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‘Paz, progreso, justicia y honradez’: law and citizenship in Alta Verapaz during the regime of Jorge Ubico[☆]

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Abstract

Prospects for the ‘rule of law’ in the present are shaped by historical experiences of law by elite and non-elite groups in the past. In this article I explore changing conceptions and practices of ‘rights’ and ‘justice’ as expressed in the legal and administrative encounters between indigenous people and state officials during the regime of Jorge Ubico (1931–1944). The extension of the state’s coercive and administrative apparatus to remote rural areas, new legislation and changes in public administration transformed relations between working people, coffee *finqueros* and the state in Guatemala. This implied new obligations and exactions for Mayans, but also provided them with new opportunities to contest and negotiate their conditions. Indigenous people strategically engaged with the law to contest the terms of their domination by elite actors and to mediate conflicts between themselves. As state ideologies of ‘moral behaviour’ led to increasing regulation of the private sphere, this was particularly important in the case of conflicts over gendered rights and obligations. Although formally excluded from the category of citizens, indigenous people used the official language and discourse of citizenship to further their claims, in turn reshaping Guatemalan nation-state. © 2000 Society for Latin American Studies. Published by Elsevier Science Ltd. All rights reserved.

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1. Introduction

‘En tiempos de Ubico estuvo muy bonito. Allí él que hacía su delito, que mataba, que era bandido, más bien lo mandaban a fusilar. Allí se arreglaba bien.’¹

Understandings of justice, authority and legitimacy are forged through discrete historical experiences of the ‘rule of law’. These experiences are everywhere embedded in the present; their traces can be found not only in governmental institutions and legal codes, but also in popular and elite memories and practices which continue to shape the prospects for law and citizenship in different local, regional and national contexts. An examination of the dictatorship of General Jorge Ubico y Castañeda (1931–1944) is particularly pertinent to exploring the rule of law in Guatemala. More than half a century later, the Ubico period continues to have a signal resonance for Guatemalans. Many still recall the pervasive self-censorship and fear provoked by the dictator’s highly efficient network of spies. Yet especially among indigenous Maya in the rural areas, the years of Ubico are also remembered as a time when life was extremely hard, but also — and in marked contrast to today — when ‘justice’ (or at least the law) functioned.

Ubico’s election to the Presidency in 1931 heralded a number of changes in the relationship between rural inhabitants and the Guatemalan state. The nature of the latter was transformed as its coercive and administrative apparatus expanded, extending to many remote areas of the interior for the first time. The introduction of new legislation and changes in the practices of law enforcement and public administration during the 1930s reshaped relations between working people, coffee *finqueros* (farmers) and the state. As Philip Corrigan and David Sayer observed in their study of state-formation in England (Corrigan & Sayer, 1985), state power not only constrains and coerces but sometimes also empowers and enables its subjects. Legal and administrative developments during the Ubico regime implied new obligations and exactions for the indigenous majority, but also new opportunities for them to contest and negotiate their living and working conditions. While state law has traditionally been viewed as the expression of dominant interests, at certain times and in certain places it has also constituted, in James Scott’s celebrated phrase, an important ‘weapon of the weak’ (Scott, 1985).

In recent years social and cultural historians have explored the impact of different cultural forms of rule and ruling on processes of nation-state formation in Latin America. Informed by Gramscian notions of hegemony, such analyses have focused on the ways in which particular outcomes are shaped by interactions between

¹ ‘In the time of Ubico it was really good. Whoever committed a crime, killed, was a delinquent, well they were sent to the firing squad. Things were properly sorted out then.’ Interview with Don Francisco Pop, Salacüim, Alta Verapaz, February 1996. During the 1930s Don Francisco was a resident labourer who held the post of *ayudante militar* (military aid) and *alcalde auxiliar* (auxiliary mayor) on a coffee plantation.

a diversity of elite projects and counter-hegemonic processes.² For example, in her influential work Florencia Mallon has emphasised the interplay between ‘bottom-up’ or what she terms communally-based cultures of rights and expectations, and state formation and citizenship in nineteenth century Mexico and Peru. Evidently the ways in which the rule of law and notions of citizenship develop and change depend on struggles and interactions between different understandings and practices of ‘rights’, ‘obligations’ and ‘justice’ constituted by different individuals and groups within particular material, cultural and historical frameworks. Through the law, agents of the state attempt to create certain kinds of subjects or citizens, but that same law also provides a medium through which those would-be subjects or citizens can resist and accommodate to their conditions of subordination. In so doing, they contribute to shaping the very nature of the nation-state itself, based as it is on specific yet constantly changing pacts of domination and rule.

This paper examines popular experiences of the law during the Ubico dictatorship in the province or *departamento* of Alta Verapaz, Guatemala, a remote and predominantly indigenous frontier region which increasingly came under the purview of central government during the 1930s. It is based primarily on research of the legal and administrative records for the department, principally the correspondence of the *jefatura política* (departmental governor’s office) and local court registers.³ These shed much light on the interactions and encounters between indigenous people and the expanding Guatemalan state during the 1930s. First, they provide an indication of the shifting boundaries of official expectations of productivity, order, progress and modernity. Through the mechanism of the law and its everyday operation, official discourses and ideologies shaped and reshaped the legitimate boundaries of state power. Secondly, such documents also indicate what kinds of rights, obligations and ‘just treatment’ indigenous people expected within their conditions of comparative disadvantage, and what kind of mediation practices were commonplace. In this manner they provide evidence of the shared ‘languages of contention’ pointed to by William Roseberry: the common material and conceptual framework and understandings within which relations of domination are contested (Roseberry, 1994, 1996).⁴ Legal and administrative records constitute in effect maps of conflict and interaction evidencing the multiple dynamics of contestation, negotiation and engagement between rulers and ruled.

² In addition to Corrigan and Sayer (1985), new approaches to the history of nation-state formation in Latin America also owe a considerable debt to the work of James Scott (1985, 1990) and Benedict Anderson (1983). Two of the most widely cited contributions are those by Florencia Mallon (1995) and the collection edited by Joseph and Nugent (1994). For Central America see the ground-breaking work by Jeffrey Gould on Nicaragua (1990, 1998) and the recent collection edited by Chomsky and Lauria-Santiago (1998). For a lively debate on the ‘new cultural history’ see *Hispanic American Historical Review* (HAHR) 79(2), 1999.

³ The correspondence of the *jefatura política*, located in the AGCA, is fairly complete for Alta Verapaz during the 1930s, but is only catalogued by year. The records of the Juzgado de la Primera Instancia are also located in the AGCA.

