary Public Gabriel Lopez. (AGCA, ST, Quiché, P. 3, Ex. 11)

To my knowledge, there are no other references and citations of this document and its contents. The document notes the punishment of those who violate the norm based on this agreement by fighting over land. The document would later work in favor of the people of Cotzal against those of Nebaj, who had attempted to take all of Pulay. The *convenio antiguo* was mentioned a second time in a document that

resolved this conflict over the disputed territory of Pulay in 1913 between Cotzal and Nebaj (AGCA, ST, Quiché, P. 27, Ex. 3). Eventually, Pulay would be divided in half between the two towns.

The third reference to this ancient agreement is found in a document from 1860 regarding a conflict between Cotzal and Chajul over the territory of Chichel, where an important river and waterfall flows. Cotzal and Chajul have historically had various territorial disputes. In some of these cases, the priest from Sacapulas or some other outside mediator was brought in to try to resolve and deescalate tensions (although this probably did the opposite). A document written by the municipality of Cotzal in 1860 to President Rafael Carrera and entitled "In Union of All of the Principals and Commons of the Town" states:

The people of Chajul tried in the year 1838 to dispossess us and disturb us on our property, and on that date, accompanied by our priest don Francisco Puente, we went to the place of Chichel, and with a view to the ancient title that we have recorded in our language, our priest persuaded them to respect our land. . . . The people of Chajul have returned to deprive us of our land, and now it is planted by them, to the detriment of the individuals from Cotzal, who are the legitimate owners. (AGCA, B Leg. 28,582, Ex. 140, Fol. 3)

The ancient agreement between the three towns written in Ixil nearly a century after the Spanish invasion was used by the people of Cotzal to defend their territories against their neighbors in various land disputes.

Finally, in December 1860, the *principales* and municipality of Nebaj sent a written request to Carrera and the *corregidor* of Totonicapán to obtain land titles after a surveyor measuring land in San Pedro Soloma held a meeting with them (AGCA, Leg. 28,582, Ex. 194). They stated that "the *alcaldes*, governor, and other *principales* of the pueblo of Santa Maria Nebaj" had been requesting for "some time" that their lands be titled (AGCA, Leg. 28,582, Ex. 194). In response to the request by the *principales* of Nebaj to Carrera, the *corregidor* of Totonicapán wrote to the central government that the pueblo of Nebaj had "conceived this idea" of getting its land title years earlier but that he himself had avoided putting this idea "into practice." He said this was because of the costs associated with titling and his concern to avoid conflict over territorial boundaries, which he argued were not a major issue or in serious question given that the Ixil had ancestral recognition of their towns. He stated that the three towns had a large amount of good land, "extend[ing] up to a distance not yet known even by them. It is true that undoubtedly for this very reason none of the towns of Chajul, Cotzal, and Nebaj have titles and that they have lived in agreement with a certain demarcation that, since ancient times, they have recognized, at least in the distances from town to town, . . . for other directions can be extended as far as they want" (AGCA, Leg. 28,582, Ex. 194). The *corregidor* noted a conflict between Chajul and Cotzal over "a few *cuerdas* of land" as a way to suggest that a larger survey of land involving *caballerías*, and not

*cuerdas*, could spiral into a larger conflict. He further appealed to racist and anti-Indigenous sentiments, claiming that “the inconvenience that measuring the ejidos of Nebaj could bring would be wakening between the towns that greed for lands that generally exists within the native class.” The *corregidor* ended his response to the central government after justifying his delay over the previous three or four years in supporting the land-titling process by acknowledging that apart from the reasons he had listed, “it seems very necessary, and it is the law, that each one have a title that corresponds to them.” (AGCA, Leg. 28,582, Ex. 194).

Despite their initial request, the pueblo of Nebaj would not be granted a land title until another request was made under the new land law of 1878. The request made in 1860 also shows that despite not having state-issued land titles, the three Ixil pueblos were able to live relatively free of major territorial disputes because of their agreement that had existed since “ancient times,” as mentioned by the *corregidor*. While the 1623 ancient agreement aided in resolving or mediating territorial boundaries between the three towns, further research is needed in understanding how land was managed and how disputes regarding land inside the towns were resolved.

As the case of Pulay demonstrates, state-issued land titles led to conflict. Moreover, there was an abundance of fertile land that extended north; according to the *corregidor*, many did not know where it ended. This case confirms that many ejidos were not registered for a variety of reasons: registration was costly; there was concern that measuring territorial boundaries would lead to conflict, as had happened in other cases; and there were already local and regional nongovernmental agreements on territorial limits between the towns, reaffirming townspeople’s autonomy from colonial and central governments. One of the concerns that other pueblos had was that once a land title was issued, it would be easier to take away (McCreery 1994). These concerns would become reality during the second invasion, when the arrival of foreigners and ladinos would displace Ixil from Cotzal’s ejido and take up large amounts of fertile land in Nebaj and Chajul.

#### REFLECTIONS ON THE FIRST INVASION

The first invasion was characterized by direct, violent, physical and spiritual colonization, displacement, and forced settlement through the *congregaciones*. During this era a colonial system was put into place, one that relied on violence to control people and their labor (forced resettlement, going to church), the extraction of natural resources and goods via tribute, the destruction of sacred sites, and the imposition of Christianity based on a discourse of salvation. But the first invasion was also marked by open revolt and everyday forms of resistance against Spanish conquistadores, priests, and colonial agents. Women played an important role in this resistance. According to one ancestral authority, “The people recount stories that the Ixil territory was defended especially by women,” and cited women who



“used chili to throw in the faces of the Spaniards.” During and after the colonial era, the Ixil Region remained free from significant foreign settlement (apart from that of some priests and colonial agents) until the production of coffee in the second invasion, which led to a massive shake-up in the national and local economies.

Priests were crucial colonial agents for the Spanish, as they served as interlocutors for the Crown in collecting tribute, maintaining a census, and engaging in spiritual warfare that was reinforced by physical violence. When they lost control, colonial armed forces were called to reestablish their authority. Moreover, priests were among the first ethnographers to extract Indigenous knowledges for the purposes of reinforcing a racial, intellectual, and spiritual hierarchy in which European culture was viewed as superior.

The 1623 ancient agreement speaks to Ixil resiliency and their ability to secure their territorial autonomy within the colonial system. Despite this, the first invasion resulted in the Ixil being displaced from their ancestral lands by European forces. An Ixil saying that I heard on several occasions sums up the role of the church in this displacement: “When the Spanish came, we had the land and they had the Bible. They told us to close our eyes to pray. When we opened them, they had the land and we had the Bible.”<sup>7</sup> Today, the Catholic Church remains one of the largest landowners in the world.

Throughout the four invasions, the Ixil and other Indigenous Peoples have migrated and continue to be constantly displaced by local and global forces. The first invasion has had a lasting impact on the Ixil. But although the Spanish and their heirs managed to create a system of domination, the Ixil continue to fight for self-determination today.