

# Those That Live by the Work of Their Hands: Labour, Ethnicity and Nation-State Formation in Nicaragua, 1850–1900\*

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*Abstract.* This study examines the relationship between labour and nation in nineteenth-century Nicaragua by exploring how the state's institutional efforts to control labour coincided with a prevailing discourse of nation that idealised farmers (*agricultores*) and wage labourers (*jornaleros* and *operarios*) at opposite ends of the spectrum of national citizenship. The article focuses on the towns of the ethnically diverse region of the Prefecture of Granada, an area that included the present-day departments of Granada, Carazo and Masaya, and where coffee production first boomed in Nicaragua. It is argued that labour coercion rested not simply on the building of national, regional and municipal institutions of labour control, but also on defining the political and social role of labourers within the national community. At the same time, subaltern communities, especially indigenous ones, contested these efforts not merely through evasion and subterfuge, but by engaging the discourse of nation-state to claim citizenship as farmers and assert independence from landlords.

‘Vagrancy is more a danger to society than a suffering,’ wrote Liberato Dubón, the prefect of León, in a characteristic display of nineteenth-century Liberal warmth and charity.<sup>1</sup> Although Nicaraguan elites had lamented the scarcity of cheap labour since the earliest days of the colonial period, relatively easy access to land, the state's inability to control its extensive agricultural frontier and the post-independence end of the *repartimiento* compounded the problem.<sup>2</sup> But what at first blush appears simply to be the

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<sup>1</sup> Liberato Dubón, *Gaceta de Nicaragua* (Managua), 5 March 1864.

<sup>2</sup> See, e.g., Germán Romero Vargas, *Las estructuras sociales de Nicaragua en el siglo XVIII* (Managua, 1988), p. 158; Murdo J. MacLeod, *Spanish Central America: A Socioeconomic History, 1520–1720* (Berkeley, 1973), pp. 204–31, 288–309; E. Bradford Burns, *Patriarch and Folk: The Emergence of Nicaragua, 1798–1858* (Cambridge, 1991), pp. 8–9, 31; Linda A. Newson, *Indian Survival in Colonial Nicaragua* (Norman, 1987), pp. 277–8.

ranting of an angry landowner venting frustration over his inability to secure cheap agricultural labour was, in fact, a salvo in a larger debate over the parameters of the emerging nation-state in nineteenth-century Nicaragua. This essay examines the intersection of state efforts to control labour and a discourse of nation that idealised farmers (*agricultores*) and wage labourers (*jornaleros* and *operarios*) at opposite ends of the spectrum of national citizenship. I argue that labour coercion, a key task of nineteenth-century state-formation, rested not simply on the building of national, regional and municipal institutions of labour control, but also on defining the political and social role of labourers within the national community. At the same time, subaltern communities, especially indigenous ones, contested these efforts not merely through evasion and subterfuge, but by engaging the discourse of nation-state to claim citizenship as farmers and assert independence from landlords.

After winning what Nicaraguans (and the historiography of nineteenth-century Nicaragua) have come to call the ‘National War’ (1856–57) and expelling William Walker and his filibuster army, the elite questioned how and why they had nearly lost their sovereignty. The war and Walker’s scorched earth retreat left the country in ruins, a blank slate upon which to imagine a new Nicaragua. Developing an ample labour force remained, as before, a key aspect of the elite’s project of liberal modernity; however, modernity was now believed to be contingent upon establishing a ‘nation of brothers’. Liberato Dubón and the Nicaraguan elite imagined a nation that included the masses, but without any constitutive role for them in its formation. Their part was set, their character defined. The majority of Nicaraguans, however, proved a poor match to this dichotomy; and rather than serve as props in the elite’s unfolding narrative of nation, they sought to transform that narrative and their places within it.

Until recently, much of the research on nationalism and nation-state formation has tended to agree with Dubón and his compatriots.<sup>3</sup> Recent work, particularly on Mexico and Peru, however, has demonstrated the inadequacy of this stance.<sup>4</sup> Although the initial impulse for nation-state formation

<sup>3</sup> The literature on nationalism, nations and nation-states has grown by leaps and bounds over the last two decades. For surveys of this literature see Craig Calhoun, *Nationalism* (Minneapolis, 1997); Anthony D. Smith, *Theories of Nationalism* (New York, 1983); and especially for Latin America, Ana María Alonso, ‘The Politics of Space, Time and Substance: State Formation, Nationalism, and Ethnicity,’ *Annual Review of Anthropology*, vol. 23 (1994). Evident from these is how few scholars offer a significant role for subalterns in the formation of the nation and nation-state.

<sup>4</sup> See, for example, Florencia E. Mallon, *Peasant and Nation: The Making of Postcolonial Mexico and Peru* (Berkeley, 1994); Peter F. Guardino, *Peasants, Politics and the Formation of Mexico’s National State: Guerrero, 1800–1857* (Stanford, 1996); Gilbert M. Joseph and Daniel Nugent, *Everyday Forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico*

derives from elites, the restructuring of collective identity implied in the process requires a historicising of the generally disclaimed role that subalterns play in the process. This is not a top-down process in which elites impose the nation upon the subaltern, or fool them with a exoteric 'romantic culture',<sup>5</sup> but one in which elites and subalterns negotiate the meaning of the state and national identity from unbalanced power positions – what Charles Tilly would call '[elites] bargain[ing] directly with their subject populations'.<sup>6</sup> Outright coercion may be used to create and maintain the state, but its protracted use inevitably leads to a denial of the state's legitimacy and to the increased salience of non-national collective social identities.<sup>7</sup> Given the conceptually inclusive nature of national citizenship, traditional mechanisms for ordering and controlling society often prove inadequate or contradictory to the elite's discourse of nationalism. Nationalism becomes, as Florencia Mallon argues, 'a series of competing discourses in constant formation and negotiation, bounded by particular regional histories of power relations'.<sup>8</sup> To understand nation-state formation, then, is to attempt to articulate and analyse these discourses and their relationship to the material world.

In analysing the relationship between labour and nation-state formation, this article concentrates on the towns of the Prefecture of Granada, a nineteenth-century jurisdiction often labelled 'Los Pueblos', that included most of the present-day departments of Granada, Carazo, and Masaya. Nicaraguan coffee production first boomed in this ethnically diverse region where the hand of the state grasped most firmly. The argument is divided into three parts. In the first section, I explore changes in labour and agricultural law over the second half of the nineteenth century, focussing especially on the way the state organised and structured its agents charged with enforcing these laws. Much of Nicaraguan historiography ascribes novel enforcement procedures and institutions to the state under José Santos Zelaya

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(Durham, NC, 1994); Mark Thurner, *From Two Republics to One Divided: Contradictions of Postcolonial Nationmaking in Andean Peru* (Durham, NC, 1997).

<sup>5</sup> Tom Nairn, *The Break-up of Britain: Crisis and Neo-Nationalism* (London, 1977), p. 340.

<sup>6</sup> See, Charles Tilly, *Coercion, Capital, and European States, AD 990–1992* (Cambridge, MA, 1992), pp. 63, 99–103.

<sup>7</sup> See, Clifford Geertz, 'The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States,' in *The Interpretation of Cultures* (New York, 1973); Clifford Geertz, 'After the Revolution: The Fate of Nationalism in the New States,' in *The Interpretation of Cultures* (New York, 1973).

<sup>8</sup> Mallon, *Peasant and Nation*, p. 4; cf. Brackette F. Williams, 'A Class Act: Anthropology and the Race to Nation Across Ethnic Terrain,' *Annual Review of Anthropology*, vol. 18 (1989), p. 420. In conceptualising these relationships, I have found Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Cambridge, 1993) and John L. Comaroff and Jean Comaroff, 'Homemade Hegemony,' in *Ethnography and the Historical Imagination* (Boulder, 1992) particularly fruitful.

(1893–1909). However, little evidence supports this claim.<sup>9</sup> Rather, the core of Nicaragua's labour laws and strategies of labour control developed in the decades following the National War, and it is clear that a deeper examination of Nicaragua's 'labour scarcity' is needed. The second section turns to the relationship between the state's struggles to enforce its labour laws and the process of state formation. Rather than focussing on the labourer, however, this section explores the relationship of landowners to the state and the state's efforts to coordinate its locally organised institutions. Finally, the third section examines the conflicts and changes in the relationships between labour, ethnicity and community in nineteenth-century Nicaragua by focussing on the struggles between local ladino elites and indigenous communities over the control and meaning of labour.