⁴ Building on Roseberry’s discussion of hegemony, John Watanabe has described the framework of such interactions between indigenous people and state officials in late-nineteenth century Guatemala as ‘procedural cultures’; see Watanabe (1997, 1998) and in this issue of *BLAR*.

Such documentary sources clearly indicate the ways in which local non-indigenous elites resorted to the law to secure their control over labour and the frequent strategic use of state law by indigenous people in attempts to play off *finqueros* and state officials against each other. However, in addition to using law to contest the terms of domination by non-indigenous actors, the archives also reveal the ways in which indigenous people made recourse to the administrative channels of the *jefatura política* to settle conflicts between themselves. This was particularly important in terms of conflicts over gendered rights and obligations, as the extension of state ideologies of 'moral behaviour' and increasing regulation of the private sphere opened up important spaces for indigenous women to contest their domestic conditions. Pursuing a grievance through the regional courts was a time consuming and costly affair beyond the means of most, but presenting a petition to the *jefe político* was far cheaper, swifter and simpler. It echoed a long-standing tradition of appealing to the centre which stretched back to the colonial period, when indigenous subjects petitioned the Crown to mediate inter-communal conflicts or provide protection against the arbitrary behaviour of *criollo* elites. Whilst the Mayan names inscribed in the court records of the 1930s refer predominantly to defendants prosecuted by the state for statutory crimes such as murder, vagrancy or the unlicensed production of alcohol, the majority of plaintiffs presenting petitions before the *jefatura política* were indigenous. The procedure followed usually entailed requests from the authorities for written representations from the party or parties with whom the plaintiff alleged a dispute. In most cases regarding grievances between *finqueros* and workers a decision was then made by the *jefe político*. However, in other cases (such as matrimonial disputes), a personal audience between the disputing parties and the *jefe político* was held prior to a ruling.

Petitions were drafted by an intermediary such as the *tinterillo* or local scribe, who translated and reframed the claims of the overwhelmingly monolingual and illiterate Q'eqchi' and Poqomchi' Maya to meet prevailing bureaucratic and legal conventions.⁵ Official documents signal the commonly accepted and understood forms in which appeals could be made; the everyday language of local state bureaucracy. Through such legal procedures, different ideological constructions about the appropriate balance between rights and obligations, about citizenship and modernity — what might be termed the 'ideational universe' — filtered backwards and forwards between the international, national and local arenas. This influenced relations between working people, their employers and the government, between men and women, and of course between different ethnic groups, shaping in turn the nature of the modern Guatemalan nation-state.

⁵ For a useful discussion of the processes by which perceptions of injury are transformed into grievances and then into legal disputes, and the role of professional agents in these processes see, Felstiner, Abel and Sarat (1980); on the interaction between the lay public and the legal system see Conley and O'Barr (1990). Both texts deal with the US legal system.

2. Citizenship and coffee

Understandings of rights and justice in Guatemala during the late nineteenth and early twentieth century were framed within the political economy of coffee. After the Liberal revolution of 1871, the country was integrated into the global market through the rapid expansion of coffee exports. Through the introduction of new legislation and the creation of a national army, Liberal governments institutionalised a more coercive role for the state in promoting agrarian capitalism. The need of producer elites for a guaranteed labour force increasingly came to shape national political and legal frameworks and dominant discourses on rights and citizenship. The historical legacy of conflictive ethnic relations was also evident in late nineteenth-century Liberal thought, which displayed a marked pessimism about the prospects for national advancement in the light of the supposed ‘backwardness’ of the majority indigenous population.

In 1930 Mayans constituted some 95 per cent of the 50,000 strong population of the isolated northeastern department of Alta Verapaz. The combination of availability of labour, a favourable climate and the efforts of successive administrations to facilitate land for agro-exports meant that the department rapidly became one of the country’s principal export-production centres. Between 1870 and 1944 the production and marketing of coffee in Alta Verapaz was dominated by German settlers who developed their *fincas* in the department’s indigenous heartland.⁶ By the turn of the century German nationals controlled over one third of the land and two-thirds of all coffee production in the department (Wagner, 1996, p. 215). Laws pertaining to *terrenos baldíos* (untitled plots) introduced in the 1870s facilitated extensive purchases of traditional indigenous lands and gave a handful of *finqueros* control over huge numbers of people. Whereas in the Western highlands coffee cultivation was predominantly carried out by contracted seasonal labour from highland communities, in Alta Verapaz an unusually high percentage of the indigenous population lived as tied resident labour (*mozos-colonos*); by the 1930s over ninety per cent were part of the plantation system.⁷ While most Mayans continued to work the land they had cultivated for generations, changes in the law meant that they became dependent agricultural labourers, subject to the ever-increasing requirements of the plantation owners.⁸

The rights and obligations of rural employers and workers were codified in the late nineteenth century through a series of agricultural laws which refined and intensified

⁶ For overviews of the role of German settlers in Alta Verapaz, see Wagner (1991); Cambranes (1996); Nañez Falcón (1970); Kit (1998); Schmölz-Häberlein (1996).

⁷ They either resided on the coffee plantations themselves, or on adjacent *fincas de mozos* — land bought up by *finqueros* exclusively as subsistence plots to tie labour. See McCreery (1994).

⁸ Wade Kit (1998) has analyzed this peculiarity of Alta Verapaz for the period 1880–1930, detailing how the particular combination of regional geography, the need to secure labour and local custom meant that *finqueros* in the department provided plots of land for their *mozos*. She argues that this led in effect to a system of usufruct among indigenous workers which secured the continuity of central aspects of Maya-Q’eqchi’ culture.

traditional practices of debt peonage. Until 1934, the advance of wages to plantation labour represented a legal contract to work for the *patrón* until the debt was paid off, until which time the worker was prohibited from leaving or entering into a new contract with any other employer.⁹ While appeals to the municipal and regional authorities against unfair treatment were numerous and not always entirely without result,¹⁰ regional government was relatively weak and many aspects of the law concerning the plantations were administered by the *finqueros* themselves. State authorities were charged with guaranteeing the labour laws, but Liberal governments gave farm owners broad powers, such as the right to pursue and apprehend *mozos-colonos* and *jornaleros* (day labourers) who had absconded owing money or services and to seize their crops and property. To enforce their contractual obligations, workers were habitually threatened with being handed over to the local authorities and sent to the universally detested state-run road gangs or *compañías de zapadores*, special army battalions made up exclusively of indigenous men responsible for constructing the highways.¹¹

The *fincas* in effect constituted semi-autonomous legal spheres which encompassed the majority of the rural population in Alta Verapaz by the 1930s. Except for cases that involved fugitive debtor *mozos* or contractual disagreements, local officials had no legal authority to interfere in affairs on the plantations unless their help was requested by the owner (Nañez Falcón, 1970, p. 326). Incarceration and corporal punishment were common practices and the presence of makeshift jails (*calabozos*) and stocks (*cepos*) was ubiquitous on the plantations. The 1894 Ley de Trabajadores created the offices of *alcalde auxiliar* and *alcalde mayor* on the farms to help the *finqueros* maintain order. Although these *alcaldes* nominally represented the legal and political powers of the municipal government within the plantation, in practice they were named by the *patrón* and answered exclusively to him. Usually responsible for overseeing work gangs and settling conflicts between workers, they were legally charged with pursuing fugitive debtors. Until the 1930s then, the system of debt peonage meant that most indigenous workers in Alta Verapaz were principally subject to the authority of their *patrón*.

