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ESSENTIALIZING AUTHORITARIANISM: IMPLEMENTING NEOLIBERALISM IN HIGHLAND PERU

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ABSTRACT

In order to help understand how neoliberalism generates new forms of localized governing and social control, this article investigates the major differences between the Peruvian government's 1995 Land Law legislation, and how the state actually implemented the new policy. The article argues that, contrary to the letter of the Law, the shape of the institutions set up to implement it uniquely served the interests of local elites and made them the proxies of the neoliberal state. Moreover, by incorporating rural villages in an essentialized way, the Law enables and pushes these new state agents to govern in a more overtly coercive and authoritarian manner.

KEY WORDS: Peru, state agents, neoliberalism, Land Law, essentialism

This model of smallholders without technology is a vicious circle of extreme poverty. We must encourage medium-sized property, the middle class of farmers who know how to obtain resources, seek out markets and create formal jobs....

President Alan García. 2007.
"The Dog in the Manger"

INTRODUCTION

Neoliberalism encompasses a differentiated and frequently contradictory set of policies and political institutions, difficult to understand for their complexity (Brenner et al. 2010; Peck et al. 2010). In general terms, "neoliberalization denotes a politically guided intensification of market rule and commodification" (Brenner et al. 2010:184). Critiques emphasize that it is a political project "to restore the power of economic elites" (Harvey 2005:19) through "the methodical destruction of collectives," those organizations and institutions that stand in the way of people operating as cold, calculating, profit-maximizing individuals (Bourdieu 1998:94). But neoliberalism is just as much a conflict-ridden, unstable, and fluid ideological framework variegated through diverse external conflicts and sizeable internal contradictions, particularly "between its own authoritarian and libertarian moments and constituencies" (Peck 2004:403). Moreover, neoliberalism tends to spread through varied and contradictory forces experimenting in sundry on-the-ground milieus, "engender[ing] a range of contingent and ambiguous outcomes that cannot be predicted beforehand" (Ong 2006:5). In short, while neoliberalism involves an ideology of frictionless global free markets, its actual expressions

present a confusing and contradictory picture.

One way to grasp the nature of some localized manifestations of neoliberalism entails investigating the difference between policies and their implementation (Peck 2004). Governments throughout the world have followed some prescriptions to refashion their policies around privatizing, removing many state protections, and intensifying market rule (Brenner et al. 2010). The neoliberal project, however, remains contradictory, unstable, and incoherent due to variability within the different implementing parties, and the wide array of localized conditions they encounter (Peck 2004; Ong 2006). Looking at the more local level, then, demonstrates more of the way that neoliberal transformations occur. And, looking particularly at the difference "between what neoliberal states say they do and what they actually do" speaks directly to the new forms of governing and social control emerging as a key aspect of these reforms (Peck 2004:395; cf. Porter and Craig 2004).

This article looks at one particular such instance: the difference between the promulgation of the 1995 neoliberal Land Law in Peru, and how the government set up the institutions to actually implement the Law. This evaluation therein serves as a preliminary assessment of the institutionalization of the Land Law in order to generate questions for further research into the impact of this new legislation in rural highland villages. And in so doing, this article suggests possible avenues for action for applied researchers.

In 1995, the Peruvian government passed the Land Law, a "radical" neoliberal shift enabling the violability of land for the first time in forty years (Ministerio de Agricul-



tura 2004:8). This Law was designed to create a “viable market in land,” and therein enable rural villages to switch from the *comunidad campesina* (peasant community) land tenure system of quasi-corporate holdings to one of strictly individualized, private lands. The *comunidad* system provided protections against taxation and expropriation. The private system, in contrast, aimed to increase land value, productivity, and concentration (Ministerio de Agricultura 2004). The legislation, however, noted that *comunidades* had historical importance and thereby protected these holdings by only allowing a transition to private titles with a two-thirds majority approval by villagers.