*'Pursue, capture and remit': labour enforcement and state formation*

Extending the state's reach into the towns and countryside of Nicaragua had proved immensely difficult from the colonial period through to the National War. Although the Bourbons intensified taxation and political control in the principal cities of Leon, Masaya, Granada and Rivas, their reforms failed to move beyond these areas or to leave any lasting affect after Independence.<sup>10</sup> If anything, the state's sphere of influence shrank after 1821 as elites struggled amongst themselves over the most basic questions of what Nicaragua would be or whether it would even exist. The first serious efforts to expand the state's grasp would not occur until 1845, when the government of José León Sandoval worked to form a professional army and extend the obligation of the 'unemployed' to work, created new taxes, especially through the monopolisation of aguardiente production and distribution, and established the first post-Independence census. In response, periodic but intense rebellions erupted throughout the country over the next five years. While

<sup>9</sup> Central to the historiography of the Zelaya regime and to claims of its novelty, are Benjamin I. Teplitz, 'Political and Economic Foundations of Modernization in Nicaragua: The Administration of José Santos Zelaya, 1893–1909,' unpubl. PhD diss., Howard University, 1973; Jaime Wheelock Román, *Imperialismo y dictadura: crisis de una formación social* (Mexico, 1979); Amaru Barahona, *Estudio sobre la historia de Nicaragua: del auge cafetalero al auge de la revolución* (Managua, 1989); Oscar-René Vargas, *La revolución que inició el progreso: Nicaragua (1893–1909)* (Managua, 1990); Charles L. Stansifer, 'José Santos Zelaya: A New Look at Nicaragua's 'Liberal' Dictator,' *Revista/Review Interamericana*, vol. 7 (1977). Unfortunately, none of these authors adequately examines the developments of the pre-Zelaya period. Consequently, recent work that relies on these, including Jeffery M. Paige, *Coffee and Power: Revolution and the Rise of Democracy in Central America* (Cambridge, 1997); James Mahoney, *The Legacies of Liberalism: Path Dependence and Political Regimes in Central America* (Baltimore, 2001) and Robert G. Williams, *States and Social Evolution: Coffee and the Rise of National Governments in Central America* (Chapel Hill, 1994), reproduce the same assertions.

<sup>10</sup> See, Miles Wortman, *Government and Society in Central America, 1680–1840* (New York, 1982).

it would be an overstatement to say that these uprisings represented a unified voice of discontent, they certainly registered a breakdown of political control. The tentacles of the state invaded rural quotidian life and the poor responded by trying to sever them.<sup>11</sup>

Until at least the 1880s land in Nicaragua was plentiful and cheap. Land tenure centred on communal landholding, and even as private property became more common, smallholding and minifundio predominated (less than 50 *manzanas*, equivalent to 86.5 acres).<sup>12</sup> Although land prices climbed in the 1880s and 1890s as coffee exports boomed, smallholding remained overwhelmingly the norm. In an analysis of the land registry for the Prefecture of Granada (which included the departments of Granada, Carazo, and Masaya), smallholding and minifundio accounted for 85 per cent of all transactions carried out between 1878 and 1897, with holdings averaging 11.5 *manzanas*. An agricultural census taken in 1880 corroborates the land registry, indicating that 90 per cent of all landholders owned less than 50 *manzanas*, averaging 8.5 *manzanas* each.<sup>13</sup> French scientist Pablo Lévy reported in the late 1860s, 'Peonage such as it is known in Mexico and other parts of Spanish America does not exist in Nicaragua.'<sup>14</sup> Given this picture of land tenure, conflict over labour seemed inevitable.

The evidence of landholding suggests difficulties for both labour and landlords. For while *ejidos* and access to smallholdings clearly gave peasants

<sup>11</sup> On post-Independence state formation, see Justin Wolfe, 'Rising from the Ashes: Community, Ethnicity and Nation-State Formation in Nineteenth-Century Nicaragua,' unpubl. PhD diss., University of California, Los Angeles, 1999, pp. 23–57. For more on the 1845–49 resistance to these efforts, see Burns, *Patriarch and Folk*, pp. 147–59; Rafael Casanova Fuertes, '¿Héroes o bandidos?: Los problemas de interpretación de los conflictos políticos y sociales entre 1845 y 1849 en Nicaragua,' *Revista de Historia* (Nicaragua), no. 2 (1992); Rafael Casanova Fuertes, 'Orden o anarquía. Los intentos de regulación protoestatal en Nicaragua. Década de 1840,' in Frances Kinloch Tijerino (ed.), *Nicaragua en busca de su identidad* (Managua, 1995).

<sup>12</sup> For the most thoroughgoing and important analysis of nineteenth-century land tenure in Nicaragua, see Julie A. Charlip, *Cultivating Coffee: The Farmers of Carazo, Nicaragua, 1880–1930* (Athens, 2003); see also, Wolfe, 'Rising from the Ashes,' pp. 113–65; cf. Jaime Wheelock Román, *Raíces indígenas de la lucha anticolonialista en Nicaragua* (Mexico, 1976). An excellent discussion of the debates over Nicaragua's agrarian structure is David Kaimowitz, 'Nicaraguan Debates on Agrarian Structure and their Implications for Agricultural Policy and the Rural Poor,' *Journal of Peasant Studies*, vol. 14 (1986), pp. 100–17.

<sup>13</sup> Calculations are based on data from the Registro Público de la Propiedad, Granada, Registro Conservatorio, 1878–1897 (hereafter RPPG) and from agricultural censuses found in Archivo de la Municipalidad y de la Prefectura de Granada (hereafter AMPG), caja 158, leg. 441. For a fuller analysis and discussion of these sources, see Wolfe, 'Rising from the Ashes,' pp. 113–65.

<sup>14</sup> Pablo Lévy, *Notas geográficas y económicas de la república de Nicaragua* (Paris, 1873), p. 446. American diplomat Ephraim G. Squier made a similar observation a decade earlier in Ephraim G. Squier, *Nicaragua; its People, Scenery, Monuments, Resources, Condition, and Proposed Canal* (New York, 1860).

a solid position from which to resist demands on their labour power, a significant portion of this population held insufficient land to avoid becoming involved in at least part-time labour. Day labourers (*jornaleros*), in particular, likely had some access to land, but relied on wages to manage subsistence.<sup>15</sup> Thus began to emerge important cleavages within rural communities between modest, but independent smallholders and those increasingly pushed to the edge of being full-time labourers. At the same time, even the booming coffee economy of the 1880s relied considerably more on seasonal labour than on permanent workers.

Controlling and disciplining labour have always been central to labour exploitation, but in mid-nineteenth-century Nicaragua they need to be analysed in relation to the ethnographic construction of labour emerging in the discourse of Nicaraguan elites.<sup>16</sup> Spanish colonial labour institutions, most notably the *repartimiento* (which lasted in Nicaragua until Independence), had long suggested the equation of Indians with labourers, but until the 1850s the problems of managing labour were conceived of as largely social and economic.<sup>17</sup> Historically the elite had conceived of the masses as lacking a political existence. Although subject to violent outbursts or rebellion, these were construed as the ‘pre-political’ expressions of what Eric Hobsbawm once termed primitive rebels.<sup>18</sup> Following the National War, however, the umbrella of the nation added a political dimension to the state’s labour policies that invited conflicts over the relationship between indigenous communities, labour and the nation-state.

In 1859, as part of a broad new law to promote agriculture, the legislature created the position of rural magistrate (*juez de agricultura*). Each town with at least one thousand inhabitants would have its own magistrate; in smaller towns the constitutional *alcalde* would take on the magistrate’s duties. In many ways, the position was created as a twin to the local *alcalde*, elected at the

<sup>15</sup> Although far from numerous, *jornaleros* do appear as land buyers in the public land register (see RPPG, 1878–1897). On *jornaleros* as landholders, see Lowell Gudmundson, ‘Costa Rica before Coffee: Occupational Distribution, Wealth Inequality, and Elite Society in the Village Economy of the 1840s,’ *Journal of Latin American Studies*, vol. 15, no. 2 (1983); cf. Laird W. Bergad, ‘Coffee and Rural Proletarianization in Puerto Rico, 1840–1898,’ *Journal of Latin American Studies*, vol. 15, no. 1 (1983).

<sup>16</sup> See, e.g., Joaquín Elizondo, ‘La infraestructura de Nicaragua en 1860,’ *Revista Conservadora del Pensamiento Centroamericano*, no. 57 (1965); Nicaragua, Ministerio de Gobernación, *Memoria* ([Nicaragua], 1860); *Datos relativos a la proyectada inmigración al país, presentados por las comisiones nombradas con este fin por el Supremo Gobierno de la República de Nicaragua* (Managua, 1868).

<sup>17</sup> See Romero Vargas, *Estructuras sociales*, pp. 129–68; Newson, *Indian Survival*, pp. 277–78. See also, John L. Comaroff, ‘Of Totemism and Ethnicity: Consciousness, Practice, and the Signs of Inequality,’ *Ethnos*, vol. 52 (1987), for his compelling examination of the relationship between power (and class) inequalities and the changing meanings of ethnicity.

<sup>18</sup> Eric J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the Nineteenth and Twentieth Centuries* (Manchester, 1959).

same time and for the same term and jurisdiction. That the law mandated the magistrate's attendance and voting at municipal council meetings further established this relationship.<sup>19</sup> The state's message was clear: labour recruitment and control were local concerns for local authorities.

Subsequent law slowly wrested management of labour from the municipality. By 1862 it had become clear that the municipal councils had taken advantage of the law to shift some of their work and responsibilities to the magistrate. Although the new *Ley de agricultura* maintained the magistrate's municipal-level focus, he 'will now have a seat and vote in the municipality when he wants to attend'. More importantly, he remained 'exempt from the committees and other duties of that [municipal] body'.<sup>20</sup> In 1869 the legislature shifted responsibility for the maintenance of books listing potential day labourers (*jornaleros*) in each town from the municipality to the magistrate.<sup>21</sup>

To improve the efficacy of rural magistrates, in 1867, the legislature created a special police force to serve as the police arm of the rural magistrates, dedicated to enforcing Nicaragua's labour laws. These general agricultural agents each managed four foot soldiers and a mounted corporal and covered a territory comprised of several towns. Although the agents were named by the state, rather than elected locally like the rural magistrates, their orders were given by the rural magistrates of each town.<sup>22</sup>

The functions and jurisdictions of the rural magistrate and agent underscore how the state conceived of the task of controlling labour. On a day-to-day basis, the management of labour – from the evaluation of occupational status to the registration and enforcement of contracts – occurred in a fixed location: the municipality. Successful management, therefore, demanded that the rural magistrate inhabit and patrol the same orbit. The agricultural agent's jurisdiction, in contrast, had no limits because workers so frequently fled across territorial boundaries. To be tied to a place would have hampered the performance of the agent's job. However, in neither case was controlling labour viewed as a national task. Rural magistrates and agents were supposed to form a dense but decentralised network.