3. Law and labour: the ubiquista state

During the Ubico dictatorship, an expanding state bureaucracy closely identified with the political centre increasingly intervened in the everyday life of rural inhabit-

⁹ As McCreery has noted, 'in contrast to what some investigators have found for other areas of Latin America, debt servitude in Liberal Guatemala was not a casual or informal affair, but a fully legal system, mandated, regulated, and enforced by the state for the creation and manipulation of a rural labour force' (1983, p. 742); see also McCreery (1994).

¹⁰ The 1877 agricultural labour law specified that the *jefes políticos* and village authorities, not the regular court system, were to deal with disputes between workers and employers; McCreery (1994, p. 188).

¹¹ *Finqueros* could refuse to purchase the annual exemptions for public road works (*boletos de caminos*), municipal works (*boletos de ornato*) and military service (*boletos de excepción militar*) for their workers. Those who travelled without these exemption certificates were liable to be drafted to the *zapadores*.

ants in such previously remote frontier regions as Alta Verapaz. Political and administrative reforms in the 1930s effectively centralised government in the person of the President. Ubico subordinated the supreme court and the legislature, and rigorously purged the bureaucracy throughout the country, filling it with loyal appointees (Greib, 1979). These included the maximum political and administrative authority in the *departamentos*, the *jefes políticos*, who since the 1870s had been formally charged with a wide range of political, administrative and judicial responsibilities, including overseeing and enforcing the decisions of local courts, maintaining and guaranteeing public order, commanding troops within the province, collecting taxes, implementing government policies and overseeing public works programmes. Appointed by the President and accountable to him alone, the *jefes políticos* enjoyed considerable latitude for applying and interpreting national policies, although Ubico periodically reassigned them to different departments to ensure their loyalty lay with him and not with local elites. In 1935, Ubico ended the election of municipal *alcaldes*, replacing them with appointed *intendentes municipales* named by himself. The judicial system was also centralised, Ubico reserving the right to select, evaluate, transfer and dismiss departmental court judges (*juzgados de la primera instancia*) and rural justices of the peace. During the early 1930s this unprecedented centralisation was reinforced by the omnipotent presence of the dictator himself, as he annually toured the country on Harley–Davidson motorbike or by Cadillac to inspect local government and hear public grievances. Ubico made particular efforts to reach remote villages and encouraged his subjects to seek presidential justice, bypassing local officials who he often overruled or even had arrested on the spot (Greib, 1979; Hernández de León, 1940).

State regulation of labour was transformed during the 1930s. Whereas previously government officials had been legally responsible for enforcing debt contracts between *mozos* and plantation owners, Decree 1995, issued in 1934, abolished debts for personal labour, cancelling workers' outstanding debts after a two-year period of grace. In the same year Decree 1996 or the Ley de la Vagancia extended previous legal definitions of vagrancy to apply to any man without an employment contract on a *fincas* or relatively large amounts of cultivated land, something which few indigenous in Alta Verapaz or anywhere else had access to by the 1930s. A further amendment in 1935 effectively required all men without a recognised profession or 'adequate income' to work for either 100 or 150 days a year. The legislation legally obliged the rural poor to become plantation labour. The mechanism used to enforce it was the *libreta numerada*, a small book which provided proof of a valid labour contract where days worked were recorded by the *finquero*. Possibilities for abuse were multiple, particularly given the illiteracy of most rural workers. However, in many instances Mayans also viewed the new legislation as less discriminatory than its predecessors, given that it was applied to poor Indians and *ladinos* alike.¹²

¹² McCreery (1994) makes this point, which is supported by oral testimonies from Alta Verapaz and legal petitions from workers welcoming the change in the law: see for example carta de Alberto Cuc, Ceperino Caal, Elías Chá [y 39 más] al Jefe Político, undated, 1936, AGCA, JPAV, 1936; carta de Francisco Yatz Ho al Jefe Político, 2 March 1938, AGCA, JPAV, 1938.

The 1934 legislation reinforced pre-existing patterns of state intervention in regulating plantation labour; while removing the state from direct responsibility for enforcing debt peonage, it ushered in a more regulatory role for government officials with respect to the vagrancy law. A full-time, *ladino* rural police was developed in addition to the already-established militia and treasury police.¹³ Police agents often detained men to revise their *libretas* and if they found they had not worked the required quota of days sentenced them to jail for 30 days (the standard penalty for the crime of vagrancy), where they had to carry out forced labour in any case. Through such means government officials increased their control over rural areas, reducing in turn the power of local economic elites who became increasingly dependent on the state to guarantee their access to cheap labour during the difficult years of the economic depression. With the abolition of debt service by the end of 1936, plantation owners became wholly reliant on government officials to enforce vagrancy legislation. In many instances they called on the authorities to make an example of *mozos* who refused to work by sending them to carry out road construction in the *zapadores*.¹⁴

Ubico's vigorous promotion of road construction, carried out through the time-honoured practice of forced unpaid labour, also extended the influence of central government throughout the region. In 1933 the Ley de Vialidad (Decree 1474) was introduced, an annual highway tax of Q2 for maintenance and construction of roads levied on all men between 18 and 65 years old. Those unable to pay had to give two weeks unwaged labour on the roads — given that the average weekly wage for a rural labourer was Q1, this meant most poor indigenous and *ladinos* whose *patrón* would not pay the tax for them. The *jefatura política* was responsible for organising the work units and recruiting and supervising the road gangs. Within the context of an expanded public works programme and the global economic depression, conflict between government officials and *finqueros* over labour in Alta Verapaz became acute. Many plantation owners were less willing and able to pay the exemption taxes for their workers, and were increasingly subject to the purview of an expanded state bureaucracy charged with keeping up-to-date lists of men liable for road service (*censos de vialidad*). The police and the army were increasingly used to enforce the programme of public works and the Department of Labour (created under Ubico as a dependency of the Ministry of Economy) was transferred to the Dirección General de Policía. While plantation owners continued to appeal to government officials to mediate their conflicts with other *finqueros* over debtor *mozos* until the end of 1935, they increasingly came into direct conflict with the state itself for control over

¹³ Both the militia and the Treasury Police were made up exclusively of *ladino* males — after the 1890 war with El Salvador the government banned Indians from the militia in peacetime (McCreery, 1994, pp. 180–181).