To get at the difference between Land Law legislation and its implementation, I contrasted two things. First, I read the Law and the interpretations of it forwarded by the responsible government agencies. Then, I visited a local office in the city of Ayacucho and asked the local agents about the Law, particularly about how their office had been set up to implement it. While I also visited a couple of villages to see how this was playing out, the focus of this article is simply the central government itself and its own contradictions. But understanding these contradictions provides a key baseline for researching and acting on the localized implementations of the Law.

This paper argues that the contrast between promulgation and execution reveals that the Land Law pushes the few privatization-minded elite of rural villages towards coercive and authoritarian behavior. Specifically, the institutions established to implement the Law, particularly the PETA (Proyecto Especial de Titulación de Tierras—Special Project on Land Titling) of the Ministry of Agriculture, was set up only to serve the few privatization-minded, elite local farmers. As President García says above, this legislation only has medium-sized (or larger) farms in mind. The National Agrarian Census (INEI 1996), meanwhile, finds that most farmers are smallholders, particularly in the Andes (nationally 52.5% have less than 3 hectares, while 87.6% have less than 10 hectares). But the institutional shape of the PETA also essentialized rural villages. As I will explain through this article, by treating villages as undifferentiated, conflict-free, isolated redoubts of organic democracy, the PETA provided these same elites with the power and motivation to assume new despotic village roles with which to coercively impose privatization locally, and to therein present the village as unanimously pro-privatization.

BACKGROUND

As with several other regions of the world (Harvey 2005), the implementation of neoliberal policies in highland Peru amounted to a struggle over the control of labor and resources, particularly land. Native land and labor are intimately tied together. Specifically through allowing ac-

cess to land, dominant groups have long constructed Indians *writ large* as a cheap source of menial labor (Appelbaum et al. 2003). Indians must look for work because their farm plots are too small to sustain their families, but they can be paid below-subsistence wages because their farming subsidizes their labor (de Janvry 1987; Stern 1992). Dominant groups have continually generated new ways to revitalize these relations, such as state or private interventions to reduce native landholdings (Spalding 1975; Stern 1992; Scarritt 2011). Rather than seizing all native lands, a shift to a land market instead portends pushing most natives to the most marginal fields for basic reproduction, increasing their dependence upon land-consolidating elites. Such shifts have regularly occurred in history, such as with the liberal reforms of the nineteenth century (Klarén 2000). These processes may become further intensified to the extent that the Law paves the way for the reintroduction of middle class mestizo farmers long resenting their land dispossession at the hand of the 1969 Agrarian Reform.

Popular struggles beginning in the 1950s helped crystallize the terms of this contestation in the new legal entity of the *comunidad*. This reorganization of rural spaces away from haciendas and towards villages provided indigenous people with a major new institution for collective decision-making and representation (Yashar 2005). The major problems with this new system were that it (1) largely kept the same people in power but just shifted their locale (such as former hacienda owners running the new Agrarian Reform offices) and (2) it used the creation of the new entity to pit urban mestizo interests against those of other “native” villagers (Poole 1994; Drinot 2006:19; Scarritt 2011).

Positively, however, the reforms protected lands against taxation and expropriation while severely limiting the maximum holding size. In the absence of meaningful structural change, however, the reform most strongly amounted to increased security over the subsistence land base upon which natives made their reproductive decisions. Moreover, this permitted the growth of cultural practices that could curtail some of the worst abuses and even lead to some further political mobilization (Yashar 2005). Natives’ socioeconomic position of providers of below-subsistence labor remained largely the same, but they had gained greater power in deciding how to deploy it.

The neoliberal project represents a continuation of the struggle over the control of indigenous land and labor. Most obviously, the legislation explicitly allows and endorses the elimination of the *comunidad*. More determinately, however, the institutionalization of the legislation provided the opportunity structure, windfall rewards, and important means for local elites to impose unpopular programs on the majority.