As Nicaragua's export economy began to boom in the 1880s the state reconsidered its role in controlling labour, declaring in new legislation, 'It is the duty of the State to pursue, capture and remit fugitive workers.'<sup>23</sup> This new 'duty' did not mean a reorganisation or direct oversight of local policing

<sup>19</sup> Nicaragua, *Colección de leyes* (Managua, 1859), pp. 79–87.

<sup>20</sup> *Ley de agricultura*, 18 Feb. 1862, printed in *Boletín Oficial* (Managua), 22 Feb. 1862.

<sup>21</sup> Nicaragua, *Decretos y Leyes de 1869–1870* (Managua, 1871), pp. 68–71.

<sup>22</sup> Nicaragua, *Decretos y Leyes de 1867–1868* (Managua, 1869), pp. 45–49.

<sup>23</sup> Nicaragua, *Ley sobre persecución de operarios prófugos* (Managua, 1883), Article 1. A copy of the law is located in AMPG, caja 184, leg. X3. Just two years earlier the legislature had passed

efforts, since the former did not seem necessary and the latter was considered inefficient, if not impossible. In fact, agricultural law had long required police and military forces to aid the country's rural magistrates. Rather, the state took on the responsibility of centralising and distributing information related to 'fugitive' and 'delinquent' workers. Beginning in 1883 *hacendados* and *finqueros* were to send monthly lists of workers who had deserted their contracts. These lists would be compiled, printed and circulated to every police agent, *alcalde* and magistrate in the country.

The state also decided to take on the costs of capturing and transporting fugitive labourers.<sup>24</sup> Until 1883 agricultural laws encumbered each municipality with financing the operations of rural magistrates. Not surprisingly, they proved loath to respond to their counterparts. The system reinforced a form of localism, not the localism of Granada and León in the grand narrative of Nicaraguan history, but the localism that cares not for those beyond the city limits. As the rural magistrate of Granada explained in a complaint to the Treasury Minister, 'the ineffectiveness of the capture of fugitive workers' comes about 'because the magistrates of other towns in the Republic ignore legally issued requests'.<sup>25</sup> The state also provided free use of the telegraph system for official communication regarding fugitive workers. While the state clearly favoured the carrot with this approach, it backed it up with a stick, fining magistrates who did not act upon a legal request within three days.<sup>26</sup>

It is traditionally asserted that José Santos Zelaya's coup in 1893, heralded a new age in Nicaragua, the arrival of a belated 'Liberal revolution' and more suitable and effective labour laws. Robert Williams is not alone in arguing that 'Growers throughout the country found relief when the Liberal government of Zelaya passed a labour code in 1894'.<sup>27</sup> But what evidence can be mustered for this case? Can the fact that the number of workers who fled contracts in the vital coffee district of Managua doubled between 1897 and 1900 or that nearly 80 per cent of these evaded capture be considered

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a new agricultural law, but it did not substantially modify its predecessors. See Nicaragua, *Decretos y Leyes de 1881–1882* (Managua, 1883), pp. 47–59.

<sup>24</sup> *Ley sobre persecución de operarios prófugos*, Article 5.

<sup>25</sup> Ministro de Hacienda, José Chamorro (Managua) to Departmental Prefect (Granada), 29 Dec. 1884, AMPG, caja 201, leg. 18, No. 408. Personal rivalries and disputes were not unknown, of course (see, e.g., 'Acusación contra el juez de agricultura del Diriá,' 1881, caja 167, leg. 456), but they were relatively rare.

<sup>26</sup> Nicaragua, *Decretos, 1881–1882*, pp. 47–59; Nicaragua, *Decretos y Leyes de 1885–1886* (Managua, 1887), pp. 10–24.

<sup>27</sup> Williams, *States and Social Evolution*, p. 137. See, also, Barahona, *Estudio sobre la historia de Nicaragua*, pp. 13–32; Vargas, *La revolución que inició el progreso*; José Luis Velázquez, *La formación del estado en Nicaragua* (Managua, 1992). Although these authors tend to agree on the substance of the changes during the Zelaya period, there is little coincidence in the meanings they assign to them.



Table 1. *Nicaraguan coffee exports, 1865–1899 (5 year averages)*

Years	Pounds of coffee	Growth (%)	Value of coffee (\$)	Growth (%)
1865–1869	313,978		37,743	
1870–1874	1,025,725	226.7	196,540	420.7
1875–1879	2,010,239	96.0	325,203	65.5
1880–1884	5,850,460	191.0	464,224	42.7
1885–1889	7,676,740	31.2	1,237,264	166.5
1890–1894	10,268,000	33.8	1,585,970	28.2
1895–1899	12,206,027	18.9	853,508	46.2

Source: Calculated from Julie A. Charlip, *Cultivating Coffee: The Farmers of Carazo, Nicaragua, 1880–1930* (Athens, OH, 2003), p. 32, table 2.1; Robert G. Williams, *States and Social Evolution: Coffee and the Rise of National Governments in Central America* (Chapel Hill, 1994), pp. 265–74.

‘relief’?<sup>28</sup> Between 1850 and 1900, landowners cried labour shortage at every opportunity. Nonetheless, coffee production rose dramatically throughout the second half of the nineteenth century (Table 1), as did total trade in general. Significantly, while small dips in exports led to dramatic drops in imports in the first decades after the National War, by the 1880s the elite demonstrated much greater confidence in the economy’s recuperative abilities.<sup>29</sup>

The tendency has been to focus on the post-1893 state’s supposedly new responses to the problem of securing and controlling labour, especially its vagrancy law, work cards, and additional group of agricultural police. The fact that an examination of Nicaraguan legislation over the nineteenth century shows Zelaya to have essentially followed in the footsteps of his predecessors questions the enduring Central American historiography that equates Conservative policy with colonial stagnation.<sup>30</sup> At the same time, Zelaya’s truly novel change in labour law receives limited mention and discussion.<sup>31</sup> In 1901 the state classified all people with less than five hundred pesos in capital or property as labourers. Until that time, one hundred pesos had defined the limit between labourer and farmer. Over the second half of the nineteenth-century, two patterns of change converged to expand the ranks of Nicaragua’s citizen-farmers. On the one hand, land tenure shifted ever increasingly toward private smallholding. On the other hand, steadily increasing land prices meant that ever smaller holdings would qualify their

<sup>28</sup> Teplitz, ‘Political and Economic Foundations,’ p. 200.

<sup>29</sup> Wolfe, ‘Rising from the Ashes,’ pp. 123–7.

<sup>30</sup> An excellent synthesis of the emerging challenges to this historiography is Lowell Gudmundson and Héctor Lindo-Fuentes, *Central America, 1821–1871: Liberalism Before Liberal Reform* (Tuscaloosa, 1995).

<sup>31</sup> Teplitz, ‘Political and Economic Foundations,’ pp. 195–8; Williams, *States and Social Evolution*, pp. 137–8.

owners for citizenship. Based on land prices gathered from transactions of private landholdings in the land registry, even most minifundio owners (less than ten *manzanas*) held lands valued in excess of one hundred pesos.<sup>32</sup> However, enacting this law converted the majority of Nicaragua's smallholding class at a stroke into labourers and denied them their citizenship rights. The law did not so much reverse the transformations in land tenure that had taken place in the 1880s and 1890s as attempt to deny smallholders their place within the nation. Zelaya would never suggest, as the government before him did in 1891, that worker fraud stemmed in great part from the 'onerous and victimising' treatment of labourers by landlords.<sup>33</sup> Despite (or perhaps in response to) Zelaya's expansion of state coercion and efforts to stifle popular sovereignty, signs pointed to both the expanded inclusiveness of the nation and Zelaya's weakness. Two years later in 1903 the legislature voted overwhelmingly to overturn the law in the face of mounting pressure from indigenous groups, smallholders and regional elites.<sup>34</sup>

*'Going beyond certain limits': landowners, the state and the control of labour*

In his 1867 inaugural speech President Fernando Guzmán cautioned against state intervention in any of the fundamental sectors of Nicaraguan society, especially the economy: 'When the state, going beyond certain limits, wields its influence on commerce, on agriculture, on industry, on all the branches that, in the end, form the elements of a country's culture, it becomes protectionist and centralising. It appears to guide when it does nothing more than weigh heavily on the Nation.'<sup>35</sup> Guzmán echoed Liberal sentiments, but the popular sector rebellions of the 1840s and the experiences of the war against William Walker tinged his words. If state policy had ever been directed toward simple coercion of labour, such a position proved completely untenable after the National War. The elite's liberal project faced the countervailing forces of the nation; raw economic and political benefits of state policy needed to be weighed against the ideological costs of achieving such goals. Attempting to ensure a ready supply of cheap labour for landlords required not simply managing the hierarchy of state officials involved

<sup>32</sup> Wolfe, 'Rising from the Ashes,' pp. 172–4, 176.