¹⁴ The powerful plantation owner E.P. Dieseldorff made repeated pleas to the Jefe Político for the new *libretas* to be examined by the authorities during 1936: cartas de E.P. Dieseldorff al Jefe Político, 14 October and 26 October 1936, AGCA, JPAV, 1936.

labour.¹⁵ Conflicts and tensions between government officials and *finqueros* are evident in the correspondence: for example, in September 1935 the Maestro de Caminos enjoined the *jefe político* to reject Adelina de Vega's request that her *mozos* serve out their week of road duty nearer to home, reasoning that if concessions were granted to her then every *finquero* would demand them.¹⁶

4. The strategic use of law

As Akhil Gupta has observed, the 'mapping' of previously unmapped sites, communities and groups of people by state bureaucracies opens up new sites for engagement and contestation (Gupta, 1998). As governmental ability to intervene and to regulate in Alta Verapaz increased, so too did recourse by ordinary people to the state to mediate disputes. Petitions made to the *jefatura política* and even to Ubico himself by indigenous people during the 1930s illustrate their attempts to secure advantage by playing off government officials and individual *finqueros* against each other, suggesting significant awareness of their legal rights and obligations. The language of the petitions, which were of course drafted by non-indigenous scribes, also provides evidence of a local discourse about ethnicity and citizenship which reveals much about prevailing inter-elite and class tensions in the region.

The high propensity displayed by indigenous people in Alta Verapaz during the 1930s to take disputes to state officials, something particularly notable for indigenous women, may have been related to the overwhelming presence of the *fincas* in the department. In contrast to the Western highlands, where indigenous municipal institutions for conflict resolution and mediation have survived to the present day, community-based mechanisms for resolving inter-community conflicts were less in evidence in Alta Verapaz, having been more thoroughly subordinated to the needs of coffee production. The restricted autonomy of indigenous villages within the coffee plantations may paradoxically have encouraged a greater recourse to state law in an attempt to counterbalance the 'law of the *finca*'.

¹⁵ See for example: carta del Sr. Hoester al Ministro de Hacienda, 22 July 1931, AGCA, JPAV 1931; carta de Alberto Sosa al Alcalde Municipal de Panzós, 2 February 1932; carta de administrador de la finca Tinajas, Panzós al Jefe Político, 16 January 1932; carta de Humberto Soria al Jefe Político, 29 December 1932, AGCA, JPAV, 1932; carta de los finqueros de Canihor, Chajbon, Chimenjá, Sequixquib, Rubelbalam, Los Recuerdos y Semau, municipio de Cahabón, al Señor Presidente de la República, 20 February 1934; carta de Adelina vda. de Vega al Jefe Político, 25 January 1934, AGCA, JPAV 1934; carta de Adelina vda. de Vega al Jefe Político, 21 September 1935; carta de E.P. Dieseldorff al Jefe Político, 30 October 1935; correspondencia de la municipalidad de Cahabón, January–March 1935; AGCA, JPAV, 1935; carta de E.P. Dieseldorff al Jefe Político, 14 October 1936; carta de E.P. Dieseldorff al Jefe Político, 30 September 1936, AGCA, JPAV, 1936; carta de José Domingo García al Jefe Político, 30 October 1937, AGCA, JPAV, 1937; carta de Mariano Ical al Jefe Político, 6 December 1938; carta de María Luisa Hempstead al Jefe Político, 17 August 1938, AGCA, JPAV, 1938; carta de María Luisa Hempstead al Jefe Político, 18 May 1939; carta de Francisco Leal al Jefe Político, 14 August, 1939, AGCA, JPAV, 1939.

¹⁶ Informe de Maestro de Caminos al Jefe Político, 30 September 1935, AGCA, JPAV, 1935.

Before elected mayors were abolished in 1935, appeals by indigenous people directly to the *jefe político* in Cobán were often made in the hope of circumventing local municipal officials, most of whom were non-indigenous and tended to favour powerful landowner interests. The expectation by these petitioners that the *jefe político* would intervene on their behalf as citizens of the Republic is evident in many of the documents. The long-standing custom of resort to the 'law of the centre' for protection may in part explain why during the 1930s ideas of citizenship mobilised indigenous people in the legal rather than the political sphere. Voting had yet to become a meaningful practice for the majority of the population; indigenous men did not gain the vote until 1944 and during the 1930s only about 1000 literate adult men could exercise suffrage in Alta Verapaz. However, the idea of the law was a powerful one and claims of citizenship, entitlement and ideas of justice were frequently expressed in petitions to the departmental and national authorities. Importantly, these petitions also provide glimpses of locally accepted custom and expectations, such as the right of *mozos-colonos* and *jornaleros* to sow *milpa* on the plantations where they were employed, or the obligation of male members of the household to attend to their family's subsistence plots.¹⁷ Appeals made by elderly or physically incapacitated parents for their only sons to be excused from road duties or military service in order to attend to the family's food production were occasionally granted by the *jefe político*, as were appeals for exemption on the grounds of illness or injury.¹⁸ Coercion alone was never sufficient to secure a reliable labour force and local understandings of rights and obligations were also reflected in the *finqueros'* appeals to the authorities, for example to free their workers from road duties. In December 1932 Humberto Soria called on the *jefe político* to release his debtor *mozo* Pablo Mo Gualim from construction duties on the road to Baja Verapaz, citing both his own need for Mo Gualim's services in the coffee harvest and the latter's obligations towards his elderly mother.¹⁹ Indigenous conceptions and practices of rights and obligations did therefore impinge on the practice of both employers and state officials, and while local expectations failed to alter the onerous exactions demanded they did mediate outcomes. However, the decline in the economic fortunes of plantation owners meant that by the late 1930s the long-established regional custom whereby workers cultivated their *milpa* on the plantations in exchange for their labour was increasingly threatened. Land-owners

¹⁷ Carta de Vicente Cal Cal, Juan Max. Juan Pojp, Anselmo Varato y José Alvarado de la Finca 'Italia' al Jefe Político, 16 March 1933, AGCA, JPAV, 1933; carta de Martín Chub, Santiago Cucul, Pedro Leb, Marcos Ba, Lucas Ziul, Tomás Ziul, Pablo Ziul, Sebastian Chib, Domingo Boj, Antonio Chub, Tomás Ziul 2, Felipe Che, José Caal, Martín Caal, Manuel Caal, Julio Ba y José Angel Zujab al Jefe Político, 27 July 1934, AGCA, JPAV, 1934.