THE LAND LAW





In 1995, the government passed “The Law for the Promotion of Private Investment in the Economic Activities of National Territorial, and Peasant and Native Community Lands,” known vernacularly as the Land Law. As the title indicates, the core idea behind the new Law entails generating investment through privatization—with important consequences:

The existence of an adequately functioning land market would be a generating element for economic development and, as such, would derive an increase in the general wellbeing of society. In effect, the free transferability of lands has a fundamental effect in the efficient assignment of this important resource, given that it permits that these are transferred in favor of the people who can use them best (Ministerio de Agricultura 2004:2).

The Ministry sees this as a “radical turn” towards, and opportunity to deliberately intensify, land concentration. Privatized land holdings provide collateral for loans, enabling greater risk-taking. But financing works much better with larger landholdings, meaning that under such a production scheme “the necessity to have a greater concentration of land is evident” (Ministerio de Agricultura 2004:6). And this is facilitated through greater access to credit combined with the need to take greater risks. Individuals whose highly leveraged strategies fail will lose their mortgaged lands, while successful land-based endeavors will gain more holdings and access to credit. To complete the circle: “Concerning [private] titling, another positive effect in respect to the access to credit, is constituted in the possibility of promoting the re-concentration of land tenancy” (Ministerio de Agricultura 2004:6). The Ministry, then, sees the Land Law as a means to accelerate land concentration in order to improve the overall well-being of society.

The Land Law, however, provides some protections for lands held as parts of *comunidades*. The Law (article 11) allows *comunidades* to convert their corporate holdings to private holdings (or otherwise alter their *comunidad* land tenure system) only with a two-thirds majority vote of the active *comunidad* population (Fujimori 1995; Del Castillo 1997). The Ministry understands that “under current law, the titling of the communities can take two modalities: communal or individual” (PTRT 2001:4). Communities cannot simply dissolve through the piecemeal conversion of lands to private holdings, but require the volition of a super majority to make any changes. Furthermore, villagers can remain under the *comunidad* system and obtain clear title to their lands.

PRIVATE IMPLEMENTATION

The actual implementation of the Law, however, differed dramatically from these state interpretations. First, the Ministry of Agriculture and its PETA provided no means to acquire a clear *comunidad*-based title. Despite its own law and interpretation, the government only allowed for

private titles. In not providing any infrastructure for the *comunidad* option, the new institutions only served the local interests that desired privatization.

Additionally, in its own literature and according to its personnel at the Ayacucho office, the PETA saw privatization as inherently positive to all farmers, increasing the value of their lands and access to external resources, particularly credit. Seeing privatization as uncritically positive meant that fighting this “resource” was highly irrational, therein bolstering the private position to the detriment of the majority. While only noted briefly here, this construction resonates with traditional racisms that regard native interests as irrational.

Most importantly, only allowing for private titles meant that the Law institutionally equated clear titles with private titles. This meant that acquiring clear titles could only occur through the dissolution of the *comunidad*, a necessary precursor to privatizing. If the elite desired to privatize, they would have to convince the rest of the villagers to give up their *comunidad* protections against taxation and expropriation.

ESSENTIALISM

More than exclusively serving privatizing interests and undermining the *comunidad*, though, the institutionalization of the Land Law provided crucial means through which the elite could impose their interests on the majority. The Law did this through incorporating the villages in an essentialist way. This essentialization granted authoritarian powers to local elites. And it masked the coercive consolidation of local power as an expression of village group mutuality.

By essentialist, I mean that the Law incorporated villages as though they were undifferentiated, conflict-free, isolated redoubts of organic democracy. The essentialist village expresses a mutual concord based solely on locally based priorities rather than power disparities originating from differential integration with the rest of society. This was an institutionalized essentialism because the shape of the PETA, rather than the opinions of its employees (even if these coincided), treated villages in this way.

This essentialism follows the longstanding Orientalist tradition of “Andeanism.” This ideological matrix, fairly rampant throughout Peru, constructs indigenous rural peoples as fending off the outside world by living according to timeless traditions (cf. Starn 1991). While celebratory of Andean customs, it thoroughly essentializes native life, downplaying local differentiation, political economic connections to the rest of the country, and cultural change as largely non-determinant of local reality. As a result, this perspective at least implicitly sees poverty and conflict as originating locally, outgrowths of the decision to preserve cultural integrity through living in isolated enclaves. As local problems they should be treated locally, all else amounting





to imperialistic infringements on local autonomy.