<sup>33</sup> Nicaragua, Ministerio de Fomento, *Memoria del Ministerio de Fomento, 1888–1890* (Managua, 1891), cited in Teplitz, 'Political and Economic Foundations,' p. 182.

<sup>34</sup> Jeffrey L. Gould, *To Die in This Way: Nicaraguan Indians and the Myth of Mestizaje, 1880–1965* (Durham, NC, 1998), pp. 41–2.

<sup>35</sup> 'Manifiesto de S.E. el Presidente D. Fernando Guzmán a los pueblos de la República,' *Gaceta de Nicaragua* (Managua), 9 March 1867, reprinted in Jeronimo Pérez, *Obras históricas completas* (Managua, 1993), pp. 791–2. Guzmán's discourse mirrors much of the 'natural rights' doctrine prevalent in nineteenth-century Central America. See Mario Rodríguez, *The Cádiz Experiment in Central America, 1808–1826* (Berkeley, 1978), pp. 53–74.

in enforcing labour law, but dealing with the complicated relationships between landlords and peasants, and between municipalities and indigenous communities.

Generally speaking, analyses of Nicaragua's agricultural laws have focussed on understanding the relationships established between the state and labourers and between landlords and labourers. The frequently contentious relationship between the state and landlords, in contrast, receives little attention. Yet, successful nation-state formation hinged, in great part, on the ability of the state to assert its authority over the individual interests of elites. It should not be surprising, therefore, that in each agricultural law from 1862 on regulation of '*los hacendados o patrones*' tended to take up about a third of each statute's articles.<sup>36</sup>

The reform of the agricultural law in 1862 stipulated that landlords who expected the state's help in the recruitment of labour and enforcement of contracts had to register their properties and each contract with the rural magistrate of their district.<sup>37</sup> This dramatically changed the relationship of the state to landowners. The 1859 law allowed the registration of haciendas and labour contracts, but the \$.10 per contract charge acted as a disincentive to the system's use. The law clearly stated that 'private persons may contract with one another without the intervention of the [rural] magistrate', and landlords followed economic logic.<sup>38</sup> With the reform, however, if landlords wished the state to act as their sword, they would have to submit to its surveillance. After 1862 landlords could contract labourers without going through the rural magistrate, but the decision could be costly. In a case from 1871, for example, Urbano Tifer found himself brought before the rural magistrate of Diriomo for failing to repay a debt he owed to Pedro Rivera. Tifer reluctantly admitted the debt but claimed it to be a personal loan, not an advance on wages. Before the magistrate could remand Tifer to Rivera's hacienda, however, Tifer complained to the Prefect of Granada, explaining that there existed no registration of a contract with the magistrate and he therefore could not hear or decide the dispute.<sup>39</sup>

As the state increasingly inserted itself into the regulation of labour and landlord-labourer relations, its agents occasionally generated discontent among landlords. Police and rural magistrates exercised considerable power over the distribution of labour, and landlords frequently claimed corruption. Not uncommon were complaints that state officials were in the pocket of wealthy *hacendados* or were forcing captured labourers to work on their own

<sup>36</sup> The remaining articles are more or less divided between those that pertain to the qualities, duties, and limitations of the *juez de agricultura* and those concerning labourers.

<sup>37</sup> *Ley de agricultura*, 18 Feb. 1862, Articles 25–26.

<sup>38</sup> Decreto no. 47, 18 April 1859, Article 39 in Nicaragua, *Leyes, 1859*, pp. 79–89.

<sup>39</sup> 'Urbano Tifer acusa al Juez de agricultura de Diriomo,' 1871, AMPG, caja 82, leg. 260.

plantations.<sup>40</sup> One Granadino landowner went so far as to publish a handbill that charged the agricultural agent of Granada with abuse of his position, attending only to 'his personal business affairs or those of any men of influence, whose feet he kisses'.<sup>41</sup> Corruption of this sort, however, was viewed as sporadic rather than systemic, the result of bad judgment rather than malice on the part of the state.

Corrupt state agents aggravated landowners, but they could be rooted out with enough persistence. More problematic was the state's seizure of labourers for public works projects and military service, for the elite resented it even as they believed it necessary. In general, the state tried to leave the organisation and management of local public works such as municipal roads to each town. But projects more national in scope, such as wartime military recruitment or the construction of telegraph lines and roads to frontier regions like Chontales and Matagalpa, often found the state exercising seemingly unlimited, unchecked power. Foreign travellers in Nicaragua frequently reported that landowners despaired at how military recruitment could leave them without workers.<sup>42</sup> The practice continued throughout the nineteenth century, always in the name of national defence.<sup>43</sup>

Given the control the state sought to wield over landlords and the problems attendant with accepting the state's intervention into their affairs, why did landlords accept it? A significant reason was the state's promise to ensure that once labour had been contracted, it had to complete its work obligations. As Robert Williams has noted, 'The greatest fear of capitalist growers was that the [coffee] berries would rot for lack of a labour force to pick.'<sup>44</sup>

<sup>40</sup> See, for example, 'El Señor Sebastian Ramirez, vecino de Santa Teresa, se queja de los hechos que convirtió el Señor Gobernador de Policia de este distrito,' 1860, AMPG, caja 21, leg. 64; 'Denuncia de Don Rafael Bermudez contra el Gobernador de Policia don Guadalupe Montiel,' 1873, caja 37, leg. 119; 'Carpeta de varios escritos sobre queja,' 1875, caja 119, leg. 332; 'Diligencias seguidas en averiguación de varios hechos que se atribuyen al Comandante del presidio Don Celedonio Borge,' 1889, caja 240, leg. s/n (128ff). David J. McCreery, *Rural Guatemala, 1760-1940* (Stanford, 1994), pp. 219-20, 23-32, notes the same problems among nineteenth-century Guatemalan landowners.

<sup>41</sup> 'Información de testigos instruida para averiguar la certeza de la fallas que Don Marcos Urbina denuncia en un impreso contra el Agente general de agricultura del distrito Don Inocente Fletes,' 1872, AMPG, caja 87, leg. 272. The leaflet, titled 'Al Publico' was printed by the Imprenta de Jose de J. Cuadra. Given that Cuadra's brother Vicente was then president of Nicaragua, the charges were thoroughly investigated. See, also, Departmental Prefect (Granada) to Inocente Fletes (Granada), 18 July 1872, Libro 19.

<sup>42</sup> Burns, *Patriarch and Folk*, p. 138.

<sup>43</sup> 'Don Pedro José Chamorro se queja del Agente de Policia Rural Francisco Mora Castillo,' 1888, AMPG, caja 229, leg. s/n (171ff); 'Report for the Year 1897 on the Trade of Nicaragua,' 1898, United Kingdom, Parliament, C. 8648-158, Parliamentary Papers, microfiche, vol. 6, Nicaragua, fiche 5; H. H. Leavitt to Secretary of State, No. 20, 'Report on the Political Situation of Nicaragua,' 18 March 1885, in *Despatches from U.S. Consuls in Managua, 1884-1906*, National Archive, Washington, DC, microfilm T-634.

<sup>44</sup> Williams, *States and Social Evolution*, p. 135.

Table 2. *Wages in labour contracts in the Prefecture of Granada, 1881, 1885 and 1902*

Year	N	Average monthly wages (pesos)	Contracts providing food (%)
1881	179	7.2	64
1885	193	8.88	71
1902	149	14.16	55

*Source:* AMPG, libro 85, 'Matrículas de Fincas y talleres del dpto. De Granada', 1881; libro 128, 'Matrículas de Operarios', 1885; libro 188, 'Agriculturas contratados', 1902.

Sugar and indigo plantations nurtured the same anxiety. Significantly, for most of the nineteenth century, the reality of labour scarcity seemed to far outweigh the fear that wages would rise and cut into profits.

Labour relations varied across regions in nineteenth-century Nicaragua. In analysing Indian-ladino labour relations in late nineteenth-century Matagalpa, Jeffrey Gould argued that coffee growers 'had difficulty envisioning this inherently slothful "degraded race" as a free labour force on their plantations', relying instead on debt bondage to supply their labour needs.<sup>45</sup> Preliminary evidence from labour contracts (including ones for coffee harvests in Managua) suggest that in the Prefecture of Granada the case was different. Between 1881 and 1902, average monthly wages rose from 7.2 pesos per month to 14.2 pesos per month (see Table 2).<sup>46</sup> Moreover, agricultural law in Nicaragua from as early as 1835 specified that the act of contracting, not indebtedness, tied the labourer to employer.<sup>47</sup> If debt was not required for the enforcement of labour contracts, why offer advances on wages?

Food prices kept pace with wages, growing at an average of 4.7 per cent per year between 1881 and 1890, while a 3,100 calorie diet consisting of 1.5 pounds of corn, a quarter pound of beans, a half pound of meat and one plantain continued to cost less than 30 per cent of a day's wages (see Table 3).<sup>48</sup> Although advances were relatively common in 1881, with labourers taking them in almost 70 per cent of the contracts, the practice appeared to decline over time, so that in 1902 just less than seven per cent

<sup>45</sup> Gould, *To Die in This Way*, p. 50.