¹⁸ See carta de Mariano Chó Caal al Jefe Político, 21 March 1934; carta de Rosario Tzi viuda de Tut, 29 June 1934, AGCA, JPAV, 1934; carta de Encarnación Chen viuda de Pop al Jefe Político, 3 October 1935; carta de Ignacio Coc Coc al Jefe Político, 28 August 1935, AGCA, JPAV, 1935; carta de Mariana Ac viuda de Bol, 8 February 1938, AGCA, JPAV, 1938.

¹⁹ Carta de Humberto Soria al Jefe Político, 29 December 1932; AGCA, JPAV, 1932.

resorted to charging rent to cover demands for higher wages and evicted those who failed to meet the new requirements.²⁰

Local lawyers and scribes played a vital role in the disputing process. Although petitions invariably concerned local grievances, they sometimes made explicit reference to national or international events and in others the lofty ideals of liberal republicanism were much in evidence. For example, in one extraordinary petition *mozos-colonos* from the coffee *finca* of La Primavera in San Cristobal Verapaz protested their *patrón's* failure to pay their wages by going on strike and deploying an anti-slavery discourse to defend their claims;

los Señoríos y la esclavitud se abolió lo mismo que los privilegios desde la Revolución Francesa realizando igual procedimiento en los años subsiguientes en los demás pueblos del órve. El indio con su trabajo [que] produce la vida a los habitantes de los pueblos y creemos que no se les debe deprimir, hasta el grado de convertirlos en esclavos como antiguamente.²¹

In Alta Verapaz anti-German rhetoric and appeals to nationalist sentiment were also frequently employed to defend the legal rights of nationals. Such appeals reflected and played upon the considerable tensions existing between Guatemalan and German coffee farmers in the department. By the turn of the century German settlers controlled some 80 per cent of coffee exports from Alta Verapaz dominated local commerce and had developed a highly endogenous cultural and associational life within the department (Wagner, 1996). Disputes with local elites were commonplace and often expressed in highly antagonistic terms. For example, in August 1934, Guatemalan *finqueros* from Carchá wrote to Ubico complaining that Helmut Sapper, of the powerful Sapper y Compañía Ltda. was abusing his position on the Junta Departamental de Agricultura y Caminos to build roads for his own exclusive use:

No se concibe cómo se distraen los brazos y se defraudan los sentimientos Nacionalistas de los Guatemaltecos, con tales complacencias para una empresa alemana de fabuloso poderio y que ha sido y es una de las más implacables

²⁰ For example, in June 1939 51 *mozos-colonos* at Edith Hesse's plantation San Joaquin denouncing low wages were told they would only receive the official rate of eight centavos a day if they also paid six quetzales a year in rent. The workers protested that they had a right to a *parcela*; 'we don't know what law this lady bases her claims on, she doesn't take into account that we are *mozos colonos* who were born, grew up and still live on this farm.' Nonetheless, a number of the workers were eventually evicted and those remaining had little choice but to accept the new arrangement; carta de Jesús Hernández, José Juárez et al. al Jefe Político, 2 June 1939; carta de Edith vda. de Hesse al Jefe Político, 6 July 1939, AGCA, JPAV 1939.

²¹ 'The nobility and slavery were abolished with the French Revolution and subsequently amongst all the peoples of the realm. The Indian produces the sustenance of the people with his labour and we believe he should not be trodden down, to the point of converting him into a slave as in the past.' Carta de Juan Perez Calel, Sebastian Lem Calel, Domingo Lel Cal, Melchor Quej Cal, Juan Xoná Gualim, Luciano Gualim Moran, Juan Filom Poou, Victoriano Perez Calel, José Poou Xoná, Orpacio Filom Poou [y 32 personas más], todos guatemaltecos y vecinos de la Villa de San Cristobal Verapaz, 25 October 1934, AGCA, JPAV, 1934.

extorsionistas del pueblo; al mismo tiempo que a los pequeños agricultores nacionales, se les obliga a mandar sus escasos mozos a las carreteras lejanas, con detrimento de sus modestos trabajos y de su economía paupérrima.²²

Such inter-elite conflicts were strategically used by scribes to the benefit of agricultural labourers, whose petitions called on the authorities to ensure that their rights as Guatemalans were respected. For example, in February 1936 fifty *mozos-colonos* from the *finca* Rio Frio successfully denounced their employer, Erwin P. Dieseldorff, for making them work more than the statutory 150 days a year and failing to pay them for days lost in travel, stating:

Naturalmente a nuestros millonarios patrones no les importa que no sembremos nuestra milpa, puesto que para ellos nada significa que tengamos que comprar maiz caro ... desgraciadamente sustentan ellos el criterio de que somos parias en nuestra propia patria y tenemos que estar sujetos a la voluntad y capricho del extranjero, pero hoy que al frente del Departamento se encuentra un hombre recto, abrigamos la esperanza de que se haga comprender a los potentados que todos los ciudadanos tenemos el derecho sagrado de petición y las Autoridades son instituidas para que todos tengamos acceso a ellos y no como han creído estos señores que solo ellos mandan y hacen su capricho. Si se nos obliga a cumplir con la ley, también debe obligarse a nuestros patrones a respetar esa ley, ellos invocan los reglamentos solo cuando les conviene, pero si nosotros reclamamos, se nos dicen que con solo desocuparles sus propiedades se arregla, porque saben que siendo casi todas las fincas de señores alemanes, no tendríamos a donde ir que no se nos trate igual.²³

Indigenous women's appeals to the *jefatura política*, explored in detail below, also reflected the tensions between Germans and *altaverapacenses*. The taking of

²² 'It is unfathomable how labour is diverted and how the nationalist sentiments of Guatemalans are defrauded with such concessions to a hugely powerful German company which has been and is one of the most implacable extortionists of the people. This at the same time that small national farmers are obliged to send their few *mozos* to far-away roads, to the detriment of their modest businesses and their impoverished economies.' Carta de Leonard Ramos, M. Chavarria et. al. al Señor Presidente de la República, 4 August 1934, AGCA, JPAV 1934.