While Andeanism appears in some academic dialogues, many its facets have been discredited. Connectedness, differentiation, and cultural change have long characterized native reality, with poverty and most sources of conflict, including those over land, emerging and transforming through colonialism and modernity—that is, through the ways natives are integrated into society. Indeed, many studies have demonstrated that cultural change, rather than leading to extinction, is a vital resource for group claim-making (Warren 1992; Hale 1997; Rubin 1997; Warren and Jackson 2002). Further, as suggested above, natives have long been a central element of the Peruvian political economy, their poorly remunerated labor undergirding much of the national economic activity. Andeanism naturalizes these relations as inherent racial differences, incorrectly portraying Indians as simply doing things as they have since time immemorial, their poverty reflecting cultural differences rather than exploitative social relations.

ESSENTIALIST IMPLEMENTATION

This essentialism is readily apparent in how the PETT justifies the Land Law's protection of the *comunidad*. The PETT did not directly endorse dismantling this institution, and in fact stressed that titling activities "should be designed with a profound knowledge of the complexity of the social culture of the communities" that dated back to "ancient times" (Ministerio de Agricultura 2004:8). This piece of essentialist wording, however, should not distract from the actual institutionalization whose simplistic treatment of local conditions enabled the rise of new autocratic village powers.

The requirement for two-thirds of villagers' approval was the Land Law's strongest protection for the *comunidad* system. But the PETT provided no means to regularize village decisions about preserving or privatizing the *comunidad*. The PETT specified no means through which villages should make this decision. Neither did the government include any infrastructure, resources, or authority to make this occur in an orderly fashion. This stands in marked contrast to the regularization of national elections that strove for transparency through concrete processes monitored nationally and internationally, specifically to prevent the powerful from manipulating the results to serve their interests.

Herein the government essentialized villages as undifferentiated redoubts of organic democracy. The PETT defaulted to expecting villages to sort out these issues by themselves in whatever way they saw fit. To the extent that the Land Law's two-thirds clause insinuates a free and fair democratic process, by placing the sole burden on the community, the Ministry expected the village to generate outcomes free of intimidation or coercion. The Ministry ex-

pected the village to provide the democratic content, and thus in a sense to "actualize," the Law.

An assumption of mutually aligned village interests and lack of differentiation paralleled this democratic presumption. Without any transparent regulatory mechanism, the PETT assumed that powerful local interests differentially integrated into the larger society did not exist to a sufficient extent to dominate or completely subvert the local decision-making process and use it to enhance their power. Constructed in this way, the Ministry conferred impunity to local elites in terms of both methods and timeline. The new legislation granted them *carte blanche* to pursue their interests according to their lights.

Moreover, to the degree that the removal of *comunidad* protections made most villagers regard privatization as counter to their own interests, this form of implementation pushed local elites towards authoritarian behavior. That is, as most villagers used subsistence production to undergird their diverse reproductive strategy, they regarded the imposition of taxes as threatening their well-being. Without a convincing rationale for privatization, the newly empowered elite privatizers would have to use intimidation or other forms of fairly open coercion.

The Ministry's further essentialization of rural areas as conflict-free encouraged and enabled such manipulation. The PETT promoted privatization as the means to solve the endemic lack of titles in Peru. Only 17 percent of parcels have clear title, and most of these are on the coast (INEI 1996). Yet the government would only provide titles to areas deemed conflict-free. And the PETT provided no resources with which to resolve conflicts. In viewing privatization as the solution to endemic lack of titles but not providing resources to resolve local conflicts, the government assumed that villages were free of conflict.

This is a highly untenable position. Just as with lack of title, land conflicts pervade the highlands. These latent conflicts fed much of the violence of the recent civil war (1980-1992). And bloody fights abound in the countryside over land issues, frequently causing religious festivals to degenerate into brawls, or families and neighbors to suffer blood feuds (Isbell 1990). By further destabilizing the land regime, the new legislation only exacerbated these tensions.