<sup>46</sup> The latter figure is corroborated in J. Francis Le Baron, 'Nicaragua: Industrial and Agricultural Resources,' *Monthly Bulletin of the Bureau of American Republics*, vol. 5, no. 3 (1897), p. 351, which states that 'agricultural laborers are paid from \$12 to \$14 per month, in Nicaraguan money, and board'. This rise in wages is nearly as rapid as that found in mid-nineteenth-century Costa Rica. See Ciro F. S. Cardoso, 'Características básicas de la economía latino-americana (siglo XIX): algunos problemas de la transición neo-colonial,' *Revista de Historia (Costa Rica)*, no. 4 (1977), p. 178, table 32.

<sup>47</sup> Charlip, *Cultivating Coffee*, p. 147.

<sup>48</sup> This diet is calculated based on figures from Marcos Palacios, *Coffee in Colombia, 1850-1970: An Economic, Social, and Political History* (Cambridge, 1980), p. 103.

Table 3. *Food prices in the Prefecture of Granada, 1877, 1880/1881 and 1890*

Year	Corn (pesos/lb.)	Beans (pesos/lb.)	Meat (pesos/lb.)
1877	0.01	0.04	0.07
1880/81	0.01	0.03	0.08
1890	0.02	0.07	0.10

Source: AMPG, caja 130, leg. 177, 1877; caja 150, leg. 144, 1880; Bureau of the American Republics, *Handbook of Nicaragua* (Washington, DC, 1892), pp. 79–80.

Table 4. *Wage advances in the Prefecture of Granada, 1881, 1885 and 1902*

Year	No.	Average wage advances (pesos)	Contracts providing advances (%)
1881	179	7.82	69
1885	193	9.16	49
1902	149	2.48	7

Source: See Table 2.

of the contracts included them. And where the average advance had been one month's wages in 1881, it had dropped to less than a week's wages (see Table 4). Even the higher figure, however, cannot be considered too onerous to work off. Taken in sum, wages appeared to be rising in Nicaragua, despite the fact that coffee prices did not always keep pace. Between 1901 and 1903, coffee prices averaged between \$.05 and \$.07 per pound, slightly below the prices paid in the early 1880s, and less than half the \$.15 to \$.17 per pound being paid between 1886 and 1895.<sup>49</sup>

A system of fully free labour, then, remained unacceptable not because it faced upward pressure on wages, which occurred anyway, but because of the insecurity it engendered in landowners, especially during harvest time. Not surprisingly, as much as landowners craved the stability promoted by the agricultural laws, they frequently tried to circumvent the system. A petition filed in 1875 by a Nandaime hacendado exemplifies the practice. In July 1875, the agricultural agent of Nandaime fined Bartolomé Lara Rodríguez 20 pesos for illegal labour practices: five pesos for hiring a labourer named Cruz Mayorga without first checking his debt card [*boleta de solvencia*] and 15 pesos for hiding Mayorga when the agent arrived to do an inspection of the workers. Rodríguez claimed that Mayorga 'said he was coming from Liberia [Costa Rica] ... and didn't carry a debt card because it wasn't necessary', and

<sup>49</sup> Williams, *States and Social Evolution*, pp. 264–74, table A-1. The price set for coffee used by Hector Lindo-Fuentes, *Weak Foundations: The Economy of El Salvador in the Nineteenth Century, 1821–1898* (Berkeley, 1991), pp. 112–13, table 19, suggests significantly less pronounced price disparities for this same time period. However, the trends remain the same.

asserted that the agent's charges were 'completely false'.<sup>50</sup> Rodríguez's bold assertions, however, deflated before the testimony of other workers on his own hacienda and the agricultural agent of Granada, who helped to find and arrest Mayorga.<sup>51</sup> Despite being caught and fined, Rodríguez doubtless continued to try to woo workers from other haciendas. Hiring labour illegally did not diminish hacendado acceptance of state intervention in labour control. Instead, it represented the paradoxes inherent in the process of nation-state formation. Initially, at least, the growth of the smallholder population only exacerbated a situation of increasing demand for labourers and labour mobility.

Like the state's effort to eradicate contraband *aguardiente* production, its labour policies also suffered at the hands of the local officials charged with their enforcement. In contrast to the often hostile attitudes of municipal officials to the state's *aguardiente* policies, local officials generally supported the state's labour policies. To the extent that local officials failed to enforce the agricultural laws, this arose out of the frequent struggles of these officials both against the hierarchy established by the laws and with officials from outside their jurisdiction.

In the first years after the National War, the state had to contend with municipalities that had for decades experienced tremendous autonomy. Officials at the municipal and regional level continually tested the strength of the state and its ability to organise and control them. In 1857 for example, Pio Echaverri, the constitutional *alcalde* of Masatepe, wrote to the prefect of Granada, seeking to name the local police agent rather than accept the one chosen by the prefect. Echaverri expressed an understanding of the hierarchical relationship between himself and the prefect, but felt he was in a better position to determine the needs of the municipality.<sup>52</sup> Even as the relationship between the prefect and his subaltern authorities became established, however, squabbles between these authorities persisted.<sup>53</sup>

On 10 February 1873, the *agente general de agricultura* wrote to the minister of development (*fomento*) to complain that the *juez de agricultura* of Granada had tried repeatedly to send him far outside his own jurisdiction in an effort to capture a number of different labourers who had deserted their contracts. In recent months Fletes had been ordered to remote areas, including Rivas,

<sup>50</sup> 'Bartolomé Lara Rodríguez se queja del agente de agricultura de Nandaime,' 1875, AMPG, caja 119, leg. 332.

<sup>51</sup> *Ibid.*, testimony of Bartolomé Ruis, Agente general of Granada, 28 Aug. 1875.

<sup>52</sup> Pio Echaverri, Alcalde Constitucional (Masatepe) to Departmental Prefect (Granada), 12 Feb. 1857, AMPG, caja 2, leg. 3.

<sup>53</sup> See, e.g., Rosalio Cortes, Ministro de Gobernación (Managua) to Departmental Prefect (Granada), 25 April 1860, AMPG, caja 21, leg. 65; Jerónimo Pérez, Ministro de Gobernación (Managua) to Departmental Prefect (Granada), 17 Sep. 1861, caja 29, leg. 85.

Tipitapa, Chontales and Masatepe. Fletes explained, ‘The *juez de agricultura* of Granada believes that I, as Agent, am obligated to carry out orders from him outside his jurisdiction.’<sup>54</sup> But the juez, Fletes argued, had misunderstood the law and its applicability.

Rather than respond to Fletes, however, the minister simply turned the complaint over to the prefect of Granada to investigate the claims. The prefect, in turn, requested that Rosario Vivas and Marcos Urbina, the rural magistrate and his deputy, explain why and under what authority they had ordered Fletes to assist them in capturing labourers outside of Granada. The answer to the first question was simple: it was his job. Determination of authority, on the other hand, required interpretation of law that was occasionally unclear and contradictory. Their interpretation, Vivas explained, brought together two aspects of the law governing rural magistrates and agents. First, the rural magistrate can order the general agent to capture fugitive workers. Second, the agricultural agent’s territorial jurisdiction is understood to have no limits. As such, Vivas and Urbina argued that they could order the general agent to capture workers who were outside of their own jurisdiction, since the workers were always necessarily within the agent’s jurisdiction.<sup>55</sup>

An exasperated Fletes also sought support from Minister of Agriculture Anselmo Rivas.<sup>56</sup> Rivas responded, but not to the complaint. Instead, he railed against Fletes’s disruption of hierarchal authority and order. ‘The Agente General’, Rivas lectured, ‘is a subaltern employee of the Prefecture, subject to it in all ways by law, and for these reasons, has no rights to approach the Government directly about this or any other issue of his responsibility.’<sup>57</sup> Separately, Rivas sent a letter to the prefect containing the government’s interpretation of the law and issues involved in this case. In it, Rivas wrote that the president ‘has ordered me to express to you the opinion of the Government about this particular issue’ to help guide the prefect’s actions in this case. The state concurred with the rural magistrate in this case, but with certain limitations. Rosario Vivas had argued that the rural

<sup>54</sup> Inocente Fletes (Managua) to Ministro de Fomento (Managua), 10 Feb. 1873, ‘Queja del Agente General de agricultura don Ygnosente Fletes contra el Juez de agricultura de Granada,’ AMPG, caja 98, leg. 287. This was not Fletes’ first conflict with the *jueces de agricultura* of Granada. See ‘Información de testigos instruidas para averiguar la certeza de las fallas que Don Marcos Urbina denuncia en un impreso contra el Agente general de agricultura del Distrito Don Inocente Fletes,’ 1872, caja 87, leg. 272.

<sup>55</sup> [Rosario] Vivas, Juez de Agricultura (Granada) and Marcos Urbina, Juez suplente de Agricultura (Granada) to Agustín Aviles, Departmental Prefect (Granada), 26 Feb. 1873, ‘Queja del Agente General de agricultura don Ygnosente Fletes contra el Juez de agricultura de Granada,’ AMPG, caja 98, leg. 287.

<sup>56</sup> *Ibid.*, Inocente Fletes (Granada) to Anselmo Rivas, Ministro de Agricultura (Managua), 28 March 1873.