²³ 'Naturally our millionaire bosses don't care that we don't sow our *milpa*, to them it doesn't matter that we have to buy expensive corn ... unfortunately they maintain that we are pariahs in our own motherland and that we must be subject to the will and capriciousness of the foreigner. But now that a righteous man leads the Department, we maintain the hope that he will make these potentates understand that all citizens have the sacred right of petition and that the authorities are installed so that everyone has access to them and not, as these men have believed, that only they give the orders as they see fit. If we are obliged to comply with the law, so too should our bosses be obliged to respect that law. They invoke the rules only when it suits them, but if we complain they tell us that we can leave, because they know that as nearly all the farms belong to the Germans we can go nowhere where we wouldn't be treated in the same fashion'. Carta de Nazario Pop, Luis Max y Felipe Max en representación de 50 *mozos-colonos* de la finca Rio Frio, Santa Cruz Verapaz, al Jefe Político, 14 February 1936; AGCA, JPAV, 1936. Dieseldorff was eventually ordered to pay his *mozos-colonos* for the days employed in travel to and from other *fincas* and to concede them the time necessary to attend to their *milpas*.

indigenous common-law wives was a common practice among German settlers and the offspring of such unions were often recognised as legitimate by their fathers. However, far from the harmonious miscegenation that some authors have suggested (see Terga Cintron, 1991), such arrangements often led to acrimonious disputes. In January 1936 Fidelia Chomo Bol, for twelve years the common law wife of Oscar Flohr, overseer at the *finca* Sacoyou, denounced the father of her four children for abandonment (he had left to marry in Germany) and for non-payment of maintenance for his offspring:

Es costumbre señor entre la mayoría de los señores alemanes residentes en el país aprovecharse no solo de nuestro trabajo personal, sino saciar en nosotras sus apetitos, dejando después a sus hijos abandonados y aumentando el acervo de ciudadanos necesitados [de] la república, yéndose ellos muy campante y satisfechos a gozar Europa de los capitales amasados con nuestro sudor y sin ningún sentimiento humanitario dejar pequeños seres en la desgracia y sin ninguna educación, en lo que puede verse el menosprecio con que ven a nuestra pobre patria y sus habitantes.²⁴

Such appeals also reflected the shifting international context of the period. In November 1941 Ubico bowed to US pressure and imposed quotas on blacklisted German farms. US officials subsequently urged the expropriation of all German-owned properties. However, it was not until June 1944 that Ubico nationalised 130 German properties, which collectively produced between 20 and 25 per cent of the nation's coffee (Dosal, 1995, p. 79; Wagner, 1996). This effectively broke the economic power of German coffee producers in Alta Verapaz, most German-owned lands were permanently confiscated and German nationals imprisoned during the remainder of the war or expelled.

5. Surveillance and mapping

Ubico's desire to stamp out communism served as a justification for official limitations on social, political and economic organising among workers and elites alike (Gleijeses, 1989). It also generated a rapid increase in state surveillance through formal and also less formal means, such as the dictator's loyal network of spies, and

²⁴ 'It is the custom, sir, among the majority of Germans resident in the country not only to take advantage of our personal labour, but also to satisfy their [sexual] appetites with us, leaving their children abandoned and increasing the stock of needy citizens of the republic. They leave swaggering and satisfied to enjoy Europe with the capital amassed with our sweat, and without any humanitarian sentiment they leave these small creatures in penury and without any education, making evident the contempt they have for our poor motherland and its inhabitants.' Carta de Fidelia Chomo Bol al Jefe Político, 2 January 1936, AGCA, JPAV, 1936.

was facilitated through extension of the road and telegraph network. The expansion of state bureaucracy and oversight during the 1930s is evident from the increase in administrative records. By the middle of the decade typewriters were a ubiquitous feature in most rural *alcaldías* and in every municipality standardised reports were filed on a daily basis. These detailed such things as the names of those who stayed in local guest-houses, the car registration numbers of those vehicles entering and leaving the town, the number and causes of arrests made, the quantity of *aguardiente* produced in the state-run distilleries, the state of municipal finances, and even on occasion the number of stray dogs destroyed.²⁵ Telegrams were sent almost daily from the different municipalities to the *jefe político* in Cobán, informing him of the movement of people. Lists were even kept of the *mayordomos* of the civil-religious brotherhoods, the *cofradías* (lay brotherhoods), detailing their location and respective religious images. Nowhere is the regulation of daily life more evident than in the police reports; for example, in 1935 José Mazariego was arrested in Cobán for serenading with his guitar in the Calle San Vicente without the requisite licence and in the same year a parish priest was accused of letting off fireworks without the official dispensation (in his defence he argued that he was only following the orders of the bishop).²⁶

As state regulation of the private sphere and of labour increased, a massive increase occurred in the collection of statistical data. In addition to the *censos de vialidad*, carried out by the *jefatura política* every six months to document those liable for road-building service, Ubico was particularly concerned with the collection of data to demonstrate the effectiveness of his administration in combating crime. Beginning in the early 1930s, standard monthly reports or *hojas de criminalidad* were filed on criminality in each municipality. These divided miscreants into *ladinos* and indigenous, listing their name, age, nationality and profession, civil status and whether they were literate or not. The nature of the crimes committed were classified into three standard categories: (1) crimes against public order; (2) crimes against people and (3) crimes against property. Sometimes extra categories were added, including ‘crimes against the regime’, *faltas al trabajo* which were of course criminalised — contempt of court (*desacato*) and ‘crimes against the register of population’ — the latter aimed at plantation owners who failed to register the true number of their resident workers. Finally the forms recorded whether the delinquent in question was drunk or sober at the time of their arrest. This official concern with combating crime extended the influence of the state to hitherto remote rural areas. Ubico created the figure of military commissioners in the countryside, conceived of as local representatives of the army, whose responsibilities included overseeing recruitment for military service, the capture of criminals, dispensing legal citations and cautions. In the less accessible areas of Alta Verapaz, the post was valued by *ladino* settlers because of the relative authority it gave them over the local indigenous population.

²⁵ Comisaría de la Policía Nacional, October–December, 1935; AGCA, JPAV, 1935.

²⁶ Correspondencia de la Comisaría de Policía Nacional, 1935; AGCA, JPAV, 1935.

6. Morality, modernity and the gendered use of the law

Ubico offered a highly moralised discourse of order, progress and justice and his manifesto on coming to power promised that ‘vagrancy, vice and idleness’ would be stamped out (De León Aragón, 1995, p. 41). In many senses the disciplining of the rural labour force represented a continuation of liberal ideologies since the time of Justo Rufino Barrios, which had justified forced labour in terms of the material progress of the nation and the need to ‘civilise’ the Indian. However, while Ubico’s language of morality and order represented a certain continuity, the increased regulation of indigenous people’s daily lives during the 1930s meant such discourses impinged on them in an unprecedented fashion. In addition to the emblematic programme of public works, areas of particular official concern were sanitation and health, alcohol consumption, prostitution and the family.