The Ministry made its view consistent, however, in further essentializing villages as isolated from the larger society. Endemic lack of titles stems from the centuries of multiple, overlapping tenure systems through which a diversity of people can make claims on lands. The much more generously funded 1969 Agrarian Reform, the last and largest ever effort to confer land titles, proved highly inadequate, only providing a very small amount of titles while never clearing up the many conflicting systems (Drinot 2006).

Rather than emerging from their integration with soci-



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ety, however, the PETT considered the lack of titles a locally originating problem. The PETT claims that landholders engage in endless informal splits mostly due to population increases (Ministerio de Agricultura 2004). The Ministry therefore planned to bring aerial photographs to the communities, cross-reference them, and provide titles according to (1) who the villagers said owned the lands and (2) verification of any extant land titles. As mentioned above, the PETT would not enter any conflicts and would simply demarcate any such lands as contested and therefore without title. This policy therein essentializes villages as cut-off from the rest of society rather than integrated with it. And the policy echoes more traditional racist dialogues of indigenous problems arising from local pathologies rather than exploitative social relations.

In this context, institutionalizing villages as isolated and conflict-free served to discipline local elites to force obedience upon villagers. The policy pushed the elite to quell local discontent. To the extent that the elite desired privatization, they would have to present their village in the essentialized form dictated by the policy. They would have to use whatever resources they had to coerce villagers into the dissolution of the *comunidad*. Once villagers accepted this, the elite could present their town as conflict-free and therefore able to receive titles.

CONCLUSION

While neoliberalism has had a far-reaching impact, this has been far from monolithic and much more dependent upon local conditions (Peck 2004; Ong 2006; 2007; Brenner et al. 2010). One strategy for better understanding the impact of the polyvalent neoliberal project, particularly the character of the relations of rule that it generates, entails investigating the differences between policies and their actual implementation (Peck 2004; Porter and Craig 2004). This article has looked at the major differences between the letter of the Peruvian Land Law and its unfurling on the ground, and found major discrepancies. Because the Peruvian state, like many of its neoliberal cousins, displaces much of the social risk of governing, these differences within government institutions speak mostly to the parameters set around the new legislation under which the new, more localized neoliberal agents must make their decisions.

In general, I found that the new legislation encourages and empowers a new localized authoritarianism. In particular, the institutional shape of the Ministry served privatizing elite interests to the detriment of the majority. Further, the essentialist way in which the legislation incorporates rural villages means that privatization-minded elites have been granted impunity—but also full responsibility—to use any means to manufacture a harmonious local pro-privatization

consensus. And because the state unfurled a highly polarizing piece of legislation without providing any tools for helping to persuade villagers that privatization is actually in their best interests, the Law pushes the elite towards more openly coercive and fraudulent behavior. Under these conditions, local privatizing leadership will tend to have a much greater despotic content.

The essentializing tendencies of neoliberal institutions, however, do not guarantee an increase in local despotism. This article simply articulates the way the government unfurls the new legislation. Now, especially because the state devolves power locally, this presents multiple questions around the ways that local elites will engage with this new legislation. Do local elites sufficiently desire privatization to fulfill the authoritarian requests of the legislation? At the local level, how do these mandates conflict with other elite concerns and their relations to other villagers? For elites attempting to privatize: how are they able to respond? What resources do they draw on? How do they resultantly restructure rural life? How disruptive is privatization and the privatization process? In contrast, what prevents other elites from privatizing? How can popular anti-privatization voices successfully preserve *comunidad* protections? What resources can they utilize? What innovations can they create? Can they even leverage government services to provide *comunidad*-based titles as allowed by the law?