<sup>57</sup> *Ibid.*, decision of Anselmo Rivas, Ministro de Agricultura (Granada), 25 April 1873.



magistrate could order the agricultural agent to pursue labourers anywhere in the country since, although assigned to a particular jurisdiction, the territory of his authority was without limits. The state, however, asserted an important distinction: for the agent to cross out of the territory to which he was assigned, his assistance must be requested by an authority in the jurisdiction into which he will enter. Thus, if Vivas wanted, for example, to order Fletes to capture a labourer in Chontales, Vivas would have to consult with his counterpart in Chontales and have that rural magistrate request Fletes' assistance in his jurisdiction. Although slower and less direct than the method Vivas wished to employ, Rivas cautioned that 'Any other way would introduce disorder and confusion into the actions of public functionaries.'<sup>58</sup>

The struggle between the rural magistrate and the general agent of Granada reveals the critical problems involved in the state-building process at this level. Policy, labour or otherwise, was meaningless if the state could not implement it. Consequently Anselmo Rivas concentrated his lecture to these agricultural officials on the dangers implicit in circumventing the hierarchical organisation of the state as laid out in both the constitution and the law. Although Fletes, the general agent, had a legitimate complaint against the rural magistrate, his decision to bypass his immediate superior led to reprimand rather than resolution. To flatten these hierarchies across local communities would dilute the state's power and promote local autonomy, the very antithesis of the state-building project. Only once the state had reestablished the hierarchy was it worth focussing on the actual management of cross-jurisdictional requests.

For the most part, conflicts between state officials within individuals' jurisdictional units had declined by the 1880s as the hierarchy of municipality–prefecture–state congealed.<sup>59</sup> Struggles between authorities across territorial borders – from city to city and prefecture to prefecture – however, proved significantly more vexing and intransigent. Since people were highly mobile, especially after the National War, coordinating officials in geographically distinct places became a primary aspect of the state's labour policies. Figures reported in 1900 by the agricultural agent of Managua speak volumes for this need and the state's failures in this area. Of nearly six thousand warrants issued by the agent, 73 per cent were for workers who had fled to other departments; less than nine per cent of these were ever captured.<sup>60</sup>

<sup>58</sup> *Ibid.*, Anselmo Rivas, Ministro de Agricultura (Granada) to Agustín Aviles, Departmental Prefect (Granada), 26 April 1873.

<sup>59</sup> For an exception, see Wolfe, 'Rising from the Ashes,' pp. 78–84, on the state's inability to exert control over local officials in its efforts to eradicate contraband aguardiente.

<sup>60</sup> Calculated from figures cited in Teplitz, 'Political and Economic Foundations,' pp. 199–200.

In 1882 Narciso Arevalo, a Granadino hacendado, became embroiled in the kind of cross-jurisdictional dispute that frustrated labour coercion. Arevalo saw himself as an ideal Nicaraguan: he grew coffee and sugar on his hacienda and actively participated in the state's system of labour contracting and control. He duly went before the rural magistrate of his jurisdiction to register his hacienda and the contracts he signed with *operarios*. Moreover, given the frequently limited resources of the state, Arevalo aggressively pursued his own fugitive workers.<sup>61</sup>

Despite his efforts, however, he found himself stymied by the state's own agents. Arevalo had hired two labourers from Niquinohomo, Máximo and Francisco Pavón Negro, but they subsequently fled back home. Arevalo requested that the rural magistrate of Niquinohomo, Rumualdo Espinoza, capture the Pavón brothers, but Espinoza and his secretary, Agustín Vega, proved recalcitrant in their duties. Prodded by Arevalo's lawyer, they eventually arrested the Pavón brothers, but just as quickly let them go. The magistrate claimed that Arevalo had no evidence of contract or debt, despite the evidence that Arevalo's lawyer had sent to the magistrate. Only after Arevalo himself journeyed to Niquinohomo to show the contracts did Espinoza and Vega comply.

Naturally enough, Arevalo found this treatment unacceptable and complained to the prefect of Granada, seeking to punish Espinoza and Vega as harshly as the law would allow. In his original petition, Arevalo noted that this was not his first incident involving Niquinohomo's rural magistrate; however, this was the first time he had approached the state to force its officials to comply with the law. Faced with pressure from their superior, Espinoza and Vega admitted their errors and genuflected before Arevalo: '[He] is of noted good conduct, incapable of charging what he is not owed.'<sup>62</sup> Given their apology and the 'harmony and good will' expressed by the magistrate and his secretary, Arevalo dropped the charges.<sup>63</sup> Although the prefect appeared ready to fine Espinoza and Vega, and perhaps remove them from their positions, that result does appear to be what Narciso Arevalo desired. Significantly, the resolution of this conflict occurred not before the prefect in Granada, but in Niquinohomo amidst the members of the municipal council. Given the increased mobility of Nicaragua's labour

<sup>61</sup> 'Narciso Arevalo contra el juez de agricultura de la Victoria [Niquinohomo],' 1882, AMPG, caja 129, leg. 371. Compare this with 'Acusación contra el juez de agricultura del Diriá,' 1881, caja 167, leg. 456.

<sup>62</sup> Rumualdo Espinoza and Agustín Vega (Niquinohomo) to Nicolas Borges, Municipal Secretary (Niquinohomo), 6 Nov. 1882, 'Narciso Arevalo contra el juez de agricultura de la Victoria [Niquinohomo],' AMPG, caja 129, leg. 371.

<sup>63</sup> Narciso Arevalo (Niquinohomo) to Nicolas Borges, Municipal Secretary (Niquinohomo), 6 Nov. 1882, 'Narciso Arevalo contra el juez de agricultura de la Victoria [Niquinohomo],' AMPG, caja 129, leg. 371.

force and the growing reliance of landowners on state officials in disparate locales, 'harmony and good will' may well have been a more useful result.

The documents shed little light on the reasons behind the magistrate's original actions or the flight of the Pavón brothers. Throughout the mid-to-late nineteenth century, fleeing back home as the brothers did, had been the preferred option. David McCreery noted the same pattern in late-nineteenth-century Guatemala, suggesting that 'the purpose of flight usually was less to evade obligations than to initiate or to stimulate negotiations'.<sup>64</sup> Perhaps the Pavóns simply sought respite from their work or felt that local officials in Niquinohomo would serve as a negotiator between them and Arevalo. In any case, the increasingly harsh labour regime of the Zelaya government and the declining power of local communities in the face of the national state led ever greater numbers of workers to avoid capture by escaping across departmental borders.<sup>65</sup>

*'Occupied in the cultivation of the earth': labour, ethnicity and community*

In 1862 the *Ley de agricultura* defined a labourer as someone who 'is without occupation and without the means to subsist'.<sup>66</sup> Far from novel, this definition had been in place, legislatively, at least, since as early as 1835.<sup>67</sup> In the context of the transformations occurring in Nicaragua following the National War, however, the definition took on a new character. In the new nation-state, the labourer occupied a place on the political spectrum at the opposite end from the landholder. Where the landowner was the ideal citizen, the labourer became the marker for the 'non-citizen', truly a '*mozgo*', a boy, socially immature and unable to exercise the rights of the national citizen.<sup>68</sup>

This politicisation of the discourse on labour proved immediately problematic. Although the elite had historically equated Indians with labourers, the definition of the labourer as landless (or at least land poor) came up against the (landed) reality of indigenous community and the prevalence of subsistence agriculture. In the process of nation-state formation, indigenous communities struggled to differentiate themselves and their members from the poor, individual labourer. Unlike in Guatemala, where the state explicitly tied Indians to the status of labourers (especially in the form of the debt servitude system of the *mandamiento*), in Nicaragua the state never explicitly placed the ideas of labourers and Indians together in the same

<sup>64</sup> McCreery, *Rural Guatemala*, p. 284.

<sup>65</sup> Teplitz, 'Political and Economic Foundations,' pp. 198–200.

<sup>66</sup> *Ley de agricultura*, 18 Feb. 1862.

<sup>67</sup> Charlip, *Cultivating Coffee*, p. 147.

<sup>68</sup> The term *brazos* (arms) for workers further degrades them. As condescending as *mozgo* is, at least the term implies its own overcoming. The dehumanised and disembodied *brazos*, however, are simply tools; they can produce but they have no capacity for self-transformation or liberation.

discussion.<sup>69</sup> At the local level, however, ladinos continued to view Indians in the same way: as their largest and most important source of labour. In post-National War Nicaragua, the struggles of ladinos and indigenous communities to define the meanings of labour and ethnicity through everyday practice became tightly intertwined with the process of nation-state formation.

*'More than a few resist': rural magistrates, community rights and authority*

In the colonial period, numerous towns had been designated as *comunidades de indios* by the Spanish Crown. These were led by an *alcalde indígena* and a council of regidores patterned on a Spanish town council. Following independence, all towns (*pueblos*) were renamed municipalities and given a juridical status; indigenous communities, however, lost all such status.<sup>70</sup> In the prefecture of Granada, relatively high population density led to indigenous communities being coterminous with pueblos, whereas in Matagalpa, for example, a single community came to encompass multiple municipalities.<sup>71</sup> In the few cases where purely Indian towns survived – such as Catarina, La Paz and San Juan de Oriente – it appears that the Indian community's structures assimilated into the municipality's form. In most rural communities, however, ladino migration had led to political competition, and after independence Indian communal authorities often continued to exist alongside the newly created municipal governments.<sup>72</sup> In these cases, indigenous *alcaldes* frequently engaged in a struggle to resist municipal intervention in the lives of Indians and their communities and to preserve community autonomy from the increasingly active national state.<sup>73</sup>

<sup>69</sup> On the mandamiento system in Guatemala, see David McCreery, 'Debt Servitude in Rural Guatemala, 1876–1936,' *Hispanic American Historical Review*, vol. 63, no. 4 (1983); David McCreery, 'An Odious Feudalism: *Mandamientos* and Commercial Agriculture in Guatemala, 1861–1920,' *Latin American Perspectives*, vol. 13, no. 1 (1986); McCreery, *Rural Guatemala*, pp. 220–3, 66–8.