The Ley de la Vagancia prohibited the production and sale of spirits, an activity which had hitherto been largely beyond the control of the state in Alta Verapaz. After 1934 the only legal alcoholic beverage was *aguardiente* produced in state-run distilleries. Court records and police reports indicate that indigenous people routinely disregarded the law in this respect, continuing to produce the traditional *boj*, a fermented beverage of corn and sugar cane. Court registers of the 1930s list case after case of indigenous people sentenced for illegal fabrication of alcohol and arrests continued to be reported as late as 1940, despite instructions from the headquarters of the Policía Nacional that all those found guilty of this crime be sentenced to 25 lashes.²⁷ Police reports and the *hojas de criminalidad* included an astounding array of types of drunkenness for which people were arrested, including ‘ebrio escandaloso’, ‘ebrio consuetudinario’, ‘ebrio impotente’, ‘ebrio imprudente’ and ‘ebrio caído’.²⁸ In 1938 a remarkable police report lamented the use of *boj* among the Department’s indigenous, linking it to criminality and even madness:

[*boj*] es la bebida preferida por el indígena y la cual les torna impulsivos conduciéndoles en todos los casos a la locura o al crimen. La experiencia y la estadística nos ha comprobado en este Departamento que todos los hechos delictuosos que ocurren en la jurisdicción, son cometidos por los indígenas siempre bajo el impulso del BOJ y no bajo la acción del Aguardiente elaborado por el Estado. De donde se deduce que, este primitivo fermento produce grandes trastornos mentales a los individuos que la ingieren y debido a lo cual constantemente tienen que remitirse

²⁷ The number of lashes was raised by 25 every time the person concerned re-offended; Policía Nacional, Dirección General, Oficio No. 2214, al Jefe Político de Alta Verapaz, 9 March 1940, AGCA, JPAV, 1940.

²⁸ ‘Scandalous drunk’, ‘customary drunk’, ‘impotent drunk’, ‘imprudent drunk’ and ‘falling-down drunk’. Correspondencia de la Comisaría de Policía Nacional, 1935; AGCA, JPAV, 1935.

a la capital al Asilo de Alienados, buen número de indígenas adictos a esta bebida tan nefasta.²⁹

The ethnically discriminatory nature of policing reflected in this document was also evident in reports on the incidence of prostitution, which state officials increasingly attempted to control during the 1930s.³⁰ However, during the 1930s the law also provided women in Alta Verapaz with a new language of rights and the means with which to secure them. Women used the prevailing state ideology of patriarchy and the increasing presence of official bureaucracy in their everyday lives to their advantage. Appeals to officials called on them to ensure that men observed their paternal responsibilities, the most common appeals being for maintenance of children from their fathers or for deliverance from physical abuse by husbands or sons, some women even citing this as grounds for divorce.³¹ Repeated petitions to the *jefe político* throughout the decade demonstrated an increased willingness by women, both indigenous and *ladinas*, to denounce abuse and abandonment (almost a third of the surviving petitions to the *jefe político* during this period preserved in the Archivo General de Centroamérica deal with such issues). In many instances, conflicts were taken to the *jefe político* because an initial appeal to the municipal Juez de Paz had not resulted in a satisfactory resolution and the plaintiff preferred to resolve matters ‘por la vía administrativa’ rather than pursuing the more expensive and complex route of settlement through the departmental courts. During the 1930s indigenous women were firmly outside elite conceptions of formal citizenship — the vote was not extended to indigenous men until 1944 and then only literate women were included in the franchise. However, such documents vividly illustrate how they used recourse to state law, framing their claims in the language of citizenship. The petitions evidence a clear sense of rights (and wrongs), together with expectations that the authorities would intervene on the women’s behalf. They repeatedly drew on their rights as mothers to try and win control of a portion of the income of their children’s father and men were expected to support their children and contribute towards the medical costs incurred in childbirth.³² For example, in December 1934 Elena Cú Coy de Pacay denounced her husband Alejandro Pacay Bol for abandoning her and her child and

²⁹ ‘*Boj* is the preferred beverage of the indigenous which makes them impulsive, leading them in all cases to madness or crime. Experience and statistical evidence in this Department have shown us that all the criminal acts which occur in the jurisdiction are committed by indigenous under the influence of *boj* and not under the influence of state-produced *aguardiente*. From this we deduce that this primitive ferment produces enormous mental upheavals in those who imbibe it, and due to this we constantly have to remit a goodly number of indigenous addicts of this nefarious beverage to the asylum’. Memoria de la Policía Nacional, Cobán, Alta Verapaz, 1938; AGCA, JPAV, 1938.

³⁰ The Jefe Político was also in control of sanitation in the department and could order medical inspections of women suspected of prostitution. If they were found to be infected with a venereal disease they were forcibly detained and treated.

³¹ See for example carta de Marcelina Ac al Jefe Político, 2 January 1936, AGCA, JPAV, 1936.

³² See carta de Juana Ac al Jefe Político, 29 March 1933; carta de Magdalena Botzoc al Jefe Político, 10 May 1933; carta de Felisa Poou de Pop al Jefe Político, 22 May 1933; carta de Fidelia Bol al Jefe Político, 26 August 1933; carta de Zomara Chen al Jefe Político, 29 May 1933; carta de Angelina Xol al Jefe Político, 12 July 1933, AGCA, JPAV, 1933; carta de Dolores Caal al Jefe Político, 14 February 1934; carta de Juana

setting up house with another woman,

olvidándose del sagrado deber que tenía para su hija legítima, haciendo caso omiso de la Ley y viendo con soberano desprecio un contrato, como es el del matrimonio y que nadie lo obligó a firmar.³³

In common with numerous other women's appeals, Cú demanded that Pacay Bol be forced to meet his familial obligations and pay her a monthly pension, basing her claim on a decree written by President Ubico to the *jefes políticos* instructing them to resolve cases of maintenance demands. Such petitions frequently delivered tangible results and men were obliged to sign an *acta* confirming their agreement to pay a monthly sum. Women's petitions also expressed their belief in their right not to be beaten by their husbands and sons. For example, in March 1933, the widow Matilde Chiqin de Caal wrote to the *jefe político* accusing her son Felipe Caal of attacking her and her daughter with a machete and asking that he be condemned to three months in the *zapadores*. A previous appeal to the Juez de Paz had resulted in a suspended sentence which Chiqin de Caal viewed as insufficient.³⁴ In a similar case, the mother and wife of Francisco Caal accused him of adultery, physical abuse and robbery and demanded that tough punishment be meted out by the *jefe político*.³⁵ Appeals for stringent official measures as a corrective were commonplace throughout the period,