All of the questions in some way address concerns about how neoliberal legislation will interact with local conditions. While there certainly is a question of elite volition, these members of society inherit their social positions and resources. The bigger questions surround how this essentializing piece of legislation interacts with the contours of local society, and how this enables and limits elites to act in their own political-economic interests. How do the localized constructions of class, ethnicity, race, and gender interact with such a pro-elite, pro-authoritarian piece of legislation? What are the principal means of political contestation? How is village life transformed?

Much more research into the experimental application of these neoliberal policies on rural life must be conducted. Closely observed ethnographic studies promise to bring the necessary rich detail. If the data prove sufficiently detailed, these instances should add to the discourses on the overall character of the larger neoliberal project, in both ideological and political terms. Similarly, closely observed and grounded comparative studies need to speak to the localized variation in the emerging forms of governance under neoliberalism. How do localized dynamics engage with the same legislation and urban agencies in different ways? What factors enabled increased local despotism and what resources push against it? Overall, we need to better un-





derstand the local politics through which the neoliberal project unfolds and is contested.

The radical and polarizing nature of this legislation therein presents considerable opportunities for applied researchers. First, the essentializing tendencies of the new legislation are institutionalized more than grounded in the beliefs of the agents themselves. While officials may possess such attitudes (see Poole 1994), they also may implement these policies through simply “doing their job.” Researchers can therefore present urban agents with more sophisticated understandings of rural reality and ideas for lessening the severity of the legislation, such as working in concert with other officials to formalize an intimidation-free and transparent village vote on the privatization issue.

More avowedly pro-comunidad organizations may be more open to such messages and strategies. Villagers from many locales, for instance, have sought help from the *Defensoría del Pueblo*, the governmental human rights ombudsman. This organization, while limited to an advisory capacity, can help locate distressed villages and also coordinate a regularization of the local process. Non-governmental organizations and the Confederación Campesina del Perú (Peasant Confederation of Peru) may also provide similar opportunities.

Locating distressed villages and their concerned representatives presents applied researchers with the opportunity to offer their time and skills to indigenous colleagues. Proferring such resources promises to provide researchers with more nuanced understandings about the actual on-the-ground implementation of the policy. More, it potentially puts researchers in dialogue with the diverse local actors engaged in privatization struggles. As a further resource for relatively resource deprived villages, an applied researcher could help negotiate local compromises. While such a dramatic legislative change heavily favors elite sectors, it also potentially clashes with extant forms of localized domination, forcing elites to make some kinds of compromises. For instance, acquiring more government funds through increasing a village’s legal status—such as urbanization, sub-district, or district—may require broad popular support and not alienating the majority through stripping them of their land protections. Researchers could help strategize ways to emphasize these elite contradictions and provide alternatives to privatization that would offer elites some similar gains.

For researchers to identify local allies, the villagers looking for external help from the Defensoría or other organizations are the most obvious. The more conflicted elites, however, can also become comunidad advocates. For instance, while local teachers may not have the best of reputations (see Gose 1994), they may desire to preserve comunidad land protections: their salaries make them more

resistant to privatization’s increased reliance on the vagaries of Peruvian product markets. Non-comunidad village organizations can potentially provide a backbone to local resistance through supplying alternative means for group expression—though these may also be elite dominated. Such organizations could include various development committees, the Mothers’ Club, or even religious groups such as locally controlled popular Evangelical sects (see Robbins 2004).

Challenging privatization, however, presents a formidable task. As addressed by this essay, the federal government arrays its full forces behind the new legislation. Now President García has lowered the proportion of villagers required to approve the new tenure system from two-thirds to one-half. Privatization-minded elites thereby possess even more institutional power. And they may gain strong allies in urban mestizos longing to undo their Agrarian Reform land dispossessions. Further, convincing even avowedly pro-comunidad urban organizations to stick their necks out to assist villagers while receiving little (positive) recompense will be onerous, especially as they may mistakenly regard helping to formalize local land tenure decisions as violating village self-determination. Helping to negotiate compromises (over an inherently polarizing issue) requires high levels of trust and a sophisticated understanding of always-muddy local politics. Nevertheless, such a divisive situation calls for action, and people will always welcome informed and willing allies.

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