<sup>70</sup> See, Emilio Alvarez Lejarza, *Ensayo histórico sobre el derecho constitucional de Nicaragua* (Managua, 1936), p. 231; Edgardo Buitrago, 'El municipio en Nicaragua,' mimeographed (León, Nicaragua, August 1987).

<sup>71</sup> For Matagalpa, see, Gould, '*¡Vana Ilusión!*', pp. 397–400. For an exception to the trend in the prefecture of Granada, see 'Los Yndígenas del barrio de Jalata en Masatepe solicitan que se los preservan sus usos y costumbres ignocentes, en conforme á las leyes,' 1861, AMPG, caja 28, leg. 84, and 'Asunto entre la municipalidad y el cura de Masatepe,' 1880, caja 156, leg. 435.

<sup>72</sup> Newson, *Indian Survival*, pp. 131, 300; Alberto Lanuza, 'Nicaragua, territorio y población (1821–1875),' *Revista del Pensamiento Centroamericano*, vol. 31, no. 151 (1976). In 1740, only 27 towns in all of Nicaragua had entirely Indian populations; by 1776, just 16 of these remained so (Romero Vargas, *Las estructuras sociales*, p. 298).

<sup>73</sup> For more detailed discussions of nineteenth-century indigenous communities and conflicts, see Gould, *To Die in This Way*, pp. 26–101; Wolfe, 'Rising from the Ashes,' pp. 221–67.

In May 1868 Pedro Calero, the *alcalde indígena* of Masatepe, wrote to Santiago Guerrero, the *juez de agricultura* of the town, to complain of the unfair and illegal treatment his community faced: 'You oblige the unhappy Indians [*indígenas*] who have no commitments, to work in the haciendas of the ladinos, without taking into consideration that these people have to cultivate their own lands.'<sup>74</sup> Calero asserted that the 1862 agriculture law only allowed the *juez de agricultura* to force *operarios* (contracted labourers) to work. Since those within the indigenous community had their own lands they should not be subject to the *juez's* authority. Guerrero denied that this distinction provided any special status to the indigenous community or its members. As he understood it, the law empowered him to determine who was and was not a labourer. In his reply, Santiago Guerrero, the *juez*, insisted that he made no distinction between 'Indian [*indio*] and ladino' labourers.<sup>75</sup> Whatever the truth of Guerrero's statement,<sup>76</sup> it is evident that he and Calero faced each other from diametrically opposed understandings of Nicaragua's labour law.

Given the *juez's* intransigence, Calero sought to at least insert the indigenous community into the *juez's* decision-making process. The agricultural law instructs the rural magistrate that if he is unsure of someone's occupational status, he should bring the person before the *alcalde* for a determination. Hoping to incorporate his position as indigenous *alcalde* into the magistrate's interpretation of this article, Calero requested: 'Should you insist on [your policy of actively pursuing Indians] ... I ask that you inform me of everything that you do ... to establish the rights of the Indians (*indígenas*) whom I represent.'<sup>77</sup> If Calero could not achieve the indigenous community's autonomy from the rural magistrate, Calero hoped that the magistrate would view his authority as parallel and equivalent to that of the municipal *alcalde*.

Two months later, unsatisfied with Guerrero's response, the indigenous community hired Granadino lawyer, Francisco Noguera, to represent them before the Prefect of Granada. Although more formally written than the indigenous community's original petition, Noguera's essentially recapitulated Calero's contention that Guerrero was forcing Indians to work against their will on the haciendas of ladinos. Noguera argued that Guerrero's 'erroneous

<sup>74</sup> Pedro Calero, Alcalde indígena (Masatepe) to Juez de agricultura (Masatepe), 5 May 1868, 'Señor Juez de agricultura de Masatepe,' AMPG, caja 63, leg. 212.

<sup>75</sup> Declaration of Santiago Guerrero, Juez de agricultura (Masatepe), 6 May 1868, 'Señor Juez de agricultura de Masatepe,' AMPG, caja 63, leg. 212.

<sup>76</sup> In a petition by Masatepe's indigenous community in 1880, they complained that only Indians were forced into military service. Although the ladino *alcalde* denied this charge, it was later confirmed. See 'Asunto entre la municipalidad y el cura de Masatepe,' 1880, AMPG, caja 156, leg. 435.

<sup>77</sup> Pedro Calero, Alcalde indígena (Masatepe) to Juez de agricultura (Masatepe), 5 May 1868, 'Señor Juez de agricultura de Masatepe,' AMPG, caja 63, leg. 212.

interpretation' of the law had led him to act unfairly and arbitrarily, exercising power far beyond that granted him by the law. Moreover, when Guerrero forced Masatepe's Indian farmers (*agricultores*) to go to the haciendas of ladinos, 'the agricultural works that provide to these poor people the grains that they consume throughout the year become abandoned'. He concluded, 'If [the law] is understood in this way, it would be an attack on the individual guarantees that our constitution so protects.'<sup>78</sup>

The tenor of Calero's argument, and that promoted by Noguera, is one of rights as defined in the constitution and the law. By forcing Masatepe's Indians, even the landholders, to labour on ladino haciendas, Guerrero constructed Indians as a labouring class. In replying to Calero's initial complaint, Guerrero had not denied that he arbitrarily forced Indians to work; rather he asserted that he viewed all labourers, be they Indian or ladino, as equally subject to the labour law and his authority. Guerrero's treatment of Indians, however, implied that he viewed all Indians as labourers naturally subject to the law by dint of their race. In contrast, in seeking to have the state fulfill its obligations as codified in the law, the indigenous community asserted its membership in the national community, and in so doing, problematised ladino racial discourse and the discourse of national identity. Significantly, even when Calero offered the compromise position that not all members of the community were necessarily landholders, he did so in an effort to assert his equivalence to his municipality's ladino officials.

It is unknown if the indigenous community prevailed in this case, but in any event it petitioned the state again just three years later. In October 1871, Cornelio Lopez, *alcalde indígena* of Masatepe, representing himself and the community, wrote to the president of Nicaragua, complaining of the treatment they suffered at the hands of the new rural magistrate. Like Pedro Calero before him, Lopez focussed on the arbitrary nature of the magistrate's actions: 'Repeatedly and without any recognition of the qualities or circumstances of the individuals ... the rural magistrate puts our names on a piece of paper, and with this list delivers us to work for some of the property owners that had solicited us from him.'<sup>79</sup>

Where the community and Calero had approached the rural magistrate timidly in 1868, Lopez seemed emboldened by the community's willingness to resist, and with almost casual indignation explained to the president, 'Of course, Sir, more than a few resist, whether because they are not day labourers or because they have previous obligations, sickness or whatever other cause. And on refusing, they are taken to the stocks where they remain

<sup>78</sup> Francisco Noguera (Granada) to the Departmental Prefect (Granada), 10 July 1868, 'Señor Juez de agricultura de Masatepe,' AMPG, caja 63, leg. 212.

<sup>79</sup> Cornelio Lopez to President of Nicaragua, 10 Oct. 1871, 'El Alcalde indígena de Masatepe se queja del Juez de agricultura de aquella villa,' AMPG, caja 126, leg. 358.

for the whole day.<sup>80</sup> The community's response, Lopez implied, reflected 'the violence exercised upon us without any law authorising the magistrate to act in this way, that is to say, against our will.' The community's struggle remained to redefine the indigenous community as 'we who have fincas on which we work' not as a mere pool of degraded labourers.

In turning the complaint over to the prefect of Granada, the proper authority for such issues, Rafael Zurita, representing the president, summarised in clear and concise terms the *juez de agricultura's* power in relation to labourers as laid out in the agricultural law: 'Rural magistrates can only deliver for service on haciendas the day labourers or artisans that the contractors ask for, but in no way the farmers (*los agricultores o labradores*) that for themselves, their family or servants, are occupied in the cultivation of the earth.' The members of Masatepe's indigenous community clearly grasped that their access to land placed them and the rest of Nicaragua's Indians on the verge of a new relationship with the emerging national community. Their landholding meant membership in that community, despite the efforts of local ladino authorities to deny it to them. In reprimanding Masatepe's rural magistrate, Zurita articulated the indigenous community's position: 'These people cannot be placed in the lineage of those that live by the work of their hands.'<sup>81</sup>

The state's decision went beyond defining and contrasting those who produced ('cultivation of the earth') and those who laboured ('work of their hands') to the explicit equation of smallholding with citizenship. Zurita ended his order by pointing to an 1853 executive decree that exempted from regular militia service all farmers who grew as little as three *medios* of beans or a half *fanega* of corn. That such a right would be granted over a service so vital to the security of the state, Zurita argued, made the state's decision in this case all the more important.<sup>82</sup> Since such harvests could be reaped from even the most modest holdings, Zurita's remarks suggested the equation of subsistence production with an intrinsic political independence.<sup>83</sup> How actively this policy was pursued is unclear, but in legally deferring this level of military service in favour of subsistence production, the state at least provided rhetorical support for the promotion of smallholding over and above the value of labour coercion. By the end of nineteenth century, the

<sup>80</sup> *Ibid.*

<sup>81</sup> Rafael Zurita (Managua) to Departmental Prefect (Granada), 11 Oct. 1871, 'El Alcalde indígena se queja del Juez de agricultura de aquella villa,' AMPG, caja 63, leg. 212.