Footnote 32 continued from previous page

Cú al Jefe Político, 2 June 1934; carta de Modesta Zeni al Jefe Político, 28 August 1934; carta de María Oxon Catun al Jefe Político, 23 August 1934, AGCA, JPAV, 1934; carta de María Cristina Bol de Maás al Jefe Político, 28 October 1935; carta de Catalina Sandoval al Jefe Político, 5 November 1935; carta de Petrona Ruiz Ordoñez al Jefe Político, 20 May 1935; carta de Timotea Cacao al Jefe Político, 23 December 1935; carta de Juana Caal al Jefe Político, 1 February 1935; carta de Adela Acté al Jefe Político, 5 November 1935, AGCA, JPAV, 1935; carta de Rosario Godoy al Jefe Político, 22 June 1936; carta de Catarina López al Jefe Político, 24 January 1936; carta de Juana Ac al Jefe Político, 4 November 1936; carta de Ines Paz al Jefe Político, 4 June 1936; carta de María Bolbito López al Jefe Político, 10 August 1936; carta de Elena Cruz Aguilar al Jefe Político, 10 August 1936; carta de Jesús Pop al Jefe Político, 5 November 1936, AGCA, JPAV, 1936; carta de Magdalena Cugua al Jefe Político, 22 June 1937; carta de Juliana Chocoj al Jefe Político, 2 October 1937; carta de Augustina Cuc al Presidente de la República, 27 January 1937; carta de Angelina Xol al Jefe Político, 27 February 1937; carta de Natividad Alvarez al Jefe Político, 7 July 1937, AGCA, JPAV, 1937; carta de Evangelina Ovalle al Jefe Político, 21 March 1938; carta de Eulalia Valiente al Jefe Político, 16 March 1938, AGCA, JPAV, 1938; carta de Magdalena Juarez al Jefe Político, 28 July 1939; carta de Delia Uri Sierra al Jefe Político, 29 March 1939, AGCA, JPAV, 1939; carta de Marta Julia Martínez al Jefe Político, 8 October 1942, AGCA, JPAV, 1942; carta de Rosa Coy de Macz al Jefe Político, 28 January 1943, AGCA, JPAV, 1943.

³³ '[F]orgetting the sacred duty he has towards his legitimate daughter, ignoring the law and viewing with supreme contempt a contract, as matrimony is and which nobody obliged him to sign'. Petition of Elena Cú de Pacay to Jefe Político de Alta Verapaz, 11 December 1934, AGCA, JPAV, 1934.

³⁴ Carta de Matilde Chiqin viuda de Caal al Jefe Político, 31 March 1933, AGCA, JPAV, 1933.

³⁵ 'We are convinced that only the respect which the intervention of the first authority of the department imposes will make Caal return to the path of honour and order', carta de Paulina Xo de Caal y Dominga Ramos Cau viuda de Caal al Jefe Político, 8 May 1934, AGCA, JPAV 1934. For similar appeals for intervention in the case of domestic physical abuse see carta de Sofía Pacay de Maás al Jefe Político, 2 September 1935; carta de Luisa Batz al Jefe Político, 25 November 1935, AGCA, JPAV, 1935; carta de Rosa Caal Chiqin al Jefe Político, 1 July 1936; carta de Marcelina Ac al Jefe Político, 2 January 1936, AGCA, JPAV, 1936; carta de Concepción Maas de Quiix al Jefe Político, undated, 1938, AGCA, JPAV, 1938.

reflecting both the strategic resort to state authority when negotiations between indigenous people themselves failed to resolve conflict and the harsh summary justice typical of Ubico's regime. However, while the extension of state law to hitherto remote areas of the country and to the private sphere meant that increasing numbers of women were able to seek redress against negligent, violent or abusive partners, it meant that they also came under the purview of a patriarchal and moralising state. Indeed when men disputed paternity or custody of their children, their appeals were invariably framed in terms of the supposed 'immoral character' of the women in question. In 1935 Heriberto Ponce demanded custody of his son on the grounds that the child's mother ran a *cantina*, alleging that if the child stayed with his mother he would be 'ruined'.³⁶ In another case Mariano Cu disputed his alleged paternity, claiming that all the neighbours of Chirrepec knew Manuela Cuc to be a woman of 'dubious virtue'. In contrast to cases presented before the courts, proof of paternity was not required in hearings before the *jefatura política*, something which women of limited resources undoubtedly used to their advantage.³⁷ However, while women's increased recourse to state law in the 1930s secured an improvement in the material conditions of many, it ultimately reinforced patriarchal power rather than challenging it, women's rights being firmly linked to their moral duties as mothers.

7. Conclusions

The legal and administrative developments which occurred during the regime of Jorge Ubico were a central element in the formation of the modern Guatemalan nation-state. As networks of regulation and law enforcement were extended, they reshaped the context within which workers, government officials and *finqueros*, men and women, and different ethnic groups related to each other. In the remote frontier department of Alta Verapaz, one of the most important centres of the agro-export coffee economy, the institutions of the state increasingly impinged on the everyday lives of its inhabitants. In so doing they shaped new patterns of accommodation and resistance by working people, and contributed to the formation of new regional and national pacts of domination. It has been argued here that state law cannot be understood merely as the instrument of dominant elites. Archival evidence shows that indigenous people, and in particular indigenous women, frequently made recourse to the law to contest and negotiate their highly disadvantageous conditions. Through the mediation of lawyers and scribes, indigenous labourers deployed universalist discourses in order to further their claims. Mayans continued to be excluded from

³⁶ Carta de Heriberto Ponce al Jefe Político, undated, AGCA, JPAV, 1935.

³⁷ Carta de Mariano Cu al Jefe Político, 10 July 1936, AGCA, JPAV, 1936. In a similar case, Tobias Medina disputed the alleged paternity of Justa Hernández 'son, maintaining that she had observed "conditions of immorality" at the time of conception. Medina protested that in other cases he had observed his obligations towards his children ('es un deber para todo hombre honrado'); carta de Justa Hernández al Jefe Político, carta de Tobias Medina al Jefe Político, May 1936, AGCA, JPAV, 1936. See also carta de Domingo Caal al Jefe Político, 26 September 1936, AGCA, JPAV, 1936.

suffrage rights, they could not move freely throughout the country nor control their labour power, yet they deployed the language of rights and citizenship in order to press their claims for greater economic justice, redress for men's abandonment of paternal obligations, and better treatment both outside and inside the domestic sphere. The years of the Ubico dictatorship are remembered as a time of draconian approaches to law and order, but in Alta Verapaz they also meant the introduction of new means for indigenous people to contest the conditions of servitude to which they had been subjected since the arrival of coffee. Popular memories of the period repeatedly paint a picture of harsh but effective 'justice', suggesting in part why this historical period remains a touchstone for contemporary discussions about 'law and order' in Guatemala.

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