<sup>82</sup> On the importance of the military and military service to the nation-state, see two very different but congruent theoretical views in Tilly, *Coercion* and Anderson, *Imagined Communities*.

<sup>83</sup> Evidence from the 1880 agricultural census suggests that holdings of 5 *manzanas* could produce more than 10 times the amount required by the 1853 decree. See, e.g., 'Censo agropecuaria de Nandaime,' 1880, AMPG, caja 158, leg. 41.

Zelaya government had not only abandoned any such rhetoric, but sought to compel even the most successful small farmers to work the harvests of the country's largest coffee haciendas.<sup>84</sup>

*'The misfortune of belonging to the indigenous race': labour and ladino racial discourse*

Municipalities and indigenous communities frequently worked together in the first two decades after the National War, especially when confronted with threats to local autonomy. Their cooperation, however, showed itself to be mostly strategic, and at times it disintegrated into open conflict.<sup>85</sup> Indeed, the indigenous communities and municipalities struggled on a daily basis, constantly remapping the boundary lines of power and autonomy between the two. By the early 1880s, most indigenous communities in the prefecture of Granada were struggling to maintain their salience and cohesion. The shift toward private landholding patterns and the disruption of the relationship between the community and communal landholding strained the fabric of indigenous identity in ways that proved difficult to repair. This situation was compounded by increased state and landlord pressure on labour as coffee came to dominate Nicaragua's exports.

Nieves Ramirez of Diriomo exemplified the transitions during this period. In December 1882, only days after the death of his mother, Juana Muñoz, Ramirez found himself compelled by the *juez de agricultura* to complete the contract that his mother had signed to harvest coffee on a hacienda in Managua. Ramirez protested to the prefect, implying that the *juez* pursued such an aggressive and illegal course because Ramirez was born an Indian, that 'race that has always been looked down upon in the towns'.<sup>86</sup>

Ramirez, however, sought not to defend his indigenous heritage, but to distance himself from it. Ramirez recognised the position he had been born into, but with a past tense proviso that echoed ladino racial discourse: 'I had the misfortune of belonging to the indigenous race.'<sup>87</sup> With this now just a memory, Ramirez signalled his status as a buyer of labour not a seller, as

<sup>84</sup> Teplitz, 'Political and Economic Foundations,' p. 203.

<sup>85</sup> On municipal and indigenous community cooperation, see, e.g., 'Asuntos de egidos de San Marcos,' 1866, AMPG, caja 51, leg. 177; 'El Ldo. Jimenes, como representante de la Municipalidad de Jinotepe, solicita el señalamiento de ejidos,' 1866, caja 51, leg. 177; 'Don Nilo Ortega se queja contra el Gobernador de Policia de este distrito,' 1875, caja 118, leg. 339 bis. For cooperation shifting into conflict: 'Queja de Juan Zuniga contral el Juez de agricultura de San Marcos,' 1875, caja 119, leg. 332; 'Asunto entre la municipalidad y el cura de Masatepe,' 1880, caja 156, leg. 435. See also, Elizabeth Dore, 'Land Privatization and the Differentiation of the Peasantry: Nicaragua's Coffee Revolution, 1850–1920,' *Journal of Historical Sociology*, vol. 8, no. 3 (1995), p. 311.

<sup>86</sup> 'Solicitud que hace el Señor Nieves Ramirez de Diriomo,' 1882, AMPG, caja 179, leg. 477.

<sup>87</sup> *Ibid.*, my emphasis. See Gould, *To Die in This Way*, pp. 48–50.



a ladino not an Indian: 'I offered to the Magistrate to send my *moza*, at my cost, to carry out my mother's commitment.' The magistrate, however, refused, demanding that Ramirez himself labour at the hacienda.

Ramirez was not unique. Although two-thirds of Diriomo's Indian men were listed as labourers in the 1883 census, nearly a quarter of them were farmers, like Ramirez. Ladino men were less likely to be labourers, but with almost 45 per cent of them so classified, it was still their primary occupation. Despite this, 80 per cent of the labourers who passed before the rural magistrate's gaze were Indians.<sup>88</sup> Where the magistrate looked at Indians and saw labourers, Ramirez simply look at what he had left behind. Ramirez, the ladino *agricultor* had struggled to escape the toil of the Indian *jornalero*, yet he remained caught between these two identities, caught between cultural and biological conceptions of ethnicity.<sup>89</sup> Both he and the magistrate accepted the ladino equation of class and ethnicity, but where Ramirez lived his life predicated on the fluidity of his identity, the magistrate made no such concessions.

### *Conclusion*

In the three decades after the National War, so-called 'Conservative' state authorities advanced a liberal project of modernity that heralded an increasingly secular, interventionist state, a growing export economy, an ample labour supply and expanded private landholding. The terms of the project were far from new, but the possibility of implementing it was. In the first decades after independence, notions of a Nicaraguan nation seemed too fluid to overcome the elite's divergent social and political desires. The war to oust William Walker did not spur the elite to reconceptualise the nation so much as to focus it in their political imagination. There was no transfiguration of elite identity nor epiphany of brotherhood. Rather the elite came to see the nation as the umbrella under which liberalism could be conceptualised as a shared project.

In analysing the elite's effort to foster a large, cheap labour force – one of the key emblems of their enterprise – it is evident that the state's means did not match its ambitions. Abundant opportunities to avoid wage labour

<sup>88</sup> These figures, based on men age 15 and above, are calculated from 'Censo de Diriomo,' 1883, AMPG, caja 191, leg. X7. In the nearby towns of San Marcos and Diriamba where coffee production had grown more aggressively, Indians were even more likely to be listed as labourers. By contrast, in the subsistence-oriented town of Santa Catarina, nearly 70 per cent of Indians were farmers and Indians outnumbered ladinos in every occupation.

<sup>89</sup> For an interesting contrast, see 'Juan Lopez queja contra el Alcalde de Diriomo,' 1880, AMPG, caja 159, leg. 431. Ramirez and Lopez mirror each other in many ways, struggling between past and future. But where Ramirez had left the indigenous community, Lopez remained, defending it against state and municipal intervention.

necessitated the creation of an institutional framework for managing and coercing labour. Although local state authorities questioned both the wisdom and prerogatives of applying national policy at the local level, they grasped the congruence of local and national interests. Nonetheless, the fortifying of the hierarchy from municipality to prefecture to national government failed to produce official cooperation across regional borders. The state, for example, overcame the resistance of rural magistrates to their immediate superiors at the prefectorial level, but it failed to abate their disdain for their compatriots in other communities.

Subaltern resistance, especially among Indians, posed a different kind of challenge to the elite's liberal project than did the instability of state hierarchy. Doubtless the petty subterfuge that James Scott has characterised as the weapons of the weak sapped the strength of both state and landlords. Alongside these daily acts of subversion, however, the elite faced the efforts of indigenous communities to construct an alternative modernity. Rather than reject the nation as either insignificant or inimical to their interests, indigenous communities recognised the inherent malleability of national identity. Indigenous communities sought to equate community membership with landholding and in so doing to redefine Indians as farmers who 'worked their own lands'. Elite liberalism equated Indians with barbarism and labour, but the nation admitted a new calculus from within the elite's own discourse. The radical potential of indigenous claims to the nation should not be underestimated. As Jeffrey Gould has argued, 'to accept the validity of indigenous claims to citizenship and communal rights would be to delegitimise and destabilise local ladino identities and power'.<sup>90</sup> In the three decades that followed the National War, they did just that.

By the 1890s, however, Indian communities in the Prefecture of Granada no longer challenged elite conceptions of modernity. Especially after the 1881 indigenous rebellion in Matagalpa and parallel riots in León and Masaya, state authorities at all levels increasingly closed off political and discursive spaces for indigenous communities within the nation. Those in urban centers, such as Sutiava in León and Monimbó in Masaya, continued to be politically and socially active as did those in the agricultural frontier regions of Jinotega, Matagalpa and Chontales.<sup>91</sup> In both cases, access to community wealth and land resources proved vital to their long-term struggles. Moreover, for those on the frontier, distance from the centres of state authorities worked for decades to keep these at arm's length. For the majority in Los Pueblos, however, social and economic transformations attenuated the salience of

<sup>90</sup> Gould, *To Die in This Way*, p. 86.

<sup>91</sup> See, Germán Romero Vargas et al., *Persistencia indígena en Nicaragua* (Managua, 1992); Dora María Téllez Argüello, *¡Muera la gobierna!: Colonización en Matagalpa y Jinotega (1820–1890)* (Managua, 1999); Gould, *To Die in This Way*.

their indigenous communities just as the political climate became more stifling. The dominance of communal land tenure had given way to private landholding. Access to land increased for some, but disappeared entirely for others. The mounting landless population induced a parallel transformation in the labour system. In the past, indigenous communities worked to protect their members from the predations of landlords and the state, but now unable to maintain the vision of Indians as farmers and without another base of power, the communities began to disengage from the state. Without their challenge, the idea of Indians as labourers became reentrenched in an increasingly hegemonic ladino racial discourse that excluded Indians from the nation, except as markers of a mythic origin.